

JENKINS TOWNSHIP

**SUBDIVISION &
LAND DEVELOPMENT
REGULATIONS
1991**

Jenkins Township

Subdivision and Land Development Ordinance

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To establish a standard set of minimum regulations to guide subdividers, developers, architects, land planners and engineers in the design and development of subdivisions either in vacant areas or in redevelopment areas.

2.200 Protection of Lot Purchasers

To protect the purchasers of land in new subdivisions by requiring the developer to install or construct proper utilities and improvements.

2.300 Protection to Municipality

To provide protection for the Municipality's financial stability by requiring the subdivider to install or construct proper improvements without imposing the cost of same upon the Municipality as a whole, thus protecting its tax base and effecting a desirable economy in governmental expenditures.

2.400 Population Density Control

To provide adequate light and air by controlling lot size, preventing the improper distribution of population and by precluding excessive concentration or wasteful scattering.

2.500 Street Design

To provide for a clearly articulated street pattern to reduce accident hazards, eliminate unnecessary traffic, reduce waste of excessive roads and to reduce excessive costs of roads or grading of lots through proper street design as applied to the contour of the land.

2.600 Safety Precautions

To secure safety from fire, explosion and other dangers.

ARTICLE 3 SHORT TITLE

This ordinance shall be known officially as the "Subdivision and Land Development Ordinance of Jenkins Township, Pennsylvania."

ARTICLE 4 DEFINITIONS

For the purpose of this Ordinance, words used in the present tense include the future tense; the singular number includes the plural and the plural the singular. The word "shall" is always mandatory and the word "may" is always permissive. Other words, terms and phrases used herein shall be interpreted and defined by this Article 4 as follows:

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ORDAINING CLAUSE
OF THE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
FOR
JENKINS TOWNSHIP, PENNSYLVANIA

AN ORDINANCE REGULATING AND CONTROLLING THE SUBDIVISION AND DEVELOPMENT OF LAND AND THE APPROVAL OF PLANS, PLOTS, AND REPLOTS OF LAND WITHIN THE JENKINS TOWNSHIP, PROVIDING STANDARDS FOR THE DESIGN OF STREETS, LOTS, EASEMENTS, BLOCKS AND OTHER IMPROVEMENTS; REQUIRING CERTAIN MINIMUM IMPROVEMENTS ON ALL STREETS AND REQUIRED DEDICATIONS; SPECIFYING CERTAIN CONSTRUCTION STANDARDS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE AND SETTING FORTH PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF JENKINS TOWNSHIP, AS FOLLOWS:

ARTICLE 1 LEGISLATIVE AUTHORITY

The Authority for JENKINS TOWNSHIP to have jurisdiction and control of land within its municipal limits is as provided for by the Pennsylvania Municipalities Planning Code, Article V, Act 247 of 1968, as amended. All plans for subdivisions and land developments as defined in Article 4 hereof shall henceforth be submitted to the Planning Commission of Jenkins Township (hereinafter called the "Commission" or "Planning Commission") which is designated as the local authority on such matters.

ARTICLE 2 OBJECTIVES

Through the adoption, administration and enforcement of this Subdivision and Land Development Ordinance (hereinafter called "Subdivision Ordinance"), JENKINS TOWNSHIP proposes to accomplish the following objectives of promoting the health, safety, morals, convenience, order, prosperity and welfare of all of its citizens, present and future.

2.100 Standards of Development

AGENT: Any person other than the subdivider or developer who, acting for the subdivider or developer, submits plans for purpose of obtaining approval thereof.

ALLEY OR SERVICE DRIVE: A minor permanent service way providing secondary vehicular access to abutting lands.

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

APPLICATION FOR DEVELOPMENT: 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.

APPOINTING AUTHORITY: The Board of Supervisors of Jenkins Township.

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

BLOCK: A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

BUILDING OR STRUCTURE: Any structure such as, but not limited to, those having a roof supported by columns, piers, or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, camp cars, or other structures on wheels, or having other supports, and any unroofed platform, terrace or porch having vertical face higher than three (3) feet above the level of the ground over or upon which said structure is located.

BUILDING SETBACK LINE: A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.

CARTWAY: That portion of a street or alley which is improved, designated, intended, used or capable of being used for vehicular travel.

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

COMMISSION OR PLANNING COMMISSION: The Planning Commission of Jenkins Township, Pennsylvania.

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 and designated and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMPREHENSIVE DEVELOPMENT PLAN: The allocation of land areas to the several varieties of physical development, present and future, of the municipality the same having been prepared in accordance with the principles of comprehensive planning or having been developed through the approval of subdivisions previously submitted, wherever such plan exists and has been officially adopted by the Planning Commission and recorded by the Township Secretary. Wherever the term "Development Plan" is used, it shall have the same meaning as the term "Master Plan" or "Comprehensive Plan".

CONDOMINIUM: A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy.

A condominium is a dwelling unit which has all of the following characteristics:

- (a) The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
- (b) The unit may be any permitted dwelling type.
- (c) All or a portion of the exterior open space and any community interior spaces area owned and maintained in accordance with the PA Unit Property Act of July 3, 1963, P.L. 196 and in accordance with the provisions for open space, roads, or other development features as specified in this ordinance and the subdivision and land development regulations.

CONTOUR MAP: A map showing the elevations of the ground in stated intervals.

COUNTY: The (or of the) County of Luzerne, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

CROSSWALK OR INTERIOR WALK: A right-of-way or easement for pedestrian travel across or within a block.

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

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

DEAD END STREET: A street or portion of a street with only one vehicular outlet but which has a temporary turn-around and which is designed to be continued when adjacent open land is subdivided.

DEDICATION: The deliberate appropriation of land by its owner for any general and public or limited public use, reserving to himself no other rights than such as 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.

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

DOUBLE-FRONTAGE LOT: A parcel of land which extends from one street to another having frontage on both streets.

DRAINAGE FACILITY: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision, land development or contiguous land areas.

DRAINAGE PLAN: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours and topography.

DRAINAGE RIGHTS-OF-WAY: Land necessary and required for:

- (a) The installation of storm water sewers or drainage ditches.
- (b) The preservation of the natural channel of a stream or water course.
- (c) The safeguarding against flooding from a stream or water course.

Drainage rights-of-way may form easements.

DWELLING UNIT: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit including mobile homes, cottages or other such facility, whether or not occupied or intended to be occupied on a permanent basis.

EASEMENT: A right-of-way through a parcel of land granted by the owner(s) thereof to others for certain specified purposes usually consisting of public or quasi-public uses.

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

EROSION: The removal of soil and other surface materials by the action of natural elements.

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

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

FLOOD PLAIN: The area adjacent to a watercourse or other water body which is periodically or likely to be flooded.

FULLY DEVELOPED WATERSHED: The planned or estimated intensity of development in the watershed or drainage area.

FUTURE RIGHT-OF-WAY:

(a) The right-of-way width required for expansion of existing streets to accommodate anticipated future traffic loads.

(b) A right-of-way established to provide future access to or through undeveloped land.

GEOLOGICAL HAZARDS: Those features inherent in the crust of the earth so as to cause land slides, soil slump, ground subsidence, rock failure, mud avalanche, and similar undesirable conditions.

GOVERNING BODY: The Board of Supervisors of Jenkins Township.

HALF OR PARTIAL STREET: A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

HILLSIDE AREAS: A hillside area, as referred to in these Subdivision Regulations is one having an average cross slope of more than ten (10) percent.

HOUSE TRAILER: Same as Mobile Home.

IMPERVIOUS SURFACES: Impervious surfaces are those that do not absorb rain or runoff. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and/or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use proposed.

LAND DEVELOPMENT: Shall mean any of the following activities:

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

(i) 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

(ii) 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, apartments, building groups or other features.

(2) A subdivision of land.

(3) The term land development shall exclude the following activities:

(i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

(ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

(iii) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this ordinance, 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.

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

LANDSCAPE ARCHITECT: A professional landscape architect licensed by the State of Pennsylvania.

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

(a) Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

(b) Depth: The average horizontal distance between the front lot line and the rear lot line.

(c) Width: The horizontal distance between the side lot lines.

LOT LINE:

(a) Front: That boundary of a lot which is along an existing or proposed right-of-way. The lesser dimension of two along rights-of-way in the case of corner lots.

(b) Rear: That boundary of a lot most distant from any nearly parallel to the front line.

(c) Side: Any boundary of a lot not a front or rear lot line.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupant, 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 mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobilehome for non-transient use, consisting of two or more mobilehome lots.

MUNICIPAL - MUNICIPALITY: Of Jenkins Township within which a subdivision or land development is located. Where the text so indicates, the term "municipality" shall also refer to the local governing body, e.g. Township Supervisors.

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality or planning commission.

OFFICIAL MAP: A map officially adopted by Ordinance of the municipality consisting of surveys of the exact location of the lines of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closing of same for the whole of the Municipality.

PENNDER: The Pennsylvania Department of Environmental Resources.

PENNDOT or PA DOT: The Pennsylvania Department of Transportation

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

PLAN OR PLAT RECORD: An exact copy of the approved final plat, reproducible of standard size prepared for necessary signatures and recording with the Luzerne County Recorder of Deeds.

PLAT OR PLAN: A map or plan of a subdivision or land development as follows:

(a) **Sketch:** An informal plan to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

(b) **Preliminary:** A complete and exact subdivision plan to define property rights and proposed streets and other improvements presented for purposes of securing preliminary approval.

(c) **Final:** A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements and may include all or part of the area included in the approved preliminary plan.

PUBLIC: The general citizenry and/or the specific residents of a particular subdivision.

PUBLIC GROUNDS: Includes (1) parks, playgrounds, trails, paths and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning commission, intended to inform and obtain public comment prior to taking action in accordance with Act 247, as amended.

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

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

PUBLIC WATER SUPPLY: Water approved for drinking purposes and other public use by the PA Department of Environmental Resources supplied through approved piping facilities to places of private and public use, and being under the jurisdiction of one or more of the following: The Public Utility Commission, the Governing Body, a Municipal Water Authority or other approved Water Company.

RESUBDIVISION: Any subdivision or transfer of land, laid out on a plan whether or not approved previously which changes or proposes to change property lines and/or public rights-of-way in strict accordance with the approved plan or the recorded plan.

RIGHT-OF-WAY: Land reserved for use as a street, alley or other means of travel.

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

SANITARY SEWER: A pipe for conveying sewage and excludes storm, surface and groundwater.

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

SERVICES OR RECREATIONAL BUILDING: A structure housing operational office, recreational, mobile home park maintenance and other facilities built to conform to required local standards.

SEWAGE FACILITY: Any sewer, sewage system, sewage treatment works or part thereof designed, intended or constructed for the collection, treatment and/or disposal of sewage or industrial wastes of a liquid nature.

SHOULDER: The improved portion of a street immediately adjoining the travelway, for parking and for access to abutting properties.

SIGHT DISTANCE: The length of street, measured along the center line, which is continuously visible from any point four and one-half (4 1/2) feet above the center line to any object four (4) inches above the road surface.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon vertical difference in feet per 100 feet of horizontal distance.

STABILIZATION: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.

STORM SEWER: A pipe for conveying rain water, surface water, condensate, cooling water and similar liquid waste, exclusive of sewage.

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

A. **Arterial Street:** Arterial streets are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are designated as "limited", "controlled", or "partial" access streets. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic.

B. **Connector Street:** Connector streets collect traffic from minor, local access and collector streets and also provide a connection to arterial streets and

expressways and between connector streets and serve an unlimited average daily traffic.

C. Collector Streets: Collector streets gather traffic from minor and local access streets and they feed this traffic to connector and arterial streets and expressways. Collector streets carry heavier traffic volumes than local streets although they also provide direct access to individual uses located along them. Collector streets serve up to an ultimate five hundred (500) dwelling units or up to an ultimate average daily traffic count of four thousand (4000) vehicles.

D. Minor Street: Minor streets provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector streets. Minor streets serve up to an ultimate one hundred fifty (150) dwelling units or up to an average daily traffic count of twelve hundred fifty (1250) vehicles.

E. Cul-De-Sac or Hammer-head: A cul-de-sac or hammer-head street is permanently terminated at one end by a vehicular turn-around and intersects another street at the other end. Cul-de-sac streets shall not normally exceed eight hundred (800) feet and provide access to not more than 18 dwelling units. If the cul-de-sac is intended to service commercial properties, it shall not be permitted if the reasonable anticipated traffic count is in excess of two hundred (200) vehicles daily.

F. Marginal Access Street: Marginal access streets are minor streets parallel and adjacent to major traffic streets. They provide access to abutting properties and control of intersections with major traffic streets.

G. Private Access Drive: A private access drive provides access to a single residential lot only, from an approved street where the residential lot does not have frontage on an approved street. The private access drive shall have a minimum right-of-way of twenty (20) feet. Construction and maintenance of private access drive shall be the sole responsibility of owners benefitting by the use thereof and shall never be offered or accepted by the Township for public maintenance.

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

SUBDIVIDER: Any landowner, agent of such landowner, or tenant who with the permission of such landowner, subdivides one parcel of land into two or more parcels for immediate or future use.

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

SUBSTANTIALLY COMPLETED: Where, in the judgement of the Township Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Article 5.416) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR: A professional land surveyor licensed by the Commonwealth of Pennsylvania.

UNDEVELOPED LAND: Land in parcels sufficiently large for future subdivision which is presently in agriculture or woodland.

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

WAY: A way, or right-of-way, is a strip of land which has been dedicated legally for use by pedestrians and/or vehicles.

ZONING ORDINANCE: Any appropriate ordinance officially adopted by the Township as a Zoning Ordinance with any and all amendments thereto.

NOTE: Definitions of all other terms i.e., terms not defined herein, shall be as included within the latest edition of "Webster's New Collegiate Dictionary". Any term not defined in this Article or within the latest edition of "Webster's New Collegiate Dictionary" shall be as determined by the Planning Commission taken from any other appropriate course. After the application of any such definitions, they shall become part of this Article 4 and may not be changed without amending this Ordinance.

ARTICLE 5 PROCEDURES AND REQUIREMENTS

5.100 Applicability

From the date of passage of this Subdivision Ordinance, the following procedures shall be observed by all land developers. All plots shall be reviewed by the Planning Commission and approved by the Township Supervisors. Any approval not processed as required hereinafter shall be deemed null and void unless such approval was given prior to the adoption of this Subdivision Ordinance. (See also Article 5.415 herein).

5.200 Regulatory Provisions

5.201 Grading

No developer or proposed developer shall proceed with any grading before obtaining approval of the preliminary plan from the Commission and the Township Supervisors.

5.202 Access, Drainage, Geology and Topography

No land shall be subdivided for residential use unless adequate access to such land exists or will be provided by the developer over improved streets or thoroughfares which are consistent with the design Standards hereinafter set forth. In no event shall land be subdivided for residential use if such land is considered by the Commission to be harmful to the health and safety of possible residents and the community as a whole for such use by reason of flooding, mine fires, mine subsidence, improper drainage, objectionable earth and rock formation, topography, toxic waste, wetlands or any other geological hazard or like feature.

5.203 Recording of Deeds

No lots shall be delivered and no agreements for sale shall be made for lots in any subdivision prior to the approval by the Commission and the Township Supervisors of the Final Plan for the proposed subdivision.

5.300 Pre-Application Provisions

Prior to the submission of the Preliminary and Final Plans for a proposed subdivision or land development as required hereunder, the subdivider is advised to:

(1) Consult with the Commission and other proper officials of the municipality to ascertain conformance of the proposed development with all required local codes, ordinances, plans, etc. with respect to land use, zoning, design standards, building requirements, thoroughfares, community facilities, sanitation, water supply, drainage, school and recreational sites, relationship to the neighborhood and other appropriate elements forming the character and extent of the proposed development.

(2) Consult with officials of the Department of Housing and Urban Development if he contemplates the use of FHA Insurance in his development to assure compliance with FHA qualifying standards.

(3) Contact appropriate officials of the Pennsylvania Department of Environmental Resources and PA DOT to ensure compliance with applicable regulations.

(4) Submit a sketch plan to the Commission for informal discussion so that any required changes may be effected in his plans at an early date to conserve time, effort and expense.

5.400 Submission of Plans and Applications

5.401 PRELIMINARY PLAN

5.402 Number of Copies and Time of Submission

The subdivider/developer shall submit eight (8) clear, legible blue prints or black and white prints of the Preliminary Plan together with four (4) completed application forms to the Secretary of the Planning Commission at least twenty (20) days prior to the Commission meeting at which consideration is desired.

The Commission Secretary shall transmit copies of the preliminary plan to:

1. Township Supervisors	one (1) copy
2. <u>Commission</u> Engineer	one (1) copy
3. County Planning Commission	one (1) copy
4. County Conservation District	one (1) copy
5. Local Office of PA DER	one (1) copy
6. Local Sewer Authority	one (1) copy
7. Local Fire Company	one (1) copy

A specimen of the Application Form is contained herein.

5.403 Fees

Fees for plan review and inspection costs of public improvements shall be established by Resolution of the Supervisors. All fees shall be paid to the Township with the submission of the Preliminary or Final Plan, as applicable. Certification by the Commission that such fees have been paid shall form part of the subdivider's application.

5.404 Scale and Size

The Preliminary Plan shall be at a scale of one inch to one hundred feet or larger and shall be prepared by a licensed Pennsylvania Land Surveyor or Engineer. As far as practicable, sheets should be held to the following overall sizes: 17 x 22 inches; 24 x 36 inches; 34 x 44 inches. Where necessary, in order to avoid sheets

HAZLE MANOR

TAX MAP DATA:

STREET__BLOCK__LOT__

NAME OF OWNER(S):

NAME OF SUBDIVIDER.

SITE DATA.

ACREAGE _____ ACREAGE LOT# _____
NUMBER OF ESSENTIAL LOTS _____
TYPE OF SUBDIVISION _____
NUMBER OF UNITS _____
ACREAGE TO BE ACQUIRED _____
ACREAGE FOR OUR OWN USE _____
ACREAGE TO BE NEGOTIATED _____

7632

— RAC: BOUNDARY LINE

(INCLUDE WATER COURSES, RAILROADS, CULM
BANKS, STRIPMINES, CULVERTS, ZONE
DISTRICT LINES ETC. AS REQUIRED.)

EXISTING BUILDING OUTLINE

UTILITIES (TO BE INSERTED ON MAP AS REQUIRED)

ITEM	EXISTING	PROPOSED
SANITARY AND STORM LINE		
HYDRANTS		
WATER		
ELECTRIC		
GAS		

SPECIMEN

PRELIMINARY PLAN — HAZLE MANOR

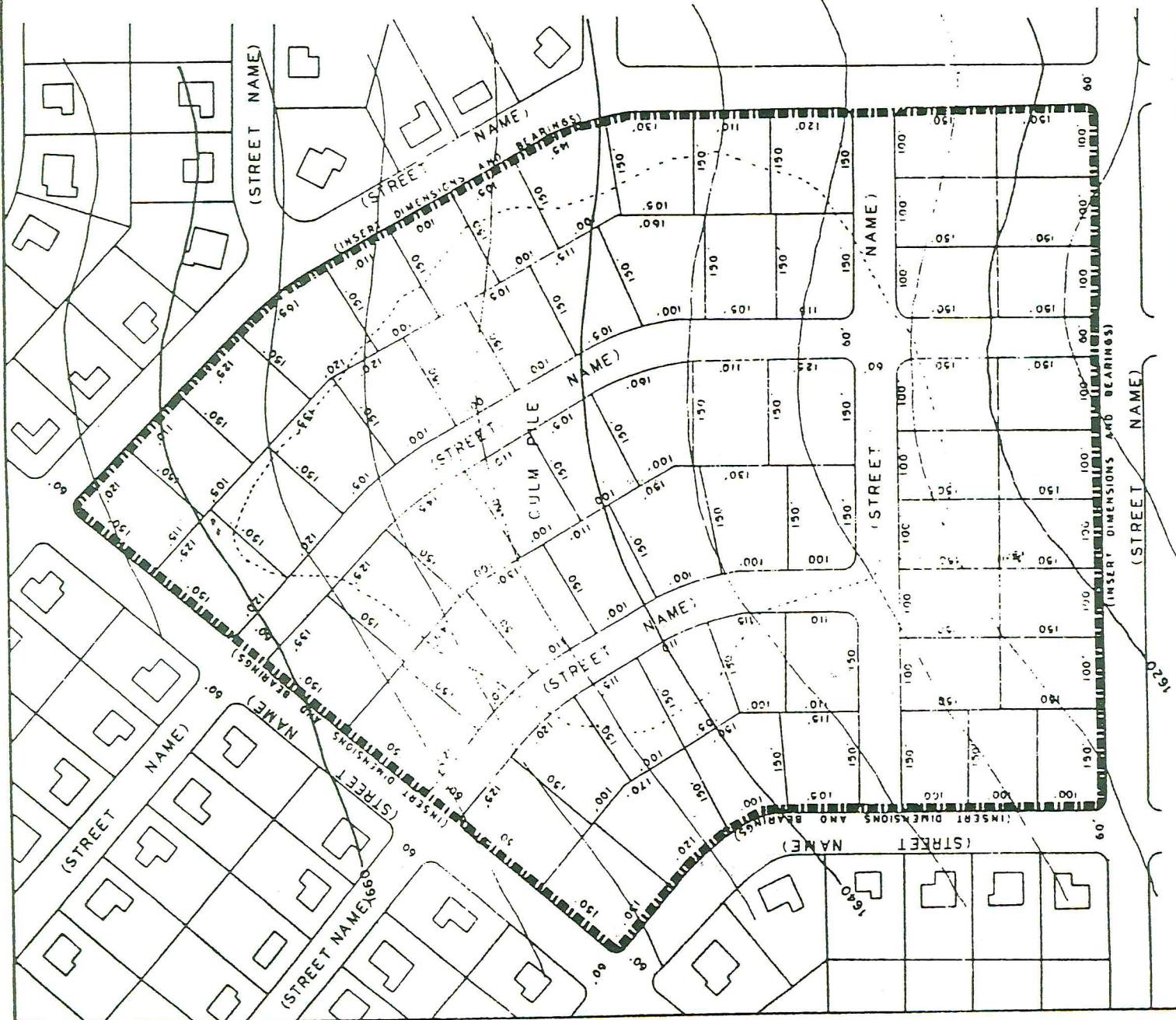
SHEET ____ OF ____ SHEETS
 DATUM REFERENCE:

DATE:

(SFAL)

SCALE	IN	FEET
-------	----	------

NAME OF SURVEYOR OR ENGINEER



larger than above, plans should be drawn in two or more segments accompanied by a key diagram showing relative location of the segments.

5.405 Information Required on Preliminary Plan

The Preliminary Plan shall include the following information:

- (1) A key map showing the entire plot and its relation to the surrounding area.
- (2) Title, north point, scale and date.
- (3) Tract name, tax map sheet, block and lot number.
- (4) Name of record owner or owners.
- (5) Name of subdivider or developer.
- (6) Name and seal of professional land surveyor responsible for the boundary survey and name and seal of the professional engineer responsible for the design of roads, sewers, stormwater facilities etc.
- (7) Tract boundary lines showing dimensions, bearings, corners and names of adjacent property owners.
- (8) Acreage of the tract to be plotted to the nearest tenth of an acre.
- (9) Sufficient elevations and/or contours to determine the general slope and natural drainage of the land, and the high and low points and tentative cross-sections and center line profiles for all proposed new streets. Contours shall be at intervals of two (2) feet or tracts less than 10% slope and five (5) feet for tracts of land greater than 10% slope but may be at lesser intervals in the cases of relatively level tracts.
- (10) Datum to which contour elevations refer. Where practicable such data shall refer to known established elevations.
- (11) The location of all existing water courses, drainage patterns, railroads, strip mines, culm banks, tree courses and wooded areas, bridges, culverts and other significant natural features, including delineation of wetlands, within 500 feet of the site.
- (12) The location of all existing buildings, sewers, utility lines, fire hydrants and other significant man-made features within 500 feet of the site.
- (13) The location of all existing and proposed property lines, easements and rights-of-way including dimensions.
- (14) All existing and proposed streets in or adjacent to the tract, including name and right-of-way width. If the plan proposes access to a State highway, then the

plans shall note that access to the State Highway shall be only as authorized by a Highway Occupancy Permit issued by PennDOT.

(15) Cross-sections of all proposed streets showing right-of-way width, location of curbs and sidewalks, and profiles of streets showing grades approved by the Township Engineer. If deemed necessary by the Engineer, percolation data shall also be submitted.

(16) Preliminary profiles and other explanatory data concerning the installation of sanitary and storm sewer systems and water distribution systems.

(17) Proposed utilities including sanitary and storm sewers, other drainage facilities; water lines, gas mains; electric and other facilities. Size or capacity of each shall be shown and proposed connections to each existing utility shall also be shown. If water is to be provided by means other than private wells owned and maintained by individual lot owners, the applicant shall present evidence of water service from a Public Utility or other authority to serve the development, including: water pressure and flow rate at fire hydrants.

(18) Site data including the number of residential lots, typical lot size, the acreage in proposed recreation and other public, semi-public or community purposes and the number and type of dwelling units proposed, if any.

(19) Stormwater management control measures and devices (temporary and permanent) per Soil Conservation District requirements.

(20) The one-hundred (100) year flood plain and other geological hazards within and adjacent to the tract proposed to be developed/subdivided.

(21) Where slopes in excess of 10% occur within the area proposed to be developed, a preliminary grading plan indicating the general location and magnitude of the proposed cuts and fills shall be attached to each copy of the Preliminary Plan.

(22) Existing Zone Districts shall be shown.

(23) If the Preliminary Plan covers only a part of the subdividers entire holding, a separate sketch of the proposed street plan for the subdivider's entire holdings shall also be submitted as per Article 5.411 herein.

(24) A copy of any existing or proposed deed restrictions or protective covenants applying to the proposed subdivision shall be attached to each copy of the Preliminary Plan submitted.

(25) A preliminary Erosion and Sedimentation Control Plan pursuant to the rules and regulations of the Pennsylvania Department of Environmental Resources.

(26) Preliminary time schedule of providing public improvements and preliminary cost estimate of improvements, prepared by applicant's engineer.

A Preliminary Plan specimen is contained in this Subdivision Ordinance for the guidance of both the Commission and the applicant. It is understood that said specimen is not complete and that the applicant is required to include all the information contained in this Article 5.414 in the applicant's Preliminary Plan. The Preliminary Plan may be segmented if desired in order to assure readability e.g. utilities information may be placed on a separate sheet, etc. Cross-sections and profiles shall ordinarily be placed on separate sheets.

5.406 Review and Approval of Preliminary Plan

REVIEW OF PRELIMINARY PLANS BY COMMISSION

(1) The Planning Commission will first ascertain the recommendation of the Luzerne County Planning Commission and all other appropriate agencies and carefully study the practicability of the Preliminary Plan, taking into consideration the requirement, location and width of streets, their relation to the topography of the land, the preservation of natural features, sewage disposal, water supply, drainage, lot sizes and arrangements, the future development of adjoining lands, and the requirements of the Development Plan.

(2) If the Luzerne County Planning Commission should fail to make a report to the Secretary of the Planning Commission within thirty (30) days after submission, it shall be deemed to have made favorable review thereof.

(3) Engineer's Report. As a supplement to the study of the Preliminary Plan by the Planning Commission, the Supervisors may provide for review of the plan by an Engineer to determine the adaptability of the project to engineering design standards and criteria currently required by the Supervisors. The Engineer shall apply such judgment and specification interpretation as may be necessary to clarify the intent of the engineering requirements. A report shall be made to the Supervisors within thirty (30) days after referral of the plan to the engineer.

(4) Action on Preliminary Plan. The Planning Commission may recommend approval, approval with modifications, or rejection of an application for a subdivision/land development. The Commission shall take action within forty-five (45) days of the receipt of the plan. If the Commission should fail to take action within the allotted time, it shall be deemed to have made favorable review thereof; provided, however, that the applicant may grant in writing, an extension of the review period.

(5) Required Changes for Preliminary Approval. After review of the Preliminary Plan, the Planning Commission will inform the Supervisors in writing of the specific changes it will recommend in the plan, and the character and extent of required improvement and reservations which it will suggest as a pre-requisite to the approval of the Preliminary Plan.

(6) Disapproval of Preliminary Plan. In the event the Planning Commission recommends disapproval of a Subdivision or Land Development Plan, the reasons shall be set forth in writing to the Supervisors and given to the applicant.

REVIEW OF PRELIMINARY PLANS BY SUPERVISORS

(1) After receiving the recommendations of the Planning Commission, the Commission Engineer, the Luzerne County Planning Commission, the local Sewer Authority, the County Conservation District, and the Pennsylvania Department of Environmental Resources, the Supervisors shall act upon request for preliminary approval. Action on the preliminary plan will be taken within ninety (90) days following the date of the Planning Commission's first meeting on the preliminary plan. If the Supervisors fail to render a decision within the allotted time, it shall be deemed to have made favorable review, unless the applicant has agreed, in writing, to an extension of time.

(2) Before acting on any subdivision/land development plan, the Supervisors may arrange for a public hearing on the plan, after giving proper public notice.

(3) The Supervisors may alter any subdivision/land development plan and specify changes or modification therein which it deems necessary, and may make its approval subject to such alterations, changes or modifications.

(4) After taking action, the Supervisors shall communicate their decision to the applicant, in writing, within fifteen (15) days, stating:

a. The specific changes, if any, they will require in the plan.

b. The character and extent of the required public improvements.

c. The amount of construction or improvements.

d. The amount and terms of the performance bonds or other security which the Supervisors may require among other conditions in the public interest, and pre-requisite to the approval of the Final Plan to be submitted subsequently.

(5) Any modifications of the Preliminary Plan by the Supervisors as pre-requisites to approval shall be noted on the Preliminary Plan.

(6) Approval of the Preliminary Plan shall constitute approval of the Subdivision or Land Development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features, but shall not authorize the sale of lots.

(7) In any case, where the Supervisors disapprove a Development Plan, any person aggrieved thereby, may, within thirty (30) days thereafter, appeal therefrom, by petition, the Court of Common Pleas of Luzerne County, which Court shall hear the matter and after hearing, enter a decree affirming, reversing or modifying the action of the Supervisors, as may appear just in the premises. The Court shall designate the matter in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the Court shall be final.

(8) The approved Preliminary Plan shall be effective for five (5) years, unless extended by the Supervisors.

5.407 FINAL PLAN

5.408 Number of Copies and Times of Submission

The final subdivision plan shall be submitted to the Commission only after the applicant's preliminary plan has been approved by the Supervisors. The number of copies and timing of submission shall be the same as for the Preliminary Plan (Article 5.401).

5.409 Scale and Size

The Final Plan scale and size shall be the same as for the Preliminary Plan (Article 5.401).

5.410 Information Required on Final Plan

The Final Plan shall meet the following specifications:

- (1) A key map showing the entire plot and its relocation to the surrounding area.
- (2) Title, north point, scale and date.
- (3) Tract name.
- (4) Name of record owner or owners to be extracted from the books of the County Recorder and accompanied by an affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- (5) Name and address of owner and subdivider.
- (6) Name and seal of professional land surveyor responsible for the plan and a certification by him to the effect that (i) the plot represents a survey made by him or by his authorized licensed representative and that all monuments indicated thereon actually exists and that the location, size and material of same are correctly shown; and (ii) that all the requirements of this Subdivision Ordinance have been met.
- (7) Tract boundary lines showing accurate dimensions and bearings, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
- (8) Lot numbers together with accurate dimensions and areas.
- (9) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Final Plan.
- (10) Accurate and complete curve data for all curves included in the Final Plan.
- (11) Location, type, material and sizes of all monuments and lot markers.

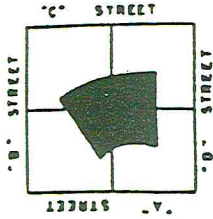
TRACT NAME:
HAZLE MANOR

OWNERSHIP DATA:

NAME:
ADDRESS:
DEED BOOK: PAGE NO:

LEGEND

TRACT BOUNDARY LINE
(ETC AS REQUIRED)



(INSERT

CERTIFICATION

AS SHOWN

ON THE

NEXT PAGE)

Name of Professional Land
Surveyor or Professional
Engineer (SEAL)

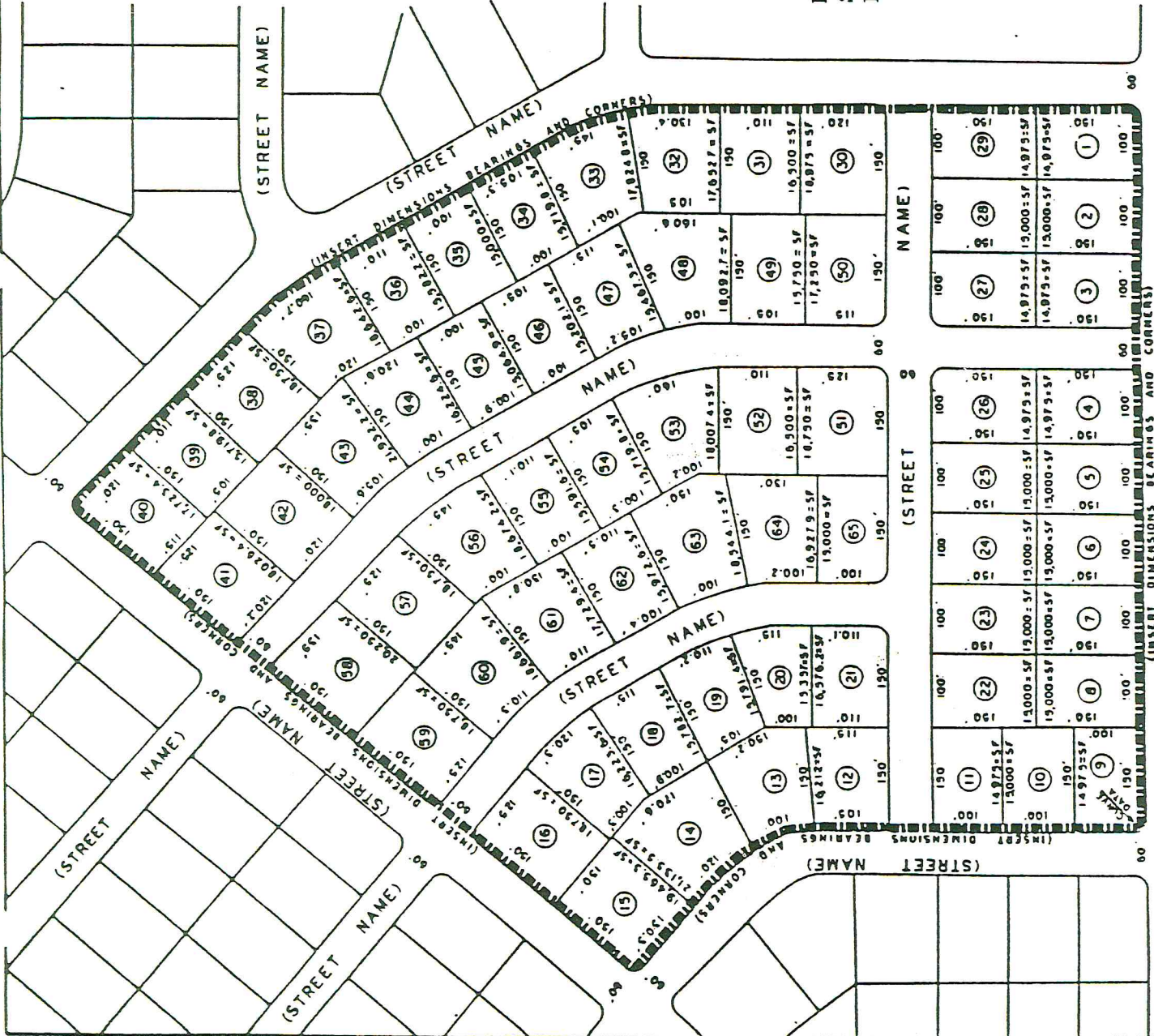
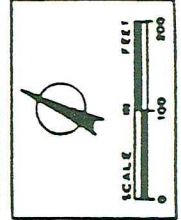
SPECIMEN

FINAL PLAN HAZLE MANOR

SHEET OF SHEETS

DATE:

NAME & ADDRESS OF SUBDIVIDER



(12) Accurate location of all existing and proposed property lines within the proposed subdivision boundaries together with all easements and rights-of-way including dimensions.

(13) Accurate location of all existing and proposed streets in or adjacent to the tract, including names and right-of-way widths with accurate dimensions in feet to the nearest hundredth and with angles to the nearest one minute or one degree.

(14) Final cross-sections of all proposed streets showing right-of-way width, paved width, location of curbs and sidewalks; and profiles of streets showing grades approved by the Township Engineer.

(15) Final profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems.

(16) Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets, and culverts.

(17) Wherever practicable the names of the owners of any un-plotted lands of any adjacent subdivisions shall be shown.

(18) If the plan proposes access to a State Highway, the plan shall be marked to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit issued by PA DOT.

(19) Where slopes in excess of 10% occur within the area to be developed, a final grading plan showing the accurate location and magnitude of the cuts and fills shall be attached to each copy of the Final Plan.

(20) A copy of any existing or proposed deed restrictions or protective covenants applying to the proposed development shall be attached to each copy of the Final Plan submitted. These shall be accompanied by an affidavit by the owner that such restrictions etc. are not in violation of any existing local, state or federal laws relative to discrimination, etc.

(21) A final Erosion and Sedimentation Control Plan including certification that any related permit required by the Pennsylvania Department of Environmental Resources has been issued.

(22) Certificate of proposed dedication of streets and other areas to be devoted to public uses.

(23) Time schedule of providing public improvements and final cost estimate of improvements prepared by applicant's engineer.

(24) Certificate for approval by the Commission and Municipal Engineer.

A Final Plan specimen is contained in this Subdivision Ordinance for the guidance of both the Commission and the applicant. It is understood that said

specimen is not complete and that the applicant is required to include all the information contained in this Article in the Final Plan. The Final Plan may be segmented if desired in order to assure readability e.g. utilities information may be placed on separate sheets etc. Cross-sections and profiles shall ordinarily be placed on separate sheets.

5.411 Review and Approval of Final Plan

(1) The Commission and its Engineer will examine the Final Plan to determine the correctness of its technical details and its conformity with the approved Preliminary Plan and shall report its findings to the subdivider/developer within forty-five (45) days from receipt of the final plan.

(2) The subdivider/developer shall submit a certificate to the Commission that no lot within the subdivision shall be sold unless and until all improvements and installations required under this Subdivision Ordinance have been provided for pursuant to Article 7.700 herein. No plan shall be finally approved without the submission of such certificate and the certification of approval of the Commission required on the Final Plan shall refer to such certificate, the date of its submission to the Commission, and the place where it might be examined.

(3) The developer shall also agree to maintain and repair all streets within the development prior to their official acceptance and dedication by the Township or for a period not to exceed eighteen (18) months.

(4) The Commission, after having determined that the Final Plan and supporting certifications are satisfactory, will approve the Final Plan within forty-five (45) days and enter such approval thereon in writing by its Chairman.

Such approval by the Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way, space, or area shown on said Final Plan.

(5) Subsequent to the approval of the Final Plan by the Commission, the subject tract of land may not be sold, transferred or improved excepting in the manner prescribed by the approved Final Plan first amended with the consent and approval by the Commission in accordance with the same specification requirements and procedures set forth in Article 5 of this Subdivision Ordinance.

5.412 Referral of the Approved Final Plan to the Board of Supervisors for Acceptance of Streets

Subsequent to its approval of the Final Plan, the Commission shall transmit four (4) prints of the Final Plan, together with appropriate certificates of title, to the Township Supervisors for action on any proposed dedications. The Supervisors shall return three (3) approved prints of the Final Plan to the Commission. The Commission shall return two (2) of the approved prints to the developer. Should the Supervisors not accept the proposed dedications, the developer may amend said Final Plan and resubmit same to the Commission for its review and approval.

The Deed of Dedication to the Township shall be tendered by the owner only after all surfacing, curbs, sewers, sidewalks and other required improvements shall have been installed or constructed and certified as satisfactory by the Township Engineer.

5.413 Recording of Final Plan

(a) Within ninety (90) days after the date of final approval, the Final Plan (the recording document) shall be recorded in the office of the Recorder of Deeds of the County. Within ten (10) days thereafter, the developer shall furnish the County Planning Commission and the governing body of the Township a Recorder's Certificate that said Plan is properly recorded.

(b) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan.

5.414 Effect of Plan Approval on Official Map

After a plan has been approved and recorded as provided in this Article, all streets and public grounds on such plan shall be and become a part of the official map of the Township without public hearing.

5.415 Approval Granted Prior to Passage of Ordinance

A subdivision planned, constructed or designed in compliance with existing laws prior to the passage of this Ordinance, shall be deemed to be legal provided that:

a. The Preliminary or Final Plans have been approved by a proper and duly recorded resolution of the Planning Commission.

b. Construction within the Subdivision has been initiated within six (6) months from the date of passage of this Ordinance or within five (5) years from the date of approval of the Preliminary Plan, whichever is the later date.

c. The Subdivision shall have been completed to the satisfaction of the Planning Commission within a period of two (2) years from the passage of this Ordinance or within three (3) years from the date of approval of the Final Plan, whichever is the later date.

5.416 Completion of Improvements or Guarantee Thereof Pre-requisite to Final Plan Approval

(a) No plan shall be finally approved unless the streets shown on such plans have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements

required as a condition for the final approval of a plan, including improvements or fees required pursuant to section 5.416(i), the subdivision and land development ordinance provides for the deposit with the Township of a corporate bond, or other financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, open space improvements, or buffer or screen plantings which may be required.

(b) When requested by the developer, in order to facilitate financing, the governing body shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

(c) Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld. Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

(d) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

(e) Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of such improvements.

(f) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the municipality 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 municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

(g) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the

Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that the third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.

(h) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

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

(j) As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification to the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

(k) Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18)

months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

(l) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

(m) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. (See also Article 7)

ARTICLE 6 DESIGN STANDARDS

6.100 General and Public Use Design Standards

The Design Standards contained in this Article 6 shall be incorporated in all proposed plans which shall be approved by the Planning Commission and Supervisors only in accordance with the procedure and requirements established herein.

- (1) General Standards: The standards outlined herein shall be considered minimum restrictive standards. Wherever Township or other applicable regulations impose more restrictive standards, such other regulations shall control.
- (2) Suitability of Land: Land subject to hazards of life, health, or property as may arise from fire, floods, disease or other dangers, shall not be subdivided for development or developed for purposes susceptible to such hazards until they have been eliminated or the subdivision or land development plan provides adequate safeguards against such.
- (3) Physiography Considerations: The standards of this Ordinance may be increased, or the modification of the design of a proposed subdivision or land development may be required, on the recommendation of the Township Engineer when such is deemed necessary as a result of topographic and other natural or manmade physical features within or adjoining a particular site to assure public safety, health and welfare; the provision of public services; and the maintenance of public facilities.
- (4) Natural and Historic Features: Every measure shall be taken to insure, insofar as possible, the preservation of natural and historic features, areas and structures determined to be worthy of such preservation by the Planning Commission, and public access to such where appropriate.
- (5) Coordination of Development: The design of proposed subdivisions and land development shall be coordinated with existing nearby development and physiography so that the entire area may be developed harmoniously.
- (6) Conformance: The design of proposed subdivisions and land developments shall conform to any County or Township Comprehensive Plan, applicable development regulation or official map and to any applicable regulations of the Commonwealth of Pennsylvania.
- (7) Accessibility: Generally, the development of sites not located on a public thoroughfare of sufficient width and alignment in respect to the traffic to be generated is discouraged. When proposed subdivision or land developments are not located directly upon an adequate thoroughfare, the Planning Commission may require the developer to participate with the Township, through negotiation, in the improvement of the access road between the site and the nearest adequate thoroughfare as a condition to Final Plan approval.
- (8) Pedestrian Circulation:

(a) Pedestrian walkways shall be physically separated from all streets and insofar as possible, from vehicle circulation ways within non-residential developments.

(b) Parking lots shall be designed so as to minimize the necessity for pedestrians to walk within and across vehicle circulation ways.

(c) Commercial developments should be designed so as to allow pedestrians to browse and pause in areas removed or otherwise protected from vehicular circulation and parking areas.

d) Insofar as possible, common open areas and other residential service areas shall be located at the interior of dwelling sites to minimize the necessity for pedestrians to cross streets.

(10) Storage Areas:

(a) Outdoor storage areas of any type should be located to the rear of structures and should be screened or enclosed by natural vegetation or fencing.

(b) In group developments, it is recommended that remote, screened storage areas be provided for items infrequently used such as recreation vehicles.

(11) Structure Orientation:

(a) Structure sites should be grouped whenever possible as such provides larger, more usable open space without decreasing the overall density of development.

(b) Extra building setbacks are recommended at all street intersections in order to increase sight distances and to make the presence of an intersection more apparent.

(c) Insofar as possible, commercial structures should be relatively central in respect to their parking areas in order to minimize required walking distances for safety and convenience. (Protected pedestrian accessways shall be provided in commercial developments adjacent to residential neighborhoods.)

(12) Vegetation:

(a) Conservation - Development shall be planned so as to minimize the removal of existing trees, shrubs, and ground cover and to minimize the amount of land covered by structures and paving.

(b) Noise Control - Street trees along arterial and collector streets in residential areas are recommended to absorb traffic noise.

(c) Screening - Wherever natural screening is being provided to meet a screening requirement of any zoning ordinance, such shall consist of 50%

evergreen or evergreen type hedges and 50% shrubs interplanted and of a variety and size at the time of planting that such will attain a height of at least six (6) feet within three years thereafter and spaced at intervals of not more than four (4) feet. Furthermore, subdivision and land development plans shall provide for such screening:

- 1) Where commercial or industrial uses abut residential use.
- 2) Where residential uses abut any railroad or limited access highway, or any other arterial highway in the case of reverse frontage or where marginal or rear access is provided.
- 3) Around all open sides of any common utility yard and any outdoor equipment or refuse storage area in group residential developments.
- 4) Elsewhere as deemed necessary by the Planning Commission.

(d) Windbreaks - The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.

(e) Obstructions to Vision - No bushes or shrubs exceeding thirty (30) inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within any required clear-sight-triangle nor within ten (10) feet of the right-of-way line adjacent to access drives; and all street trees shall be kept free of branches and foliage from the ground level to a height of at least eight (8) feet.

(13) Vehicle Provisions:

(A) ACCESS DRIVE: Whenever required and/or provided under the provisions of this Ordinance or otherwise, all access drives shall be designed according to the following standards:

- 1) Except in the case of single and two-family dwellings, the general layout shall be such that there will be no need for motorists to back into public rights-of-way.

- 2) Access drives for commercial and industrial uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, except as increased by the curb radii.

- 3) The number of access drives shall not exceed two (2) per lot on any one street frontage. The Planning Commission may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

- 4) Access drives shall not cross the street right-of-way lines:

a) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. When deemed reasonably necessary for safety by the Planning Commission, this dimension shall be increased for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets when practical, in a manner to permit safe ingress and egress.

b) Within ten (10) feet of a fire hydrant, catch basin or drain inlet.

c) Within forty (40) feet of another access drive except in the case of single and two-family dwellings.

d) Within three (3) feet of a property line unless two (2) adjoining owners mutually agree to a common access drive.

e) Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading and service areas on all properties used for purposes other than single-family residences shall be physically separated from the highway or street by a curb, pipe rail, or fence and a planting strip.

f) General Safety Requirement - Sight Distance. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of ten (10%) percent within the twelve (12) feet of the street line.

(B) OFF-STREET PARKING FACILITIES: Whenever required and/or provided under the provisions of this Ordinance or otherwise, all off-street parking facilities shall be designed according to the Zoning Ordinance.

1) Surfacing: In commercial and industrial uses, any off-street parking areas, service or access drive shall be graded for proper drainage and shall be stabilized sufficiently to accommodate the anticipated traffic and shall be so arranged as to provide for orderly and safe parking and storage of self-propelled vehicles.

2) Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining residential use premises as well as from vehicles moving upon a public thoroughfare.

6.200 Lots, General

(1) All lots shall front on a dedicated public street except as provided for in Section 8.400 Seasonal Residential Developments.

(2) Side-lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets.

(3) Double frontage lots shall be prohibited except where in the judgement of the Commission they are necessary to separate residences from major traffic arteries or railroads, or to overcome specific disadvantages of topography in hillside areas.

Where double frontage lots back on a major traffic artery, a planting strip for a screen, at least twenty (20) feet in width, shall be provided along the back of the lot. The Commission may also require a twenty (20) foot planting screen for a double frontage lot which backs on a railroad or other disadvantageous use.

6.201 Lot Widths and Areas

(1) Lots having an average cross slope of 10% or less shall conform to the requirements for lot widths and areas as established by the Township Zoning Ordinance.

(2) Lots having an average cross slope of greater than 10% (hillside lots) shall conform to the requirements for lot widths and areas as established by Chart I, Lot Requirements Based on Slope, which is hereby incorporated in this Subdivision Ordinance by reference.

(3) Any other provision of this Subdivision Ordinance notwithstanding, any non-residential or multiple dwelling subdivisions which are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities shall be subject to the individual review of the Commission which shall determine what the lot widths and areas of such subdivisions shall be in order to prevent any health hazards.

(4) The depth-to-width ratio of the usable area of a lot shall ordinarily be at a maximum of 3.0 to 1.0.

(5) Lot widths in cluster subdivisions shall be reviewed on a project basis by the Planning Commission.

6.202 Building Setback Lines

Building Setback lines shall be as determined by the provision of the Zoning Ordinance.

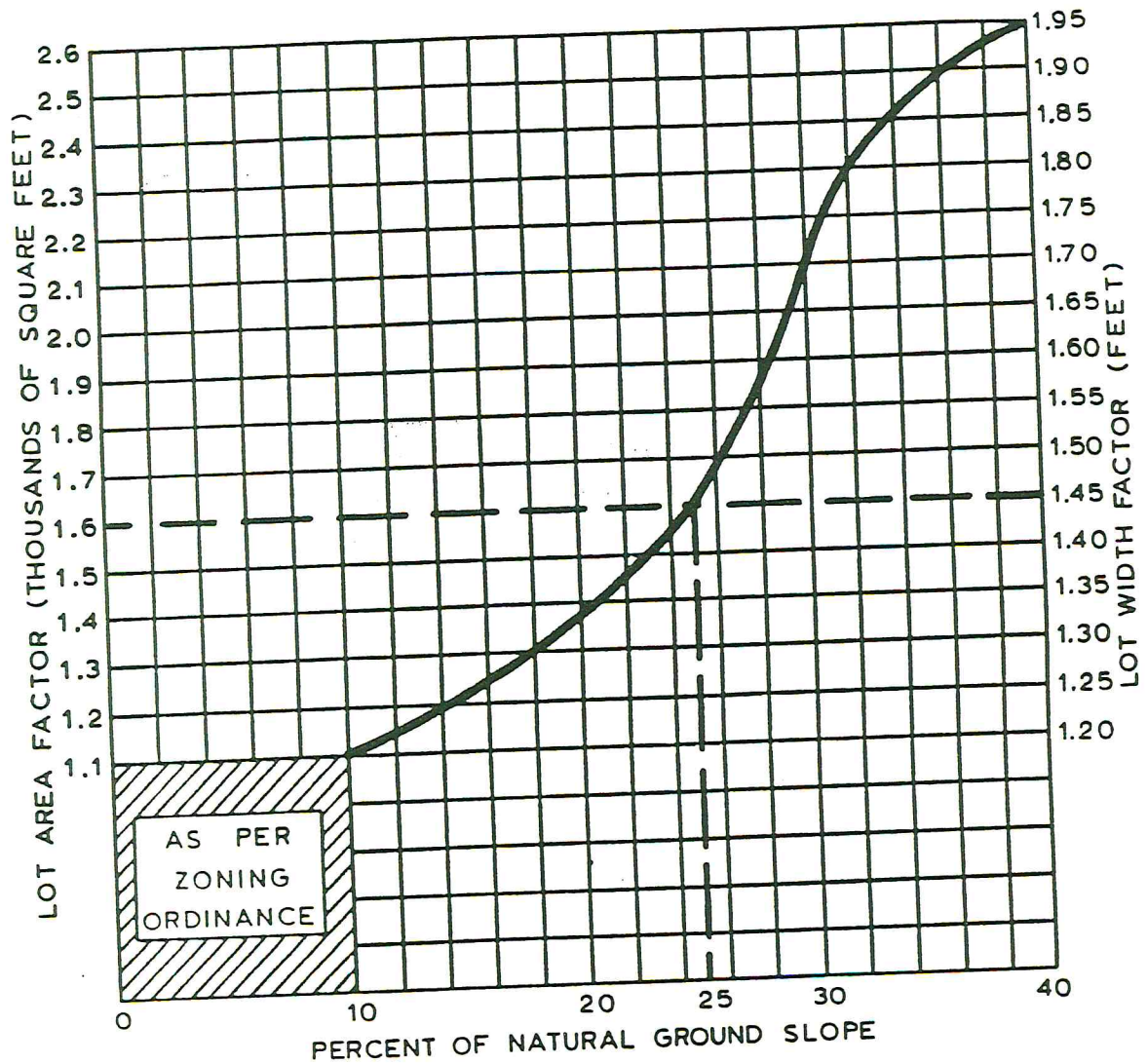
6.203 Utility Easements and Lines

(1) Insofar as practicable all utilities, with the exception of on-site laterals, shall be located in public rights-of-way. Where this is not possible, utility easements shall be so located as to be centered on, or adjacent to, rear or side lot lines to the fullest extent possible. Such easements shall have minimum widths of twelve (12) feet, or ten (10) feet plus the width of the required pipe or other improvement, whichever is greater. In general the required pipe or other improvement shall be located in the center of the easement. Prior to determining the location of easements, the Commission shall require the subdivider to coordinate his plans with those of the local public utilities in order to assure the proper location of easements for the installation of the required services.

(2) Utility Line Installation: Where feasible, as determined by the Commission after consultation with the developer and the appropriate utility companies, electric, telephone and television transmission lines shall be placed underground.

CHART I

LOT REQUIREMENTS BASED ON SLOPE



EXAMPLE: FOR A LOT WHOSE NATURAL GROUND SLOPE IS 25%, THE LOT AREA FACTOR IS 1.6 AND THE LOT WIDTH FACTOR IS 1.45. BOTH ARE TO BE APPLIED TO THE ZONING ORDINANCE REQUIREMENTS FOR THE PARTICULAR ZONE IN WHICH THE LOT IS LOCATED, e.g., IF THE ZONING ORDINANCE REQUIREMENTS FOR A LOT ARE A 75 FOOT WIDTH AND A 10,000 SQUARE FOOT AREA, THE ADJUSTED FIGURES FOR THIS LOT (25% SLOPE) WOULD BE AS FOLLOWS:

$$\begin{aligned}\text{LOT WIDTH} &= 75' \times 1.45 = 109 \text{ feet (rounded)} \\ \text{LOT AREA} &= 10,000 \times 1.6 = 16,000 \text{ sq. ft.}\end{aligned}$$

LOT WIDTHS AT ENDS OF CULS-DE-SAC MAY BE REDUCED BY 50% PROVIDED THAT A MINIMUM OF 30 FEET LOT WIDTH IS MAINTAINED.

Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

(3) Natural Gas Lines: All natural gas lines must be installed in compliance with applicable national, state and local codes. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.

(4) Petroleum Lines: Between a proposed dwelling or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of 100 feet measured in the shortest distance.

6.204 Drainage Easements

Where a land development or subdivision is traversed by a watercourse, a drainage easement or right-of-way shall be provided. The easement or right-of-way shall substantially conform with the line of such watercourse and shall be of adequate width as determined by the municipal Engineer to preserve natural drainage.

6.300 Streets

Proposed streets shall conform in all respects to the Township's Official Map and to both the local and the County Comprehensive Plans as such may be developed and apply. All streets, whether public or private shall comply with the design standards of this Ordinance.

6.301 Street and Alley Layout

(1) Alleys shall not be permitted in residential districts and shall be included in non-residential areas only where needed for loading and unloading or access purposes.

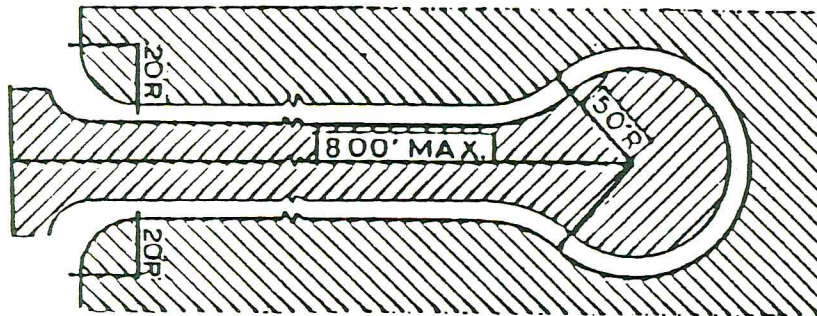
(2) Street and alleys shall conform to a plot plan approved by the Commission and shall generally provide for the continuation or appropriate projection of existing principal streets in surrounding areas. The grade, location and character of all streets shall also be approved by the Township Engineer.

(3) The design of all streets shall be considered in relation to existing and planned streets; the topography of the site; public safety and convenience; adequate traffic circulation within and near the development and in appropriate relation to the proposed uses of land in the areas served by such streets.

(4) Where a land development abuts or contains a railroad or an existing or proposed major traffic street, the Commission may require marginal access streets, properly buffered by a planting strip from said railroad or highway; or parallel streets; or a series of cul-de-sacs or short loops; reverse frontage lots or such other treatment as will provide a result in the reduction of the number of intersections and the separation of local and through traffic.

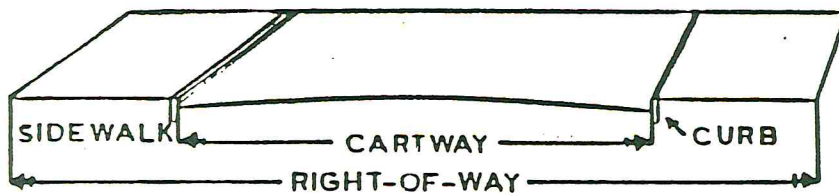
CHART II

CUL-DE-SAC DESIGN



A CUL-DE-SAC STREET SHALL BE A MINIMUM OF 250' IN LENGTH AND A MAXIMUM OF 800' IN LENGTH. REFER TO SECTION 6.305.

TYPICAL STREET CROSS-SECTION



NOTE: DIMENSIONS VARY ACCORDING TO THE TYPE OF STREET. MEDIAN STRIPS TO BE ADDED AS REQUIRED OR PERMITTED.

STREET JOGS WITH CENTERLINE OFFSETS

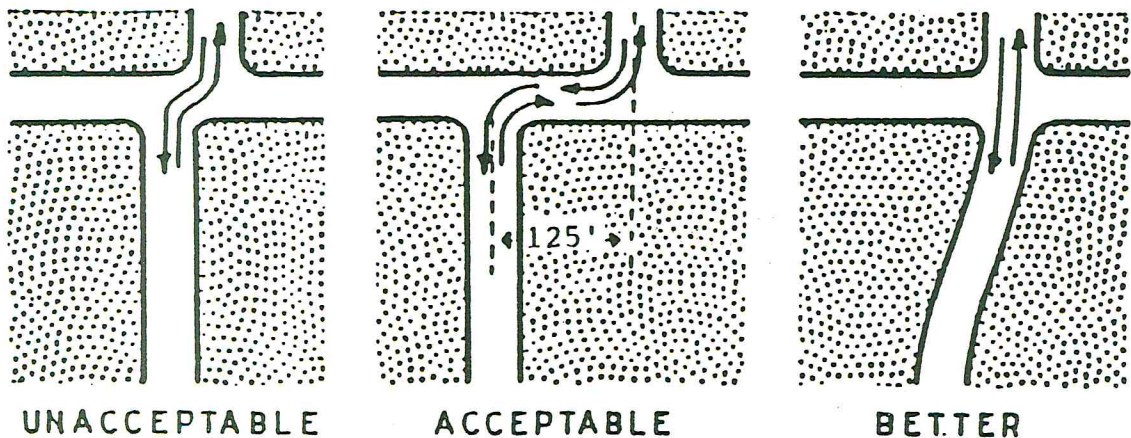


TABLE 6-1

**DESIGN
STANDARDS
FOR
STREETS (A)**

Design Classification	Arterial (B)	Connector (B)	Collector	Minor or Hillside
Design Speed (MPH)	B	B	40	30
Right-of-Way Width (Feet)	B	B	60(C)	50(C)
Pavement Width with curbs and parking lane	B	B	32	28
Minimum Centerline Radii (D)	B	B	250	200
Minimum Sight Distance	B	B	B	B
Minimum Street Grade	B	B	1.00%	1.00%
Maximum Street Grade				
- less than 10% cross slope	B	B	7%	10%
- greater than 10% cross slope	B	B	10%	12%

NOTES:

All Dimensions in feet except as specified

(A) See Article 7, Chart III for Required Improvements and Construction Standards

(B) Shall conform to PADOT specifications.

(C) Plus slope drainage, and utility easements as required by Section 6.203 and 6.204.

(D) Larger radii may be required, as determined by alignment, to provide the required sight distance.

This would be determined and confirmed by the municipal engineer and/or PennDOT.

6.302 Street Intersections

- (1) The center line of streets shall intersect as nearly as possible to right angles. In no event shall the intersection of any two streets be at an angle less than sixty (60) degrees except for reasons of topography, as determined by the Commission.
- (2) At intersections of streets the property line corners shall be rounded by arcs with radii equal to thirty percent (30%) of the right-of-way width, or by chords of such arcs, but shall in no event be less than fifteen (15) feet excepting that a cul-de-sac shall be provided with radii of not less than twenty (20) feet. Where intersecting streets and/or alleys vary in right-of-way widths, the greater radii shall be used.
- (3) If the smaller angle of intersections of two streets is required to be less than sixty (60) degrees by reason of the topography, the radius of arc as determined by paragraph (2) above shall be increased by twenty-five percent.
- (4) Street curbs and edges of pavements at street intersections shall be rounded off concentrically with the adjoining property lines.
- (5) Intersections of more than two (2) streets at any one point shall be avoided. Where this proves to be impractical in the opinion of the Commission, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (6) Street jogs with centerline offset of less than one hundred twenty-five (125) feet shall be prohibited. (See Chart II of this Ordinance).

6.303 Reversed Curves and Tangents

Between reversed curves on major streets a tangent shall be not less than two hundred (200) feet and on collector and minor streets, such tangents shall be not less than one hundred (100) feet.

Reversed and horizontal curves in hillside areas shall not be governed by the above requirements but shall be determined in each instance by the Commission.

6.304 Horizontal Visibility

(1) Streets shall be so designed as to permit unobstructed sight distances along the center lines thereof, measured from a point five (5) feet above the proposed grade. Minimum sight distances shall be as shown on Table 6-1.

(2) Clear sight triangle of thirty (30) feet measured along street lot lines from their point of juncture shall be provided at all intersections. No building, sign, tree or other similar sight obstruction shall be permitted without such sight triangles.

6.305 Half, Partial, Dead-End and Cul-De-Sac Streets

(1) Half-partial and dead-end streets shall be prohibited except where:

a) In the opinion of the Commission they are essential to reasonable development conforming to the other requirements of this Subdivision Ordinance.

b) The Commission finds it practicable to require dedication of the other half, when adjoining property is plotted.

c) Designed as cul-de-sac or hammer-head.

(2) Whenever a half or partial street adjoins property proposed to be subdivided, the completion of such street shall be required as part of the plot.

(3) Cul-de-sac or hammer-head streets permanently designed as such, shall be a minimum two hundred and fifty (250) feet in length and shall not exceed eight hundred (800) feet in length, and shall furnish access to not more than eighteen (18) dwelling units. (See Chart II of this Ordinance)

(4) Cul-de-sac streets shall terminate in a turn-around which shall be generally circular and which shall have a minimum diameter of one hundred (100) feet overall, and eighty (80) feet to the outer pavement edge or curb line.

6.306 Street Grades

(1) Where the average cross slope of the development plan is ten percent (10%) or less, center line grades shall not exceed the following:

a) Arterial and Connector Streets: per PADOT specifications

b) Collector Streets: Seven Percent (7%)

c) Minor and Other Streets: Ten percent (10%)

(2) Where the average cross slope of the development plan is greater than ten percent (10%) i.e., hillside areas, center line grades shall not exceed the following:

a) Arterial and Connector Streets: per PADOT specifications

b) Collector Streets: Ten Percent (10%)

c) Minor and Other Streets: Twelve Percent (12%)

(3) Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having grades for four percent (4%) or less for a distance equal to the pavement width of the intersecting street or twenty-five (25) feet, whichever is greater, as measured from the nearest right-of-way line of the intersecting street.

6.307 Street Right-of-Way and Travelway Widths

Minimum street right-of-way widths, measured from the lot lines and minimum pavement widths shall be as shown on Table 6-1.

6.308 Fire Fighting Access Easements and Fire Hydrants

(1) The areas where, in the opinion of the Chief of the Fire Department, there will exist any fire hazards, unobstructed fire protection equipment access easements shall be provided. The size, location, design and grading of such easements shall be recommended by the Fire Chief and shall be as found necessary by the Commission.

(2) For reasons of public safety, any street serving as the only means of access to a development shall be classified as not less than a Collector Street.

(3) The need, location, design and related features of fire hydrants shall be as determined by the Fire Chief, in accordance with applicable existing laws and regulations.

6.309 Street Names and Signs

Names of new streets and other rights-of-way in a subdivision plot shall be subject to the approval of the Township at the time of acceptance and dedication.

6.310 Blocks

(1) Length, width and shape of blocks shall be determined with due regard to the following:

a) Provision of building sites adequately suited to the specific needs of the uses contemplated.

b) Zoning requirements

c) Topography

d) Requirements for convenient access, circulation and safety or pedestrian and vehicular traffic.

(2) Block lengths shall generally not exceed twelve hundred (1,200) feet.

(3) Wherever practicable, residential blocks shall be of sufficient depth to accommodate two (2) tiers of building lots.

(4) Interior pedestrian walks may be required where necessary to improve circulation and to provide access to community facilities. Such walkways shall have a right-of-way width of not less than ten (10) feet and a paved width of not less than six (6) feet.

6.311 Storm Drainage (See 7.500 for additional regulations)

- (1) Lots shall be arranged and graded to provide positive drainage away from buildings.
- (2) Storm sewers, culverts and related installations shall be provided in order to:
 - a) Permit unimpeded flow of natural water courses.
 - b) Insure adequate drainage of all low points and areas along street lines.
 - c) Intercept storm water run-off along streets at intervals which are properly related to the extent and grade of the area to be drained.
- (3) The design of storm sewer installations shall be such as to prevent soil erosion and to prevent the concentration of storm water run-off over adjacent properties.

6.312 Street Trees

The 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 1-1/2" and planted 40" to 60" feet apart. The type and spacing of the trees shall be approved by the Planning Commission and the Township.

The following is a list of acceptable trees. Any tree not on this list must be specifically approved by both the Commission and the Township. Any tree which is on this list must be approved as to locale of the project by both the Commission and the Township.

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

6.313 Street Lighting

At a minimum, the developer shall provide one (1) street light at all street intersections.

ARTICLE 7 REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS

Required minimum improvements and construction standards for all land development shall be as set forth in this Article 7 and as shown on Chart III hereby incorporated in this Ordinance by reference. Where not set forth, required minimum improvements and construction standards shall be as established by the Commission upon the advice of the Commission Engineer. Alternate improvements and/or standards may be permitted if, in the opinion of the Commission, they are equal or superior in performance characteristics to the specified improvements and/or standards.

7.100 Monuments and Markers

7.101 Types of Monuments

Monuments shall be of the following types:

- (1) Made of concrete having a 5" x 5" cross-section and 36" in length. A scored 1/2" round brass pin shall be located in the top center.
- (2) Made of cut stone having a 5" x 5" cross-section and being 36" in length with a drill hole in the top center.
- (3) A 2" round galvanized pipe 36" long with a brass cap having a punch hole in its center.

7.102 Placement of Monuments

Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. They shall be placed so that the scored or marked point will coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.

7.103 Markers

Markers shall consist of steel bars being at least fifteen (15) inches long and not less than three-fourths of an inch in diameter. Markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves; at all angles in property lines of lots at all corner lots.

7.200 Street Construction Standards Chart III

Street (and alleys where permitted) construction shall be as set forth in Chart III herein.

7.300 Sidewalks and Curbs Chart III

CHART III

REQUIRED IMPROVEMENTS AND MINIMUM CONSTRUCTION STANDARDS FOR STREETS, CURBS AND SIDEWALKS

<u>TYPE OF STREET</u>	<u>BITUMINOUS PAVE</u>	<u>BASE COURSE TYPE THICK</u>	<u>CURB(a) TYPE</u>	<u>SIDEWALKS(a) WIDTH TYPE</u>
Major Traffic Street	A	C 12"	D,E,F	5' G
Collector	A	C 10"	D,E,F	5' G
Minor Streets	B	C 6"	D,E,F	4' G,H
Hillside Streets	B	C 6"	D,E	3' G,H

Letters refer to the following:

(a). May be modified as per Section 7.300.

A.** Two and one-half (2 1/2") inch ID-2 surface course in accordance with PennDOT specifications and five (5") inches of BCBC.

B.** One and one-half (1 1/2") inch ID-2 surface course in accordance with PennDOT specifications and four and one-half (4 1/2") inches of BCBC.

C. Stone base course or equivalent in accordance with PennDOT specifications.

D. Plain cement concrete - Type A - in accordance with PennDOT specifications, using mix of 1:2 1/4:3.

E. Stone Curb - Type A - 6" wide by 22" high by 6' long in accordance with PennDOT specifications.

F. Integral concrete curb and valley gutter in accordance with specifications of the Township Engineer.

G. Concrete - 4" thickness 1:2 1/4:3 mix placed on 4" cinder or crushed stone.

H. Cut flag stone, 2" in thickness placed on 4" of cinder or crushed stone.

* BCBC: Bituminous Concrete Base Course.

** Pavement Design May Be Revised at Discretion of the Township Supervisors.

Construction standards for sidewalks and curbs shall also be in accordance with Chart III.

Sidewalks shall not be required in residential developments proposing five (5) or less dwelling units per acre. These standards may also be modified by the Board of Supervisors, upon recommendation of the Planning Commission, provided it is for the purpose of implementing the Storm Water Drainage Plan. (See Section 7.500)

7.400 Water Supply and Sewage Disposal Requirements

All subdivision and land developments shall be served with an adequate water supply and sewage system, either on-lot, public, or private central systems. All such systems shall be acceptable to the Pennsylvania Department of Environmental Resources and to the Municipality.

All suppliers of non-municipally owned water and/or sewer services shall be organized in such fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission or the developer shall provide for operation and continuity of services in a manner which is acceptable to the municipality. In the event any such central water and/or central sewer system is transferred to the municipality or a municipal authority, neither the developer nor the developer's assignee shall be entitled to receive compensation or payment therefore, and in no event shall the municipality or municipal authority be obligated to accept such system by virtue of the terms of this Ordinance.

One copy of all correspondence, supporting documentation, applications for permits, and certificates for operation submitted to the Department of Environmental Resources and/or Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One copy of the permit and/or certificate of convenience issued by DER and the PUC authorizing such services shall be forwarded upon receipt to the Municipality as a part of the public record.

Plans and specifications for central or community water and/or sewage systems (i.e. extension of an existing or new proposed utility) shall be prepared by a registered professional engineer well versed in the design of such systems and duly licensed to practice within the Commonwealth of Pennsylvania. A minimum of four (4) complete sets of preliminary plans for such systems shall be submitted to the Municipality with the application for review of preliminary plans. A minimum of four (4) complete sets of approved plans and specifications shall be submitted to the Municipality with the application for review of the Final Plan.

Four (4) copies of a completed Planning Module for Land Development shall be submitted concurrent with the Preliminary Plan or prior to Final Plan submission. Following Preliminary Plan approval, the Municipality will submit copies of the module and necessary documents to the Pennsylvania Department of Environmental Resources (DER) for review. DER approval of the module and any required Official Sewage Facilities Plan revision or supplement will be required prior to Final Plan approval.

7.401 Public or Private Central Water System

Subdividers and land developers shall provide connection to a public water system where such system is available.

Proposed central water systems shall meet the development procedures and requirements of Article 5 and Section 7.700 of this Ordinance prior to approval of any Final Plan relying upon such system.

7.402 Central Sewers

Subdividers or land development shall provide sewer connections to a public sewer system if such sewer system is reasonably available.

If a county plan, regional plan, municipal plan or subdivision requirement indicates that construction of sanitary sewers will serve the site within approximately five (5) years, then capped sewers shall be required. When public sanitary sewer systems may not be available within ten (10) years, then a central sewage treatment and disposal system (commonly called a package treatment plant) or a community subsurface sewage disposal system may be installed by the developer. Central sewers or community systems are required for all residential lots and non-residential developments where the Municipality determines upon review of competent data and information that on-site soil conditions are unsuitable for on-lot subsurface disposal systems. In those cases where community subsurface disposal systems are proposed, replacement areas which have been properly tested and meet current state and Township standards for subsurface sewage disposal shall be provided for the subsurface sewage disposal field.

Design standards, materials and specifications shall be as outlined in the current Pennsylvania Department of Environmental Resources Sewerage Manual, Publication No. 1, supplements thereto and all other requirements either Federal or State necessary to secure the requisite permit from such agencies.

7.403 On-Lot Water and Sewer System

Where neither connection to a centralized water nor sewer system is required, on-lot systems shall be constructed in accordance with criteria set forth by the Pennsylvania Department of Environmental Resources. The Township Sewage Enforcement Officer's site and soils investigation and favorable report is required prior to unconditional Preliminary Plan approval. An adequate number of test pits and soil percolation tests, as determined by the Sewage Enforcement Officer, shall be undertaken to determine the general suitability of soils throughout the subdivision or development for on-lot subsurface sewage disposal.

7.500 Storm Water Drainage

The applicant shall furnish three (3) copies of a Storm Water Drainage Plan and associated calculations to the Commission for review and analysis. Said plan shall also meet the State of Pennsylvania Title 25, Chapter 102, Department of

Environmental Resources requirements for an Erosion and Sedimentation Control Plan. The Commission shall submit one (1) copy of the Storm Water Drainage Plan to the Township Engineer for review and comment.

In general, the anticipated peak rate of stormwater runoff from the site during and after development shall not exceed the peak rate of runoff from the site prior to development activities.

Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. Natural drainage courses shall be maintained. The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of storm water across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross-section of the streets as constructed shall provide for parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements.

The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.

No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structure on other private properties or public lands, without Township approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.

Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.

Where a subdivision is traversed by a water course there shall be provided a drainage easement conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.

7.600 Other Matters Related to Required Improvements and Construction

7.601 Placement of Underground Utilities and Improvements

No underground sewer, water, gas, electric or other utilities and improvements shall be located anywhere except within public rights-of-way lines as projected unless, in the opinion of the Commission, such location is impractical or unreasonable. It is understood that this provision applies only to lines serving more than one property and does not apply to individual lot connections, i.e. on-site lateral service lines. In those cases where the Commission does approve such placement in private lands, easements for same shall be provided and no buildings or other structures shall be permitted with the lines of such easements (See Article 6 herein).

7.602 Grading, Excavation and Filling

- (1) Where major cuts, excavation, grading and filling materially changes the site and its relationship with surrounding areas, or materially affects such areas, they shall not be permitted if they result in a slope exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.
- (2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- (3) Cut and fills should not endanger adjoining property.
- (4) Fills shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (5) Fills shall not encroach on natural watercourses or constructed channels.
- (6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (7) Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Municipality.
- (8) During grading operations, necessary dust control will be exercised.
- (9) Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.

7.603 Erosion and Sediment Control

- (1) No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Planning Commission, Pennsylvania Department of Environmental Resources and the Luzerne County Conservation District, or there has been a determination by the Commission that such plans are not necessary.
- (2) No subdivision or land development plan shall be approved unless (a) there has been a plan approved by the Municipality that provides for minimizing erosion and sedimentation consistent with this Article, and an improvement bond or other acceptable securities are deposited with the Municipality in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (b) there has been a determination by the Municipality that a plan for minimizing erosion and sedimentation is not necessary.

(3) Measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the USDA Soil Conservation Service. The Commission Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications.

(4) Performance Principles

(a) The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan.

1) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

4) The disturbed area and the duration of exposure shall be kept to a practical minimum.

5) Disturbed soils shall be established as quickly as practicable.

6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

7) The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

8) Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff will be structurally retarded.

9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

7.604 Public Grounds and Open Space

1) Recreation Fee: Developers are required to pay a fee for the purpose of funding community recreation facilities and projects intended for use by residents of the development. The fees are to be collected by the Municipality and placed in a special recreation fund to be used for recreational land acquisition and/or capital improvements to municipal park and recreation areas.

The following fee schedule is established to fund municipal recreation projects and is payable by the developer to the Municipality upon final plan approval:

- (a) A fee of \$300.00 (Three hundred dollars) per lot in a single-family residential subdivision.
- (b) A fee of \$300.00 (Three hundred dollars) per dwelling unit in multi-family developments and Mobile Home Parks.
- (c) Any resubmission for modification to the original plans will be adjusted accordingly.

7.700 Procedure for Installation of Required Improvements

7.701 Improvements to be Provided by Developer

The developer shall be responsible, in all cases, for the installation of all required improvements which shall be approved by the municipal engineer. The developer shall also submit a certificate stating that no lot will be sold or transferred unless and until the required improvements and installation have been made or installed or acceptable security has been provided for such required improvements and/or installations.

7.702 Method of Providing Required Improvements

The Commission and Governing Body shall not approve any Final Plan until provision has been made by the developer for the proper installation or construction of required improvements in either of the following ways:

(1) Performance Guarantee

The developer or applicant may post a performance bond, certified check or equivalent security equal to 110% of the estimated cost of the improvements in accordance with section 5.416 of this ordinance

(2) Construction or Installation of Required Improvements

In lieu of posting a bond, certified check or equivalent security, the developer may elect to construct or install the required improvements in accordance with the standards and specifications contained in this Ordinance and with the Final Plan submitted to the Commission. The developer shall obtain a certificate from the municipal engineer stating that all required improvements have been so installed or constructed.

7.703 Maintenance of Streets Prior to Dedication

In submitting the Final Plan to the Commission, the developer or applicant shall agree to maintain and repair all streets and other public facilities to be dedicated to the Municipality until same are officially accepted by the Municipality or for a

maximum of eighteen (18) months from the completion of the streets and other public facilities.

7.704 Release From Improvement Bond

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the Governing Body, and shall promptly mail a copy of same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the governing body, and said report shall be detailed and shall indicate 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 by the municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(b) The Governing Body shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing, by certified or registered mail of the action of the municipal governing body regarding the release from the improvement bond.

(c) If the Governing Body or the municipal 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 bond or other security agreement.

(d) If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(e) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Governing Body or the municipal engineer.

(f) Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant.

7.705 Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plan, the governing body of the Township is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to

pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security 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 purpose.

ARTICLE 8 MODIFICATIONS, EXCEPTIONS AND OTHER PROVISIONS

8.100 Small Subdivisions Along Existing Streets

A proposed division of a parcel of land along an existing improved street, not involving the opening, widening or extension of any new street or public way, and involving not more than ten (10) lots may be submitted to the Commission for approval without a Preliminary Plan. If the Commission is satisfied that such proposed division is not contrary to applicable planning, subdividing, or zoning regulations it shall within seven (7) working days after submission approve the application and stamp same, "No Plan Required". The Commission may, however, require the submission of a sketch and such other information as is pertinent to its determination hereunder. Adjacent proposed divisions of land along an existing public street may be submitted and approved under this subsection.

8.200 Improved Areas

Where areas have been predominantly improved with residences prior to the adoption of this Ordinance, including leased properties, the Commission may not require improvements to be made in such areas when the property is subdivided.

8.300 Exceptions for Special Conditions

In any particular case where the developer or his engineer can show by plan and/or written statement that, by reason of exceptional topographic or other physical conditions, strict enforcement of one or more requirements of this Ordinance would result in extreme practical difficulties and undue hardship, the Commission may grant reasonable exceptions provided that they:

- (1) Will not be contrary to the public interest, and
- (2) Will not impair the intent and purpose of this Ordinance or the desirable general development of the neighborhood and the community.
- (3) Do not include any relaxation of the grading provisions of this Ordinance as are contained in Article 7.602 herein.

8.400 Application for Modifications and Exceptions

Applications for modifications and exceptions shall be submitted in writing to the Commission by the subdivider at the time of filing of the Preliminary Plan. Such application shall state in full all the grounds and particulars upon which the applicant relies and shall be accompanied by the proper fee as required by Article 5.403 herein. No application need be made for the exceptions granted under Article 8.100 herein.

8.500 Record of Modifications and Exceptions

Any modification or exception granted, and the full particulars for such grant, shall be recorded in the minutes of the Commission. A statement of modification or exception showing the date such grant was made shall be attached to all copies of the Final Plan.

8.600 Seasonal Residential Developments

The basic standards and requirements of this Ordinance applicable to residential subdivisions and land developments may be modified by the Board of Supervisors upon recommendation of the Planning Commission in the case of cottage, cabin site and similar seasonal residential development provided the following minimum standards, requirements and conditions are met:

(1) Access: All lots or sites not abutting a public street shall have access to public streets by either private streets or easements. Proposed new private streets and public streets shall meet the following standards:

a) Access to five sites or less may be provided by driveway easements at least forty (40) feet in width and without any base or surface course requirements if such easements are to remain private.

(b) Access streets shall be provided for areas with a potential development of from six to twenty sites, and shall have a fifty foot right-of-way which includes a twenty foot cartway. The cartway shall be graded: paved with an approved base course (crushed stone or equivalent) and provided with gutters and culverts where needed.

(c) Access streets shall be provided for areas with a potential development or more than twenty sites and shall have a fifty foot right-of-way and twenty foot cartway. The cartway shall be constructed according to the standards for minor streets set forth in Table I herein. In developments where lots are to be sold, streets serving more than twenty lots may be required to be offered for dedication.

(2) Basic Lot Requirements. Lots or sites shall have a frontage of at least one hundred (100) feet and a depth of at least one hundred (100) feet; and shall be not less than twenty thousand (20,000) square feet in area; subject to such additional area as may be required on the basis of percolation rates and as may be modified by Subsection (3) following.

(3) Conservation Area Development.

(a) Cottage, cabin and similar sites may be developed in flood plain areas provided each site shall be not less than three hundred (300) feet in width and shall be not less than one acre in area, provided further that all site improvements including structures are installed in accordance with Article 8.600 herein.

(b) Cottage, cabin and similar sites to be developed in any area designated as predominantly Wooded or Open Space by the County Land Use Plan or on land in any other area having a slope of twenty (20) percent or greater shall be not less than two acres in area.

(4) Site Occupancy. No cottage, cabin or site developed under the provisions of this Section shall be used for human occupancy for a period in excess of six (6) months during any calendar year and there shall be no more than one dwelling unit on any lot or site at any given time.

(5) General. Water supply, sanitary sewage, stormwater drainage, easements, utility line location, erosion and sediment control, and site planning shall be in accordance with the basic sections of this Article related thereto.

8.700 Flood Plain Regulations

For the purposes of this Ordinance, the areas considered to be floodplain within the Township shall be those areas identified as being subject to the one-hundred (100) year flood in the Flood Insurance Study and Floodplain Map prepared for the Township by the Federal Insurance Administration.

Any proposed development within the designated floodplain areas shall comply with the requirements set forth in the Township Floodplain Management Ordinance.

8.800 Mobile Home Park Standards and Required Improvements

This Section contains provisions setting forth minimum standards for the design, construction, alteration and extension of mobile home parks and related utilities and facilities. Provisions are also included authorizing the issuance of permits for such construction, alteration and extension of mobile home parks.

A. Application Procedures and Issuance of Permit

1) Permits Required

It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of Jenkins Township unless it has received plan approval by the Township.

(2) Application Procedures

The application procedure for a Mobile Home Park shall be the same as contained in Article 5 of the Subdivision and Land Development Regulations.

(3) Review of Plans

- a. The procedures to be followed in reviewing proposed plans which have been submitted to the Township for approval, shall be the same as those contained in Article 5 for all applications for plan approval.

B. Inspections of Mobile Home Parks

The Township, or their designated representative, may inspect a mobile home park periodically to determine compliance with this Ordinance. As a result of such inspection, the Township may give notice for any violations of this Ordinance.

C. Design and Construction Requirements

(1) Minimum Park Area

A mobile home park shall have a gross area of at least ten (10) acres.

(2) Site Location

The location of all mobile home parks shall comply with the following minimum requirements:

- (a) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- (b) Compliant with all floodplain management requirements.
- (c) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, industrial or commercial usage.
- (d) Shall have direct access to paved public streets or roads.

(3) Stormwater Management

- (a) The ground surface in all developed parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to permit the unimpeded flow of natural water courses and insure the adequate drainage of all locations within the park.
- (b) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

4) Soil and Ground Cover Requirements

(a) Ground surfaces in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

(b) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests.

(5) Park Areas for Non-residential Uses

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

(b) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

(6) Setbacks, Buffer Strips and Screening

(a) Mobile homes shall be located at least sixty (60) feet from the center line of any abutting existing or proposed public local street, seventy (70) feet from the center line of any abutting existing or proposed public collector street.

(b) There shall be a minimum distance of twenty-five (25) feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street or common parking area or other common areas and structures.

(c) Mobile home parks shall provide a screen planting (trees, shrubs) along the property boundary line separating the park and the adjacent uses. The 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. The buffer strips shall be properly maintained by the park owners.

(d) Mobile homes shall be located at least twenty-five (25) feet from any park property line and at least ten (10) feet from any side or rear mobile home lot or site line or shall be in compliance with the setbacks in the Municipal Zoning Ordinance.

(7) Placement of Mobile Homes

(a) Mobile homes shall be separated from each other and from other buildings, structures, and outdoor living areas by the least twenty (20) feet on all sides or shall be in compliance with the setbacks in the Municipal Zoning Ordinance.

(b) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(c) All mobile homes shall be properly placed upon a mobile home site and must be securely fastened by ground anchors.

(8) Park Street System

All streets within the proposed mobile home court shall conform to the requirements for streets as set forth in Article 6 of this Ordinance. The right-of-way width shall be a minimum of fifty (50) feet.

All streets within the mobile home park shall be privately owned and maintained.

(9) Off-Street Parking Areas

A paved off-street parking space for (2) motor vehicles shall be provided at each mobile home site or lot.

(10) Walks

(a) All mobile home parks shall be provided with an interior walkway system and/or pedestrian walks on both sides of the street. Such walks shall be at least three and one-half (3 1/2) feet in width and four (4) inches deep.

(b) All mobile home sites (lots) shall be connected to a pedestrian walk with an individual walk at least three (3) feet in width.

(c) All pedestrian walks shall be constructed of a hard, durable, all-weather material that can be easily maintained, in accordance with municipal specifications.

(11) Mobile Home Lots

(a) All lots shall abut and be accessible from a park street.

(b) Mobile home lots within the park shall be the same size as required for single-family dwellings in the Zone District in which they are located.

(c) Each mobile home site shall be improved to provide a hard surfaced mobile home stand and adequate frost-free foundation for the placement of the mobile home. All mobile homes shall be properly anchored to prevent uplift, sliding or rotation.

(12) Recreation Areas

Not less than (10%) percent of the gross area of the mobile home park shall be set aside for usable recreation areas for use by all park residents. The recreation area shall be located within 700 feet of at least 50 percent of all mobile homes. The recreation area shall not be included in the calculations to determine the number of mobile homes allowed.

(13) Outdoor Living Area

An outdoor living and service space shall be provided for each mobile home as follows:

- (a) Such space shall be located for privacy, convenience and optimum use.
- (b) The minimum size of such space shall be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.
- (c) Visual barriers such as walls, fences, or plantings shall be of a size and character to assure reasonable privacy and visual appeal.

D. Water Supply

(1) General

Adequate water supply meeting current Pennsylvania DER standards shall be provided for all mobile homes in the park.

(2) Individual Connections

- (a) Individual water riser pipes having an inside diameter of no less than one-half (1/2) inch shall be provided to each mobile home stand and shall terminate no less than four (4) inches above the ground level.
- (b) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.
- (c) A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home site.

E. Sewage Disposal

(1) General

All mobile home parks shall be connected to the public sewage system, or the park shall provide sewage facilities adequate to meet Pennsylvania DER standards.

(2) Individual Connections

- (a) Individual sewer riser pipes at least a four (4) inch diameter shall be located on each mobile home site and shall extend at least one (1) inch above the ground level.
- (b) Provisions shall be made for capping the sewer riser pipe when the mobile home site is unoccupied.

F. Electric and Fuel Utility Service

(1) All electric, natural gas, liquified petroleum, gas or fuel oil systems shall be constructed in accordance with the municipal building code and any industry standards.

(2) All power lines shall be placed underground in accordance with the regulations for underground wiring.

G. Fire Protection

(1) Local Regulations

The mobile home park area shall be subject to any local fire protection rules and regulations.

(2) Litter Control

Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

(3) Fire Extinguishers

Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control and a sufficient number of maintained fire extinguishers placed throughout the park in readily accessible and well marked positions.

(4) Fire Hydrants

(a) Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the following requirements:

1. The water supply source shall permit the operation of a minimum of two (2) one and one-half (1 1/2) inch hose streams.

2. Each of two nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.

(b) Fire hydrants, if provided, shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park, and shall be installed in accordance with all applicable municipal specifications.

(c) The park management shall give the municipality or other authorized municipal representative free access to all mobile home sites, service buildings, utility and other community service facilities for inspection purposes.

ARTICLE 9 VALIDITY

If any article, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, clause, provision or portion of this Ordinance.

ARTICLE 10 CONFLICT WITH OTHER REGULATIONS

Wherever there exists a difference between the minimum standards and/or dimensions specified herein and those contained in the Zoning Ordinance or other official regulations, the highest and strictest standards shall apply.

ARTICLE 11 ADMINISTRATION, ENFORCEMENT AND PENALTIES FOR VIOLATION

11.100 Administration

The Planning Commission shall be charged with the responsibility for the administration of this Subdivision and Land Development Ordinance.

11.200 Enforcement

No plot located within the jurisdiction limits set forth in Article 1 herein, shall be recorded and no permit for the connection to any utility line shall be issued by the Township until the Final Plan has been approved by the Planning Commission. The Township may institute and maintain civil action in order to:

- (1) Obtain a writ of injunction against any owner or agent who attempts the improper sale or conveyance of land.
- (2) Set aside and invalidate any conveyance of land prior to the Commission's approval of the Final Plan.
- (3) Prosecute or bring action against any alleged violator or violators of the provisions of this ordinance and to penalize any owner or agent found guilty of any such violation in accordance with Article 11.3 herein.

11.300 Preventive Remedies

In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, 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.

The Municipality 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 leasee of the owner of record at the time of such violation without regard as to whether such vendee or leasee 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 leasee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or leasee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to such owner, current owner, vendee or leasee for the development of any such real property, the Municipality 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.

11.400 Enforcement Remedies

Any person, firm or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgement of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof.

No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation until the fifth day following the date of the determination of a violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Municipality.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality, the right to commence any action for enforcement pursuant to this section.

11.500 Appeal From Decision

Any person, officer of the Township, or firm or corporation which deems itself aggrieved by any decision of the Commission may appeal therefrom to the proper court within thirty (30) days of the issuance of said decision.

ARTICLE 12 AMENDMENTS, REVISIONS AND MODIFICATIONS

This Ordinance may be amended, revised and/or modified from time to time in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 13 CONTINUATION

The modification or repeal of any prior ordinance, resolution or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issue, or violation, penalty or other liability incurred pursuant to such affected ordinance, resolution or regulation.

ARTICLE 14 MUNICIPAL LIABILITY

The approval of a subdivision and/or land development plan, or of any improvement installed, shall not constitute a representation, guarantee or warranty of any kind of nature by the Township or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any case whatsoever and shall create no liability upon, or a cause of action against the Township or such official, employee or appointee for any damage that may result pursuant thereto.

ARTICLE 15 COMMISSION RECORDS

The Commission shall keep a complete record of its findings, decisions and recommendations relative to all subdivision plans filed with the Commission for its review.

ARTICLE 16 ENACTMENT

This Subdivision Ordinance shall be in full force and effect from and after its date of passage. This Ordinance however, shall have no effect on written agreements to sell, options, and offers to purchase pending at the time of passage of this Ordinance provided that said written agreements are registered with the Township Secretary within sixty (60) days of the date of passage of this Ordinance.

DATE OF ADOPTION: _____

BERNIE GILLIGAN
ADMINISTRATOR

JEANNE L. GUBBIOTTI
CHAIRMAN

EDWARD GRIGLOCK
VICE-CHAIRMAN

RUSSEL ARNONE
SECRETARY/TREASURER