

NESCOPECK TOWNSHIP

LUZERNE COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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

ARTICLE I GENERAL PROVISIONS

101 Title and Short Title

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

102 Jurisdiction; Authority

102.1 Application

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

- A. The responsibilities of the Planning Commission are specifically enumerated throughout this Ordinance. All other power and authority is specifically reserved by the Board of Supervisors.
- B. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, alley or easement, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- C. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- D. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Board of Supervisors the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Board of Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- E. The proposed subdivision or land development plat shall be in accordance with the Nescopeck Township Comprehensive Plan.

102.2 Prior Approvals

See §105 of this Ordinance and §508(4)(ii) of the Pennsylvania Municipalities Planning Code.

102.3 Previously Filed Maps

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

102.4 Powers

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

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

102.5 Recording of Plans

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

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Nescopeck Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Nescopeck Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Township. The basic tenet of subdivision and land development in Nescopeck Township is basing design on land capability, encouraging flexibility of design via the *conservation subdivision design* process. Each development is based on the *existing resources and site analysis plan* and the *four-step* design process required by this Ordinance. This will provide larger areas of open space within subdivisions and result in interconnected open space areas throughout the Township.

104 Interpretation

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

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

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

105.2 Project Completion and Effect of Litigation

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

105.3 Five Year Initiation

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

105.4 Substantially Completed Improvements

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

105.5 More Than Five Years

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

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with

regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

105.7 Landowner Failure

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

106 Conflict

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

107 Severability

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

108 Effective Date

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II DEFINITIONS

201 Tense, Gender and Number

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

202 General Terms

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

203 Terms Or Words Not Defined

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

204 Specific Terms

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

ACCESSORY USE OR STRUCTURE - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

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

AGRICULTURAL USE - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

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

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

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

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

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

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS - A tract of land, or any portion thereof, used to provide sites for the temporary use of tents or recreational vehicles, as hereinafter defined, for camping purposes, with or without a charge for the leasing, renting or occupancy of such space. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

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

CARTWAY (ROADWAY) - The portion of a street right-of-way paved or unpaved intended for vehicular use.

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

COMMERCIAL BUILDING - A building which houses a commercial use.

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

COMMISSION OR PLANNING COMMISSION - The Nescopeck Township Planning Commission.

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

COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of Nescopeck Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are somewhat less sensitive

than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

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

CONSERVATION OPEN SPACE - That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or conservancy lots which are not accessible to project residents or the public.

COUNTY - The County of Luzerne, Commonwealth of Pennsylvania.

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

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

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.

DISTURBED AREA - Any area of land which has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

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

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

DWELLING, APARTMENT BUILDING - A multi-family dwelling of three (3) or more dwelling units, where each unit is limited to one (1) floor and has an entrance from a common hallway.

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

DWELLING, GARDEN APARTMENT - A multi-family dwelling originally designed as such, containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, with each dwelling unit having access from a common foyer, or each having its own access to the outside.

DWELLING, SINGLE-FAMILY - A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

DWELLING, TOWNHOUSE - A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

DWELLING, TWO-FAMILY - A dwelling accommodating two families either with units which are attached side

by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

DWELLING UNIT - One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

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

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Commission.

GROSS FLOOR AREA - The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

IMPROVEMENT - For the purpose of classification as a major subdivision or a land development as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

INDUSTRIAL BUILDING - A building which houses an industrial use.

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

INSTITUTIONAL BUILDING - A building which houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including for example public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or uses operated by non-profit, community-based organizations for the general use of the public, including for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAND DEVELOPMENT - (1) A subdivision of land; (2) 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, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas,

leaseholds, condominiums, building groups or other features.

The definition of land development shall also include the expansion or addition to a nonresidential development which involves any of the following as measured cumulatively from the effective date of this provision: (See §311 for exemptions.)

- A. The addition of twenty-five (25) percent or more of floor area to the structure; or
- B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,
- C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

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

LAND DEVELOPMENT, MINOR - See §307.

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

LOT - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended to be used, developed or built upon as a unit.

LOT AREA - The horizontal land area contained within the lot lines of a lot (measured in acres or square feet) determined by deducting from the total lot size the following areas of constrained land (If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.):

- A. Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
- B. Private Streets: multiply the acreage of land under existing private streets by 1.0.
- C. Wetlands: multiply the acreage of designated wetlands by 0.75.
- D. Floodway: multiply the acreage within the floodway by 1.0.

- E. Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.75.
- F. Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.
- G. Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.
- H. Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
- I. Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

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

LOT, DOUBLE FRONTRAGE - A lot extending between and having frontage on a major street and a minor street, and with vehicular access to the lot permitted only from the minor street.

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

LOT IMPROVEMENT SUBDIVISION - (Also known as *add-on subdivision*.) The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance AND no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots.

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

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

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

LOT WIDTH - The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in this Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

MANAGER - The Nescopeck Township Manager.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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

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

incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Subdivision and Land Development Ordinance.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Subdivision and Land Development Ordinance.

MUNICIPALITY - Nescopeck Township, Luzerne County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

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

OPEN LAND OR OPEN SPACE - That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or conservancy lots which are not accessible to project residents or the public.

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

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

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

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

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

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

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

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

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

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

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

CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.

MOTOR HOME - A vehicular unit built on a self-propelled motor vehicle chassis.

TRAVEL TRAILER - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.

TRUCK CAMPER - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.

SELF-CONTAINED UNIT - A unit which:

- a. Can operate without connections to external sewer, water and electrical systems, and
- b. Has a toilet and holding tank for liquid waste, and
- c. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to

the holding tank.

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

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

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

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

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

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

SEWAGE DISPOSAL, COMMUNITY - A system designed to collect sewage from two (2) or more principal structures, and convey the sewage to a separate lot or location for treatment.

SEWAGE DISPOSAL, INDIVIDUAL SYSTEM ON CONSERVATION LAND- Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil for an individual dwelling lot where the system is located on adjacent conservation land via a use and access easement.

SEWAGE DISPOSAL, ON-SITE - A system designed to collect, treat and dispose of sewage from a single principal structure.

SEWAGE DISPOSAL, SHARED - A system designed to collect sewage from two (2) or more principal structures on the same lot where the system is contained on the same lot as the principal structures. (Note: Any sewage disposal system serving two (2) or more lots shall be considered a community sewage disposal.)

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

SEWER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE (as used in Article VII) - That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the plane of the horizon. The change in elevation, measured in consistent units, from one point to another measured

perpendicular to the contours (lines of equal elevation) of the land. Slope is generally expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance. In the case of functional acreage, slope shall be calculated based on the contour interval required by the Township Subdivision Ordinance -- two-foot intervals for major subdivisions and twenty-foot intervals for minor subdivisions. (See Subdivision Ordinance §402.3,B and §404.2,V, respectively). The final determination of slope shall be made by the Township with the advice of the Township Engineer.

STREAM - Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

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

- A. **COLLECTOR STREET** - Provides access to abutting properties, intercept minor streets and provides routes for considerable volume of traffic to community facilities and major streets and serves more than two hundred (200) dwelling units or more.
- B. **MINOR STREET** - Provides access to abutting properties and serves twenty-six (26) to two hundred (200) dwelling units.
- C. **LOCAL** - Provides access to abutting properties and serves not more than twenty-five (25) dwelling units.
- D. **PRIVATE ACCESS STREET** - Provides access to abutting properties and serves not more than three (3) dwelling units. (See §607.7.)

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

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

SUBDIVIDER - See *Developer*.

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

- A. **MINOR SUBDIVISION** - A subdivision that creates five (5) lots or less, or the cumulative development on a lot by lot basis for a total of five (5) lots or less of any original tract of record (i.e. not subdivided or developed subsequent to the effective date of the original Township Subdivision Ordinance); and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, streets or other improvements.
- B. **MAJOR SUBDIVISION** - Any subdivision that is not a minor subdivision.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance)

of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPERVISORS - The Nescopeck Township Board of Supervisors.

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

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

TOWNSHIP - Nescopeck Township, Luzerne County, Pennsylvania.

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

WATER BODY - Any pond or lake one-fourth (0.25) acre or more in size.

WATER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATERCOURSE - Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry storm water.

WATER RISER PIPE (as used in Article VII) - That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE (as used in Article VII) - All pipes, fittings valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, COMMUNITY - A system designed to supply and transmit drinking water from a common source from a separate lot or location to two (2) or more principal structures.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

WATER SUPPLY, ON-SITE - A system to supply and convey drinking water to a single principal structure from a source located on the same lot.

WATER SUPPLY, SHARED - A system to supply and convey drinking water to two (2) or more principal structures on the same lot where the water source is located. (Note: Any water system serving two (2) or more lots shall be considered a community water supply.)

WETLANDS - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the most current applicable state and federal criteria; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

ARTICLE III PLAN PROCESSING

301 General

All plans for the subdivision and/or development of land within the corporate limits of Nescopeck Township shall be submitted to and reviewed by the Township Planning Commission, Board of Supervisors and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Township in accord with the procedures specified in this Article.

302 Sketch Plan

302.1 Optional - Sketch Plans

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

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

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis Plan, prepared in accord with the requirements of §402.3, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

302.2 Contiguous Holdings

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

302.3 Non-formal Filing

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

302.4 Major Subdivisions and Land Developments – Sketch Plan Process

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

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer,

and the Planning Commission (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

- B. Existing Resources and Site Analysis Plan - Applicants should submit an Existing Resources and Site Analysis Plan, in its context, prepared in accord with the requirements of §402.3. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis Plan, applicants shall arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in §602 of this ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Submission and Review
 1. The Sketch Plan, meeting the requirements set forth in §401, shall be submitted to the Township during business hours for distribution to the Board, the Planning Commission, the Township Planner, the Municipal Engineer and applicable municipal advisory boards at least seven (7) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The Sketch Plan shall also be designed in accordance with the four-step design process described in §602 of this ordinance, and with the design review standards listed in §603.
 2. The Planning Commission shall review the Sketch Plan in accord with the criteria contained in this ordinance and with other applicable ordinances of the municipality. Their review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
 - a. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan and on the Municipality's Map of Potential Conservation Lands;

- b. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- c. the location of proposed access points along the existing road network;
- d. the proposed building density and impervious coverage;
- e. the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
- f. consistency with the zoning ordinance.

F. Fee - The Applicant shall pay the requisite fee as established by resolution of the Board of Supervisors.

303 Preliminary Plans for Major Subdivisions

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

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

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted - The official submission of the Preliminary Plan shall include the following:

- A. Twelve (12) completed copies of the subdivision plan application.
- B. Twelve (12) legible paper prints of the Preliminary Plan.
- C. Six (6) copies of the required sewage planning module(s) and associated documentation.
- D. Six (6) copies of all other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Township shall collect a preliminary plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Township.

303.1.4 Preliminary Plan Submission Verification and Distribution - Upon receipt of the Preliminary Plan and supporting data the Manager shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Manager shall accept the said plans and documentation, complete the submission verification, and provide a copy of the plan submission verification to the Applicant, and then distribute the plans and documentation in accord with Township policy to:
 1. The Township Engineer
 2. The Township Solicitor
 3. The Township Zoning Officer
 4. The Township Sewage Enforcement Officer
 5. Any other agency, engineer or consultant designated by the Township
- B. If the submission is not verified, the Manager shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

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

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the preliminary plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §303.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

303.1.6 Distribution of the Preliminary Plan - Following the *Official Date of the Preliminary Plan Submission*, the Township shall forward two (2) copies of the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne County Conservation District, PennDOT, and all other governing agencies.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §303.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation was made.

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

303.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.1.5.

303.2.3 Board of Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

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

303.2.4 Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant as provided in §303.2.2.

303.2.5 Disposition of the Preliminary Plan - In approving the Preliminary Plan the Board of Supervisors shall not sign the Plan but the Township Manger shall initial and date one copy of the Plan which shall be retained in Township files.

303.3 Reviewing Agency and Officials Comments

The Township may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.

303.4 Luzerne County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the

comments of the Luzerne County Planning Commission or after thirty (30) days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Facilities Planning Modules

The Township shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

303.6 Highway Occupancy Permit

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

303.7 Public Hearing

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

303.8 Time Extension

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

304 Final Plans for Major Subdivisions

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

304.1 Final Plan Application

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

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

304.2 Final Plan Conformation; Five-Year Protection From Ordinance Changes

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

304.3 Sections

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

- A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board

of Supervisors may approve a lesser percentage.

B. When a Final Plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following:

- A. Twelve (12) completed copies of the subdivision plan review application.
- B. Twelve (12) legible paper prints of the Final Plan and one (1) mylar when complete for signature.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Six (6) copies of the applicable highway occupancy permit.
- E. Six (6) copies of all other required supporting data and information as required in Article IV of this Ordinance.

304.4.3 Final Plan Filing Fee - The Township shall collect a Final Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions .
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Township .

304.4.4 Final Plan Submission Verification and Distribution - Upon receipt of the Final Plan and supporting data the Manager shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Manager shall accept the said plans and documentation, complete the submission verification, and provide a copy of the plan submission verification to the Applicant, and then distribute the plans and documentation in accord with Township policy to:
 1. The Township Engineer
 2. The Township Solicitor
 3. The Township Zoning Officer
 4. The Township Sewage Enforcement Officer
 5. Any other agency, engineer or consultant designated by the Township
- B. If the submission is not verified, the Manager shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

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

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

304.4.6 Distribution of the Final Plan - Following the *Official Date of the Final Plan Submission*, the Township shall forward two (2) copies of the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne County Conservation District, PennDOT, and all other governing agencies.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

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

304.5.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in

writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.4.5.

304.5.3 Board of Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

304.5.4 Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2.

304.6 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §304.4.6 and may request such additional information as deemed necessary.

304.7 Luzerne County Planning Commission Comments

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

304.8 Public Hearing

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

304.9 Planned Improvements

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

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the mylar and four (4) copies of the Final Plan. The Board of Supervisors shall retain at least two (2) endorsed prints and return the mylar original to the applicant for compliance with the recording requirements.

304.11 Recording of the Final Plan

The Applicant shall file the final record plan with the Luzerne County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Board of Supervisors, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

304.12 As-Built Plans

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

304.13 Time Extension

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

305 Minor Subdivisions

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

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the Minor Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least five (5) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Plan Submission."

305.1.2 Number of Copies to be Submitted - The official submission of the minor subdivision plan shall include the following:

- A. Eight (8) completed copies of the minor subdivision plan review application.
- B. Eight (8) legible paper prints of the minor subdivision plan.
- C. Eight (8) copies of the sewage facilities planning modules and associated documentation.
- D. Eight (8) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee - The Township shall collect a minor subdivision plan filing fee as established by resolution of the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The Applicant shall pay the fee at the time of application for review of the minor subdivision plan.

305.1.4 Minor Plan Submission Verification and Distribution - Upon receipt of the Minor Plan and supporting data the Manager shall verify the submission for the required number of copies of all documents.

- A. If the submission is verified, the Manager shall accept the said plans and documentation, complete the submission verification, and provide a copy of the plan submission verification to the Applicant, and then distribute the plans and documentation in accord with Township policy to::
 1. The Township Engineer
 2. The Township Solicitor
 3. The Township Zoning Officer

4. The Township Sewage Enforcement Officer
5. Any other agency, engineer or consultant designated by the Township

B. If the submission is not verified, the Manager shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the minor subdivision plan submission shall be determined as follows:

- A. The Planning Commission shall examine the minor Subdivision submission to determine that all documents are complete and in proper form.
 1. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward it to the Applicant.
- B. If the first meeting of the Planning Commission occurs more than thirty (30) days following the submission of a complete application to the Township, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of plan submission.
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

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

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Minor Subdivision Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of such plan as provided in this §305.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation decision was made.

- A. If approval is recommended, the signed and dated plans, along with the sewage planning documentation, shall be forwarded to the Board of Supervisors.

B. If approval with conditions is recommended, the plans shall not be signed, but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions.

C. If denial is recommended, the specific reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, and date shall be communicated to the Board of Supervisors and the Applicant.

305.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor subdivision plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to §305.1.5.

305.2.3 Board of Supervisors Approval with Conditions - When a Minor subdivision plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor subdivision plan is considered and communicated in writing to the Applicant as provided in §305.2.2. When a Minor subdivision plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said conditional approval of the Minor subdivision plan shall become an automatic disapproval and said plan shall be resubmitted as required by §305 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

305.2.4 Board of Supervisors Denials - When a Minor subdivision plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor subdivision plan is considered and communicated in writing to the Applicant as provided in §305.2.2.

305.3 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary.

305.4 Luzerne County Planning Commission Comments

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

305.5 Sewage Facilities Planning Modules

The Township shall concurrently make its decision on the Sewage Facilities Planning Module, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor subdivision plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

305.6 Public Hearing

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

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the mylar and four (4) copies of the Minor

Plan. The Board of Supervisors shall retain at least two (2) endorsed prints and return the mylar original to the applicant for compliance with the recording requirements.

305.8 Recording of the Minor Subdivision Plan

The Applicant shall file the Minor Subdivision record plan with the Luzerne County Recorder of Deeds within ninety (90) days of the date of endorsement by the Board of Supervisors, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the Minor Subdivision record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

305.9 Time Extension

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

306 Plans for Land Developments

A. Applicability

All plans for land developments, except as noted in §§C below, shall be submitted and processed in accord with this §306.

B. Intent

The intent of this §306 is to combine the preliminary and final plan approval stages into one step for land developments which do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers. Occupancy of any structures which are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Township.

C. Non-Qualifying Land Developments

Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with §303 and §304 of this Ordinance. (e.g., condominiums, or townhouses transferred in fee.)

306.1 Land Development Plan Application

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

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Township - Copies of the Land Development Plan and all required supporting documentation shall be submitted to the Township by the Applicant or his authorized representative at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Land Development Plan Submission".

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include the following:

- A. Twelve (12) completed copies of the land development plan review application.
- B. Twelve (12) legible paper prints of the Land Development Plan.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.

D. Six (6) copies of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Township shall collect a Land Development Plan filing fee as established by resolution of the Board of Supervisors.

A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of land developments.

B. The Applicant shall pay the fee at the time of initial submission of the application to the Township.

306.2.4 Land Development Plan Submission Verification and Distribution - Upon receipt of the Land Development Plan and supporting data the Secretary shall verify the submission for the required number of copies of all documents.

A. If the submission is verified, the Manager shall accept the said plans and documentation, complete the submission verification, and provide a copy of the plan submission verification to the Applicant, and then distribute the plans and documentation in accord with Township policy to:

1. The Township Engineer
2. The Township Solicitor
3. The Township Zoning Officer
4. The Township Sewage Enforcement Officer
5. Any other agency, engineer or consultant designated by the Township

B. If the submission is not verified, the Manager shall complete the plan submission verification, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant.

C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt.

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

A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.

B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Land Development Plan submission and forward said receipt to the Applicant.

C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission

next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

306.2.6 Distribution of the Land Development Plan - Following the *Official Date of the Land Development Plan Submission*, the Township shall forward two (2) copies of the Plan and all required supporting documentation to the Luzerne County Planning Commission. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Luzerne County Conservation District, PennDOT, and all other governing agencies.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this §306.3. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made.

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

306.3.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Land Development Plan Submission" as established pursuant to §306.2.5.

306.3.3 Board of Supervisors Approval with Conditions - When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reason for denial.

306.3.4 Board of Supervisors Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.2.

306.4 Reviewing Agency and Officials Comments

The Township shall consider the comments and the recommendations provided pursuant to §306.2.6 and may request such additional information as deemed necessary.

306.5 Luzerne County Planning Commission Comments

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

306.6 Public Hearing

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

306.7 Authorization to Proceed with Land Development or to Provide a Financial Guarantee

Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Township shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance.

306.8 Final Approval; Signature of Land Development Plan

The Board of Supervisors shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the mylar and four (4) copies of the Final Plan. The Board of Supervisors shall retain at least two (2) endorsed prints and return the mylar original to the applicant for compliance with the recording requirements.

306.9 Recording of the Land Development Plan

The Applicant shall file the final record plan with the Luzerne County Recorder of Deeds within ninety (90) days of the date of endorsement by the Board of Supervisors, and provide to the Township proof of such recording within fifteen (15) days of such recording. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

306.10 Certificate of Conformance

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

306.11 As-Built Plans

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

306.12 Time Extension

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

307 Minor Land Development

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

307.1 Minor Land Development Criteria

A land development, as defined by Article II of this Ordinance, may be considered a "Minor Land Development" for the purposes of this Ordinance provided said development does not exceed any of the following development characteristics, or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.

A. Non-Residential Land Developments

1. The gross floor area of all principal structures proposed or existing on the project property does not exceed one thousand five hundred (1,500) square feet.
2. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).

B. Residential Land Developments - The total number of dwelling units on the project parcel does not exceed two (2).**307.2 Procedure and Other Requirements**

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

307.3 Minor Land Development Determination

307.3.1 Application to be Filed With The Planning Commission - The application for Minor Land Development determination shall be submitted to the Planning Commission and shall contain such information as may be necessary for the Township to determine the "Minor Land Development" status of the proposed project in accord with this §307. The Township shall have the right to require any additional information deemed necessary.

307.3.2 Status of Application for Minor Land Development Determination - The application for Minor Land Development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.

307.3.3 Determination of Minor Land Development - The Planning Commission shall determine the Minor Land Development status of the application in accord with the criteria in this §307 and report their determination regarding the same to the Applicant and the affected municipality.

- A. In cases where the Planning Commission determines that the proposed development does not meet the requirements for a Minor Land Development, the information required for the application shall be submitted in accord with §307.4.

B. If the Planning Commission determine that the subject development does not meet the criteria for a Minor Land Development, said development shall be considered a land development and the information required for the application shall be submitted in accord with all the applicable sections of this Ordinance and all other applicable requirements.

307.4 Minor Land Development Application Information

Minor land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other requirements. The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information that may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Planning Commission shall also have the right to apply any of the standards and requirements contained in this Ordinance.

308 Lot Improvement Subdivisions (Also known as *add-on subdivisions*.)

Lot improvement subdivisions shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3, B of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants. All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Township with the recommendation of the Township Solicitor; and said documents shall be turned over to the Township Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors and shall include the costs of recording.

309 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided not more than four (4) lots shall be platted from the parent parcel in any one (1) year period, and the Applicant can demonstrate to the satisfaction of the Township that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

310 Contiguous Municipalities

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

311 Land Developments Involving Building Expansions or Additions

Any application which is considered a land development because it exceeds the threshold for the size of a nonresidential building expansion or addition or increase in impervious area (See the definition of *land development* in Article II.) may be exempted by the Board of Supervisors from the plan submission and other procedures of this Ordinance provided the Applicant demonstrates that the proposed project will not result in the generation of any stormwater runoff which does not comply with the requirements of this Ordinance or any other ordinances of the Township and the Township Engineer confirms compliance.

ARTICLE IV PLAN REQUIREMENTS

401 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Township, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan (See §402.3), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. In fact, the diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan. The sketch plan should be accompanied by a letter of intent explaining the concept of development proposed for the tract.

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

Q. Name of owners or subdividers of all abutting properties within two hundred (200) feet of the tract, including land on the opposite side of an abutting road.

402 Preliminary Plan Requirements for Major Subdivisions (see §406 for Land Developments)

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

- A. Site Context Map
- B. Existing Resources and Site Analysis Plan
- C. Preliminary Resource Impact and Conservation Plan
- D. Preliminary Improvements Plan
- E. Preliminary Studies and Reports as set forth in other parts of this ordinance.

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Site Context Map

A map showing the location of the proposed major subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

402.3 Existing Resources and Site Analysis Plan

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

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked
- B. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches if not growing within any of the proposed conservation areas, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Ridge lines and watershed boundaries shall be identified.
- G. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, and sinkholes, based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County shall be shown on the plan
- M. Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

402.4 Resource Impact and Conservation Plan

- A. A Preliminary Resource Impact and Conservation Plan shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis Plan (as required under §402.3). All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Conceptual Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed major subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.
- C. In addition the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 1. Description of existing resources as documented in §402.3.
 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Plan.
 3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
 4. The qualifications and experience of the preparer of the report.
- D. This requirement for a Resource Impact and Conservation Plan may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis Plan.
- B. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. For properties subject to the Conservation Design Overlay District, the boundaries of greenway lands shall be indicated.
- C. Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
- D. Location of proposed swales, drainage easements, stormwater and other management facilities.

- E. Where community sewage service is proposed, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- F. Where central water service is proposed, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- G. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- H. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- I. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- J. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- K. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- L. Utilities and Easements
 - 1. Exact locations of existing utility easements and approximate locations of proposed utility easements.
 - 2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - 3. The tentative location of proposed on-site sewage and water facilities.
- M. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- N. Signature blocks for Township approval shall be provided on the right-hand side of the Preliminary Improvements Plan.
- O. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed major subdivision and/or development.
 - 3. Zoning district boundary lines within one thousand (1,000) feet of the proposed major subdivision and/or development, shown on location map.
- P. A title block shall be included on the lower right corner.

- Q. Name of project.
- R. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- S. Name and address of developer if different from landowner (if a corporation give name of each officer).
- T. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- U. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- V. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts (if zoning is in effect), water courses and any area subject to flooding.
- W. North arrow (true or magnetic).
- X. Graphic scale and written scale
- Y. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

402.6 Supporting Documents and Information

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

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.
- B. Approximate profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the major subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and latest deed of record.
- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth

and potential for affecting the ground water supply. In the case of community systems:

1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
2. Preliminary design of any central water supply system.
3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.

J. Soil erosion and sedimentation control plan for submission approval by the Luzerne County Conservation District.

K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township.

L. Preliminary bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.

M. A statement indicating any existing or proposed zoning variances (if zoning is in effect) or subdivision waivers/modifications.

N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

O. Highway occupancy permits.

P. A plan for the ownership of and maintenance of all improvements and common areas as required by §507 of this Ordinance.

402.7 Additional Information

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

402.8 Application Forms and Certifications

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

402.9 Preliminary Plan Engineering Certification

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

403 Final Plan Requirements for Major Subdivisions (See §406 for Land Developments.)

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

403.1 Existing Resources and Site Analysis Plan

A plan as required by §402.3 consistent with the terms of the approved Preliminary Plan and modified as necessary to reflect the proposal for final approval.

403.2 Reserved

403.3 Final Plan Information

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

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

Secretary of the Planning Commission and Board of Supervisors of Nescopeck Township and the date of signing.

17. Space for the signatures of the authorized persons of the Luzerne County Planning Commission and for the date of review.

18. Space on the lower edge of the Final Plan shall also be provided for acknowledgment of receipt and recording of the Plan by the Luzerne County Recorder of Deeds Office.

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

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Nescopeck Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
8. "All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance."
9. If the streets are not to be offered for dedication to public use, the subdivider shall submit and record with the Final Plan a copy of an agreement made and executed by the Board of Supervisors on behalf of the subdivider's or developer's heirs and assigns, subject to review and approval by the Township Solicitor, establishing the conditions under which the street may be later offered for dedication, and shall stipulate, among other things;
 - a. That the street shall conform to Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township specifications;
 - b. That an offer to dedicate the street shall be made for the street as a whole;
 - c. That the method of assigning repair costs to be as stipulated, and
 - d. That agreement by the owners of fifty-one percent (51%) of the front footage thereon shall be binding on the owners of the remaining lots.

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

1. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following: "The improvement and maintenance of any minimum access street shall be the sole responsibility of those persons benefitting from the use thereof".
2. In the event of a "lot improvement" proposal: "Lot/parcel ____ shall be joined to and become an inseparable part of lot/parcel____ as recorded in Deed Book Volume____, Page____ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
3. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Nescopeck Township pursuant to the Nescopeck Township Driveway Ordinance."

4. In the case where wetlands are present or if otherwise required by the Township: "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."
5. When on-site subsurface sewage disposal is proposed: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
6. In cases where the requirement for sewage planning is waived by the Township: "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township."

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

403.4 Supporting Documents and Information

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

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical superelevated sections.
 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, and the latest deed of record.
- F. Water Supply and Sewage Disposal Information
 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with §607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.

- I. Soil erosion and sedimentation control plan approved by the Luzerne County Conservation District.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances (if zoning is in effect) or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- N. Final Plan application form and fee.
- O. A fee for County review if required by the County Planning Commission and the County Road and Bridge Department.
- P. Any material from the Preliminary Plan for which the Planning Commission and Board of Supervisors had requested correction or updating.
- Q. A financial security for the installation of improvements, if such improvements are not to be installed prior to Final Plan approval.
- R. A financial security for the maintenance of improvements.
- S. An inspection fee for the inspection of improvements by the Township Engineer.

403.5 Additional Information

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

403.6 Application Forms and Certifications

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

403.7 Maintenance of Development Improvements

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

404 Minor Subdivisions, Final Plan Requirements

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

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80

feet, 100 feet or 200 feet to the inch.

- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

404.2 Minor Plan Information

- A. Name of minor subdivision
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the minor subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.

- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands in accord with §613.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, existing zoning district (if zoning is in effect) and tax map number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Signature block for the Township.
- CC. A title block on the lower right corner.
- DD. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
 - 1. Building setbacks.
 - 2. Corner lot easements for clear sight triangles.
 - 3. Corner lot driveway locations.
 - 4. Utility and drainage easements including ownership and maintenance responsibility.
 - 5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the

Pennsylvania Department of Environmental Protection and Nescopeck Township."

6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

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

- A. In the event the subdivision incorporates a minimum access street as defined in this Ordinance, the following: "The improvement and maintenance of any minimum access street shall be the sole responsibility of those persons benefitting from the use thereof".
- B. In the event of a "lot improvement" proposal: "Lot/parcel ____ shall be joined to and become an inseparable part of lot/parcel____ as recorded in Deed Book Volume____, Page____ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Nescopeck Township pursuant to the Nescopeck Township Driveway Ordinance."
- D. In the case where wetlands are present or if otherwise required by the Township: "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s)."
- E. When on-site subsurface sewage disposal is proposed: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
- F. In cases where the requirement for sewage planning is waived by the Township: "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township."

404.4 Supporting Documents and Information

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

404.5 Additional Information

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

404.6 Application Forms and Certifications

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

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in §404 of this Ordinance for minor subdivisions shall also apply to lot improvement subdivisions. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans.

406 Plan Requirements for Land Developments

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

406.1 Plan Requirements

The plan requirements for final plans for major subdivisions in §403 of this Ordinance shall serve as the guide for the types of information which may be required. In addition to the information required by §403, the plan shall include all details of required improvements necessary to confirm compliance with this Ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, stormwater facilities, and buffer areas.

406.2 Survey

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

406.3 Design Standards and Improvements

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

407 Plan Requirements for Minor Land Developments

Minor land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other requirements. The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information that may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Planning Commission shall also have the right to apply any of the standards and requirements contained in this Ordinance.

ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES
and
OPEN LAND

500 General

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

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

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

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

501 PennDOT Required Improvements

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

502 Sections/Stages

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

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

503.1.1 Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Board of Supervisors. The bond shall be payable to the Township.

503.1.2 Escrow Account - A deposit of cash either with the Board of Supervisors or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Board of Supervisors.

503.1.3 Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Board of Supervisors.

503.1.4 Other Forms - Other forms of collateral including but not limited to real estate mortgages as the Board of Supervisors may require or accept as part of the security.

503.1.5 Additional Requirements - The following requirements shall apply to the financial guarantees set forth in this §503.1:

- A. The funds of any guarantee shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.
- B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Board of Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- C. The creditor shall guarantee funds in an amount equal to the security as set forth in §503.2.
- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Board of Supervisors.

503.2 Amount of Security

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

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

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Board of Supervisors to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

503.4.1 - Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.

- A. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
- B. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Supervisors the completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

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

- A. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
- B. Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
- C. Report - The Township Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
- D. Action - Within fifteen (15) days of receipt of the Township Engineer's report, the Board of Supervisors shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
- E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.4, shall be followed.
- F. Remedies to Effect Completion of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of

the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Construction Plans and Drawings

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

504.2 Schedule

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

504.3 Inspections

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

504.4 Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

504.5 Cost

The cost of all inspections conducted by the Township shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 Guarantee

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

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

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

505.2 Guarantee for Central Sewage, Central Water and Storm Water Management

This section shall only apply if guarantees are not required by any governing municipal authority.

A. In lieu of the requirements of §505.1 above, the Supervisors may require a guarantee from the Developer for the maintenance, operation and repair of any central sewage system, central water system or storm water management structure. Said guarantee shall be posted immediately after the system receives final approval and before it is put into operation.

B. The amount of said maintenance guarantee shall be determined by the Supervisors but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.

C. In the event the system is not so maintained and operated, the Supervisors, at any time during the term of the guarantee and upon thirty (30) calendar days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of the guarantee are insufficient to pay the cost of maintaining the improvements the Supervisors, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 Continued Ownership and Maintenance of Improvements

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

506.1 Private Operation and Maintenance

506.1.1 Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.

506.1.2 Residential Developments -In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements . Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Board of Supervisors.

506.1.3 Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Supervisors. The amount of said fund shall be established by the Board of Supervisors, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as

the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Board of Supervisors.

506.1.4 Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with Township requirements and/or the needs of the users of said improvements, the Board of Supervisors shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Board shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Article X of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

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

507 Open Land and Recreation Land -- Ownership and Maintenance

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

507.1 Purpose

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

507.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Board of Supervisors, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Board of Supervisors.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

- D. The Board of Supervisors may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.
- E. Any changes to the maintenance plan shall be approved by the Board of Supervisors.

507.3 Use Restriction

The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance.

507.4 Development Plan Designations

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

507.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

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

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

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

507.5.1 Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

507.5.2 Transfer to a Private Conservation Organization - In the case of open land and recreation land, the

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

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

507.5.3 Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space.

507.5.4 Deed or Deeds of Trust - The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

507.5.5 Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Board of Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

507.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Board of Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Board of Supervisors agrees to and has access to maintain such lands.

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

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

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

507.6.3 Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

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

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

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

507.6.7 Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §507.6.1 above, shall file the required notice of lien against the properties.

508 Subdivision and/or Land Development Improvements Agreement

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

508.1 Contents

The development agreement shall be in a form suitable for execution by the Board of Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.

- F. A work schedule setting forth the beginning and ending dates, and such other details as the Board of Supervisors deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee.
- H. Security in the form of a construction guarantee approved by the Board of Supervisors to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Board of Supervisors for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Ownership of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Board of Supervisors.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

508.2 Execution

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

ARTICLE VI DESIGN STANDARDS AND SPECIFICATIONS

601 General Provisions

The general provisions contained in this §601 shall apply to the planning of all subdivisions and land developments, and are intended for the preservation of the environment and the promotion of the public health, safety and general welfare and shall be considered in such terms by the Nescopeck Township Planning Commission and by the Nescopeck Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

A. Application of Specific Standards

Many of the provisions in this §601 are intended to be advisory to applicants for the planning of subdivisions and land developments. However, in cases where a specific standard is provided, it shall be applied as stipulated. Where specific standards in this §601 are not provided, the specific standards in the balance of Article III, Article IV and Article V shall be applied.

B. Full Development Potential; Clarification of Terms

Nothing in this §601 is intended to prevent an applicant from achieving the full development potential of a tract of land provided such development meets all of the specific development standards in this Ordinance and other Township ordinances. As used in this §601, the term *should* is advisory; and *minimize(d)* shall mean reduce(d) to the smallest possible amount, extent, size, or degree within the limits of the applicant's plans and the requirements of this Ordinance and other Township ordinances.

601.1 Site Considerations and Requirements

A. Planning

The development shall be consistent with the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.

B. Contiguous Lands

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

C. Improvements, Specifications

Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Board of Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.

D. Hazard Areas

Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.

E. Remnants; Development Design; Neighboring Development

All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations.

F. Natural Features

Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land.

1. Natural Features in Major Subdivisions and Land Developments

- a. **Groundwater Resources** - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. All major subdivisions and land developments shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
- b. **Stream Valleys, Swales, Springs, and Other Lowland Areas** - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality and the health of aquatic communities, and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:
 - 1) Disturbance to streams and drainage swales.
 - 2) Disturbance to wetlands, areas with seasonally high water tables, and areas of surface water concentration.
- c. **Woodlands** - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
 - 1) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge
 - 2) As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
 - 3) As a source of wood products, i.e., poles, saw timber, veneer and firewood
 - 4) As habitats for woodland birds, mammals and other wildlife.
 - 5) As recreation resources for walkers, equestrians, picnickers and other related outdoor activities
 - 6) As visual buffers between areas of development and adjacent roads and properties.

Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as conservation open space or development lands. Evaluation criteria

include:

- 1) Configuration and size.
- 2) Present conditions, i.e., stocking, health and species composition.
- 3) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
- 4) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
- 5) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

In the case of major subdivisions and land developments, the evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Subsections a and b above.

In designing a major subdivision or land development plan for any tract, the applicant shall be guided by the following standards:

- 1) Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
- 2) Developments shall be designed to minimize the disturbance of woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them should be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, under story and canopy vegetation.
- 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be minimized. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
- d. Upland Rural-Agricultural Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. These include prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).
- e. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are

prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds, and public roads are detrimental to water quality and aquatic life, and a potential hazard to public safety.

- 1) Areas of steep slope shall be preserved as required below.
- 2) All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
- 3) No site disturbance shall be allowed on slopes exceeding twenty-five (25) percent, except grading for a single family dwelling and the required driveway.
- 4) On slopes of fifteen (15) percent or greater, the Developer shall submit detailed plans to document how all grading, filling, and building development will address steep slope concerns.
- 5) Grading or earthmoving on all sloping lands of fifteen (15) percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six (6) feet, except where, in the judgment of the Planning Commission no reasonable alternatives exist for construction of roads, drainage structures and other required improvements, in which case such vertical dimensions shall not exceed twelve (12) feet.
- 6) Roads and driveways shall, to the greatest extent possible, follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

f. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.

G. Historic Structures and Sites

Subdivisions and land developments should be designed to protect existing historic resources. The protection of an existing historic resource can be accomplished by modifying the design, relocating proposed lot lines, or providing landscape buffers. The applicant shall notify the Township of all interaction with the State Historical and Museum Commission with regard to the preservation of historic resources as required for DEP approval of proposed sewage disposal systems.

H. Trails

When a subdivision or land development proposal is traversed by or abuts an existing public trail, the Board of Supervisors shall require the applicant to make provisions for continued recreational use of the trail.

1. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
 - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
2. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.
3. The land area permanently designated for trails for public use may be credited toward any conservation open

space requirement.

4. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward any conservation open space requirement.
5. Trail improvements shall demonstrate adherence to principles of quality trail design.
6. Trails shall have a vertical clearance of no less than ten (10) feet.
7. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
8. No trail shall be designed with the intent to accommodate motorized vehicles.

I. Boundary Lines and Reserve Strips

Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

J. Water Frontage and Surface Drainage

Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Luzerne Conservation District, the Pennsylvania Department of Environmental Protection, and the US Army Corps of Engineers.

K. Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the Township and the developer.

L. Walkways

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).

M. Storm Drainage

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Township.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, Luzerne County, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

B. If there are no applicable Township or State regulations, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

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

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

All Preliminary Plans for all conservation design subdivisions and land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (Note: Conservation subdivision design is not mandatory, but simply an option available to a developer.)

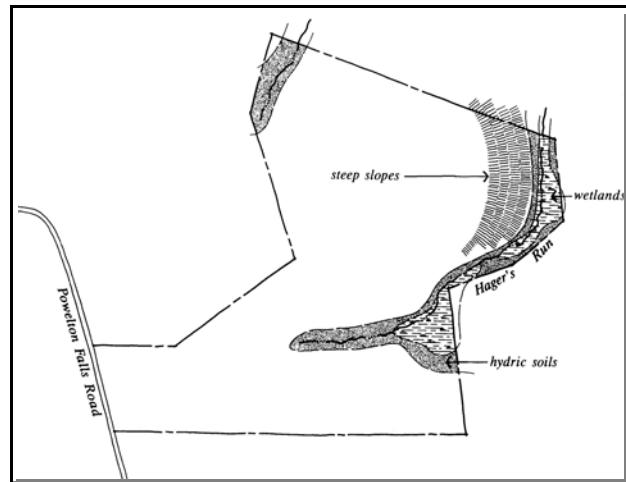
602.1 Resource Inventory and Analysis

The tract's resources shall be delineated on an Existing Resources and Site Analysis Plan, as required in §402.3.

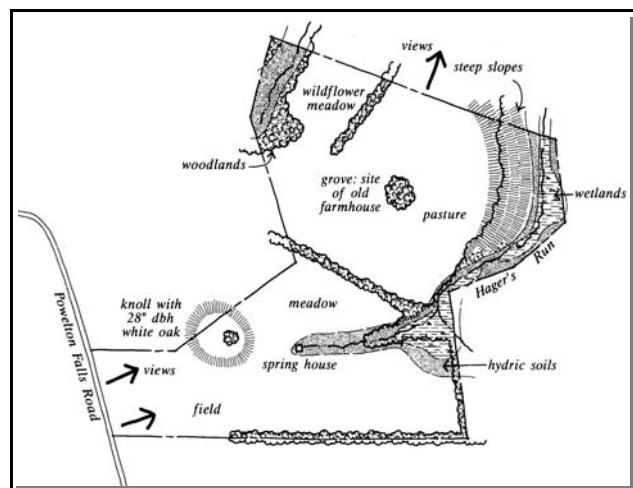
602.2 Four-Step Design Process

A. Step 1: Delineation of Conservation Open Space

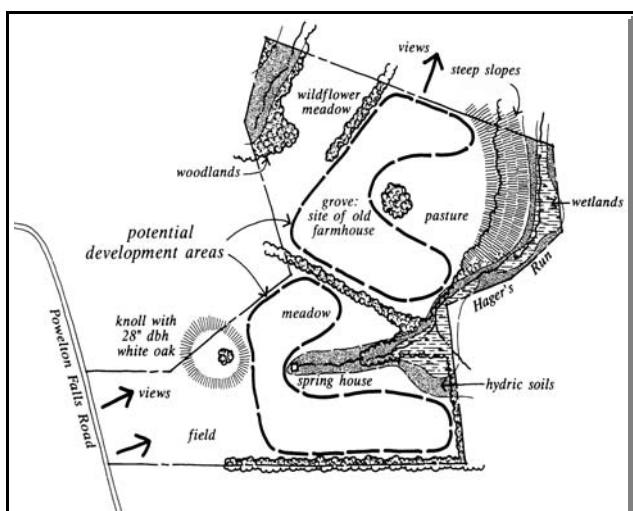
1. Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §603.1 and §603.2.
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this §602 and §603, dealing with resource conservation and conservation open space delineation standards. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.



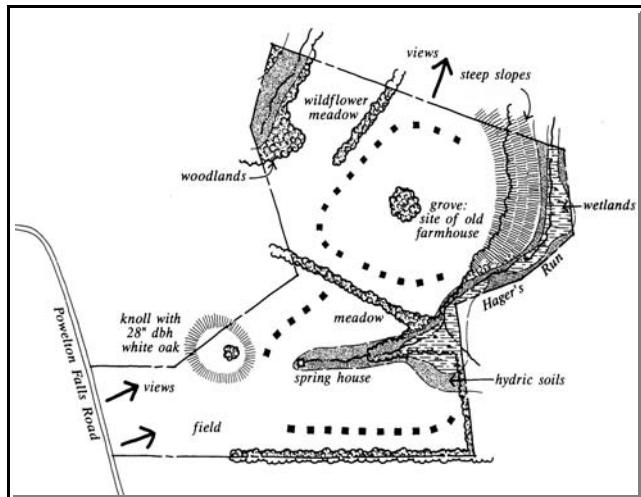
Step 1, Part 1 – *Identifying Primary Conservation Areas*



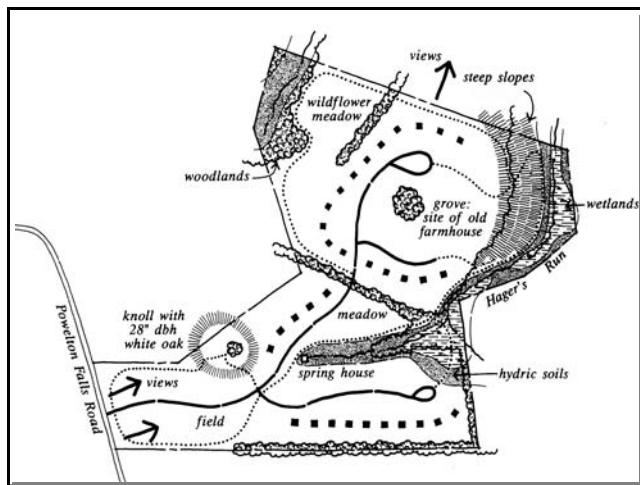
Step 1, Part 2 – *Identifying Secondary Conservation Areas*



Step 1, Part 3 – *Identifying Potential Development Areas*



Step 2 – Locating Potential House Sites



Step 3 – Design of Infrastructure

3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accordance with §603.1 and §603.2.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.

B. Step 2: Location of House Sites

Potential house sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

C. Step 3: Design of Infrastructure

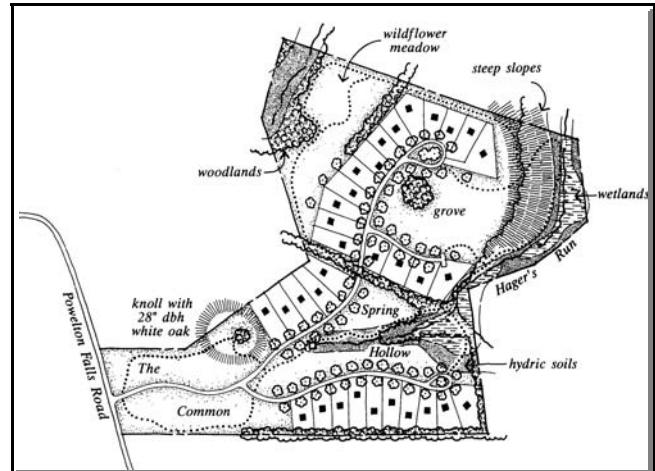
1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent possible, wetland crossings and new streets/ driveways traversing slopes over 15 percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown,

in areas where a municipal trail network is envisioned.

5. Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.

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

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



Step 4 – Drawing in the Lot/Development Lines

603 Conservation Open Space Standards

Conservation open space shall be preserved in accord with §507 of this Ordinance.

603.1 Prioritized List of Resources to be Conserved

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §601, resources identified on the Township's Map of Potential Conservation Lands and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):

- A. Stream channels, floodplains, wetlands, vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
- C. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
- G. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.

H. Historic structures and sites.

I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).

J. Existing trails connecting the tract to other locations in the Township.

603.2 Other Design Considerations

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

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjacent lots shall be provided with safe and convenient pedestrian access to conservation open space.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- H. Be undivided by public or private streets, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Luzerne County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the common open space for such uses.
- K. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township or regional plan.

604 Reserved

605 Resource Conservation Standards For Site Preparation and Cleanup

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

605.1 Protection of Vegetation from Mechanical Injury

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

605.2 Protection of Vegetation from Grading Change

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

605.3 Protection of Vegetation from Excavations

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

605.4 Protection of Topsoil

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

606 Blocks and Lots

606.1 Configuration

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

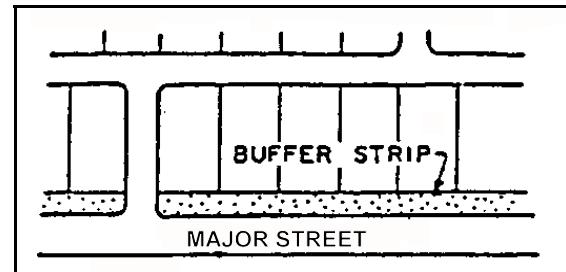
606.2 Blocks

- A. Residential blocks shall not exceed one thousand six hundred (1,600) feet in length, nor be less than five hundred (500) feet in length. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length. In the design of blocks longer than one thousand (1,000) feet special consideration shall be given to the requirements of satisfactory fire protection.

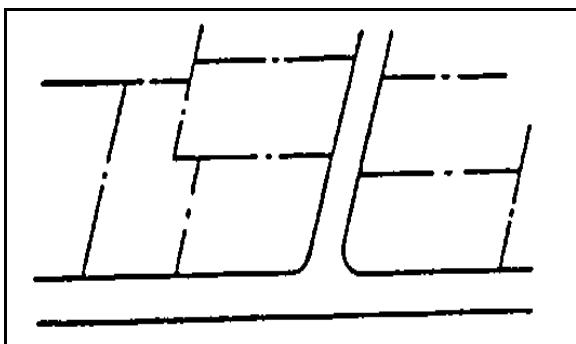
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.
- C. Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1,000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for a width of not less than four (4) feet, shall be located in easements not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.
- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of use requires other treatment. In such cases off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Extension of streets, railroad access rights-of-way, and utilities shall be provided as necessary.
- E. The above minimum standards for the design and size of blocks shall govern unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required.

606.3 Lots

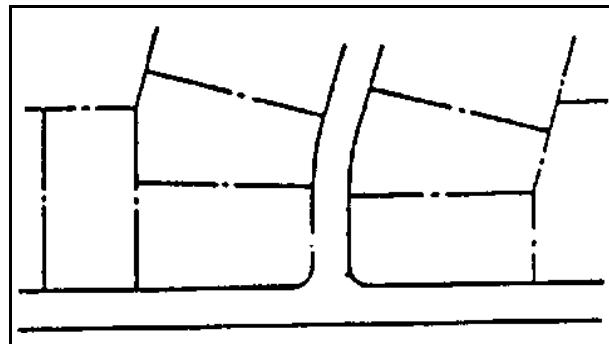
- A. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated, and all lots shall comply with the requirements of the Nescopeck Township Zoning Ordinance.
- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.
- C. All lots shall front on an approved street.
- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development streets, and the lot is increased twenty (20) feet in depth to provide for a buffer strip along the exterior street.
- F. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- G. Lots shall be laid out to the edge of any road; and, lot lines along existing public or private roads shall be maintained as they exist.
- H. No corner lot shall have road frontage of less than one hundred (100) feet.
- I. All corner lots shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road edge or right-of-way lines.



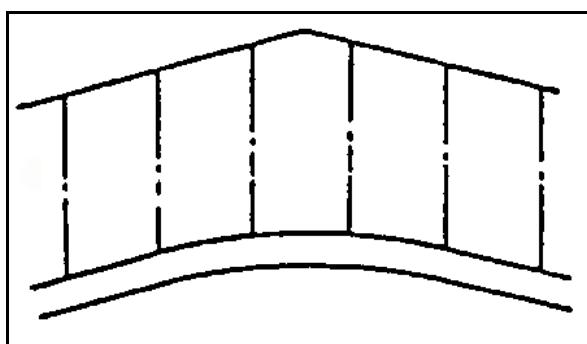
Reverse Frontage Lots



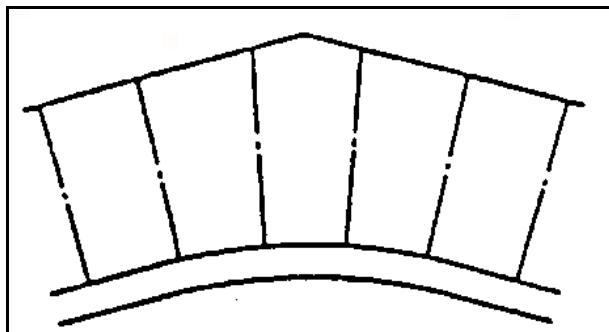
Unacceptable Lot Layout



Acceptable Lot Layout



Unacceptable Lot Layout



Acceptable Lot Layout

- J. Generally, the depth of residential lots shall be not less than one (1) nor more than two and one-half (2 1/2) times their width.
- K. Depth and width of parcels intended for multi-family residential and all non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, and landscaping.
- L. Lot areas, dimensions and setback lines shall conform with the Zoning Ordinance of the Township.
- M. Address numbers for each lot within a subdivision shall be assigned in accordance with the directives of the Township.
- N. All lots shall be kept free of any debris or nuisance whatsoever.

606.4 Lot Width Modifications

The required minimum lot width may be reduced in accord with the following:

- A. Along the curve of a cul-de-sac turnaround, the minimum lot width may be reduced to sixty (60) percent of the standard lot width requirement provided the required minimum width is achieved at the required front setback line.
- B. Along the outside of a curve in a street, the minimum lot width may be reduced to eighty (80) percent of the standard lot width requirement provided the required minimum width is achieved at the required front setback line.

606.5 Flag Lots (See also §607.7, Private Access Drives.)

Flag lots shall be permitted by modification/waiver only in accord with the following:

- A. The Applicant shall prove to the satisfaction of the Supervisors that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.
- B. Not more than twenty (20) percent of the lots within a subdivision may be approved as flag lots.
- C. The access corridor portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300) feet in length, as measured from the street right-of-way.
- D. The access corridor shall, at a minimum, meet the right-of-way width requirement for private access drives. (See §607.7.)
- E. The Applicant shall prove to the satisfaction of the Supervisors that the proposed driveway would provide adequate access for emergency vehicles.
- F. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor.
- G. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.
- H. A flag lot shall only be approved for a lot that is protected by a deed restriction or conservation easement from further subdivision.

607 Streets/Roads

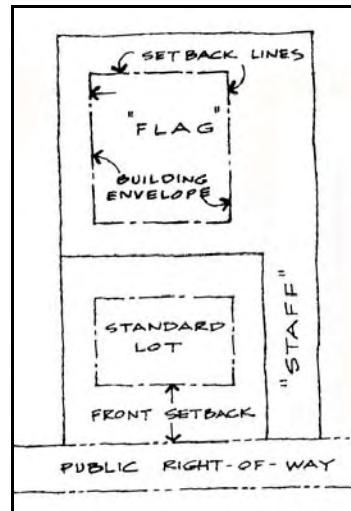
- A. Every subdivision and land development shall have access to a public road.
- B. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out, including the use of loop streets and cul-de-sacs, so that their use by thorough traffic will be discouraged.
- C. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this Ordinance.
- D. Proposed streets shall further conform to such Township, County and State highway plans as have been prepared, adopted and/or filed as prescribed by law.

607.1 Topography

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

607.2 Existing Access

Existing private roads or private rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §607 or shall otherwise be improved to such standards.



Flag Lot

607.3 Street Continuation

Residential streets shall be planned to discourage through traffic; however, the arrangement of streets, wherever possible, shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

607.4 Subdivision Names and Street Names and Signs

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas; and, all street names shall be subject to the approval of the Township for conformance with the enhanced 911 emergency call system. Street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

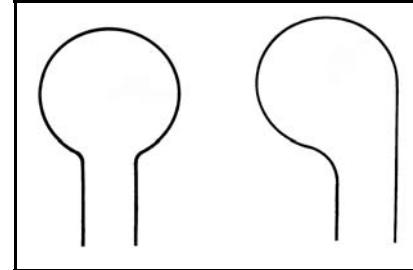
607.5 Further Subdivision

If lots resulting from the original subdivision are large enough to permit re-subdivision or, if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

607.6 Cul-de-Sac Streets

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

- A. Any temporary dead end street, if designed to provide future access to adjoining properties, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of such turnaround shall be guaranteed to the public but shall be removed when the street is extended.
- B. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots.
- C. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. (See the following illustrations.) One (1) of the following turnarounds shall be provided:
 1. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of thirty (30) feet and be improved to the required construction specifications.
 2. A circular turnaround with a center island having a right-of-way with a minimum outside radius of fifty-five (55) feet, an outer pavement edge or curb line having a minimum radius of forty-five (45) feet, and a pavement width of twenty (20) feet improved to the required construction specifications. The center island shall be landscaped with low maintenance vegetation.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.
- E. When the Planning Commission determines that a cul-de-sac street may be required to be converted to a through street to provide access to adjoining property, a right-of-way equal to the width of the cul-de-sac street shall be provided to the perimeter boundary of the development parcel.



Cul-de-sac Turnarounds

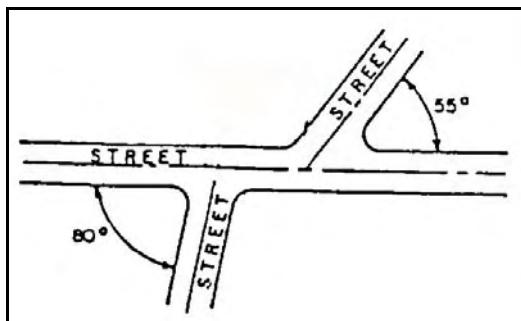
F. The terminus of a permanent cul-de-sac street shall not normally be closer to a tract boundary than fifty (50) feet; however, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. For greater convenience to traffic and more effective police and fire protection, permanent cul-de-sac streets shall, in general, be limited in length in accordance with the street design standards of these regulations.

607.7 Private Access Street

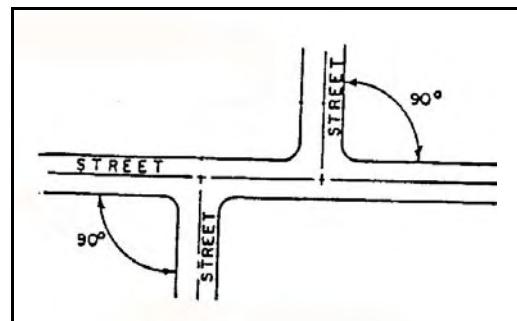
Private access streets may be used to provide access to residential lots which do not front on a public or approved private street in accord with the following:

- A. Number of Dwelling Units - A private access street shall be used only to provide access to three (3) lots which cannot legally be further subdivided or improved with more than one (1) dwelling unit. If any of the lots are of such size to allow further subdivision or the development of one (1) or more additional dwelling units, a note such as follows shall be included on the plan and in the deed of conveyance for the lot: Lot ___ shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit unless otherwise approved by the Board of Supervisors pursuant to the terms of the Township's Subdivision and Land Development Ordinance in effect at the time application is made for any such approval.
- B. Length and Width - The private access street shall not exceed eight hundred (800) feet in length as measured from the edge of the right-of-way of the abutting public street to the point of connection to the lot. Any subdivision proposing a street exceeding these limits shall be considered a major subdivision and all normal standards shall apply to the lot and street construction. The width of the street shall conform to Table VI-1 and Table VI-2:
- C. Turnaround - The private access street shall be provided with a T- or Y-shaped turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.
- D. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.
- E. Street Construction - Private access street entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access street and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access street is constructed or guaranteed in accord with Article V of this Ordinance. The private access street shall not under any circumstances be offered to the Township as a municipal street. The Applicant shall agree to the terms of this §607.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access street and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: The construction and maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the street. No building permit shall be issued for any improvements on lots served by the street until such time as the street and turnaround is constructed. The private access street shall remain private and shall not be offered for dedication to the Township as a public street.
- F. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access street intersects with the right-of-way of the adjoining street.
- G. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §605 of this Ordinance.

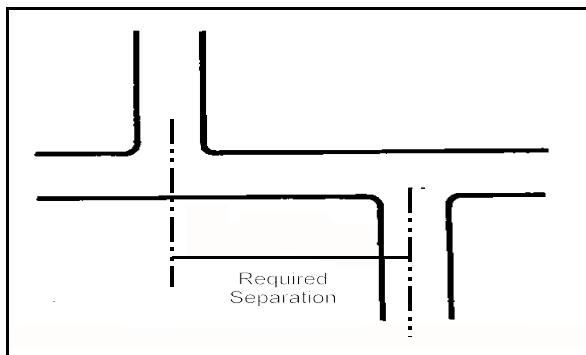
H. Through Street Grade - A private access street shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the private access street intersection.



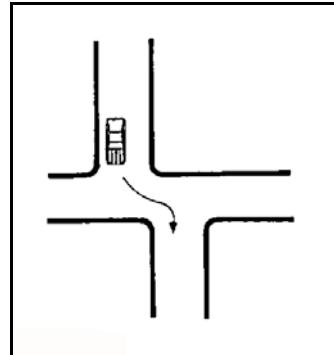
Unacceptable Street Intersection Design



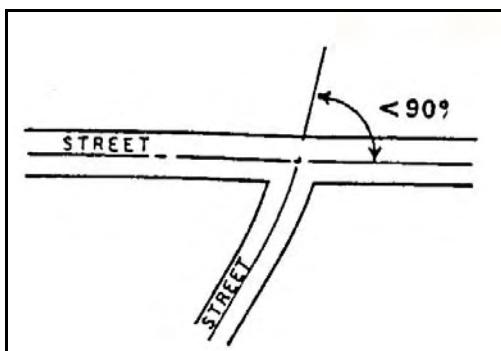
Acceptable Street Intersection Design



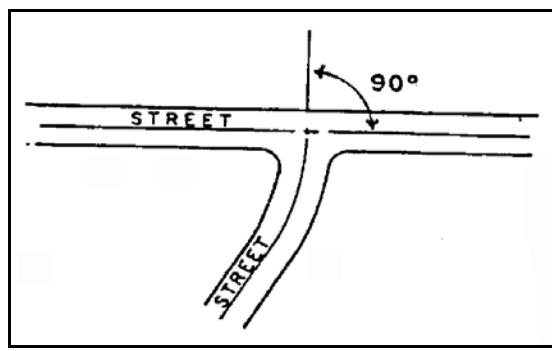
Required Centerline Separation



Corner Cutting



Unacceptable Street Intersection Design



Acceptable Street Intersection Design

607.8 Intersections

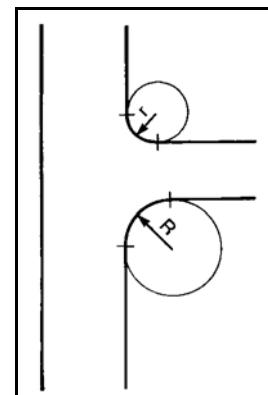
A. Center-Lines - Center-lines of streets shall intersect as nearly at right angles as possible. Center-line intersection angles of less than eighty five (85) degrees shall not be approved under any condition. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom.

B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.

C. **Minimum Offset** - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:

1. One hundred fifty (150) feet for minor and local streets.
2. Four hundred (400) feet for collector streets.

D. **Cartway Edge Arc** - The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for minor streets and streets of lesser classification and fifty (50) feet for collector streets and streets of higher classification. The right-of-way arc shall be congruent with the cartway arc.



Cartway Edge Arc

E. **Traffic Signs and Signals** - Traffic signs and traffic signals shall be required in accord with §607.28.

F. **Grade** - 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 four percent (4%) rate at a distance of forty (40) feet, measured from the nearest right-of-way line of the intersecting street.

G. **Sight Distance** - Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer 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.

F. **Cross Slopes** - The cross-slopes on all streets, including intersections, shall be two percent (2%) or less.

607.9 Major Street Frontage

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

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

Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table VI-1 and Table VI-2.

- A. Shoulder surfaces shall be graded at a slope of three-fourths (0.75) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly superelevated cross sections shall be required on collector streets in accord with most current AASHTO standards. The maximum permissible superelevation shall be 0.08 feet per foot.

TABLE VI-1
DESIGN STANDARDS FOR STREETS

DESIGN SPECIFICATION	COLLECTOR (b)	MINOR	LOCAL	PRIVATE ACCESS (c) (d)
Number of dwelling units served	> 200	26 - 200	≤ 25	≤ 3
Average daily traffic	>2,000	≤2,000	≤400	NA
Design speed, mph	50	40	30	NA
Posted speed, mph	40 - 45	35	25	NA
CROSS SECTION STANDARDS				
Street right-of-way width (feet) (a)	60	50	50	25
Additional road width (a)	as required for drainage, slope and utility easements			
Travelway width, feet	22	20	18	12
Shoulder width, each side, feet (e)	4	3	3	NA
Cartway width, feet	30	26	24	NA
Crown, feet/foot	0.02	0.02	0.02	0.02
Superelevation, maximum, feet/foot	0.08	NA	NA	NA
Shoulder slope, feet/foot	0.04 (f)	0.04 (f)	0.04 (f)	NA
Clear zone width, feet	per PennDOT Design Manual, Part 2, Chapter 12		10	NA
GEOMETRIC STANDARDS				
Grade, maximum, percent	7	12	12	14
Grade, minimum, percent	1	1	1	1
Center line radius, minimum, feet	750	475	250	75
Stopping sight distance, minimum, feet	425	305	200	100
Tangent between reverse curves, minimum, feet	100	50	NA	NA
Vertical curves	see §607.14	see §607.14	see §607.14	see §607.14
Swale grade, minimum, percent	1.5	1.5	1.5	1.5
Notes:	<p>b. Collector standards apply to all commercial and industrial subdivisions and land developments.</p> <p>c. See also §607.7.</p> <p>d. Curbs not permitted.</p> <p>e. If curbs are provided, shoulders shall not be provided.</p> <p>f. 0.06 where warranted</p>			
a. Right-of-way width does not include slope, drainage or utility easements. Additional road width and cartway widths may be required by the Township to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.				

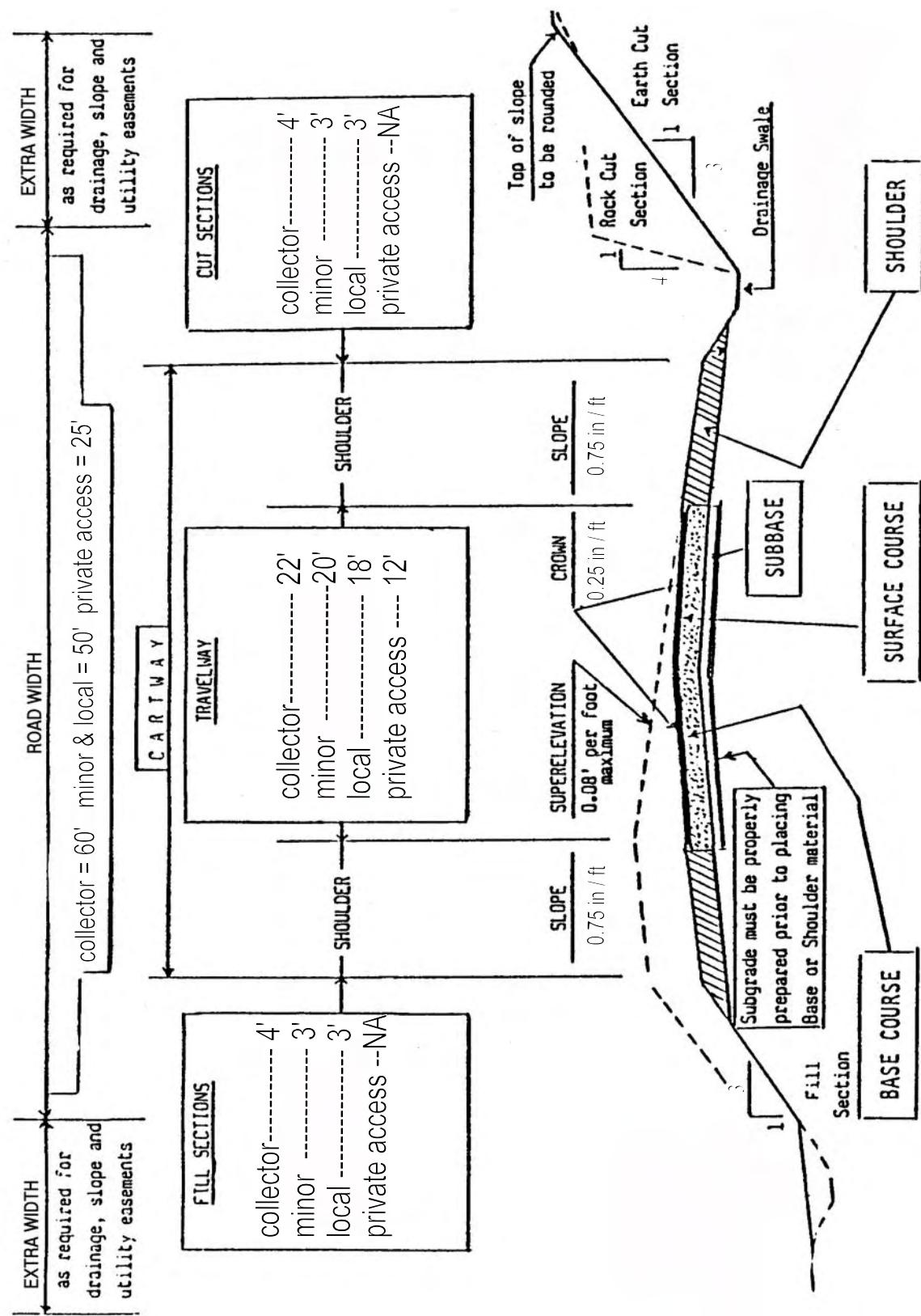


TABLE VI-2 TYPICAL STREET CROSS SECTION

TABLE VI-2 CONTINUED

Residential Subdivisions and Land Developments

TRAVELWAY CROSS SECTION

COURSE	MATERIAL*	MINIMUM DEPTHS (inches)			
		ROAD CLASSIFICATION			
		Collector	Minor	Local	Private Access ***
Surface	2A Coarse Aggregate**	NA	NA	NA	6
Bituminous Surface	ID-2 Wearing	1.5	1.5	1.5	NA
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5	4.5	4.5	NA
Subbase	Subbase (No. 2A)	8	6	6	4
Subgrade	See §607.20				
Shoulders	2A Coarse Aggregate**	6	6	6	NA

MODIFICATION FOR PRIVATE ROADS - In the case where a residential road will not be offered for dedication and will remain private, the bituminous surface and bituminous base may be replaced by a total of eight (8) inches of 2A Coarse Aggregate.** All other standards shall apply to private roads.

Commercial And Industrial Subdivisions And Land Developments

TRAVELWAY CROSS SECTION

COURSE	MATERIAL*	MINIMUM DEPTHS (inches)
Bituminous Surface	ID-2 Wearing	1.5
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5
Subbase	Subbase (No. 2A)	8
Subgrade	See §607.20	
Shoulders	2A Coarse Aggregate**	6

NOTES:

* All material shall meet PennDOT specifications, Publication 408, latest edition.

** 2A Coarse Aggregate = Coarse aggregate treated with PennDOT-approved oil for dust control at the application rate of not less than 0.25 gallons per square yard.

***Not eligible for dedication.

607.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements in the name of the Township or POA, as applicable, shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plans; and, the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement. No structures or trees shall be placed within such easements.

A. Access Easements

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

B. Utility Easements

1. Utility easements shall be a minimum of twenty (20) feet in width and shall be provided along all street rights-of-way in addition to the required street width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Existing and proposed utility easements shall be included in lot sizes unless otherwise restricted by the utility.
4. In developments of five or more lots, electric, telephone, and all other utilities shall be installed underground with such exceptions as listed below. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for an underground system in accordance with the regulations of the Pennsylvania Public Utility Commission or that a waiver has been obtained from the Pennsylvania Public Utility Commission to allow an overhead system.
5. Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to final plan approval the developer shall be required to obtain a letter from the transmission or distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

607.12 Street Alignment

Street alignment shall be designed as follows:

- A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distances - Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
- C. Stopping Sight Distance - Stopping sight distance is the length of highway over which an object is visible to the

driver at all times. For the purpose of measuring the available stopping sight distance at a particular location, the driver's eye height is assumed to be three and one-half (3.5) feet above the roadway surface and the object height is assumed to be six (6) inches above the roadway surface.

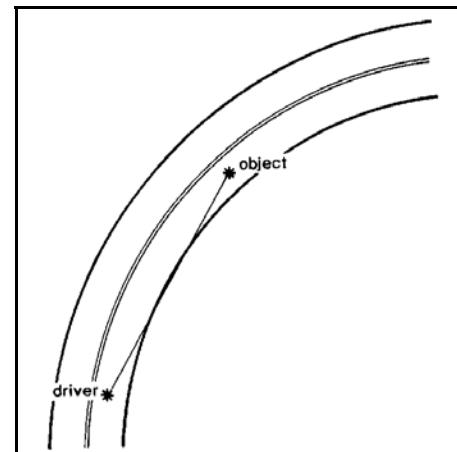
D. Tangents - Between reversed curves the following minimum tangents shall be provided:

1. Two hundred (200) feet on arterial streets.
2. One hundred (100) feet on collector and connector streets.
3. Fifty (50) feet on minor, local access, and marginal access streets.

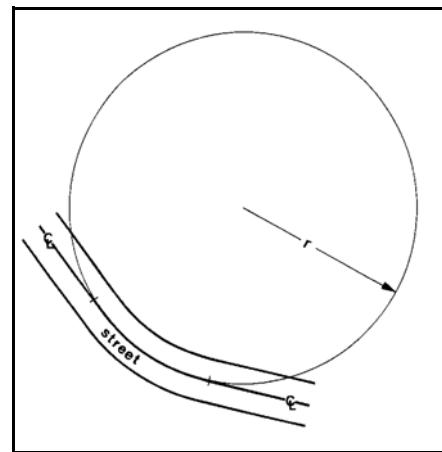
607.13 Street Grades

Street grades shall be designed as follows:

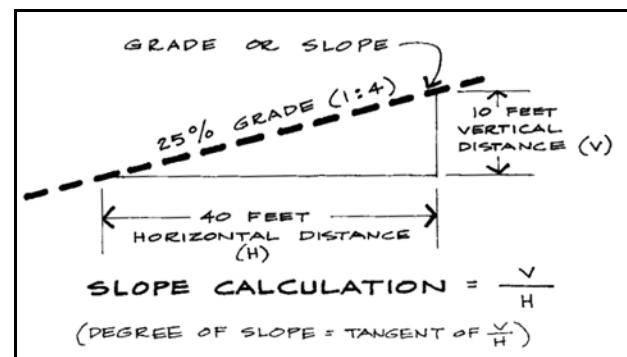
- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one and one-half (1.5).
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one and one-half (1.5).
- E. A leveling area for all street intersections shall be provided as follows:
 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for collector, minor, local access, and marginal access street intersections; and, all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §607.14.
 2. The tangent grade of the connecting street(s) shall not exceed four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §607.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.



Horizontal Curves - sight distance limited by sharpness, or radius, of the curve.



Horizontal Curves - the radius of the circle formed by the centerline of the curve.

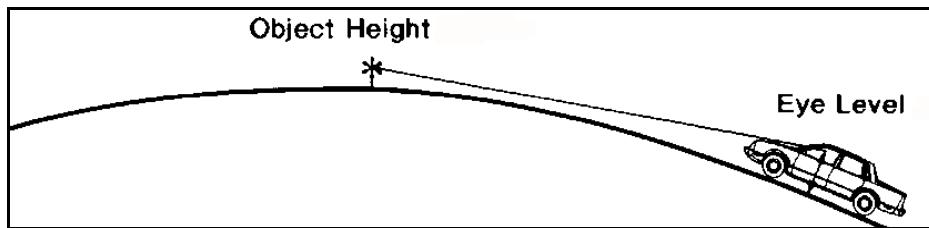


607.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed as follows:

A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table VI-1.

- B. On minor, local access and marginal access, and private access streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)
- C. On all other streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- D. The following vertical curve information shall be shown on the street profiles:
 - 1. Length of vertical curve.
 - 2. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
 - 3. Street grades.
 - 4. Sight distances.



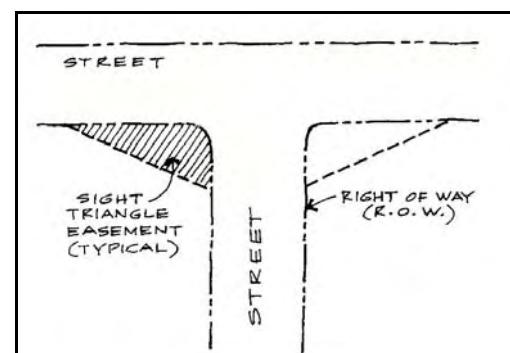
Sight Distance - on crest of hill (vertical curve).

607.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersecting streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.
- B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The point along the secondary street centerline shall be ten (10) feet back from the pavement line of the through street. The points along the centerline of the through street shall be set in accordance with the following table.
- C. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

CLEAR SIGHT TRIANGLES		
Road Classification	Speed (miles/hour)	Distance (feet)
Local	30	335
Minor	40	445
Collector	50	555
Higher classes	50	555



Clear Sight Triangle

607.16 Driveways

The Developer shall install driveway entrances, aprons, leveling areas, and required drainage for all proposed driveways. Driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed fifteen (15) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the Preliminary and Final Plans.
- E. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- F. Adequate provision shall be made for parallel drainage facilities.
- G. The minimum vertical curve for residential driveways shall be two (2) feet per one (1) percent change in grade.
- H. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

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

- I. Driveways, where provided, shall be located not less than forty (40) feet from the intersection for corner lots and provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications.
- J. Driveways shall maintain a setback of not less than then (10) feet from adjoining properties.
- K. The number of driveways shall not exceed two (2) per lot per street frontage.

607.17 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 the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load. Evidence of compliance with any state or federal requirements shall be provided.

607.18 Clearing and Grubbing

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

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

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two (2) foot horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Supervisors for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
- C. All embankments shall be compacted to prevent erosion.
- D. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- E. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- F. Fills shall not encroach on natural watercourses or constructed channels; and, fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- G. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
- H. During grading operations, necessary measures for dust control shall be exercised.
- I. Grading equipment shall not be allowed to cross streams except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

607.20 Sub-Grade, Base and Surface

A. Subgrade

1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
2. No forest mat, roots or stones larger than six (6) inches shall be incorporated into the subgrade.
3. The subgrade shall be compacted to not less than one-hundred (100) percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with PTM No. 106, Method B.

4. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
5. Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Township's Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations, and particularly, on soils identified in the Luzerne County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

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

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

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

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

F. Parking Lanes - Where curbs are required and/or provided for collector streets, if a parking lane (between the travelway and the curb) is approved by the Township, it shall be not less than ten (10) feet wide and shall be constructed to the same standards as the travelway. Such parking lane shall be not less than eight (8) feet wide for minor streets and six (6) feet wide for local and marginal access streets; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.

G. Alternative Designs - Alternative road bed designs may be proposed and will be considered in accord with §1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.

607.21 Walls, Slopes, and Guide Rails

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.
- B. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls are five (5) feet or more in height or where slopes are steeper than one (1) horizontal to one (1) vertical may be required to be fenced at the top of the wall or slope in order to prevent people from falling off. Such fence, when required, shall be no less than three (3) feet in height and shall be approved by the Township Engineer.
- C. Guide rails shall be installed in accord with the most current PennDOT standards.

607.22 Curbs, Gutters, and Swales

- A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses

exist or are anticipated, curbs shall be required if deemed necessary by the Supervisors for public safety.

- B. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.
- C. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.
- F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PA DOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.
- G. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately with the profiles.

607.23 Sidewalks; Crosswalks

- A. Sidewalks shall be provided on all streets and parking lots located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions and land developments in which the average lot width of interior lots at the required building setback line is one hundred (100) feet or less. The requirement of sidewalks may be waived at the discretion of the Planning Commission.
- B. When required, sidewalks shall be a minimum of five (5) feet in width along local street in residential areas, a minimum of five (5) feet in width along collector streets in residential areas; and a minimum of six (6) feet in width along any street in business and industrial areas. Sidewalks shall be constructed in accordance with Pennsylvania Department of Transportation standards and specifications.
- C. The subdivider or developer shall seed the planting strip between the curb and sidewalk, if either or both are required, and, in addition, provide street trees of a caliper not less than one and one-half (1 ½) inches and planted a maximum of forty (40) feet apart.

The type of tree shall be approved by the Planning Commission upon recommendation of the Township Engineer. The following is a list of acceptable trees. Any tree not on this list shall be specifically noted as not being on the list with reasons given for the substitution.

Norway Maple	Sweet Gum	Scarlet Oak
Sugar Maple	Oriental Plane Tree	Pin Oak
White Ash	American Plane Tree	Little Leaf European Linden
Green Ash	White Oak	Silver Linden
Maidenhair Tree	Red Oak	American Elm
Thornless Honey Locust		

607.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with this Ordinance; and, streets shall not be designed to

accommodate on-street parking except in accord with §607.20,F.

607.25 Driveway and Cross Drainage

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

607.26 Alleys

A. Alleys are prohibited in residential developments except where required to avoid direct driveway access to collector streets or to assure continuity to present street patterns or where other methods of entrance and exit are impractical. No lots shall front on an alley.

B. Alleys may be provided in non-residential areas where needed for loading and unloading or access purposes. Such alleys shall have a minimum paved width of twenty (20) feet.

607.27 Street, Parking Area and Building Lighting

Street lights may be required when considered necessary by the Supervisors and shall be of such design and spacing as required by the Supervisors in accord with current Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Board of Supervisors. All lighting shall comply with the standards of the Illuminating Engineering Society (IES) of North America.

607.28 Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

607.29 Road Striping

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

607.30 Highway Occupancy Permit

No plan which will require access to a highway under the jurisdiction of the (PA) Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

The Department shall, within sixty (60) days of the receipt of an application for a highway occupancy permit:

- A. Approve the permit, which shall be valid thereafter unless prior commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the department shall give notice thereof in accordance with regulations,
- B. Deny the permit,

- C. Return the application for additional information or correction to conform with department regulations, or
- D. Determine that no permit is required, in which case the department shall notify the Township and the applicant in writing.

If the Department shall fail to take any action within the 60-day period, the permit will be deemed to be issued.

The plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.

Neither the department nor any municipality to which permit-issuing authority has been delegated under Section 420 of the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit by the department.

Furthermore, the Township from which the zoning permit approval has been requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the department.

608 Survey Markers

608.1 Specifications

Monuments and markers shall be constructed as follows:

	<u>Material</u>	<u>Minimum Size</u>
Monument	concrete or stone	30" x 6" x 6"
Marker	iron pipes or iron or steel bars	15" x 3/4" dia

608.2 Location of Monuments

Monuments shall be set:

- A. At the intersection of lines forming angles in the boundaries of the subdivision or development, and
- B. At the intersection of street lines.

608.3 Location of Markers

Markers shall be set:

- A. At the beginning and ending of curves along street property lines,
- B. At points where lot lines intersect curves either front or rear,
- C. At angles of property lines of lots, and
- D. At all other lot corners.

608.4 Placement and Marking

Monuments and markers shall be placed by a Professional Land Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They shall be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments shall be marked on top with a copper or brass dowel.

608.5 Removal

Any monuments or markers that are removed shall be replaced by a Professional Land Surveyor at the expense of the person removing them.

609 Stormwater and Drainage Control

609.1 Purpose and Stormwater Management Ordinance

- A. Generally - The purpose of this section is to minimize stormwater run-off, maximize on-site infiltration and aquifer recharge, provide for the management of the quantity, velocity and direction of stormwater flow to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.
- B. Storm Water Management Plans - In cases where the Township has adopted a special purpose ordinance governing stormwater management in accord with a watershed management plan approved by the PA Department of Environmental Protection under the terms of the Stormwater Management Act, the requirements of such ordinance shall apply to developments in that watershed in addition to the requirements of this Ordinance. In cases where two standards conflict, the more restrictive shall apply.

609.2 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments (except Minor Residential Land Developments) and shall be subject to the approval of the Township and Township Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Plan shall also show details on the maintenance of controls. The Developer shall submit the plan and all associated engineering calculations to the Planning Committee at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408 standards and the applicable PennDOT RC standards for construction. As an attachment to the plan, hydrologic calculations shall be provided for storm water flows from the site and from the entire area tributary to the site under conditions existing prior to development and resulting from the proposed development. Hydrologic calculations, assumptions and criteria used in the design of storm water control devices or methods shall also be provided. Measurements shall be in cubic feet per second.

609.3 Compliance with State Regulations

The Plan shall meet the intent of §13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.

609.4 Design Criteria

- A. The basic goal of the stormwater management plan shall be to maximize the on-site infiltration of stormwater and minimize the overall volume of stormwater leaving the property after development, and the plan shall incorporate best management practices to achieve this goal.
- B. Stormwater management facilities shall be designed for a storm frequency of two (2), five (5) and ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.

- C. In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development.
- D. The Township shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

609.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards.
- B. Natural drainage courses and points of natural drainage discharge shall not be altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Township adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDOT Publication 408, latest edition.
- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.

K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

609.6 Storm Sewers

Storm sewers shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway in the determination of the Township Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall be required to connect to them. Where storm sewers are to be located in undedicated land, they shall be placed in an easement at least twenty (20) feet wide.

609.7 Street Drainage at Intersections

Stormwater shall not be permitted to cross intersections or the crown of a street. Inlets shall be provided along a street at intervals no greater than six hundred (600) feet. Inlets shall be designed to PennDOT specifications Type C or M. Inlet tops shall be cast-in-place reinforced concrete or precast concrete. Culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections. Minimum pipe size shall be fifteen (15) inches in diameter and shall be made of reinforced concrete. When material for storm drain systems is not specified, the specifications of the Pennsylvania Department of Transportation shall govern.

609.8 Roof, Footer and Floor Drains

Stabilized outlets shall be provided for footer drains, floor drains, sump pumps and down spouts and water shall not be discharged directly onto driveways, streets and sidewalks. Instead discharges shall be to lawns, landscaping or other areas where infiltration will be maximized.

609.7 Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and the Township to provide for such maintenance and providing for inspections by the Township.
- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the Township determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and lien all costs against the property.

610 Soil Erosion and Sedimentation Controls

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

611 Water Supply and Sewage Disposal

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publically owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
- G. Pressure testing of all collection/conveyance of any central water supply or central sewage disposal system lines shall be required as part of the inspections required in accord with Article VI of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.
- H. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

611.1 Well Setbacks

Any well intended for use as a water supply shall not be drilled within ten (10) feet of any property-line or road right-of-way or within one-hundred (100) feet of any subsurface sewage disposal system.

611.2 On-Site Water Supply

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

611.3 Shared Water Supply

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

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

611.3.2 Water Distribution System

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

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

611.4 Central Water Supply

611.4.1 Public Supply - If a central water system is proposed and an existing public or private central water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.

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

611.4.3 Fire Hydrants - Where central water systems are proposed, fire hydrants shall be located no more than five hundred (500) feet apart on any approved street and shall be connected to a water main at least eight (8) inches in diameter. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision or land development plan.

611.4.3 Deep Well Source

- A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Groundwater Geologist.
- B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
- C. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.

- D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
- E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

611.4.4 Water Distribution System

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

611.4.5 Flow Rates

- A. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- B. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- C. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters Association.

611.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance, and all other applicable standards.
- B. Site Suitability
 - 1. All residential lots in developments proposing the use of on-site sewage disposal shall contain at least one (1) area suitable for such a disposal system as tested by the Township SEO in accord with DEP requirements. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the plan.
 - 2. Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in

subdivisions proposing on-site sewage disposal contain a suitable area as tested by the Township SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.

3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.
- C. Conservation Design Subdivisions - In the case of conservation design subdivisions the primary and reserved on-site sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.
- D. System Maintenance - In order to extend the useful life of on-site sewage disposal systems and minimize on-site disposal system problems, the developer shall, for all subdivisions of ten (10) lots or more, provide for on-site system maintenance via the creation of a Property Owners Association (POA). This requirement shall also apply to any subdivisions of less than ten (10) lots if a POA is otherwise required or proposed. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the on-site systems and the pumping of septic tanks at intervals of not less than three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this Subsection C shall be considered a violation of this Ordinance.

611.6 Central Sewage Disposal System

In addition to the following standards, the Township Sewage Facilities Ordinance shall govern all central sewage disposal facilities, as defined by the said Ordinance.

611.6.1 Public Sewage Disposal - If a central sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

611.6.2 Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

- A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.
- C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
- D. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent

disposal area shall be provided.

611.7 Community System Maintenance

In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §506 of this Ordinance, and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less once every three (3) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped, showing receipts for same from a septic hauler disposing of the septic at a DEP licensed facility. Failure of the POA to comply with this §611.7 shall be considered a violation of this Ordinance.

612 Reserved

613 Utilities

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

614 Sidewalks

See §607.23.

615 Reserved

616 Street, Parking Area and Building Lighting

Street lights may be required when considered necessary by the Supervisors and shall be of such design and spacing as required by the Supervisors in accord with current Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Board of Supervisors. All lighting shall comply with the standards of the Illuminating Engineering Society (IES) of North America.

617 Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

618 Wetlands

618.1 Identification

If a proposed subdivision or land development includes any area that is suspected of being a wetland, then a professional wetland delineation shall be required. The Planning Commission or Board of Supervisors may require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until such time as the Board of Supervisors has approved application, the wetland limits shall be visibly identified in the field.

618.2 State and Federal Regulations

Any approval under this Ordinance shall be conditioned upon compliance with federal and state wetland regulations.

The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.

619 Reserved

620 Recreation and Open Space

620.1 Park and Recreation Purposes

Pursuant to the procedures and requirements of §503(1.1)(11) the Pennsylvania Municipalities Planning Code, the Board of Supervisors have prepared and enacted a Recreation and Open Space Plan as part of the Township Comprehensive Plan for the following purposes:

- A. To examine existing parks, recreational facilities and open space in light of current and projected demands.
- B. To establish the future need for parks, open space and recreation areas and facilities.
- C. To establish priorities for immediate and long-range acquisition, development and improvement of parks and recreation facilities.
- D. To analyze the administration and management of facilities and services to determine the level of efficiency and recommend improvements.
- E. To examine funding options in order to acquire, develop, construct and/or maintain recreation facilities and open space.

620.2 General Provisions

- A. Requirement - All applicants shall, concurrent with the submission of a final plan of subdivision or land development, offer for dedication or reservation a portion of the land being subdivided or developed as public recreation area, or pay the required fee or construct facilities in-lieu thereof.
- B. Exemptions - The provisions of this §620 shall not apply to any residential subdivision or land development:
 1. Consisting of five (5) or less residential dwelling units counted cumulatively from the effective date of the Township Subdivision and Land Development Ordinance, or
 2. Consisting of lots which are all three (3) or more acres in size, or
 3. Where more than twenty-five (25) percent of the area of the total development tract will be available for recreation to the general public or by all residents of the development.
- C. Accessibility; Use - The public recreation area shall provide adequate open space and recreation land and facilities accessible to the residents of such subdivisions or developments and shall also be open and accessible for the use by the general public constituting the residents, constituents and invitees of the Township.
- D. Separate Lot - The public recreation area shall not be part of any lot.
- E. Dedication; Reservation - The public recreation area shall be dedicated to the Township or, in the sole discretion of the Board of Supervisors, it may be reserved in the name of a public trust or association, which will perpetually maintain the property for the purposes intended, the documentation for which shall be submitted to and be subject to the approval of the Board of Supervisors. When land is dedicated, acceptance by the Township shall be by

means of a signed resolution and a signed deed of dedication executed by the property owner, to which a property description of the dedicated area shall be attached. Subject to the submission of documentation to the Board of Supervisors for its approval, a fee simple warranty deed conveying the property shall be delivered to the Township with title free and clear of all liens, encumbrances and conditions, other than public utility easements.

- F. Use Limitation - The instruments of dedication or reservation shall stipulate that the real estate is to be used and occupied exclusively as park and recreation area, is not to be the subject of further subdivision or land development, and shall establish such restrictions as conditions running with title to the land.
- G. Township Plans and Standards - All areas dedicated or reserved under the provisions of this §620 shall be consistent with the specific goals, objectives, plans and recommendations of the Township Comprehensive Plan and the Township Parks and Recreation and Open Space Plan and are to be in accord with the definite principles and standards contained in this Ordinance.
- H. Use Relationship - The amount and location of land to be dedicated or reserved, the fees to be paid, or the facilities to be constructed shall bear a reasonable relationship to the use of the park and recreation facilities by future residents, occupants, employees or visitors to the subdivision or land development.

620.3 Standards for Land Dedication or Reservation

The following standards shall apply to all land dedicated or reserved in accord with this §620:

- A. Use - The land shall be used only for park, recreation or open space purposes and shall be available to all residents of the Township, subject to such regulations and rules as may be recommended by the Township Park and Recreation Board and/or adopted by the Board of Supervisors.
- B. Characteristics - The land shall be contiguous and regular in shape, where possible and practical, and shall have size, dimensions, topography, access and general character suitable for its proposed recreational use, as determined by the Board of Supervisors, in conjunction with the Township Park and Recreation Board and the Township Planning Commission in accord with generally accepted park and recreation standards. Any land not suitable for active or passive recreation shall not be accepted as dedicated land; this includes areas within storm water basins that could not be used for recreation.
- C. Natural Features - Consideration shall be given to preserving natural features, including rocks and rock outcrops, large trees and tree stands, watercourses, historic structures and areas, and other community assets that would enhance the value and aesthetic qualities of the development.
- D. Access - The land shall be easily and safely accessible from all residential or occupied areas within the development or the general area to be served, and it shall have road frontage or, subject to the discretion of the Board of Supervisors, suitable access, ingress and egress from a public roadway for maintenance purposes.
- F. Relationship to other Recreation Land - The Board of Supervisors may, at its discretion, require that land be located along a property boundary so that it may be combined with other recreation areas that are or will be adjacent.
- G. Soils - The land shall contain soils suitable for use and development as a recreation area.
- H. Utilities - The land shall be easily accessible to all necessary utilities.
- I. Prime Open Space - For the purposes of determining the amount of open space, the term *prime open space* shall mean land proposed as open space which will meet all of the following characteristics:

1. less than seven (7) percent slope,
2. not a *wetland* under Federal and/or State regulations,
3. part of a contiguous tract of at least 2 acres (which may include existing adjacent common open space), and
4. not within the *100 Year Floodplain* as defined by the current Township Flood Insurance Rate Map.

J. Amount - The following amounts of open space for each permitted new dwelling unit shall be provided:

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

K. Minimum Size - No contiguous area of land shall be considered for dedication or reservation if it is less than one (1) acre, and in no event shall the area proposed for dedication be less than one hundred (100) feet in width; and the Board of Supervisors shall have the discretion not to approve or accept any area of land if it determines that the contiguous area of the same is insufficient to adequately serve as or provide park and recreation area.

620.4 Fees in Lieu of Land Dedication or Reservation

- A. Fee Option - Subject to the discretion of the Board of Supervisors and the agreement of the applicant, payment of a fee in lieu of land dedication or reservation may be accepted:
 1. Where land dedication would result in open space or recreation areas too small to be usable,
 2. If the Township Comprehensive Plan or the Township Recreation and Open Space Plan recommends recreation land be provided elsewhere,
 3. If a suitable site for recreation cannot be located within the development,
 4. If there is a need to make a reasonable addition to an existing park or recreation area.
 5. If the land does not meet the objectives and requirements of this section, or
 6. If the area surrounding the proposed development has sufficient existing parks, recreation areas or facilities, or open space, and if pedestrians or bicycles can safely reach these areas.
- B. Fee Amount - The fee amount shall be established by resolution of the Board of Supervisors.
 1. Fees for dwelling lots and units shall be assessed on a per lot and per unit basis.
 2. Fees for nonresidential development shall be assessed on a per (1,000) square feet of impervious area basis. No fee shall be assessed for developments of less than one thousand (1,000) square feet of impervious area, nor for any development which does not require approval under this Ordinance.
- C. Accounting - Any fees collected under this section shall be deposited in an interest bearing account, clearly

identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

- D. Use of Fees - The fees shall be used for Township or other public recreation facilities located in the Township. In addition, the Board of Supervisors may commit fees to a recreation area open to the public in an adjacent municipality that would serve the inhabitants of the development that paid the fees. Such fees shall only be used for the acquisition of public open space and related debt payments, development of public recreational facilities, landscaping of public open space, and related engineering and design work.
- E. Time Limit on Use - Upon request of any person who paid any recreation fee, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township has failed to use the fee for the purposes set forth in this §620 within three (3) years from the date such fee was paid.
- F. Timing of Payment - Fees shall be paid prior to the approval of the final plan. The applicant and the Board of Supervisors may mutually agree to provisions in a binding development agreement to enable the payment of all applicable recreation fees prior to the issuance of any building permit within each clearly defined phase of the development. In such a case, the time limitation established in §620.4,e shall not begin until all such fees are paid for all development phases.

620.5 Facilities in Place of Dedication, Reservation or Fees

An applicant may propose to construct recreation facilities open to the general public within the proposed subdivision or land development or on public parkland. Such modification shall only be approved if the applicant clearly proves to the satisfaction of the Board of Supervisors that the facilities will serve a valid public purpose, will be designed following generally accepted standards in a durable manner, and will have an equal or higher value than the dedication or reservation of land or the fees that would otherwise be required. The Board of Supervisors shall determine whether facilities construction would be better for the public interest than the dedication or reservation of land or the payment of fees. The Board shall, at a minimum, consider the following in this decision:

- A. Whether the facilities in the proposed location would serve a valid public purpose.
- B. Whether the facilities are a desirable addition to an existing public park.
- C. Whether the proposed facilities meet the objectives and requirements of this §620 and any relevant goals and policies of the Township's Comprehensive Plan and Recreation and Open Space Plan.
- D. Whether the facilities, if proposed within the development, will be easily accessible to other Township residents.
- E. Any recommendations from the Park and Recreation Board, Planning Commission, Township Engineer, or the School District.

620.6 Combination of Methods

The Board of Supervisors may accept a combination of land dedication, reservation, fees or facility construction in order to meet the requirements and standards of the Township Comprehensive Plan. Such combination shall be subject to the review and approval of the Board of Supervisors.

621 Floodplain

In addition to all other applicable standards of this Ordinance the floodplain regulations in the Township's Floodplain Ordinance shall apply to all regulated floodplains. The identified floodplain area may be modified only in accord with the requirements of the Township's Floodplain Ordinance and the Federal Emergency Management Agency.

ARTICLE VII MOBILE HOME PARKS

701 Application

701.1 Lots for Lease

This Article shall apply to any mobile home park where lots are for lease only. In addition to the other applicable requirements in this Ordinance, development of new mobile home parks or expansions of existing mobile home parks shall meet the design standards and required improvements set forth in this Article VIII and other applicable Township Ordinances.

701.1 Lots for Sale

Any development which involves the sale of lots shall comply with the provisions applicable to a subdivision for single-family dwellings.

702 Procedures

A mobile home park or expansion of a mobile home shall be considered a major subdivision as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions in addition to the requirements of this Article VII.

703 Minimum Park Size

A mobile home park shall have a total contiguous land area of not less than ten (10) acres.

704 Design; Lot Size and Density

Mobile home parks shall be designed in accord with §602 of this Ordinance and shall comply with the additional requirements in this Article VII.

704.1 Lot Size

Each mobile home lot shall have a minimum area of five thousand hundred (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths shall be forty-five (45) feet. Each mobile home lot shall be defined by metes and bounds and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

704.2 Density

The total number of lots in any mobile home park shall not exceed a density of four (4) lots per acre. Density shall be calculated in accord with the requirements for conservation design in Article X.

705 Standards

In addition to the other applicable standards contained in this Ordinance the standards in this §705 shall apply to all mobile home parks.

705.1 Location

705.1.1 Floodplain - A mobile home park shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

705.1.2 Nuisances - The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

705.1.3 Slopes - Mobile home sites shall not be located where the average natural slope of the area of the site intended for development exceeds eight percent (8%).

705.2 Mobile Home Sites

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

705.2.1 Stability - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

705.2.2 Anchors - The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

705.2.3 Skirting - All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.

705.3 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. §606 of this Ordinance shall apply to all mobile home parks.

705.4 Stormwater/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. The requirements of §605 of this Ordinance shall apply to all mobile home parks.

705.5 Setbacks, Buffer Strips and Screening

705.5.1 Overall Property Line Setbacks - All mobile homes shall be located not less than seventy-five (75) feet from any existing public road right-of-way and not less than fifty (50) feet from other park property lines.

705.5.2 Interior Setbacks - All mobile homes shall be located not less than twenty-five (25) feet from the right-of-way of any park street, common parking area or other common area or structure; fifteen (15) feet from any side or rear lot line; and fifty (50) feet from the normal high water mark of any lake, stream or other body of water.

705.5.3 Accessory Structures - Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback areas, provided that no part of any accessory structure shall be located less than ten (10) feet from any side lot line and front and rear setbacks are maintained as required for the mobile home.

- a. Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.

705.5.4 Buffers and Screening - All mobile home parks shall be bounded by a buffer area fifty (50) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it. All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

705.6 Streets, Parking and Access

705.6.1 Streets - Mobile home park streets shall be provided, designed and constructed in accord with §603 and other applicable standards of this Ordinance. The Township shall not accept any mobile home park street for dedication. One-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Township Engineer.

705.6.2 Parking - To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

705.6.3 Access - There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street. Access points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection.

705.6.4 Lot Frontage - Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

705.6.5 Illumination - A lighting plan and lighting shall be provided in accord with §615. All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

705.6.6 Street Signs - Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased and installed by the developer and shall meet Township specifications.

705.7 Utilities

All utilities serving mobile home lots shall be placed at least four (4) feet underground.

705.7.1 Water Supply and Sewage Disposal -Mobile home parks shall be served by a central water supply and a central sewage disposal system as required by §607 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home lot.

- a. Water Systems: Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system. An outside house bib shall be supplied for each mobile home.

b. Sewerage Systems: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

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

705.7.3 Central Fuel System - Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable state and federal regulations.

705.8 Refuse Disposal

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

705.9 Recreation Area

A common recreational area of land, consisting of no less than ten (10%) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10%) percent slope and free of hazards to permit recreational use. Fifty (50%) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Board of Supervisors.

705.10 Placement of Mobile Homes

Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the wheels of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep underlaid with six (6) inches of compacted 2-B gravel and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors embedded in concrete and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.

705.11 Laundromats

At least one (1) laundromat shall be provided for every mobile home park for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Protection.

705.12 Sidewalks

All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland cement concrete to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.

706 Non-Residential Uses

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

707 Individual Mobile Homes

The installation of individual mobile homes not located in a mobile home park shall not require a mobile home park permit. However, a building permit shall be required for the installation of such homes, in accord with applicable Township ordinances and regulations. Individual mobile homes shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

ARTICLE VIII **CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

800 General Applicability

In addition to the other applicable requirements in this Ordinance, the provisions in this Article VIII shall apply to any campground or recreational vehicle (RV) park in Nescopeck Township.

801 Campgrounds

801.1 Purpose

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

801.2 Occupancy

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

802 Procedures

802.1 Land Development

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

802.2 Design

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

803 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than ten (10) acres.

804 Campsite Size, Density and Lot Width

804.1 RV Park

The minimum area of any campsite in an RV park shall be four thousand (4,000) four thousand square feet, and the gross density shall be no greater than ten (10) campsites per acre.

804.2 Primitive

The minimum area of any campsite in a primitive type camping facility shall be three thousand five hundred (3,500)

square feet in recognition of the lesser impact on land disturbance of the natural environment that will be created as compared to sites for recreational vehicles. The gross density of such a development shall be no greater than ten (10) campsites per acre.

804.3 Density Calculation and Design

Density shall be calculated in accord with §1001.4 using the density factors of this §804 and the RV park shall be designed in accord with §602.

804.4 Reserved

804.5 Improved Area

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

805 Design Standards

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

805.1 Location

805.1.1 Floodplains - A campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

805.1.2 Nuisances - The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

805.1.3 Slopes - A campground shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

805.2 Soil and Ground Cover

805.2.1 Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.

805.2.2 Erosion Control - All areas of a campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the owner in such condition as to provide continued soil protection. §606 of this Ordinance shall apply to all campgrounds.

805.3 Stormwater/Drainage

Campgrounds shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of §605 of this Ordinance shall apply to all campgrounds.

805.4 Setbacks, Buffer Strips and Screening

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

805.5 Streets, Access and Parking

805.5.1 Streets

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

805.5.2 Parking

- A. Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
- B. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone or bank run gravel.
- C. All campsites designed for tenting may be provided with on-site parking spaces in accord with §805.5.2.B or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.

805.5.3 Access - There shall generally be at least two (2) points of ingress and/or egress for each campground from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

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

805.6 Water Supply and Sewage Disposal - Campgrounds shall be served by a central water supply and a central sewage disposal system in accord with §607 of this Ordinance.

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

805.7 Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health

hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

805.8 Recreation Area

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

805.9 Landscaping

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

805.10 Illumination

A lighting plan and lighting shall be provided in accord with §615. All campgrounds shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

805.11 Other Requirements

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

806 Non-Residential Uses

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

807 Other General Requirements

807.1 Fences

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

807.2 Nuisances

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

807.3 Animals

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

807.4 Garbage and Refuse Disposal

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

807.5 Camping Accessories

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

807.6 Ditches and Swales

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

807.7 Drilling and Mining

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

807.8 Appurtenances

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

808 Compliance of Existing Campgrounds

808.1 Existing

All the requirements of this Article VIII which govern the operation and/or maintenance of campgrounds and RV parks including but not limited to, occupancy, refuse collection, parking on campground streets, and the requirements of §807 shall apply to all existing campgrounds.

808.2 Expansions

The regulations of this Article VIII shall apply to any expansions of existing campgrounds, including increases in the number of campsites even though no addition to total land area is involved.

ARTICLE IX LAND DEVELOPMENTS, AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

901 Land Developments, and Commercial and Industrial Subdivisions

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

902 General Design and Site Standards

Commercial and industrial development areas shall be designed in accord with the four-step design process in §602 with respect to conservation areas and development sites and in consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Township.

903 Plans

Proposed plans shall be submitted by the developer showing all information necessary to demonstrate compliance with this Ordinance, including but not limited to:

- A. All information required by this Ordinance for major subdivisions and land developments.
- B. Location of all project improvements including:
 - 1. Buildings
 - 2. Streets, access ways and parking areas
 - 3. Landscaping and planting strips
 - 4. Stormwater management facilities
 - 5. Water supply and distribution systems
 - 6. Sewage collection and treatment systems
 - 7. Street lighting and parking area lighting
 - 8. Building setbacks from property lines and other improvements shall be specifically shown
- C. Building construction specifications including floor plans and profiles and showing any common use or ownership areas.
- D. Construction specifications for all other project improvements.
- E. Designated open space areas.

904 Lots and Block Layout

904.1 Lots and Density

All developments proposed for commercial or industrial use shall conform with the provisions of this section.

- A. Lots shall be of sufficient area, width and depth to accommodate the proposed land use and all required improvements.
- B. Division of lots by municipal boundaries shall be avoided.
- C. All lots shall front on an approved street or access way. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the center of any road, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road or road right-of-way lines.

904.2 Blocks; Unified Development

A. Blocks

Block layout shall be in accord with §606.2.

B. Unified Development

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

905 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of §603 and shall be constructed to collector street standards as required in Table VI-1 and Table VI-2.

906 Large Retail Establishments

The standards in this section shall apply to new *large retail establishments* or any combination of retail establishments in a single building (or multiple buildings developed as a shopping center or plaza) occupying more than one hundred thousand (100,000) gross square feet of lot area or any addition to an existing large retail establishment.

- A. Any facades greater than one hundred (100) feet in length which abuts a public street shall incorporate two-foot recesses and two-foot projections along at least twenty (20) percent of the length of the facade. Windows, awnings, and arcades shall total at least sixty (60) percent of the length of the public entrance facade. (For the purposes of this section arcade shall mean *a continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.*)
- B. Smaller retail stores that are part of a larger principal building shall have display windows and separate outside entrances.
- C. Parapets shall be provided to conceal flat roofs and rooftop equipment. Public entrance facades shall incorporate at least two (2) of the following features: overhanging eaves, sloped roofs, or three (3) or more roof slope planes.
- D. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- E. Predominate exterior building materials shall be of brick, wood, sandstone, other native stone, and tinted/textured concrete masonry. Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels shall be prohibited as the predominant exterior building material.
- F. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties and public streets
- G. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping.
- H. Security cameras shall be provided and shall be monitored for all exterior areas associated with any large retail establishment.
- I. The parking of trailers or use of containers for storage shall only be permitted at a location which is approved as part of the zoning application, and additional setbacks, screening and/or buffers may be required.
- .

ARTICLE X **ADMINISTRATION**

1001 Purpose

The purpose of this Article is to establish the procedures for the amendment, administration and enforcement of this Ordinance.

1002 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

1003 Waivers/Modifications

1003.1 Intent

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

1003.2 Conditions

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

1003.3 Procedure

All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:

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

1003.4 Action

If the Board of Supervisors denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Supervisors grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. In any case, the Board of Supervisors shall keep a written record of all actions on all requests for waivers/modifications.

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

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

penalties or from the remedies herein provided.

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

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

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

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

1004.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice 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, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation by the District Justice and, thereafter, each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section including, but not limited to, injunctive relief.

1004.3 Jurisdiction

District Justices shall have initial jurisdiction in proceedings brought under §1004.2.

1004.4 Transfer

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

1004.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Luzerne County Recorder of Deeds.

1005 Fees**1005.1 Establishment of Fees**

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

1005.2 Application Fees

At the time of the filing of any application, the Applicant shall pay to the Township a fee sufficient to cover the administrative costs associated with the review of the application.

1005.3 Review and Inspection Fees

At the time of the filing of any application, the Applicant shall pay to the Township a fee deemed sufficient to cover the cost of:

- A. Reviewing compliance with ordinance and engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review costs incurred by the Township.

1005.4 Supplemental Fees and Adjustment

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

1005.5 Disputes

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

1005.6 Failure to Pay Fees

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

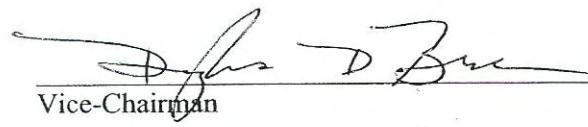
1006 Records

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

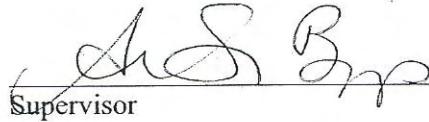
ARTICLE XI
ADOPTION

This Ordinance ordained and enacted this 10 day of January, 2007, by the Board of Supervisors of Nescopeck Township, Luzerne County, Pennsylvania, to be effective immediately.

Chairman

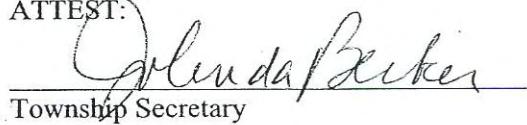


Vice-Chairman



Supervisor

ATTEST:



Township Secretary