

BOROUGH OF CLARKS SUMMIT

LACKAWANNA COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ORDINANCE NO. 2012-04

**ADOPTED
MARCH 7, 2012**

OVERVIEW

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

Application Filing - 3 Mondays Prior

- All applications for major subdivisions, land developments, minor subdivisions and lot line adjustments must be filed with the Borough at least 3 Mondays before the Planning Commission meeting. (§301.2)
- Sketch plans for major subdivisions and for land developments must be filed 3 business days prior to the Planning Commission (§302.5.E).
- In addition to the required number of printed documents, all documents must be submitted in electronic portable document format (PDF).

Subdivision Defined (See definition in §204.)

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

Minor Subdivision Defined (See definition in §204.)

- A subdivision that creates 3 lots or less, or the cumulative development of a total of 3 lots or less since the effective date of the original Borough Subdivision and Land Development Ordinance.

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

Major Subdivision Defined (See definition in §204.)

- A subdivision that creates more than 3 lots, or the cumulative development of a total of more than 3 lots since the effective date of the original Borough Subdivision and Land Development Ordinance.
- Any subdivision, irrespective of the number of lots, is considered a major subdivision if it requires the construction or extension of any public or private community facilities such as stormwater controls, a central water supply, a central sewage disposal system, streets or other improvements.

Land Development Defined (See definition in §204.)

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

- Two or more principal residential or principal nonresidential buildings. (e.g., Adding a second dwelling on a lot.)
- A single nonresidential building. (e.g., Constructing a commercial building on a lot.)
- The division or allocation of land or space between two or more occupants. (e.g., Dividing leased space in an existing building.)
- Land development does not include the following:
 - The conversion of an existing dwelling into not more than 3 residential units, except for condominiums.
 - The addition of an accessory building.

OVERVIEW

Preliminary Plans and Final Plans

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

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

PAGE I -

100 Readoption and Conflict 1
101 Title and Short Title 1
102 Jurisdiction; Authority 1
103 Purpose 2
104 Interpretation 2
105 Effect of Ordinance Changes 3
106 Conflict 4
107 Severability 4
108 Effective Date 4

ARTICLE II - DEFINITIONS

PAGE II -

201 Tense, Gender, and Number 1
202 General Terms 1
203 Terms or Words Not Defined 1
204 Specific Terms 1

ARTICLE III - PLAN PROCESSING

PAGE III -

301 General 1
302 Sketch Plan 2
303 Preliminary Plans for Major Subdivisions and Land Developments 4
304 Final Plans for Major Subdivisions and Land Developments 7
305 Plans for Minor Subdivisions 12
306 Reserved
307 Plans for Minor Residential Land Developments 15
308 Minor Plans for Lot Line Adjustments and Revisions to Previously Approved Plans 16
309 Contiguous Municipalities 20

ARTICLE IV - PLAN REQUIREMENTS

PAGE IV -

401 Sketch Plan Overlay Sheet 1
402 Preliminary Plan Requirements for Major Subdivisions and for Land Developments 2
403 Final Plan Requirements for Major Subdivisions and for Land Developments 9
404 Minor Subdivisions, Final Plan Requirements 10
405 Plan Requirements for Lot Line Adjustment and Revisions to Previously Approved Plans 14
406 Reserved
407 Requirements for As-Built Plans 18

ARTICLE V - IMPROVEMENT CONSTRUCTION AND GUARANTEES, AND OPEN LAND

PAGE V -

500 General 1
501 PennDOT Required Improvements 1
502 Sections/Stages 1
503 Performance Guarantees 1
504 Improvements Construction 4
505 Improvement Construction Maintenance Guarantee 4

506 Continued Ownership and Maintenance of Improvements 5
 507 Open Land and Recreation Land - Ownership and Maintenance 6
 508 Failure to Preserve Use and Operation and Maintenance of Improvements or Common Open Space . . . 9
 509 Subdivision and/or Land Development Improvements Agreement 10

ARTICLE VI - DESIGN STANDARDS and SPECIFICATIONS

PAGE VI -

601 General Design Standards; Borough Zoning Requirements 1
 602 - 604 Reserved
 605 Resource Conservation Standards for Site Preparation and Cleanup 4
 606 Blocks and Lots 4
 607 Streets 7
 608 Survey Monuments and Markers 18
 609 Storm Water and Drainage Control 19
 610 Soil Erosion and Sedimentation Controls 20
 611 Water Supply and Sewage Disposal 20
 612 Reserved
 613 Utilities 28
 614 Sidewalks 28
 615 Landscape Requirements; Trees and Vegetation 28
 616 Street, Parking Area and Building Lighting 30
 617 Reserved
 618 Wetlands 30
 619 Off-Street Parking and Loading 30

ARTICLE VII MOBILE HOME PARKS

PAGE VII -

701 Zoning 1
 702 Land Development 1
 703 Streets 1

ARTICLE VIII CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

PAGE VIII -

800 General Applicability 1
 801 Campgrounds 1
 802 Land Development; Procedures; Design 1
 803 Minimum Parcel Size 1
 804 Campsite Size, Density and Lot Width 1
 805 Design Standards 2
 806 Non-Residential Uses 4
 807 Other General Requirements 4
 808 Expansion of Existing Campgrounds 5

ARTICLE IX - LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

PAGE IX -

901 Land Developments and Commercial and Industrial Subdivisions 1
 902 General Design and Site Standards 1
 903 Commercial and Industrial Lots 2
 904 Unified Development 2
 905 Streets 2

ARTICLE X ADMINISTRATION

	<u>PAGE X -</u>
1001 Purpose	1
1002 Amendment	1
1003 Modifications	1
1004 Preventative and Enforcement Remedies	1
1005 Fees	3
1006 Records	4

ARTICLE XI - ADOPTION

	<u>PAGE XI -</u>
Adoption	1

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of The Borough of Clarks Summit, Lackawanna County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, as follows:

ARTICLE I GENERAL PROVISIONS

100 Readoption and Conflict

The Subdivision and Land Development Ordinance of the Borough of Clarks Summit (Ordinance No. 94-02), as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Borough of Clarks Summit. If any other ordinance, code or regulation of the Borough of Clarks Summit is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

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

102 Jurisdiction; Authority

102.1 Application

This Ordinance shall apply to all proposed subdivisions and land developments in the Borough of Clarks Summit proposed after the effective date of this Ordinance.

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

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

102.2 Powers

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

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

102.3 Recording of Plans

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

103 Purpose

103.1 General

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of the Borough of Clarks Summit by establishing regulations to allow for the proper and controlled development of the Borough, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Borough of Clarks Summit to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Borough.

103.2 Land Capability; Conservation Design

The basic tenet of subdivision and land development in the Borough of Clarks Summit is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Borough and help establish substantial buffers along boundaries with existing protected lands.; and,

103.3 Comprehensive Plan

This ordinance has also been adopted to accomplish the goals and objectives of the Borough Comprehensive Plan and to establish the resource inventory maps and the Map of Conservation Opportunities in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Borough and its citizens. It is not

intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

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

105.2 Project Completion and Effect of Litigation

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

105.3 Five Year Initiation

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

105.4 Substantially Completed Improvements

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

105.5 More Than Five Years

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

105.6 Sections

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

105.7 Landowner Failure

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

106 Conflict

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

107 Severability

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

108 Effective Date

This Ordinance shall take effect immediately upon enactment.

ARTICLE II DEFINITIONS

201 Tense, Gender and Number

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

202 General Terms

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

203 Terms Or Words Not Defined

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

204 Specific Terms

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

ACCESSORY USE OR STRUCTURE - A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

ADJACENT - A state of being side by side, next to, adjoining, contiguous, or abutting one to another.

ADMINISTRATOR - The person designated by the Borough to receive plans and otherwise act in a clerical capacity for and on behalf of the Planning Commission.

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

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

ALLEY - A public or private way affording only secondary access to abutting properties.

APPLICANT - An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.

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

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

BOROUGH - The Borough of Clarks Summit, Lackawanna County, Pennsylvania.

BOROUGH COUNCIL - The Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania.

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

- A. **DETACHED** - A structure with enclosing walls but no common or party wall.
- B. **SEMIDETACHED** - A structure with enclosing walls and one party wall in common with an adjacent building.
- C. **ATTACHED** - A structure with enclosing walls as well as two party walls in common with adjacent buildings.

BUILDING SETBACK LINE - See *yard*.

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK - 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 line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for temporary occupancy. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

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

CARTWAY - The designated travel surface of a street, lane, road, alley or other public way. Wherever curbs are installed or designated, the curb line shall be considered the cartway line. When designated by ordinance, any street or roadway width definition shall include the cartway width along with the right-of-way width dimension.

CENTERLINE - The center of the surveyed street, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cartway.

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

COMMERCIAL BUILDING - A building which houses a commercial use.

COMMERCIAL USE - A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMISSION OR PLANNING COMMISSION - The Borough of Clarks Summit Planning Commission.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development or planned unit development or planned residential development. It does not include streets, off-street parking areas and areas set aside for public facilities. Common Open Space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved by the governing body and as are appropriate for recreational use by the residents.

COMPREHENSIVE PLAN - The Scranton-Abingtons Planning Association Comprehensive Plan, or any successor plan adopted in accord with the Pennsylvania Municipalities Planning Code.

COUNTY - The County of Lackawanna, Commonwealth of Pennsylvania.

CROSSWALK or WALKWAY - A strip of land, including a right-of-way dedicated to public use, to facilitate pedestrian access through or into a block.

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

DEP - The Pennsylvania Department of Environmental Protection.

DEVELOPER - Any landowner, equitable owner, 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 - A proposed development, prepared in accordance with this Ordinance and the Borough Zoning Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities

DISTURBED AREA - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

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

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

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

- A. CONVERSION APARTMENT - A new dwelling unit created within an existing building.

- B. GARDEN APARTMENT - A multi-family dwelling not exceeding two and one-half (2 1/2) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- C. TOWNHOUSE - A multi-family dwelling of two (2) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls without openings.
- D. APARTMENT BUILDING - A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.

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

DWELLING, TWO-FAMILY - A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

DWELLING UNIT - A single habitable living unit including a kitchen, sleeping facilities, and a separate bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

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

EASEMENT - A right-of-way granted for limited use of land for a public, quasi-public, or private purpose not inconsistent with a general property right of the owner, and within which the owner of the property shall not have the right to use the land in a manner that violates the right of the grantee.

ENGINEER, PROFESSIONAL - A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER, BOROUGH - The Borough of Clarks Summit Engineer or any consultant designated by the Borough Council to review a subdivision plan and perform the duties of engineer on behalf of the Borough.

FILE OR FILING -

- A. FILE - To provide an application, plans and associated documents to the Administrator as required by this Ordinance.
- B. FILING - 1) Providing an application and associated documents, or 2) the physical application, plans and associated documents that have been provided to the Administrator.

FLOODPLAIN - A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation or flooding. Floodplain boundaries are frequently shown for the floods having recurrence intervals of 10, 50, 100 and 500 years according to the latest Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

FLOODWAY - The designated area of a floodplain required to carry the discharge waters of a given magnitude. For purposes of this Ordinance, the floodway shall be capable of a flood of one-hundred-year magnitude. The floodway must be kept free of encroachment (except as may be otherwise expressly permitted by the Borough) in order that the one-hundred-year flood is carried without substantial increases in flood heights as defined and regulated by the Pennsylvania Department of Environmental Protection.

IMPERVIOUS SURFACE - Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Borough Engineer shall decide any dispute over whether an area is impervious. Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking)..

IMPROVEMENT - A physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including, but not limited to, buildings, structures, additions to buildings and structures, streets, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

INDUSTRIAL BUILDING - A building which houses an industrial use.

INDUSTRIAL USE - Any use engaged in:

- A. GENERAL INDUSTRIAL USE - Manufacturing or storage uses which, because of their shipping, storage and other requirements are not compatible in close proximity to residential areas.
- B. LIGHT INDUSTRIAL USE - Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which are compatible with neighboring residential uses

INSTITUTIONAL BUILDING - A building which houses an institutional use.

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

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

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
- B. The division or allocation of residential or nonresidential land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LAND DEVELOPMENT, MINOR RESIDENTIAL - See §307.

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

LONG-TERM RESIDENCY - Occupancy of any dwelling or structure, generally for periods of more than 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles. It also includes any dwelling or structure where children who attend school reside.

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

LOT, CORNER - A lot situated at and abutting the intersection of two streets.

LOT, FLAG OR PANHANDLE - An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel..

LOT, INTERIOR - A lot other than a corner lot, the side property lines of which do not abut a street.

LOT, REVERSE FRONTAGE - A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

LOT, THROUGH - A lot that abuts two (2) parallel or approximately parallel streets.

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

LOT DEPTH - The average horizontal distance between the front lot line and the rear lot line measured through the approximate center of the lot.

LOT LINES - The property lines bounding the lot.

- A. LOT LINE, FRONT - The line separating the lot from a street.
- B. LOT LINE, REAR - The lot line opposite and most distant from the front lot line.
- C. LOT LINE, SIDE - Any lot line other than a front or rear lot line.
- D. LOT LINE, STREET OR ALLEY - A lot line separating the lot from a street, alley or public right-of-way.

LOT LINE ADJUSTMENT - The revision or deletion of one or more lot lines in such a way that **all** of the following are true:

- A. No new lots will be created beyond what was previously approved;
- B. No additional street segments or significant changes in alignment are proposed other than what was

previously approved;

- C. No additional non-conformities will be created under the Borough Zoning Ordinance; and,
- D. No new land development will occur other than the land development that was previously approved.

LOT WIDTH - The average of the width of a lot at the building setback line required by the Borough Zoning Ordinance and the rear lot line.

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

MINOR RESIDENTIAL LAND DEVELOPMENT - See §307.

MOBILE HOME - A transportable single-family dwelling, intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

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

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

MUNICIPALITY - The Borough of Clarks Summit, Lackawanna County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

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

PERFORMANCE GUARANTEE - Any security which may be accepted by the Borough in lieu of a requirement that certain improvements be made by the developer before the plan is approved.

PERSON - A natural person, firm, partnership, association, corporation, limited liability company or other legal entity.

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

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the *Existing Resources and Site Analysis Map*.
- B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a qualified professional (see definition of *qualified professional*) with his/her

professional seal affixed.

- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property lines, proposed streets and other improvements.
- D. RECORD PLAN - The copy of the final plan which contains the original required endorsements of the Borough Planning Commission and/or the Borough Council and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of the Borough of Clarks Summit, Lackawanna County, Pennsylvania.

PRINCIPAL BUILDING - The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

PRINCIPAL USE - A dominant use(s) or main use on a lot, as opposed to an accessory use.

PROPERTY OWNERS ASSOCIATION - A non-profit corporation or similar legal entity organized by the developer or home owners for the purpose of establishing an association of all property owners in a private development the purposes of which shall include the ownership and maintenance of open space common areas and all development improvements.

PUBLIC GROUNDS OR AREAS - Includes parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

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

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

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

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

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

- A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial side walls

which fold for towing by another vehicle and unfold at the campsite.

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

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

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

RIGHT-OF-WAY - Land reserved for the public or the abutting owners for use as a street, alley, interior walk or for other public purposes.

SETBACK - See *yard*.

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

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

SEWAGE DISPOSAL, CENTRALIZED - A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated.

SEWAGE DISPOSAL, ON-LOT - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot.

SEWAGE TREATMENT PLANT - The sewage treatment plant serving the Borough in accord with the most current Sewage Facilities (Act 537) Plan.

SEWER CONNECTION - The connection consisting of all pipes, fittings and appurtenances, from the drain outlet of a dwelling or building to the inlet of the street or main collector sewer pipe of the sewerage system serving the subdivision or development.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point

on the roadway when the view is unobstructed by traffic.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. The change in elevation, measured in consistent units, from one point to another measured perpendicular to the contours (lines of equal elevation) of the land. Slope is generally expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance or as a percentage.

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

STREAM - A natural watercourse.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street and any other thoroughfare except an alley (for vehicular and pedestrian circulation use).

- A. ARTERIAL STREET - Designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions; and, are designated as *limited*, *controlled*, or *partial* access streets, and average daily traffic is 5,000 or more.
- B. CONNECTOR STREET - Collects traffic from local access and collector streets and also provides a connection to arterial streets and expressways and between connector streets and average daily traffic ranges from 1,000 to 4,999.
- C. COLLECTOR STREET - Gathers traffic from local and marginal access streets and feeds 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. Average daily traffic on collector streets ranges from 501 to 999 vehicles.
- D. LOCAL STREET - Provides direct access to individual uses or gathers traffic from marginal access streets and feeds this traffic to collector streets. Average daily traffic on local streets does not exceed 500 vehicles.
 1. CUL-DE-SAC STREET - A local street permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.
 2. LOOP STREET - A local street that intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.
 3. MARGINAL ACCESS STREET - A local street parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with major traffic streets.
- E. PRIVATE ACCESS STREET - Provides access to residential lots from a public or approved street and the lots do not have direct access to a public or approved street.

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

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

STRUCTURE, TEMPORARY - A structure which was not designed to last or to be used for a long time for a specific use.

STRUCTURE, PERMANENT - Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE - Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place. Structures comprised of frameworks and covered with plastic, canvass or other materials shall be considered portable structures.

SUBDIVIDER - See *Developer*.

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

- A. MINOR SUBDIVISION - A subdivision that creates three (3) lots or less, or the cumulative development on a lot by lot basis for a total of three (3) lots or less of any original tract of record (i.e. not subdivided or developed subsequent to the effective date of the original Borough Subdivision and Land Development Ordinance); and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, streets or other improvements.
- B. LOT LINE ADJUSTMENT - The revision or deletion of one or more lot lines in such a way that **all** of the following are true:
 - 1. No new lots will be created beyond what was previously approved;
 - 2. No additional street segments or significant changes in alignment are proposed other than what was previously approved;
 - 3. No additional non-conformities will be created under the Borough Zoning Ordinance; and,
 - 4. No new land development will occur other than the land development that was previously approved.
- C. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision or a lot line adjustment.

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

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

TENT - A portable structure comprised of a frame with canvas or other pliable material overlapping and attached to the frame.

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

WATER CONNECTION - The connection consisting of all pipes, fittings and appurtenances from the water pipe to

the inlet pipe of the distribution system within the dwelling or nonresidential unit.

WATERCOURSE - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow.

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

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

WETLAND - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

YARD - An open space as may be required by the Borough Zoning Ordinance, on the same lot with a building or group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted by the Borough Zoning Ordinance.

- A. YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Borough Zoning Ordinance.
- B. YARD, REAR - An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Borough Zoning Ordinance.
- C. YARD, SIDE - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Borough Zoning Ordinance.

ARTICLE III PLAN PROCESSING

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

301 General

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

301.1 Required Plans

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

301.2 Requirement for Plan Filing

- A. Unless otherwise provided by this Ordinance, all required plans, applications, fees and supporting data shall be presented by certified mail or delivered in person to the Administrator not less than three (3) Mondays prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than three (3) Mondays prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees to place it on the agenda due to exceptional or unusual circumstances.
- B. All plans and documents, in addition to the required number of paper copies, shall be filed on compact disk in *pdf* or other electronic format approved by the Borough.
- C. The Administrator shall review the filing to make a preliminary determination whether the required documents have been filed in proper number and form. If complete the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

301.3 Filing of Revised Plans

Revised plans shall be presented by certified mail or delivered in person to the Administrator not less than seven (7) calendar days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than seven (7) calendar days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees due to exceptional or unusual circumstances.

301.4 Attendance

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

301.5 Public Hearing

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

301.6 Action

- A. The Planning Commission shall have the power to review and make the decision to approve, approve with conditions or deny applications for minor subdivisions (§305) and minor plans for lot line adjustments and revisions to a previously approved Final Plan (§308).
- B. All Preliminary and Final Plans for major subdivisions and all Land Development Plans shall be reviewed by the Planning Commission for compliance with this Ordinance. Plans and supportive data which are complete shall be recommended to the Borough Council for approval, approval with conditions, or denial.

301.7 Recording Final Plans

- A. Upon the approval of a final plan, the Applicant shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of a signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Lackawanna County Recorder of Deeds, and provide to the Borough proof of recording within fifteen (15) days of recording.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the fifteen (15) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- D. The Lackawanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough and review by the Lackawanna County Regional Planning Commission.

302 Sketch Plan302.1 Optional - Sketch Plans

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

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

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

302.2 Contiguous Holdings

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

302.3 Non-formal Filing

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

302.4 Major Subdivisions and Land Developments – Sketch Plan Process

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

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its consultant), to introduce the applicant to the Borough's regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan filings as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting. The payment of a pre-application fee shall be required to cover the cost of any Borough consultant.
- B. Existing Resources and Site Analysis - Applicants should file an Existing Resources and Site Analysis prepared in accord with the requirements of §402.3. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not filed).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis, applicants should arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract. At the discretion of the Commission, this conference may be combined with the site inspection.
- E. Sketch Plan Filing and Review
 1. Filing - Copies of a Sketch Plan, meeting the requirements set forth in §401, shall be filed with the Administrator during business hours for distribution to the Borough Council, the Planning Commission, the Borough Planner, the Borough Engineer and applicable advisory boards at least three (3) business days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed.

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

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

3. Detailed Review - The Applicant may request the Borough to submit the Sketch Plan to the Borough Engineer, Borough planner or other designated professional for review and comment. The Applicant shall pay all fees associated with the review in accord with the Borough Fee Schedule.

303 Preliminary Plans for Major Subdivisions and for Land Developments

All applications for preliminary plans for major subdivisions and land developments shall be filed with the Borough and be processed in accord with this §303.

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

303.1 Official Filing of Preliminary Plans (See §301.3 for filing of revised plans.)

303.1.1 Plan to be Filed With the Borough - Copies of the Preliminary Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or his authorized representative at least three (3) Mondays prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Preliminary Plan Submission*.

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

- A. Twelve (12) completed copies of the land development plan application.
- B. Twelve (12) paper prints of the Preliminary Plan.
- C. Five (5) copies of the required sewage planning module(s) and associated documentation.
- D. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.
- E. One (1) compact disk containing a *pdf* (or other electronic format approved by the Borough) copy of all required documents.

303.1.3 Preliminary Plan Filing Fee - The Administrator shall collect a preliminary plan filing fee as established by resolution of the Borough Council.

- A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough) and other administrative expenses associated with the review of applications for Land Development.
- B. The Applicant shall pay an initial escrow fee at the time of initial filing of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Borough. Unless the bill is disputed in accordance with requirements of the Pennsylvania Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE BOROUGH TO DENY THE APPLICATION FOR LAND DEVELOPMENT OR REVOKE ANY PLAN APPROVAL.

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

- A. If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant and the application will be scheduled for the next Planning Commission meeting.
- B. If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents and the fee to the Applicant.
- C. The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or the beginning of the 90-day review period.

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

- A. If the filing is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the filing shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the filing is complete and acceptable the Chairman of the Planning Commission shall complete a

Submission Receipt with the date of the said meeting as the official date of the preliminary plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement in writing or as provided in §303.8.

- C. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §303.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- D. If the application is being filed after a final order of the court remanding the application to the Borough, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

303.1.6 Distribution of the Preliminary Plan

- A. Following the *Official Date of the Preliminary Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Borough Engineer and the Lackawanna County Regional Planning Commission (including the required fee) unless satisfactory evidence is provided that the Applicant has done so.
- B. The Administrator shall then distribute the plans and documentation in accord with Borough policy to:
 - 1. The Planning Commission Solicitor
 - 2. The Borough Zoning Officer
 - 3. Any other engineer or consultant designated by the Borough
- C. The Applicant shall be responsible for filing of the Plan and all required supporting documentation and required fees to the Lackawanna County Conservation District, PennDOT, and all other governing agencies.

303.2 Preliminary Plan Review and Action

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

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

303.2.2 Borough Council Review and Action Period - After the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania municipalities Planning Code.

303.2.3 Borough Council Approval with Conditions

- A. When a Preliminary Plan is approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in §303.2.2.
- B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree to and accept the conditions will result in an automatic denial of the Preliminary Plan.
- C. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of the date of transmittal of said written notice to the Applicant, the said conditional approval of the Preliminary Plan shall become an automatic denial and the said plan must then be refiled as required by §303 of this Ordinance, including a new filing fee.

303.2.4 Borough Council Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated in writing to the Applicant as provided in §303.2.2.

303.3 Review Comments; Zoning Officer's Report

- A. The Borough Council may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.
- B. The Borough Council shall not grant approval to any Preliminary Plan until the Zoning Officer provides written confirmation that the proposed Preliminary Plan complies with the Borough Zoning Ordinance.

303.4 Lackawanna County Regional Planning Commission Comments

No official action shall be taken by the Borough Council until either the Borough has received the comments of the Lackawanna County Regional Planning Commission or a period of thirty (30) days has expired following transmittal of the Preliminary Plan to the Lackawanna County Regional Planning Commission.

303.5 Sewage Facilities Planning Modules

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

303.6 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Borough or State street, approval of the Preliminary Plan shall be conditional upon the issuance of a highway occupancy permit by the Borough and/or PA DOT, as the case may be.

303.7 Public Hearing

The Planning Commission and/or the Borough Council may, at their option, conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.8 Time Extension

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

304 Final Plans for Major Subdivisions and Land Developments

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

304.1 Final Plan Application

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

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

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

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. If the Final Plan differs from the Preliminary Plan as approved, the Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be filed pursuant to §303.

304.3 Sections

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

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

304.4 Official Filing of Final Plans (See §301.3 for filing of revised plans.)

304.4.1 Plan to be Filed With the Borough - Copies of the Final Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or his authorized representative at least three (3) Mondays prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Final Plan Submission*.

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

- A. Twelve (12) completed copies of the Final Plan review application.
- B. Twelve (12) paper prints of the Final Plan when complete for signature.
- C. Five (5) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Five (5) copies of the applicable highway occupancy permit.
- E. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.
- F. One (1) compact disk containing a *pdf* (or other electronic format approved by the Borough) copy of all required documents.

304.4.3 Final Plan Filing Fee - The Administrator shall collect a Final Plan filing fee as established by resolution of the Borough Council.

- A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough) and other administrative expenses associated with the review of applications for Land Development.
- B. The Applicant shall pay an initial escrow fee at the time of initial filing of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Borough. Unless the bill is disputed in accordance with requirements of the Pennsylvania municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE Borough TO DENY THE APPLICATION FOR LAND DEVELOPMENT OR REVOKE ANY PLAN APPROVAL.

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

- A. If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant and the application will be scheduled for the next Planning Commission meeting.
- B. If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents and the fee to the Applicant.
- C. The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or the beginning of the 90-day review period.

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

- A. If the filing is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the filing shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the filing is complete and acceptable the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Final Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement in writing or as provided in §304.13.
- C. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- D. If the application is being filed after a final order of the court remanding the application to the Borough, the ninety (90) day review period shall be measured from the date of the meeting of the Planning

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

304.4.6 Distribution of the Final Plan

- A. Following the *Official Date of the Final Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Borough Engineer and the Lackawanna County Regional Planning Commission (including the required fee) unless satisfactory evidence is provided that the Applicant has done so.
- B. The Administrator shall then distribute the plans and documentation in accord with Borough policy to:
 1. The Planning Commission Solicitor
 2. The Borough Zoning Officer
 3. Any other engineer or consultant designated by the Borough
- C. The Applicant shall be responsible for filing of the Plan and all required supporting documentation and required fees to the Lackawanna County Conservation District, PennDOT, and all other governing agencies.

304.5 Final Plan Review and Action

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

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

304.5.2 Borough Council Review and Action Period - After the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania municipalities Planning Code.

304.5.3 Borough Council Approval with Conditions

- A. When a Final Plan is approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in §304.5.2.
- B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial of the Final Plan.
- C. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept the said conditions and/or modifications in writing within fifteen (15) days of the date of transmittal of said written notice to the Applicant, the said conditional approval of the Preliminary Plan shall become an automatic denial and the said plan must then be refiled as required by

§304 of this Ordinance, including a new filing fee.

304.5.4 Borough Council Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated in writing to the Applicant as provided in §304.5.2.

304.6 Reviewing Agency and Officials Comments

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

304.7 Lackawanna County Regional Planning Commission Comments

No official action shall be taken by the Borough Council until either the Borough has received the comments of the Lackawanna County Regional Planning Commission or a period of thirty (30) days has expired following transmittal of the Preliminary Plan to the Lackawanna County Regional Planning Commission.

304.8 Public Hearing

The Planning Commission and/or Borough Council may, at their option, conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

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

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been filed and approved, the Borough Council shall endorse the Final Plan for recording purposes. The Borough shall retain at least one (1) endorsed print.

304.11 Recording of the Final Plan

- A. Upon the approval of a final plan, the Applicant shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved Record Plan signed by the Borough Council following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Lackawanna County Recorder of Deeds, and provide to the Borough proof of recording within fifteen (15) days of recording.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the fifteen (15) day, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- D. The Lackawanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Council and review by the Lackawanna County Regional Planning Commission.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Borough two (2) paper sets of plans and one (1) compact disk with the plans in PDF format certified by the Applicant's engineer showing all such improvements as installed to document conformance to the Record Plan. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval. (See §407 for As-Built Plan requirements.) If the As-Built Plan deviate in any material respect from the Record Plan, a revised Final Plan must be filed for approval.

304.13 Time Extension

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

305 Plans for Minor Subdivisions (Note: See §308 for Minor Plans for Lot Line Adjustments and Plan Revisions.) Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be filed with the Borough and be processed in accord with this §305.

305.1 Official Filing of Minor Subdivision Plans (See §301.3 for filing of revised plans.)

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

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

- A. Twelve (12) completed copies of the Minor Subdivision Plan review application.
- B. Twelve (12) paper prints of the Minor Subdivision Plan when complete for signature.
- C. Five (5) copies of the sewage facilities planning modules and associated documentation.
- D. Four (4) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.
- E. One (1) compact disk containing a *pdf* (or other electronic format approved by the Borough) copy of all required documents.

305.1.3 Minor Subdivision Plan Filing Fee - The Administrator shall collect a Minor Subdivision Plan filing fee as established by resolution of the Borough Council.

- A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough) and other administrative expenses associated with the review of applications for Minor Subdivision Plan.
- B. The Applicant shall pay an initial escrow fee at the time of initial filing of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Borough. Unless the bill is disputed in accordance with requirements of the Pennsylvania municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE BOROUGH TO DENY THE APPLICATION FOR MINOR SUBDIVISION OR REVOKE ANY PLAN

APPROVAL.

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

- A. If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant and the application will be scheduled for the next Planning Commission meeting.
- B. If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents and the fee to the Applicant.
- C. The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or the beginning of the 90-day review period.

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

- A. If the filing is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the filing shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
- B. If the filing is complete and acceptable the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement in writing or as provided in §305.10.
- C. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §305.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- D. If the application is being filed after a final order of the court remanding the application to the Borough, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

305.1.6 Distribution of the Minor Subdivision Plan

- A. Following the *Official Date of the Minor Subdivision Plan*, the Administrator shall forward the Plan and all required supporting documentation to the Borough Engineer and the Lackawanna County Regional Planning Commission (including the required fee) unless satisfactory evidence is provided that the Applicant has done so.
- B. The Administrator shall then distribute the plans and documentation in accord with Borough policy to:

1. The Planning Commission Solicitor
 2. The Borough Zoning Officer
 3. Any other engineer or consultant designated by the Borough
- C. The Applicant shall be responsible for filing of the Plan and all required supporting documentation and required fees to the Lackawanna County Conservation District, PennDOT, and all other governing agencies.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly filed Minor Subdivision Plan to determine compliance with this Ordinance shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania municipalities Planning Code.

305.2.2 Planning Commission Approval with Conditions

- A. When a Minor Subdivision Plan is approved with conditions, such conditions shall be shall be expressly included in the minutes of the Planning Commission meeting at which the Adjustment/Revision Plan is considered and communicated in writing to the Applicant as provided in §305.2.1.
- B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial.
- C. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be refiled as required by §305 of this Ordinance, including a new filing fee.

305.2.3 Planning Commission Denials - When a Minor subdivision plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be expressly included in the decision and minutes of the Borough Council meeting at which the Minor Subdivision Plan is considered and communicated in writing to the Applicant as provided in §305.2.1.

305.3 Reviewing Agency and Officials Comments

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

305.4 Lackawanna County Regional Planning Commission Comments

No official action shall be taken by the Borough Council until either the Borough has received the comments of the Lackawanna County Regional Planning Commission or a period of thirty (30) days has expired following transmittal of the Preliminary Plan to the Lackawanna County Regional Planning Commission.

305.5 Sewage Facilities Planning Modules

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

305.6 Public Hearing

The Planning Commission may, at their option, conduct a public hearing on the proposed Minor Subdivision Plan

pursuant to public notice.

305.7 Highway Occupancy Permit

If a highway occupancy permit shall be required for access to a Borough or State street, approval of the Land Development Plan shall be conditional upon the issuance of a highway occupancy permit by the Borough and/or PA DOT, as the case may be.

305.8 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been filed and approved, the Planning Commission shall endorse the Minor Subdivision Plan for recording purposes. The Borough shall retain at least one (1) endorsed print.

305.9 Recording of the Minor Subdivision Plan

- A. Upon the approval of a Minor Subdivision Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Borough Planning Commission, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Lackawanna County Recorder of Deeds, and provide to the Borough proof of recording within fifteen (15) days of recording.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the fifteen (15) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough, including a new filing fee.
- D. The Lackawanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Planning Commission and review by the Lackawanna County Regional Planning Commission.

305.10 Time Extension

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

306 Reserved

307 Plans for Minor Residential Land Developments

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

307.1 Minor Residential Land Development Criteria

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

307.2 Procedure and Other Requirements

Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions

in §305 of this Ordinance. All information and design requirements of this Ordinance applicable to land developments shall also apply to Minor Residential Land Development s except as provided in this §307. The Borough Council may, based upon the character of the project and site conditions, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

307.3 Minor Land Development Determination

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

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

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

- A. In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be filed in accord with §307.4.
- B. If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by §303 and §304 of this Ordinance and the information required for the application shall be filed in accord with all the applicable sections of this Ordinance and all other applicable requirements.

307.4 Minor Residential Land Development Application Information

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

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

Any filing that qualifies as a lot line adjustment and/or any filing which the Borough Planning Commission determines involves only revisions to a previously approved Final Plan with respect to changes in the supporting, documentation or engineering details or to correct erroneous data or minor omissions shall be processed in accord with this §308.

- A. Combination of Contiguous Lots on One Deed - Lot line adjustments which involve the combination of lots of record which are all individually described in one (1) deed on file at the office of the Lackawanna County Recorder of Deeds, which are all contiguous, and which do not involve the creation of any new lot lines, may be filed directly with the Planning Commission at a regular meeting.
 - 1. The applicant shall provide a copy of the existing and proposed deeds to the Planning Commission.
 - 2. A new map for such lot improvements shall not be required unless the Planning Commission determines

such map is required for any just cause, in which case the full provisions of this §308 shall apply.

3. The combination shall be effected by the execution of a deed from the Owners to themselves which shall contain a restriction combining the lots into one (1) parcel.
4. The lot combination deed shall be in such form as required by the Planning Commission upon the recommendation of the Planning Commission Solicitor and shall include:
 - a. A reference to the lot numbers of the subject lots.
 - b. The new revised combined lot number(s).
 - c. Language restricting the sale or transfer of the individual lots being combined.
 - d. Language acknowledging the approval of the Borough with signature lines for the Planning Commission Chairman and attestation of the Planning Commission Secretary.

- B. Other Lot Line Adjustments and Plan Revisions - All lot line adjustments not compliant with §308.A, including, but not limited to contiguous lots on separate deeds, and revisions to a previously approved Final Plan shall comply with the full provisions of this §308.

308.1 Official Filing of Adjustment/Revision Plans (See §301.3 for filing of revised plans.)

308.1.1 Plan to be Filed With the Borough - Copies of the Adjustment/Revision Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or his authorized representative at least fourteen (14) calendar days prior to the Borough Council meeting at which the Applicant applies for the *Official Date of Adjustment/Revision Plan Submission*.

308.1.2 Number of Copies to be Filed - The official filing of the Adjustment/Revision subdivision plan shall include the following:

- A. Twelve (12) completed copies of the Adjustment/Revision Plan review application.
- B. Twelve (12) paper prints of the Adjustment/Revision Plan when complete for signature.
- C. Five (5) copies of the sewage facilities planning modules and associated documentation.
- D. Four (4) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.
- E. One (1) compact disk containing a *pdf* (or other electronic format approved by the Borough) copy of all required documents.

308.1.3 Adjustment/Revision Plan Filing Fee - The Administrator shall collect a Adjustment/Revision Plan filing fee as established by resolution of the Borough Council.

- A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough) and other administrative expenses associated with the review of Adjustment/Revision Plans.
- B. The Applicant shall pay an initial escrow fee at the time of initial filing of the application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Borough. Unless the bill is disputed in accordance with requirements of the Pennsylvania municipalities Planning Code, FAILURE TO PAY

ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE Borough TO DENY THE APPLICATION FOR MINOR SUBDIVISION OR REVOKE ANY PLAN APPROVAL.

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

308.1.4 Adjustment/Revision Plan Filing Verification and Distribution - Upon receipt of the Adjustment/Revision Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.

- A. If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification on the status log and checklist, and provide a copy of the plan filing verification to the Applicant and the application will be scheduled for the next Planning Commission meeting.
- B. If the filing is not verified, the Administrator shall complete the plan filing verification, noting any and all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents and the fee to the Applicant.
- C. The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt or the beginning of the 90-day review period.

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

- A. If the filing is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the filing shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
- B. If the filing is complete and acceptable the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Adjustment/Revision Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the submission receipt unless extended by mutual agreement in writing or as provided in Section 308.1.5.C.
- C. If the first meeting of the Planning Commission following the date of filing verification occurs more than thirty (30) days following the date of filing verification established in accord with §308.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- D. If the application is being filed after a final order of the court remanding the application to the Borough, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

308.1.6 Distribution of the Adjustment/Revision Plan

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

308.2 Adjustment/Revision Plan Review and Action

308.2.1 Planning Commission Review and Action Period - The Planning Commission shall make its decision regarding the Adjustment/Revision Plan and communicate in writing such decision to the Applicant in accord with the Pennsylvania municipalities Planning Code.

308.2.2 Planning Commission Approval with Conditions

- A. When a Adjustment/Revision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Adjustment/Revision Plan is considered and communicated in writing to the Applicant as provided in §308.2.1.
- B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial of the Adjustment/Revision Plan.
- C. When a Adjustment/Revision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be refiled as required by §308 of this Ordinance, including a new filing fee.

308.2.3 Planning Commission Denials - When a Adjustment/Revision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated in writing to the Applicant as provided in §308.2.1.

308.3 Reviewing Agency and Officials Comments

The Borough shall consider the comments and the recommendations pursuant to §308.1.6 and may request such additional information as deemed necessary.

308.4 Lackawanna County Regional Planning Commission Comments

No official action shall be taken by the Borough Council until either the Borough has received the comments of the Lackawanna County Regional Planning Commission or a period of thirty (30) days has expired following transmittal of the Preliminary Plan to the Lackawanna County Regional Planning Commission.

308.5 Public Hearing

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

308.6 Signature of Adjustment/Revision Plan

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

308.7 Recording of the Adjustment/Revision Plan

- A. Upon the approval of an Adjustment/Revision Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Borough Planning Commission, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Lackawanna County Recorder of Deeds, and provide to the Borough proof of recording within fifteen (15) days of recording.
- B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the fifteen (15) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- C. In the case of lot joinder plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough, including a new filing fee.
- D. The Lackawanna County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Planning Commission and review by the Lackawanna County Regional Planning Commission.

308.8 Time Extension

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

309 Contiguous Municipalities

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

ARTICLE IV PLAN REQUIREMENTS

401 Sketch Plans Overlay Sheet

As provided in §302.5.E.2 and §302.5.E.3 the Applicant has the option for an informal review or a detailed review and is **STRONGLY ENCOURAGED** to include sufficient detail on the Sketch Plan to make the review meaningful.

In the case of a detailed review, in order to provide a full understanding of the site's potential and to facilitate the most effective exchange with the Borough, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §402.3), a document that should be prepared and submitted as part of the Sketch Plan. In fact, the diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

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

402 Preliminary Plan Requirements for Major Subdivisions and for Land Developments

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

- A. Existing Resources and Site Analysis
- B. Preliminary Improvements Plan
- C. Preliminary Studies and Reports as set forth in other parts of this Ordinance.

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 25 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet and shall include a boundary closure report.
- D. The sheet size shall be no smaller than eleven by seventeen (11x17) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Reserved**402.3 Existing Resources and Site Analysis**

For all major subdivisions and all land developments, an Existing Resources and Site Analysis shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within two hundred (200) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included:

- A. A map compiled from existing information showing the location of the proposed major subdivision or land development within its neighborhood context.
- B. Topography, the contour lines of which shall generally be at two-foot intervals although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps. The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Topography for major subdivisions and land developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks the location and datum of which shall be shown on the plan .
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, natural drainage swales, dams,

berms, 100-year floodplain and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

- D. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- E. Watershed boundaries shall be identified.
- F. All existing man-made features including but not limited to streets, driveways, farm streets, woods streets, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- G. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- H. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Lackawanna County, or which are visible on the ground even if not filed of record, shall be shown on the plan.

402.4 Reserved

402.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails, parks, open space and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- B. Existing and proposed lot lines, lot areas, full lot grading, driveway locations and elevations, and any existing easements and rights-of-way.
- C. Location, alignment, width, profile and proposed names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed streets, drives and parking and loading areas.
- D. Information indicating available and safe site stopping distances for all driveways, access drives, streets, etc., which must be in compliance with the most current PennDOT specifications.
- E. Location of proposed swales, drainage easements, stormwater and other management facilities.
- F. Where community sewage service is proposed, the proposed layout of proposed sewage systems, including but not limited to the proposed locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- G. Where central water service is proposed, the proposed layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- H. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits

as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.

- I. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- J. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- K. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and proposed design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- L. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- M. Utilities and Easements
 - 1. Locations of existing and proposed utility easements.
 - 2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - 3. The proposed location of on-site sewage and water facilities.
- N. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- O. A signature block in the lower right hand eighth of the Plan immediately above the title block for recommendation by the Planning Commission and for the approval of the Borough Council shall be provided including a space for the date of recommendation/approval. Include provision for plan revisions including space for a brief description of the revision directly to the left of the title block.
- P. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed major subdivision and/or land development.
 - 3. Zoning district boundary lines within two hundred (200) feet of the proposed major subdivision and/or land development, shown on location map.
- Q. A title block shall be included on the lower right corner.
- R. Name and address of project.
- S. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- T. Name and address of developer if different from landowner (if a corporation give name of each officer).

- U. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- V. Date, including the month, day and year that the Preliminary Plan was initially prepared and the month, day and year for each Plan revision along with a description of the revision.
- W. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- X. North arrow (true or magnetic).
- Y. Graphic scale and written scale.
- Z. Lackawanna County tax map number and property identification number (PIN)
- AA. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent streets, along with the current Lackawanna County tax map number and property identification number (PIN) for each property shown.
- BB. The street name and number (if applicable) where the property is located.
- CC. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Borough, which shall be accurately completed, signed by the Owner of the property, dated and notarized.
- DD. Certificate of Accuracy and Compliance, in the form provided by the Borough, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.
- EE. Excepted parcels or sections shall be marked *not included in this plat* with the boundary completely indicated by bearings and distances.
- FF. The following items shall be on all Preliminary Plans in the form of protective covenants and/or notes:
 - 1. Building setbacks, easements, buffers, etc., that would limit building.
 - 2. Corner lot sight easements.
 - 3. Utility, drainage and slope easements.
 - 4. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*
 - 5. *Individual owners of lots must apply to the Borough for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*
 - 6. *The Planning Commission and the Borough Council have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*
 - 7. *The Applicant hereby certifies that every contract for the sale of a lot shown on this plan, and for which there is no currently existing community sewage system available, will contain a statement in the contract of sale advising the purchaser of his rights and obligations under Act Number 280 of 1976, amending the Pennsylvania Sewage Facilities Act.*

8. *By approval of this Plan the Borough has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan, and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*
9. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Borough of Clarks Summit Subdivision and Land Development Ordinance and the Borough of Clarks Summit Zoning Ordinance, as both are amended.*
10. *The applicable highway occupancy note(s) shall appear on the plan: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Borough of Clarks Summit Street Encroachment Ordinance before driveway access to a Borough street is permitted. The applicable note(s) shall also state: Access to the public street shall be only as authorized by a highway occupancy permit.*
11. *In the event the Subdivision incorporates a Private Access Street as defined in this Ordinance, the following shall appear on the Plan: The maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the Borough. The private access street shall remain private and shall not be offered for dedication to the Borough as a public street.*
12. *In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Borough approval.*
13. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by the Borough of Clarks Summit will become null and void with no further action on the part of the Borough.*
14. *A listing of any subdivision/land development waivers or modifications, zoning variances, special exceptions and/or conditional uses that have been granted, including the date of the order of the Borough of Clarks Summit Zoning Hearing Board or Borough Council granting the same.*
15. *If the Plans include any storm water management planning, controls or devices, the following covenant shall appear on the Plan: The owners, their heirs, executors, administrators, successors and assigns, shall make provision and be responsible for the installation, maintenance, operation and repair of any and all stormwater management facilities and controls depicted on this plan and other plans and documents supporting the same, including, but not limited to, all infiltration devices, buffers, detention basins, inlets, swales, pipes, berms and spreaders. The Borough of Clarks Summit is hereby granted the right to inspect all permanent stormwater management facilities and controls at any reasonable time. If the Borough of Clarks Summit determines at any time that any of said stormwater management facilities or controls have been eliminated, altered or improperly maintained, the then owner shall be advised of the corrective measures required and be afforded a reasonable period of time to take the necessary corrective action. The Borough of Clarks Summit shall have the right, but not the obligation, of ingress, egress and regress to any and all of the stormwater management facilities and controls, as well as upon and within the utility and drainage easements as shown on this plan, for the purpose of installation, maintenance and/or repair due to the failure or neglect of the owner to perform the same within the time*

required, or for emergency remedies to the stormwater management facilities and controls if necessary, if the Borough of Clarks Summit elects to perform such installation, maintenance and/or repair. All costs and expenses incurred by the Borough of Clarks Summit in relation to any work performed by the Borough of Clarks Summit pursuant to the provisions of this covenant and/or the enforcement of the same, shall be the joint and several responsibility of the owner and any occupier of the property who violated the provisions of this covenant, payable by the owners and/or occupiers of the property, their heirs, administrators, executors, successors and assigns upon demand by the Borough of Clarks Summit, and shall constitute a lien against the property until paid in full. The remedies of the Borough of Clarks Summit pursuant to this covenant are in addition to all other rights and remedies available to the Borough of Clarks Summit, its successors and assigns, pursuant to any statute, ordinance, at law or in equity. All of the foregoing is more particularly and at large provided in that certain Stormwater Management Agreement and Declaration of Easement between the owner and the Borough dated _____, 20____, the terms and provisions of which are incorporated herein by reference. This covenant shall run with the land.

402.6 Supporting Documents and Information

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

- A. Street information as follows:
 1. Typical street cross-section drawings for all proposed streets showing the following:
 - a. Typical cut sections.
 - b. Typical fill sections.
 - c. Superelevated sections.
 - d. Typical parallel drainage.
 2. Profiles along the top of the cartway center-line showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
 3. Turning movement diagrams for the largest anticipated vehicle.
- B. Exterior elevations of any proposed buildings if the property is to be developed for a use other than a single family detached dwelling.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the major subdivision and/or land development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property, a copy of the latest deed of record and current title search report.
- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 2. Preliminary design of any central water supply system.

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

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
3. If service by the Borough, a sewer authority or a public utility is proposed, a letter or other written certification from the Borough, the authority or the public utility stating that it will provide the necessary sewer service and verifying that its system has adequate capacity to do so.

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

J. Confirmation that the soil erosion and sedimentation control plan has been accepted for review by the Lackawanna County Conservation District. (See also §610.)

K. A drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Borough.

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

M. A landscaping plan documenting compliance with §615.

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

O. Confirmation that the highway occupancy permit application has been accepted for review by the Borough or PennDOT as applicable.

P. A written plan for the ownership of and maintenance of all improvements, common areas and open space as required by §506 and §507 of this Ordinance.

Q. The required wetland studies.

R. The required steep slope information.

- S. Truck turning movement diagrams for at least a WB-50 truck.
- T. Exterior elevations (including at least front and side elevations) of any proposed buildings if the property is to be developed for a use other than single family detached dwellings.
- U. Copies of all other required permits or the applications made therefore.

402.7 Reserved

402.8 Additional Information

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

402.9 Application Forms and Certifications

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

402.10 Preliminary Plan Engineering Certification

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

403 Final Plan Requirements for Major Subdivisions and for Land Developments

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

403.1 Existing Resources and Site Analysis

A plan as required by §402.3 consistent with the terms of the approved Preliminary Plan modified as necessary to comply with the requirements of this ordinance for final approval.

403.2 Reserved

403.3 Final Improvements Plan Information

The Final Improvements Plan shall be drawn to the same drafting standards and contain in final form all of the information required on the Preliminary Improvements Plan in accord with §402.5.

403.4 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for major subdivisions and for land developments as necessary to supplement the Preliminary Plan information:

- A. Typical street cross-section drawings for all streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical superelevated sections.
 - 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and

printed elevations of the final grade line at fifty (50) foot intervals.

- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, a copy of the latest deed of record and a current title search report.
- F. Water Supply and Sewage Disposal Information
 - 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 - 2. All other documentation required to demonstrate compliance with §611 of this Ordinance.
- G. All required state or federal environmental and other permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Lackawanna County Conservation District.
- J. Final drainage/stormwater management plan.
- K. Final grading and finish contours.
- L. Final bridge designs and required state or federal approvals.
- M. Proof of execution of the plan for the ownership of and maintenance of all improvements, common areas and open space as required by §506 and §507 of this Ordinance.

403.5 Additional Information

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

403.6 Application Forms and Certifications

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

403.7 Maintenance of Development Improvements

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

404 Minor Subdivisions, Final Plan Requirements

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

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 25 feet, 30 feet, 40 feet, 50 feet, 60

feet or 100 feet to the inch.

- B. Dimensions shall be in feet and hundredths of feet and bearings shall be in degrees, minutes and seconds for the boundary of the entire tract and lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet and shall include a boundary closure report.
- D. The sheet size shall be no smaller than eleven by seventeen (11 x 17) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

404.2 Minor Plan Information

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

- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other streets within or abutting the property.
- Q. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent streets, along with the current Lackawanna County tax map number and property identification number (PIN) for each property shown.
- R. Water courses, lakes, streams, ponds with names, and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands in accord with §618, if required.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, existing zoning district and tax map number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by NRCS classification for each type.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A location map for the purpose of locating the property being subdivided.
- BB. A signature block in the lower right hand eighth of the Plan immediately above the title block for recommendation by the Planning Commission and for the approval of the Borough Council shall be provided including a space for the date of recommendation/approval. Include provision for plan revisions including space for a brief description of the revision directly to the left of the title block.
- CC. A title block on the lower right corner.
- DD. Lackawanna County tax map number and property identification number (PIN).
- EE. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Borough, which shall be accurately completed, signed by the Owner of the property, dated and notarized.
- FF. Certificate of Accuracy and Compliance, in the form provided by the Borough, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.

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

1. Building setbacks, easements, buffers, etc., that would limit building.
2. Corner lot sight easements.
3. Utility, drainage and slope easements.
4. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*
5. *Individual owners of lots must apply to the Borough for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*
6. *The Planning Commission and the Borough Council have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*
7. *The Applicant hereby certifies that every contract for the sale of a lot shown on this plan, and for which there is no currently existing community sewage system available, will contain a statement in the contract of sale advising the purchaser of his rights and obligations under Act Number 280 of 1976, amending the Pennsylvania Sewage Facilities Act.*
8. *By approval of this Plan the Borough has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*
9. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Borough of Clarks Summit Subdivision and Land Development Ordinance and the Borough of Clarks Summit Zoning Ordinance, as both are amended.*
10. *The applicable highway occupancy note(s) shall appear on the plan: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Borough of Clarks Summit Borough Encroachment Ordinance before driveway access to a Borough street is permitted. The applicable note(s) shall also state: Access to the public street shall be only as authorized by a highway occupancy permit.*
11. *In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Borough approval.*
12. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by the Borough of Clarks Summit will become null and void with no further action on the part of the Borough.*

13. A listing of any subdivision/land development waivers or modifications, zoning variances, special exceptions and/or conditional uses that have been granted, including the date of the order of the Borough of Clarks Summit Zoning Hearing Board or Borough Council granting the same.
14. If the Plans include any storm water management planning, controls or devices, the following covenant shall appear on the Plan: *The owners, their heirs, executors, administrators, successors and assigns, shall make provision and be responsible for the installation, maintenance, operation and repair of any and all stormwater management facilities and controls depicted on this plan and other plans and documents supporting the same, including, but not limited to, all infiltration devices, buffers, detention basins, inlets, swales, pipes, berms and spreaders. The Borough of Clarks Summit is hereby granted the right to inspect all permanent stormwater management facilities and controls at any reasonable time. If the Borough of Clarks Summit determines at any time that any of said stormwater management facilities or controls have been eliminated, altered or improperly maintained, the then owner shall be advised of the corrective measures required and be afforded a reasonable period of time to take the necessary corrective action. The Borough of Clarks Summit shall have the right, but not the obligation, of ingress, egress and regress to any and all of the stormwater management facilities and controls, as well as upon and within the utility and drainage easements as shown on this plan, for the purpose of installation, maintenance and/or repair due to the failure or neglect of the owner to perform the same within the time required, or for emergency remedies to the stormwater management facilities and controls if necessary, if the Borough of Clarks Summit elects to perform such installation, maintenance and/or repair. All costs and expenses incurred by the Borough of Clarks Summit in relation to any work performed by the Borough of Clarks Summit pursuant to the provisions of this covenant and/or the enforcement of the same, shall be the joint and several responsibility of the owner and any occupier of the property who violated the provisions of this covenant, payable by the owners and/or occupiers of the property, their heirs, administrators, executors, successors and assigns upon demand by the Borough of Clarks Summit, and shall constitute a lien against the property until paid in full. The remedies of the Borough of Clarks Summit pursuant to this covenant are in addition to all other rights and remedies available to the Borough of Clarks Summit, its successors and assigns, pursuant to any statute, ordinance, at law or in equity. All of the foregoing is more particularly and at large provided in that certain Stormwater Management Agreement and Declaration of Easement between the owner and the Borough dated _____, 20____, the terms and provisions of which are incorporated herein by reference. This covenant shall run with the land.*

404.3 Supporting Documents and Information

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

404.4 Additional Information

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

404.5 Application Forms and Certifications

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

405 Plan Requirements for Lot Line Adjustments and Revisions to Previously Approved Plans

Plans for Lot Line Adjustments and Revisions to Previously Approved Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law; and shall be submitted pursuant to the following: (See §308.A for plan exemption for combination of contiguous lots on one deed.)

405.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 25 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet and bearings shall be in degrees, minutes and seconds for the boundary of the entire tract and lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet and shall include a boundary closure report.
- D. The sheet size shall be no smaller than eleven by seventeen (11 x 17) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

405.2 Plan Information for Lot Line Adjustments and Revisions to Previously Approved Plans

- A. Name and address of owner of record (if a corporation give name of each officer).
- B. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the minor subdivision plan.
- C. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- D. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- E. North arrow (true or magnetic).
- F. Graphic scale and written scale.
- G. Sufficient data, acceptable to the Borough, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of an arc.
- H. The original and proposed lot numbers shown on the appropriate lots.
- I. Building setback lines.
- J. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- K. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §608 of this Ordinance.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.

- M. Lot lines to be eliminated shown with a broken line and labeled *Lot line to be eliminated*.
- N. The name and number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other streets within or abutting the property.
- O. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent streets, along with the current Lackawanna County tax map number and property identification number (PIN) for each property shown.
- P. The area of each lot, existing and proposed.
- Q. A reference to the recorded subdivision plan where the lots were originally subdivided including recording information.
- R. A location map for the purpose of locating the property being subdivided.
- T. Zoning district.
- U. A signature block in the lower right hand eighth of the Plan immediately above the title block for the approval of the Borough Council including a space for the date approval.
- V. Lackawanna County tax map number and property identification number (PIN).
- W. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Borough, which shall be accurately completed, signed by the Owner of the property, dated and notarized.
- X. Certificate of Accuracy and Compliance, in the form provided by the Borough, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.
- Y. The following items and notes shall be on all Lot Line Adjustment/Revision Plans when applicable, in the form of protective and/or restrictive covenants:
 - 1. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*
 - 2. *Individual owners of lots must apply to the Borough for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*
 - 3. *The Planning Commission and the Borough Council have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*
 - 4. *By approval of this Plan the Borough has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*
 - 5. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Borough of Clarks Summit Subdivision and Land Development Ordinance and the Borough of Clarks Summit Zoning Ordinance, as both are amended.*

6. The applicable highway occupancy note(s) shall appear on the plan: *A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Borough of Clarks Summit Street Encroachment Ordinance before driveway access to a Borough street is permitted.* The applicable note(s) shall also state: *Access to the public street shall be only as authorized by a highway occupancy permit.*
7. In the event the Subdivision incorporates a Private Access Street as defined in this Ordinance, the following shall appear on the Plan: *The maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the Borough. The private access street shall remain private and shall not be offered for dedication to the Borough as a public street.*
8. In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: *Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Borough approval.*
9. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by the Borough of Clarks Summit will become null and void with no further action on the part of the Borough.*
10. When easements are not delineated specifically, *The approval of this Plan by the Borough Council does not have the affect of altering, re-defining or extinguishing any easements of record, existing on or over the subject property.*
11. *This plan supersedes the Plot Plan filed in the Lackawanna County Recorder of Deeds Office in Plot Book Volume _____, Page _____, but only to the extent depicted on this Plan. In all other respects, the said recorded plan shall remain in full force and effect.*
14. If the Plans include any storm water management planning, controls or devices, the following covenant shall appear on the Plan: *The owners, their heirs, executors, administrators, successors and assigns, shall make provision and be responsible for the installation, maintenance, operation and repair of any and all stormwater management facilities and controls depicted on this plan and other plans and documents supporting the same, including, but not limited to, all infiltration devices, buffers, detention basins, inlets, swales, pipes, berms and spreaders. The Borough of Clarks Summit is hereby granted the right to inspect all permanent stormwater management facilities and controls at any reasonable time. If the Borough of Clarks Summit determines at any time that any of said stormwater management facilities or controls have been eliminated, altered or improperly maintained, the then owner shall be advised of the corrective measures required and be afforded a reasonable period of time to take the necessary corrective action. The Borough of Clarks Summit shall have the right, but not the obligation, of ingress, egress and regress to any and all of the stormwater management facilities and controls, as well as upon and within the utility and drainage easements as shown on this plan, for the purpose of installation, maintenance and/or repair due to the failure or neglect of the owner to perform the same within the time required, or for emergency remedies to the stormwater management facilities and controls if necessary, if the Borough of Clarks Summit elects to perform such installation, maintenance and/or repair. All costs and expenses incurred by the Borough of Clarks Summit in relation to any work performed by the Borough of Clarks Summit pursuant to the provisions of this covenant and/or the enforcement of the same, shall be the joint and several responsibility of the owner and any occupier of the property who violated the provisions of this covenant, payable by the owners and/or occupiers of the property, their heirs, administrators, executors, successors and assigns upon demand by the Borough of Clarks Summit,*

and shall constitute a lien against the property until paid in full. The remedies of the Borough of Clarks Summit pursuant to this covenant are in addition to all other rights and remedies available to the Borough of Clarks Summit, its successors and assigns, pursuant to any statute, ordinance, at law or in equity. All of the foregoing is more particularly and at large provided in that certain Stormwater Management Agreement and Declaration of Easement between the owner and the Borough dated _____, 20____, the terms and provisions of which are incorporated herein by reference. This covenant shall run with the land.

13. Specific additional restrictions or covenants that the Borough Council deems appropriate.

405.3 Additional Information

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

405.4 Application Forms and Certifications

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

406 Reserved

407 Requirements for As-Built Plans

As-Built Plans shall include the information required by this §407 and additional information may be required on a case by case basis.

407.1 Submission

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

407.2 Format

The As-Built Plans shall consist of the approved plans (as revised through construction) with design information struck with as-built information placed next to design information.

407.3 Water and Sewer

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

407.4 Topography

If revised topography is needed due to a significant change in grade (+/- 0.5 feet), the revised topography shall be shown to distinguish it from design topography.

407.5 Plan Information

The following information shall be provided on the As-Built Plans:

- A. Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, invert, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- B. Light pole locations.
- C. Sidewalk locations (if different from design).
- D. Field changes not otherwise required by this Section.
- E. Street and traffic signs

- F. Street elevations, layout, and striping; and if intersections have been revised significantly, sight distance
- G. Parking spaces including handicapped spaces and access points.
- H. Retaining wall locations and elevations.
- I. Property corner monuments and markers with surveyor's certification.
- J. Building locations with tie distances to property lines.
- K. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- L. Other information as deemed necessary by the Borough Engineer depending on site conditions.

**ARTICLE V
PERFORMANCE GUARANTEES
and
OPEN LAND**

500 General

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

No final plan shall be signed by the Borough Council for recording in the office of the Lackawanna County Recorder of Deeds until:

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

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

501 PennDOT Required Improvements

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

502 Sections/Stages

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

503 Performance Guarantees**503.1 Acceptable Guarantees**

The following are acceptable forms of Performance Guarantees:

503.1.1 Escrow Account - A deposit of cash to be held by the Borough Council in escrow in a federal or Pennsylvania chartered financial institution.

503.1.2 Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Borough Council.

503.1.3 Other Forms - Other forms of collateral, including, but not limited to, surety performance bonds from a financially secure bonding company authorized to conduct such business in Pennsylvania, in such form and content as the Borough Council may require or accept as part of the security.

503.1.4 Additional Requirements - The following requirements shall apply to the Performance Guarantees set

forth in this §503.1:

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

503.2 Amount of Performance Guarantee

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

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

503.3 Terms of Guarantee

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

503.4 Release of Performance Guarantees

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

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

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

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

equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such Performance Guarantee and not for any other municipal purposes except for reimbursement of Borough court costs, reasonable attorney fees and other costs of enforcement.

504 Improvements Construction

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

504.1 Construction Plans and Drawings

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

504.2 Schedule

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

504.3 Inspections

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

504.4 Notice

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

504.5 Cost

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

505 Improvement Construction Maintenance Guarantee

In the event the Developer offers, and the Borough Council agrees to accept, the dedication of any improvements following their completion, the Developer shall provide to the Borough Council a improvement construction maintenance guarantee in an amount determined by the Borough Council but not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Borough Engineer.

505.1 Form; Amount; Action

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

505.2 Release

After the expiration of the eighteen (18) months from the date of the acceptance of dedication of the subject improvements and if all improvements are certified by the Borough Engineer to be in good structural and operable condition, the Borough Council shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

506 Continued Ownership and Maintenance of Improvements

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

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

506.1 Plan Required

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

506.1.1 Responsibility - The plan shall establish responsibilities for the continuing ownership, operation and maintenance of all proposed improvements and facilities and an acceptable process and time line shall be established for the transfer of the improvements and maintenance responsibilities, if transfer to another body or entity is planned.

506.1.2 Required Actions; Schedules - The plan shall detail required routine operation and maintenance actions and schedules necessary to ensure proper operation and maintenance of all improvements and facilities.

506.1.3 Maintenance Determination - The Borough Council, upon recommendation of the Borough Engineer and Borough Solicitor, shall make the final determination on the continuing operation and maintenance responsibilities prior to approval of the Final Plan.

506.1.4 Transfer of Maintenance Funds - The plan shall include provisions for the transfer of any operation and maintenance funds required by this Ordinance to the Property Owners Association (POA) or other successors in ownership and include a requirement that such funds will be dedicated to the intended use.

506.2 Private Operation and Maintenance

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

506.2.2 Residential Developments - In the case of subdivisions, conservation design developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. (Note: See §507.5 for open space and recreation land ownership and maintenance.) Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be subject to the approval of the Borough Council.

506.2.3 Any Improvements Which Will Remain Private - In the case where streets, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and

maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Borough Council. The amount of said fund shall be fifteen (15) percent of the construction cost of the system as verified by the Borough Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be subject to the approval of the Borough Council.

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

506.3 Dedication to Borough

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

507 Open Space and Recreation Land -- Ownership and Maintenance

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

507.1 Purpose

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

507.2 Plan and Legal Documents

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

- A. The Plan shall define ownership and an acceptable process and time line shall be established for the transfer of the lands and maintenance responsibilities to the body or entity so designated, if transfer is proposed by the Plan.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such

funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

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

507.3 Reserved

507.4 Development Plan Designations

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

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

- A. Ownership - Required common open space shall be offered for dedication to the Borough, unless the Borough Council agrees to a proposal to transfer to any of the following: Pocono Mountain School District, Lackawanna County, PA Bureau of State Parks, PA Bureau of Forestry, the PA Fish and Boat Commission, the PA Game Commission, a homeowner association, a single property owner in the case of agricultural or forest land or an environmental organization or land trust acceptable to the Borough Council.
- B. Dedication - The Borough Council is under no obligation to accept an offer of dedication to the Borough, but shall have the authority to ensure that an appropriate long-term method will be in place to own and maintain common open space.
- C. Deed Restrictions/Conservation Easements - Common open space shall be protected from future development and subdivision by a permanent conservation easement or deed restriction, acceptable to and enforceable by the Borough Council. Such restriction may also be enforceable by other parties. Such restrictions shall prohibit the construction of any buildings, except buildings for non-commercial recreation or that are necessary to support maintenance of the open space.
- C. Rental Development - In the case of a rental development, the Borough may permit the common open space to be retained by the owner of the adjacent residential rental buildings.
- D. Private Parcel - Where another form of ownership is not practical, the Borough Council may permit the required open space to be added onto a privately owned parcel, provided a permanent conservation easement protects the open space from development.

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

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

All methods for use dedication and common open space ownership and maintenance, and any combination of

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

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

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot/unit owners.
- C. Provision is made for the maintenance of common open space during the lot/unit sale period and the orderly transition of responsibility from the developer to the POA/CA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- E. The bylaws and covenants shall also provide that, if the maintenance is not performed by the association as required, the Borough may have the maintenance work performed, in which event, after providing notice to the unit/lot owners, the Borough shall have the authority to place municipal liens upon any or all units/lots in the subdivision/land development to recover the maintenance costs and expenses, as well as all legal costs and expenses (including, but not limited to, attorney fees) if the POA/CA does not fulfill its responsibilities.

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

- A. The deed contains the necessary covenants and restrictions in favor of the Borough to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, acceptable to the Borough Council.
- C. The conveyance of title contains the necessary provisions for proper transfer to another qualified organization should the organization be unable to continue to fulfill its responsibilities and obligations.
- D. A maintenance agreement is entered into among the developer, the organization and the Borough, in form and substance acceptable to the Borough Council

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

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

507.5.5 Conservation Easements Held by the Borough - In the case of open space and recreation lands, the

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

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

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

508 Failure to Preserve Use and Operation and Maintenance of Improvements or Common Open Space

Should the method established to preserve the use, operation and maintenance of improvements or common open space (including any required recreation land) fail to do so in reasonable order and condition in accord with the approved development plan, the Borough Council shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Borough Council shall be in accord with the following:

508.1 Notice

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

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

508.3 Public Hearing

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

508.4 Failure to Correct

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

508.5 Reinstatement of Responsibility

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

508.6 Appeal

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

508.7 Public Costs

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

509 Subdivision and/or Land Development Improvements Agreement

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

509.1 Contents

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

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Borough deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee.
- H. Security in the form of a Performance Guarantee approved by the Borough Council to insure the installation of the required improvements, and provisions for the administration of the same.
- I. Security in the form of a maintenance guarantee approved by the Borough Council for the repair or reconstruction of improvements which are found by the Borough Engineer to be defective within eighteen (18) months from the date formal acceptance of any dedication of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible *AS BUILT* plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems and all other improvements.
- K. A clear statement of when the Developer responsibility for any development open space, improvements and facilities ends, and the succession of ownership, operation and maintenance of all open space, improvements and facilities, and the transfer of any operation and maintenance funds required by this Ordinance to the POA or other successors of ownership.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Borough Council.

- M. An indemnification and hold harmless clause to protect the Borough from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement and enforcement remedies.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

509.2 Execution

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

**ARTICLE VI
DESIGN STANDARDS AND SPECIFICATIONS**

601 General Design Standards; Borough Zoning Requirements

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

601.1 Application

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

A. Planning

The development shall conform to the proposals and conditions shown in the Borough Comprehensive Plan and any local or regional plans adopted by the Borough. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted plan or the Borough Official Map shall be considered in the approval of all plans.

B. Reserved

C. Improvements, Specifications

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

D. Hazard Areas

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

E. Development Design; Remnants; Neighboring Development

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

F. Natural Features

Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the PA DEP and the US Army Corps of Engineers.

1. Groundwater Resources - This section is intended to ensure that the Borough's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those

provided for in other sections of this Ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater. (See §611.4.6 for the requirements for a Water Resources Impact Study.)

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

E. Historic Structures and Sites

Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Borough participation, review and approval of the Applicant's

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

F. Boundary Lines and Reserve Strips

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

G. Water Frontage and Surface Drainage

The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Borough, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with Borough stormwater regulations.

H. Community Facilities and Adopted Plan Requirements

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

I. Walkways

Pedestrian interior walks may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).

J. Storm Drainage

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Stormwater management shall be provided in accord with Borough and DEP stormwater regulations.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

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

601.4 Other Ordinances

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

602 - 604 Reserved

605 Resource Conservation Standards For Site Preparation and Cleanup

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

605.1 Protection of Vegetation from Mechanical Injury

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

605.2 Protection of Vegetation from Grading Change

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

605.3 Protection of Vegetation from Excavations

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

605.4 Protection of Topsoil

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

606 Blocks and Lots**606.1 Configuration**

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

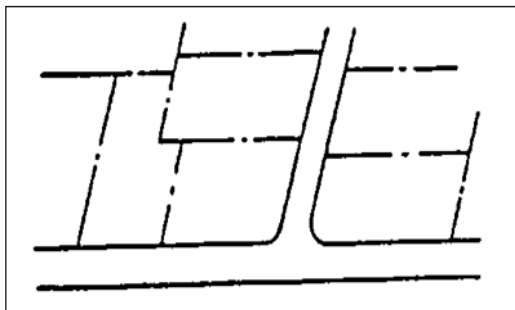
606.2 Blocks

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

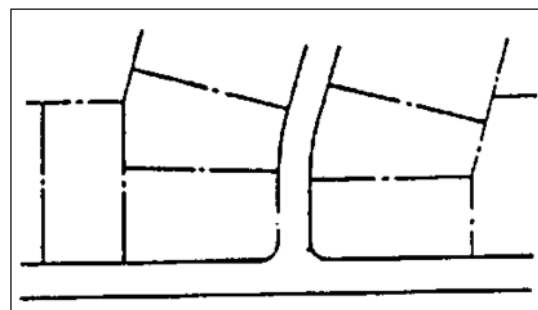
606.3 Lots

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

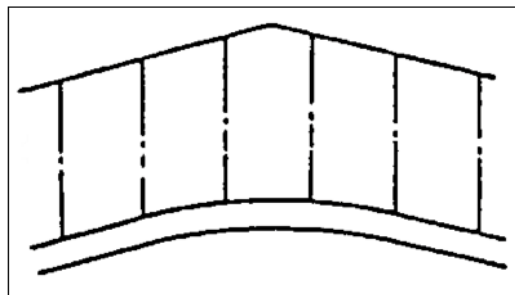
- A. Each lot or area platted for residential use shall provide, inside of the required yards, an area containing not less than one thousand (1,000) square feet for each dwelling unit. Such area shall have an average slope not greater than fifteen (15) percent and shall be accessible from the existing or proposed street by means of a driveway or private access street having a maximum grade of twelve (12) percent. In the case of lots using an on-site sewage disposal system, in addition to such area, there shall be sufficient area for the sewage disposal field in accord with Department of Environmental Protection regulations. (See §903 for commercial and industrial lots.)
- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.
- C. All lots shall front on an approved street or have direct access to a public street or an approved private street.



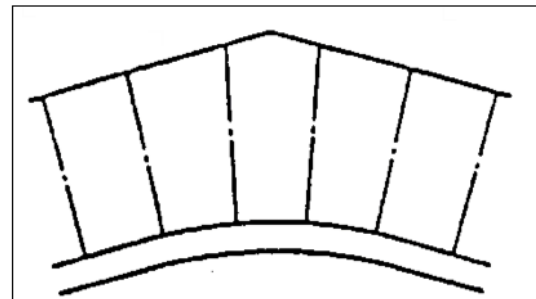
Unacceptable Lot Layout



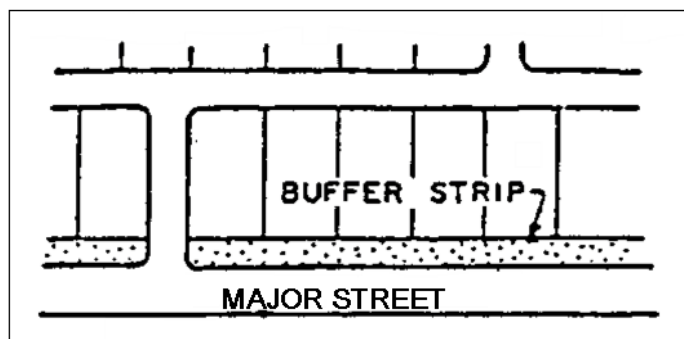
Acceptable Lot Layout



Unacceptable Lot Layout



Acceptable Lot Layout



Reverse Frontage Lots

- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development streets.
- F. All lands in a subdivision shall be included in platted lots, streets, common areas, open space and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- G. Lots shall be laid out to the edge of the required right-of-way of any proposed street; and, lot lines along existing public or private streets shall be maintained as they exist.
- H. All corner lots shall have a curve with a minimum radius of fifteen (15) feet adjoining the intersecting street edge or right-of-way lines.

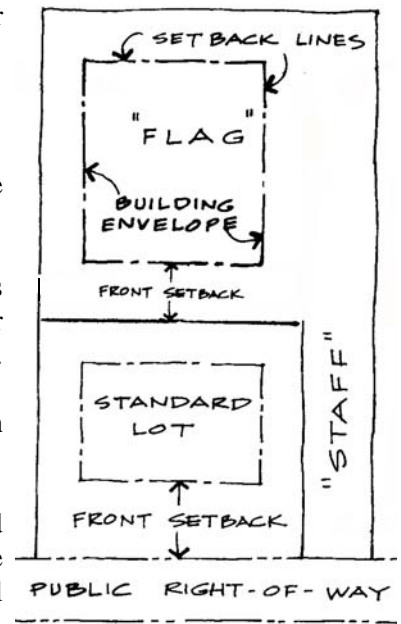
606.4 Lot Width Modifications

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

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

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

- A. The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.
- B. The flag lot shall not be permitted to have direct access to a Borough or State street and shall share its driveway with an adjoining standard lot.
- C. The flag lot shall be restricted from further subdivision.
- D. Not more than ten (10) percent of the lots within a subdivision may be approved as flag lots.
- E. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed four hundred fifty (450) feet in length, as measured from the street right-of-way.
- F. The access corridor (*staff*) shall, at a minimum, be twenty-five (25) feet in width.
- G. The proposed driveway shall not exceed a grade of twelve (12) percent and shall otherwise provide adequate access for emergency vehicles. The Borough may require the installation of the driveway as part of final approval.
- H. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).



Flag Lot

- I. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- J. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.
- K. No more than two (2) flag lots shall be permitted side-by-side, and shall not be stacked more than one (1) tier.

607 Streets

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

607.1 Topography

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

607.2 Existing Access

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

607.3 Street Continuation; Further Subdivision

- A. Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
- B. The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Borough and the owners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one (1) lot, and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one (1) lot a fully constructed stub street and temporary cul-de-sac are required.
- C. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- D. Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided.

607.4 Existing Rights-of-Way

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

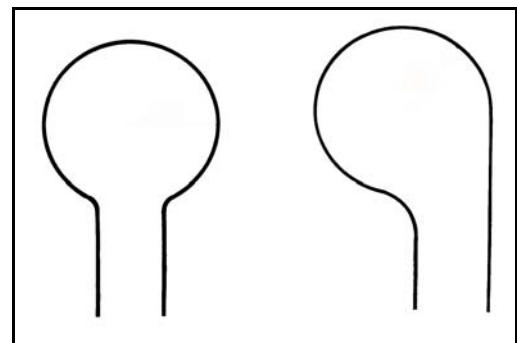
607.5 Subdivision Names and Street Names and Signs

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

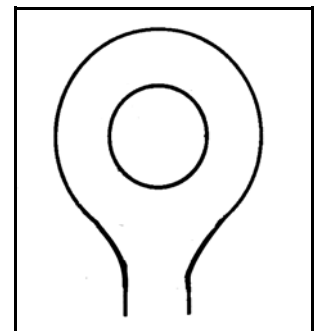
607.6 Cul-de-Sac Streets

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

- A. Any temporary dead end street, if designed to provide future access to adjoining properties, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of such turnaround shall be guaranteed to the public but shall be removed when the street is extended.
- B. Cul-de-sac streets, permanently designed as such, shall not serve more than eighteen (18) dwelling units nor exceed a length of one thousand two hundred (1,200) feet as measured from the right of way of the connecting street to the center of the cul-de-sac turnaround
- C. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of forty (40) feet, and improved to the required construction specifications shall be provided. A teardrop turnaround with a center island may be approved by the Borough Council.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.



Cul-de-sac Turnarounds



- E. When the Borough determines that a cul-de-sac street may be required to be converted to a through street to provide access to adjoining property, a right-of-way equal to the width of the cul-de-sac street shall be provided to the perimeter boundary of the development parcel.

607.7 Private Access Street

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

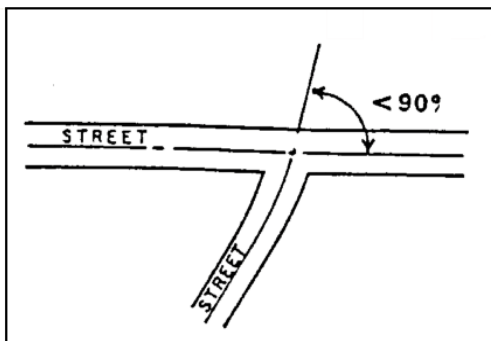
- A. Number of Dwelling Units; Access - A private access street shall be used only to provide access to three (3) lots which cannot legally be further subdivided or improved with more than one (1) dwelling unit. All lots in the subdivision which adjoin the private access street shall use it for access to the adjoining public street.
- B. Length and Width - The private access street shall not exceed seven hundred fifty (750) feet in length as measured from the edge of the right-of-way of the abutting street to the point of connection to the lot. The width of the private access street shall conform to Table VI-1. Any proposed street exceeding the 750-foot length shall comply with all normal standards which apply to street construction.
- C. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply. In the alternative, the lots may be restricted from further subdivision by deed restriction and inclusion of the following note on the plan: *Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- D. Street Ownership - The private access street shall not under any circumstances be offered to the Borough as a public street. A covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for the maintenance of the private access street and turnaround and establishing its future private ownership status: *The maintenance of the private access street and turnaround shall be the responsibility of the owner(s) of the lots served by the street. The private access street shall remain private and shall not be offered for dedication to the Borough as a public street.*
- E. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access street intersects with the right-of-way of the adjoining street.
- F. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §609 and §610 of this Ordinance.
- G. Through Street Grade - A private access street shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the private access street intersection.
- H. Paving - The private access street shall be paved from the connection with the adjoining street to fifty (50) feet beyond the adjoining street right-of-way. The paving material and cross section shall meet or exceed the specifications for local streets required by this Ordinance.

607.8 Intersections

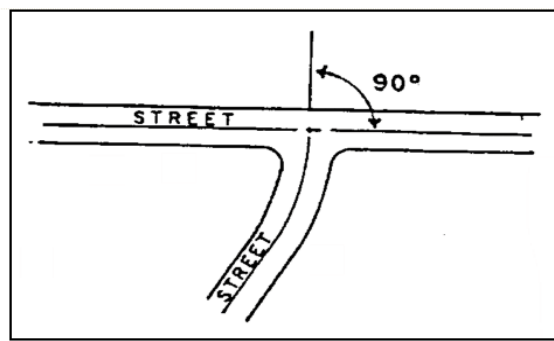
- A. Center-Lines - Center-lines of streets shall intersect at ninety (90) degrees unless a modification is granted

for good cause in accord with §1003.

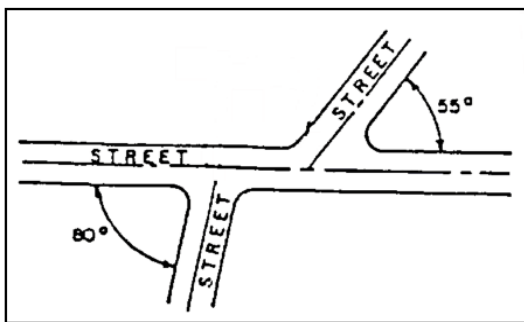
- B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.
- C. Minimum Offset - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
 1. One hundred fifty (150) feet for local and private access streets.
 2. Four hundred (400) feet for collector and higher class streets.
- D. Cartway Edge Arc - The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for local streets and streets of lesser classification and fifty (50) feet for collector streets and streets of higher classification. The right-of-way arc shall be congruent with the cartway arc.



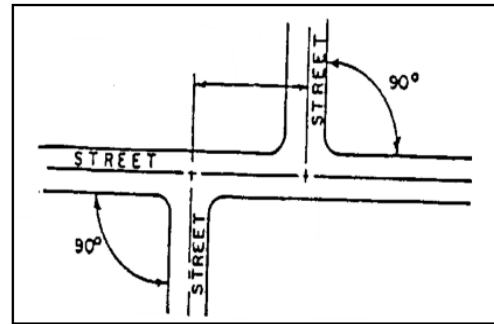
Unacceptable Road Intersection Design



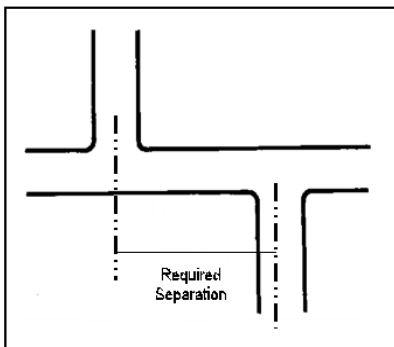
Acceptable Road Intersection Design



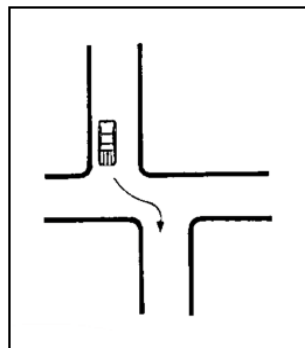
Unacceptable Road Intersection Design



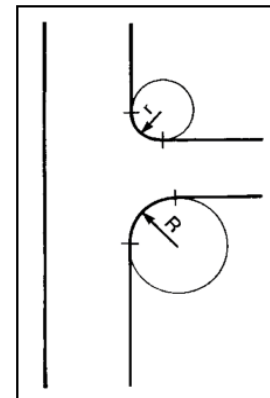
Acceptable Road Intersection Design



Required Centerline Separation



Corner Cutting



Cartway Edge Arc

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

607.9 Major Street Frontage

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

TABLE VI-1 MINIMUM DESIGN STANDARDS BY TYPE OF STREET							
DESIGN SPECIFICATIONS	TYPE OF STREET						
	ARTERIAL	CONNECTOR	COLLECTOR	LOCAL	MARGINAL ACCESS	ALLEY	PRIVATE ACCESS
Average Daily Traffic	> 5,000	1,0001 to 5,000	501 to 1,000	≤ 500	≤ 500	--	≤ 30
Posted Speed [a]	≤ 65 mph	≤ 55 mph	≤ 45 mph	≤ 25 mph	≤ 25 mph	N/A	≤ 15 mph
Right-of-Way Width [b] [c]	80 feet	60 feet	60 feet	50 feet	50 feet	30 feet	25 feet
Cartway Width [c]							
- with shoulders	48 feet	44 feet	28 feet	26 feet	22 feet	20 feet	18 feet
- with curbs - no parking	48 feet	44 feet	24 feet	22 feet	22 feet	20 feet	18 feet
- with curbs - parking 1 side	N/A	N/A	30 feet	28 feet	N/A	N/A	N/A
- with curbs - parking 2 sides	N/A	N/A	36 feet	34 feet	N/A	N/A	N/A
Travelway Width [d]	24 feet	24 feet	20 feet	18 feet	18 feet	20 feet	18 feet
Shoulder Width cut and fill areas	6 feet [c]	6 feet [c]	4 feet	4 feet	2 feet	N/A	N/A
Maximum Grade	6%	10%	10%	12%	12%	12%	12%
Notes: [a] Posted Speed shall not exceed the speed required to maintain safe and convenient circulation of vehicles and pedestrians. [b] Plus slope, drainage, and utility easements as required. [c] Additional Standards may be per Pennsylvania Department of Transportation Specifications. [d] The travelway width shall be delineated with solid white lines conforming to Penn DOT standards.							

TABLE VI-2 MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET						
CONSTRUCTION SPECIFICATIONS	TYPE OF STREET					
	ARTERIAL	CONNECTOR	COLLECTOR	LOCAL	ALLEY	PRIVATE ACCESS
Base Material						
material	AASHTO No. 2A crushed stone					
compacted depth	8 inches	8 inches	8 inches	6 inches	6 inches	6 inches
Surface Course						
material	Superpave Volumetric Asphalt Design					
compacted depth	7.5 inches [a]	7.5 inches [a]	5.5 inches [b]	5.5 inches [b]	4.0 inches [c]	1.5 inches [d]
Shoulders						
material	Superpave Volumetric Asphalt Design					
compacted depth	7.5 inches [a]	7.5 inches [a]	5.5 inches [b]	5.5 inches [b]	N/A	N/A
Notes:						
[a] 1.5 inches Wearing + 6.0 inches Base			[c] 1.5 inches Wearing + 2.5 inches Base			
[b] 1.5 inches Wearing + 4.0 inches Base			[d] 1.5 inches Wearing (see §607.7,H)			

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

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

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

607.11 Easements

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

A. Access Easements

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

B. Utility Easements

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

607.12 Street Alignment

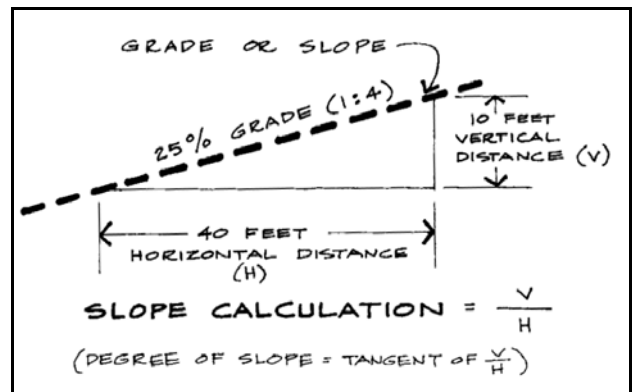
Street alignment shall be designed as follows:

- A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distances, Stopping Sight Distance, and Tangents - Sight distance, stopping sight distance, and tangents shall comply with AASHTO requirements based on average daily traffic for the street.

607.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than two (2) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one and one-half (1.5).
- E. A leveling area for all street intersections shall be provided in accord with AASHTO requirements based on average daily traffic for the intersecting streets.

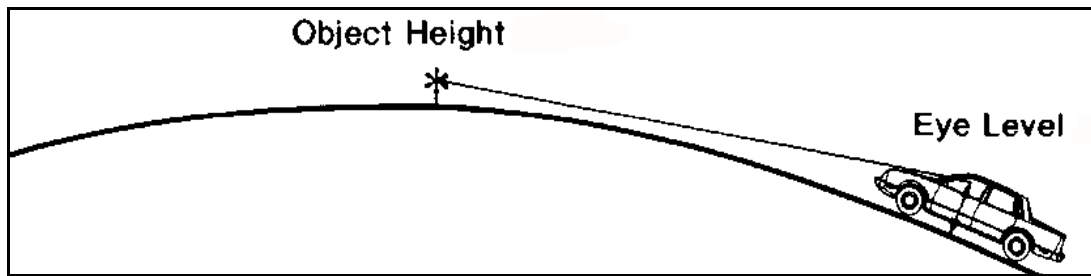


Sample Slope Calculation

607.14 Vertical Curves

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

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



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

607.15 Clear Sight Triangles

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

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of two (2) to ten (10) feet above the centerline grades of the intersecting streets.
- B. Such triangular area shall be determined by the intersecting street centerlines and a diagonal connecting the two points, one point at each street centerline, each of which points is:
 1. One hundred fifty (150) feet from the intersection of such street centerlines if either street is an arterial street.
 2. One hundred (100) feet from the intersection of such street centerlines if either street is a collector or connector street.
 3. Seventy-five (75) feet from the intersection of such street centerlines if both streets are local streets or private access streets.

607.16 Driveways

Driveways shall comply with the following standards and at least one (1) location meeting the standards shall be shown for each lot and the notes required by §402.5.FF.10, §404.2.GG.10 and §405.2.Y.6 shall be included on the Plan:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Borough or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed twelve (12) percent in grade or as otherwise required by state or Borough regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the Preliminary and Final Plans.
- E. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining street.

- F. Adequate provision shall be made for parallel drainage facilities.
- G. The minimum vertical curve for residential driveways shall be two (2) feet per one (1) percent change in grade.
- H. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

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

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

607.17 Bridges and Stream Crossings

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

607.18 Clearing and Grubbing

The right-of-way for all streets shall be cleared of vegetation to the full width of the required right-of-way and including any additional area required for street cartway, cuts and fills, and associated drainage facilities.

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

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to three (3) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Borough Council for special conditions. A geotechnical report prepared by a Professional Engineer shall be required for any modification request made in accord with §1003.
- B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal. A geotechnical report prepared by a Professional Engineer shall be required for any modification request made in accord with §1003.

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

607.20 Sub-Grade, Base and Surface

A. Subgrade

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

- B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Borough.
- C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Borough.
- D. Shoulders - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

- E. Commercial/Industrial Areas - Any street serving a commercial or industrial area shall be designed and constructed to collector street standards.
- F. Parking Lanes - Where curbs are required and/or provided for collector streets, if a parking lane (between the travelway and the curb) is approved by the Borough, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the travelway. Such parking lane shall be not less than eight (8) feet wide for local streets; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.
- G. Alternative Designs - Alternative street bed designs may be proposed and shall be considered in accord with §1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed on the basis of design recommendations of the Asphalt Institute.

607.21 Walls, Slopes, and Guide Rails (See §503.2 of the Borough Zoning Ordinance for additional standards.)

- A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough to support the street or the adjacent land, as the case may be.
- B. Guide rails shall be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards and the required guide rail shall be installed in accord with most current PennDOT standards.

607.22 Curbs, Gutters, and Swales

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

607.23 Sidewalks; Crosswalks

Sidewalks and street crosswalks may be required where necessary to provide proper pedestrian circulation or to

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

607.24 Parking On Streets

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

607.25 Driveway and Cross Drainage

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

607.26 Reserved

607.27 Reserved

607.28 Traffic Signs, Signals and Pavement Markings

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

607.29 Street Striping

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

608 Survey Monuments and Markers

Monuments and markers shall be placed so that the center or a scored or marked point shall coincide with the intersection of the lines to be marked and shall be set to an accuracy of 0.03 feet; and shall be certified by the project surveyor.

A. Monuments

1. Monuments shall consist of either:
 - a. Solid steel rods a minimum of one-half (0.5) inches in diameter and twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and forty-eight (48") inches in depth, poured in place.
 - b. Steel pipes a minimum of three-quarters (3/4) inch in diameter and twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and forty-eight (48") inches in depth, poured in place
 - c. Precast (i.e. manufactured) reinforced concrete monuments measuring a minimum of four (4) inches by four (4) inches by and forty-eight (48) inches in length.

- d. Such other monuments as the Borough may approve.
2. Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
3. Monuments shall not be placed until street grading has been completed.
4. Monuments shall be set at all outbound locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

B. Markers

1. Markers shall consist of solid steel rods a minimum of one-half (0.5) inches in diameter and twenty (20) inches long.
2. Such other marker as the Borough may approve.
3. Markers shall be set two (2) inches above the surrounding grade.
4. Markers shall be set at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plan.
5. A permanent cap shall be attached to the top of each survey marker and shall be labeled with the name and license number of the surveyor responsible for setting the marker.
6. A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

609 Stormwater and Drainage Control

609.1 Purpose

- A. Generally - The purpose of this section is to ensure consistency with the Pennsylvania Stormwater Management Act, Pennsylvania Stormwater Management Policy, the Stormwater Best Management Practices Manual and associated rules and regulations.
- B. Goals - The goals of the Pennsylvania Stormwater Management Policy and this Ordinance are to:
 1. Minimize the generation of stormwater runoff;
 2. Provide groundwater recharge; and
 3. Minimize the adverse effects of stormwater discharges on water resources.
- C. Best Management Practices - Best management practices integrate existing planning and regulatory requirements for:
 1. Reducing pollutant loads to streams;
 2. Recharging aquifers;

3. Maintaining stream base flows;
4. Preventing stream bank erosion and stream bed scour; and
5. Protecting the environmental integrity of receiving waters.

609.2 Plan and Stormwater Management Ordinance Compliance

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

609.3 Compliance with State Regulations

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

609.4 Design Criteria for Stormwater Conveyance Facilities

610 Soil Erosion and Sedimentation Controls

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

611 Water Supply and Sewage Disposal

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

- A. If service is available, all subdivisions and land developments shall be connected to the public water system serving the Borough and shall be connected to the Borough sewer system as provided by the most current Sewage Facilities (Act 537) Plan.
- B. All suppliers of non-municipally owned, centralized water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Borough.
- C. Three (3) copies of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Borough as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Borough as a part of the public record.
- D. In the case of utilization of a publically owned or other existing centralized water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification

of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.

- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All water supply and sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
- G. Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Article V of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Borough Engineer.
- H. All sewage disposal systems shall be consistent with the Borough Sewage Facilities Plan.

611.1 Well Setbacks

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

611.2 On-Lot Water Supply

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

611.3 Shared Water Supply

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

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

611.3.2 Water Distribution System

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

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

611.4 Centralized Water Supply

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

611.4.2 Reserved

611.4.3 Deep Well Source

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

611.4.4 Water Distribution System

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

611.4.5 Flow Rates

Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at

least two and one half (2.5) times the projected average daily flow rate or a minimum flow rate in accordance with the standards of the National Fire Underwriters Association, whichever is greater.

611.4.6 Water Resources Impact Study

A Water Resources Impact Study shall be required for all residential developments involving twelve (12) or more lots and any nonresidential development proposing to withdraw four thousand (4,000) or more gallons of water per day over a thirty-day period.

- A. Purpose - These regulations are to ensure that expansion of production from existing wells or development of new wells in the Borough are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.
- B. Pumping Test and Water Quality Analysis - All elements of the pumping test well and water quality analysis shall be completed prior to submission of the Water Resource Impact Study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the Water Resource Impact Study.
- C. Professional Preparation - The Water Resource Impact Study shall be prepared by a professional geologist and/or professional engineer, licensed in the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.
- D. Certification - The Water Resource Impact Study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed subdivision and/or land development:
 1. Calculations - Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references:
 - a. The adequacy of each residential water supply shall be determined based upon a peak water demand considered to be that specified for sewage system flows as stated in PA DEP Title 25, Chapter 73.31.
 - b. The adequacy of non-residential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For non-residential facilities other than those found in Table IV-1.2, the adequacy of non-residential supplies shall be based upon the flow assumptions published in PA Title 25 Chapter 73 Standards For Sewage Disposal Facilities, Section 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the adequacy of non-residential supplies by submitting copies of water and/or sewer bills for the similar facilities.
 - c. Guide for Determination of Required Fire Flow by the Insurance Services Office (ISO), as amended.
 - d. Standards and Manuals for the American Water Works Association, as amended.
 - e. In addition to the above, the projected water demand shall include any additional flow required to comply with National Fire Protection Association specifications for sprinkler systems.
 2. Area Maps - A topographic and geologic map of the area within a one (1) mile radius of the site.
 3. Regional Map Information - The following information shall be provided on a regional topographic map for the area within one-half (0.5) mile radius of all proposed wells. If any existing wells withdrawing

over ten thousand (10,000) gpd are located within one (1) mile of the site, the mapping radius shall be extended to one (1) mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey.

- a. The location of all existing and proposed wells; including the test well(s) and monitoring wells.
 - b. The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges.
 - c. The location of facilities storing or handling residual or hazardous wastes and substances, or petroleum products.
 - d. The location of all perennial and intermittent watercourses.
4. Site Plan - A site plan shall be provided, showing existing and proposed lot lines. The following features shall be presented on an up to date plan for the site and area within three hundred (300) feet beyond the site perimeter.
- a. Flagged wetland boundaries.
 - b. All springs, seeps and ephemeral pools.
 - c. All watercourses with a statement as to whether they are perennial or intermittent.
 - d. Existing and proposed wells.
 - e. Existing and proposed septic systems.
 - f. Test well(s) and monitoring wells.
 - g. Topography.
 - h. Piezometer wells, if applicable.
5. Pumping Test Wells - The number of Test Wells is dependent upon the number of proposed dwelling units.
- a. One (1) pumping test well shall represent spatially and by supply, groups of twenty-five (25) or less dwelling units. Thus, a pumping test well is required for increments of twenty-five (25) or less proposed dwelling units, and shall be located in the approximate center of the cluster of units and shall be pumped at a rate that must exceed one hundred fifty (150) percent of the anticipated peak water demands of those units. The test wells may be located so as to later be used as individual residential wells. Pumping of the test wells shall occur on separate weeks so as to avoid interaction.
 - b. For non-residential developments, the test well shall be the supply well anticipated for use by the facility. A back-up well is highly recommended and should be tested on a separate week than the primary well.
6. Monitoring Wells
- a. At least six (6) monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly

- distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than five hundred (500) feet from the test well. If such a well is not available a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final Report.
- b. The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Borough permission for a period not to exceed eighteen (18) months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this Ordinance.
 - c. Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one (1) week prior to the pumping of the test well, the monitoring wells shall be measured on a least four (4) separate days. During the pumping test, monitoring wells shall be measured at no less than two (2)-hour intervals during daylight periods. It is highly recommended that either night time measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the test results. At least four (4) days of post well water level measurements shall be recorded over a period of a week.
 - d. Ground elevation adjacent to the well(s) in addition to the static water level shall be based on U.S.G.S. vertical datum.
7. Testing Locations and Details - Prior to drilling and/or testing, the Borough Engineer shall be provided with the Pennsylvania State Plane coordinates for the Monitoring and Test Well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and / or testing, the Borough Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Borough Engineer prior to the test. Dates of drilling and testing shall be made available to the Borough Engineer so that they may witness field operations as necessary.
 8. Geologic Log - An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every twenty (20) feet during drilling, or at each change in rock type, whichever occurs first.
 9. Pumping Tests - Forty-eight (48)-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than one hundred fifty (150) percent of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one (1) week prior to start of pumping and one (1) week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least ninety-five (95) percent recovery of draw down is observed in the test well, or until forty-eight (48) hours after termination of pumping, whichever is first.
 10. Pumping Rate - The pumping test shall be conducted at a constant pumping rate that shall not deviate

greater than plus or minus five (+/- 5) percent during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

11. Pumping Test Discharge - The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Borough Engineer, and shall be at least one hundred (100) feet distant.
12. Required Data - The Report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.
13. Water Quality - Water quality samples shall be obtained from the test well at termination of the pumping testing to demonstrate that drinking water quality conforms to this section.
 - a. All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the Commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.
 - b. Water quality testing shall include, at a minimum, the following parameters: Total and Fecal Coliform, Nitrate/Nitrite, ph, Iron, Manganese, Sulfate, Lead, Chloride, Hardness, Turbidity, Odor, Total Dissolved Solids, Surfactants (Detergents), Volatile Organic Compounds - Group 1 (VOC1) + 10 unknowns, MTBE, Herbicides - Group 1 (H1) and Pesticides - Group 3 (P3). A library search for Tentatively Identified Compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc. refers to PA DEP categories of contaminants.
 - c. The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well(s), and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.
 - d. A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in the Report.
 - e. The laboratory report shall be include and shall contain the name, license number and address of the state drinking water certified laboratory.
14. Aquifer Capacity - Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development. For residential dwelling units, minimum well yield shall be three (3) gallons per minute with sufficient depth below water table to allow for storage of at least one (1) day of peak water use within the borehole. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

15. Hydrologic Budget - A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one in ten year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made. If on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of ninety (90) percent return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.
16. On-Lot Sewage System Effects - A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP *mass balance* policy guidelines which include average year recharge from the development site alone less impervious surface, sewer system design flow rates and a forty-five (45) mg/l effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply wells and springs to include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the ten (10) mg/l drinking water limit.
17. Effects on Waters of the Commonwealth - If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within three hundred (300) feet of the proposed and existing wells boundary, the Report shall address the potential to affect these features as a result of drilling and pumping of the proposed supply wells. Circumstantial evidence to support conclusions regarding this issue shall be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when said surface water features are deemed at potential risk. If staff gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.
18. Qualifications - The Report shall include a brief statement of the qualifications of the person(s) preparing the study.

611.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Borough Sewage Facilities Ordinance, and all other applicable standards.
- B. Site Suitability
 1. All residential lots in developments proposing the use of on-site sewage disposal shall contain at least one (1) area suitable for such a disposal system as tested by the Borough SEO in accord with DEP requirements. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the plan.
 2. Prior to any action on the Preliminary Plan by the Borough, the Applicant must document that all lots in subdivisions proposing sewage disposal contain a suitable area as tested by the Borough SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.
 3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition,

a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

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

611.6 Centralized Sewage Disposal System

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

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

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

- A. All centralized sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Borough.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Borough Ordinances.
- C. All centralized sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development.
- D. All centralized sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

612 Reserved

613 Utilities

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

614 Sidewalks

See §607.23.

615 Landscape Requirements; Street Trees

615.1 Landscape Plan for Land Developments - A landscape plan meeting the requirements of this section shall be prepared for all land developments in accord with the Borough Zoning Ordinance; and, no land development shall be finally approved until all landscaping has been installed or guaranteed in accord with this Ordinance.

615.2 Street Trees

- A. Street Trees Required - Street trees shall be required:
1. Along all existing streets abutting or within the proposed subdivision or land development.
 2. Along all proposed streets.
 3. Along access driveways that serve five (5) or more residential dwelling units.
 4. Along access driveways that serve two (2) or more nonresidential properties.
 5. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Planning Commission.
- B. Waiver for Existing Vegetation - The street tree requirement may be waived by the Borough where existing vegetation is considered sufficient to provide effective screening and to maintain scenic views of open space, natural features, or other valued features.
- C. Standards - Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:
1. Trees shall be planted a minimum distance of five (5) feet and a maximum distance of fifteen (15) feet outside the ultimate right-of-way line. However, in certain cases, as follows, the Borough may permit trees to be planted within the ultimate right-of-way:
 - a. In areas, such as existing neighborhoods where front yards may be located within the ultimate right-of-way.
 - b. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.
 2. In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least ten (10) feet in width, planted in grass or ground cover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits within the sidewalk may be approved.
 3. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three (3) feet from curbs and sidewalks, fifteen (15) feet from overhead utility poles with appropriate species selection for trees under utility wires, and six (6) feet from underground utilities.
 4. Trees shall be planted at a ratio of at least one (1) tree per fifty (50) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
 5. The use of tree species selected from the *List of Acceptable Plants* in §615.3 is required.

615.3 List of Acceptable Plants

All plants used for landscaping and vegetative cover shall be selected from the *List of Acceptable Plants* established by resolution of the Borough. The list is intended to offer a broad selection of plants suitable for the various landscapes required by this Ordinance. Native plants are indicated for use in natural or naturalized settings. Plants not found on the list may be substituted, provided that the Borough determines that the plants are

suitable for the proposed purpose and location.

616 Street, Parking Area and Building Lighting

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

617 Reserved

618 Wetlands

618.1 Identification

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

618.2 State and Federal Regulations

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

618.3 Buffers

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

618.4 Mitigation

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

618.5 Protection

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

619 Off-Street Parking and Loading

All proposed subdivisions and land developments shall be provided with parking and loading areas adequate to meet the needs of the use.

619.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities

required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

619.2 Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

619.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

619.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with Borough parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

619.5 Off-Street Parking in Designated Areas of the CC Central Business District

Off-street parking shall not be required for any new or expanded nonresidential use in the CC Central Business Zoning District which fronts on any of the following:

- State Street from East Grove Street north to the Borough municipal boundary
- Depot Street
- Davis Street
- the 100 Block of Colburn Street
- the 100 Block of Main Street
- the 100 Block of Stone Street
- the 100 Block of Claremont Street
- the 400 Block of Zimmerman Street
- the 400 Block of Barrett Street

However, no existing parking area shall be reduced in size unless the parking area, when reduced in the number of spaces, complies with the number of spaces required for the use as specified in §619.6. If off-street parking is proposed for new construction in the areas of the CC Central Business Zoning District designated in this §619.5, such parking shall be provided to the rear of the principal structure.

619.6 Number of Spaces To Be Provided

- A. Any structure or building not exempted by §619.5 and which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

- C. Additional parking for the handicapped shall be provided in accord with §619.16.
- D. Should the applicant provide evidence that the number of parking spaces required by this §619 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §619 and the applicant shall agree in writing to install the parking at the direction of the Borough Council. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §619.16).
- E. The required number of parking spaces may be reduced subject to Planning Commission recommendation and Borough Council approval. Any approval to permit such decrease shall be subject to the following criteria:
 - 1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Borough Comprehensive Plan.
 - 2. Quality of Design - The applicant shall demonstrate to the Borough that the proposed decrease will result in an adequate number of parking spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
 - 3. Local Conditions - In making its determination the Borough Council shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
 - 4. Burden; Conditions - If the Borough Council, in its sole discretion, determines that the applicant has met the burden of proof, it may grant the decrease. The Borough Council may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

USE	PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	

1. Serving customers or clients on premises such as attorneys, physicians, insurance, banks, service establishments, and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural, religious, social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Places of worship	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Health related facilities	
1. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
2. Nursing homes, personal care homes	1 per five resident beds at maximum capacity
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car or truck wash	1 per employee plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
4. Truck terminals	1 per 200 SFGFA devoted to office use plus 2 per company vehicle using the facility

5. Bus terminals	1 per 200 SFGFA devoted to office use plus 0.75 per seat of the total capacity of buses serving riders who travel round-trip during the peak twelve-hour period of the day
L. Warehousing and storage	1 per 2,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA
2. Nursery schools and day care	1 per staff member plus 1 per 5 clients at maximum capacity
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public
7. Recycling centers	1 per employee with a minimum of 2
8. Kennels	1 per 400 SFGFA with a minimum of 4
9. Institutional uses	1 per employee plus 1 per 25 inmates/residents
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	

For uses not specifically provided above, the Planning Commission is authorized to determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

619.7 Loading and Unloading Areas

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other non-residential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide, to the satisfaction of the Planning Commission and Borough, documentation of the types and frequency of vehicles servicing the proposed use. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	55 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

619.8 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- A. Width - Unless otherwise required by PennDOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows:

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

- B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Distance Between Non-residential Driveways - In no case shall one entrance or exit be located within fifty (50) feet of any other on the same property or adjoining property along the same public right-of-way.
- D. Distance From Intersections - At a minimum, the following distance shall be maintained between the centerline of any driveway/access way and the centerline of any street intersecting the same street as the driveway/access way:

Type of Street	Minimum Separation Distance
State	75 feet
Borough	50 feet

- E. Highway Occupancy Permit - A Borough or State highway occupancy permit, as applicable, shall be required for any new access or access proposed for increased average daily traffic to any public street or any other regulated activity within the right-of-way.

619.9 Parking and Loading Area Buffers

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than three (3) feet in width unless adjoining uses share parking in accord with §619.12. In the case of adjoining R-1, R-2, R-3 or RP Zoning Districts, the buffer shall be increased to ten (10) feet. Buffers shall be improved in accord with §619.13.

- A. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
- B. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 1. Paving except for approved driveway crossings
 2. Fences
 3. Parking, storage or display of vehicles
 4. Items for sale or rent
- C. Uses Permitted - The buffer area may include the following:
 1. Permitted freestanding signs
 2. Pervious storm water facilities
 3. Approved driveway/access way crossings

- D. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking lot.
- E. Clear Sight Triangles - All required clear sight triangles at intersections shall be maintained.

619.10 Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface of concrete or bituminous concrete surface constructed in accord with accepted standards to assure durability.

619.11 Off-Lot Parking

In addition to all other applicable requirements of this §619, proposed off-lot parking areas shall comply with the requirements of §504.11 of the Borough Zoning Ordinance.

619.12 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §619.9. The standards in §619.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

619.13 Landscaping

All improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- A. Buffer Areas - The buffer area required by §619.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage.
- B. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
- C. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Borough. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- D. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Borough.

619.14 Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

619.15 Parking for Residential Use

Off-street parking shall be provided in accord with this §619 for all residential uses in all Districts.

619.16 Handicapped Parking

- A. Number of Spaces - Any lot including four (4) or more off-street parking spaces shall include a minimum of one (1) handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans With Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- B. Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
- C. Minimum Size - Each required handicapped parking space shall be a minimum of eight (8) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. In order to provide for van accessibility, one (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.
- D. Slope - In accord with ADA requirements, handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions.
- E. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

**ARTICLE VII
MOBILE HOME PARKS**

701 Zoning

In addition to the requirements of this Article VII, mobile home parks shall comply with §607 and all applicable requirements of the Borough Zoning Ordinance.

702 Land Development

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

703 Streets

Mobile home park streets shall be provided, designed and constructed in accord with §607 based on the classification of the street and other applicable standards of this Ordinance. The Borough shall not accept any mobile home park street for dedication.

**ARTICLE VIII
CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

800 General Applicability

In addition to the other applicable requirements in this Ordinance, the provisions in this Article VIII shall apply to any campground or recreational vehicle (RV) park in the Borough. As used herein, *campground* shall also include *RV park*.

801 Campgrounds**801.1 Purpose**

The purpose of this Article VIII is to assure that all campgrounds and RV parks constructed and operated in the Borough are planned and developed so as to protect the health, safety and welfare of their inhabitants and of the residents of the Borough.

801.2 Occupancy

Campsites shall be used only for camping purposes and not for long-term residency (see definition in Article II). No improvement or any recreational vehicle designed for long-term residency or occupancy shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited.. Moreover, no campsite shall be occupied for more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. Unless such owner can establish a prior relocation or removal within the immediately preceding twelve (12) months, the Borough shall require any owner to relocate or remove a recreational vehicle from any campground campsite for a period of thirty (30) days. Placement in a storage area in the campground shall to comply with the required relocation or removal shall be permitted. These requirements shall be attached to each campsite by restrictive covenant.

801.3 Ownership

The campground shall remain in single ownership and shall not be subdivided.

802 Land Development

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

803 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than five (5) acres.

804 Campsite Size, Density and Lot Width**804.1 Site Size**

The minimum area of any campsite shall be two thousand five hundred (2,500) square feet exclusive of road rights-of-way and walkways.

804.2 Density

The total number of sites in a campground shall not exceed a density of six (6) campsites per acre of adjusted tract acreage. Density shall be calculated by calculating the adjusted tract acreage in accord with the requirements of residential conservation design in the Borough Zoning Ordinance and dividing by six (6) lots per acre.

804.3 Open Space

The construction and maintenance of recreation facilities and open space shall be the responsibility of the owner of the campground. Not less than five (5) percent (but not less than one-half acre) of the area improved for camp sites shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to, swimming pools, playgrounds, play fields, ball fields, courts of all types, recreation buildings and similar facilities. The Borough Council will determine the adequacy of the proposed facilities for the number of camp sites and may require additional facilities.

805 Design Standards

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

805.1 Location

- A. Floodplains - A campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- B. Nuisances - The site of any proposed campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- C. Slopes - A campground shall not be located where the average natural slope of the area of the site intended for development exceeds ten (10) percent.

805.2 Soil and Ground Cover

- A. Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.
- B. Erosion Control - All areas of a campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the owner in such condition as to provide continued soil protection.

805.3 Stormwater/Drainage

Campgrounds shall comply with the stormwater management requirements in §609 and the Borough Stormwater Regulations, and shall be designed to insure that all surface water is drained in a safe and efficient manner away from all campsites.

805.4 Setbacks, Buffer Strips and Screening

No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the campground, or from a public road right-of-way. Campgrounds shall be required to provide screening such as fences or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

805.5 Roads, Access and Parking

A. Interior Roads

- 1. All campground roads shall conform to the cross section requirements for private access roads.

2. One-way roads shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width.
3. Two-way roads shall have a minimum right-of-way width of thirty (30) feet and shall be improved with a travelway not less than twenty (20) feet in width.
4. The minimum center-line radius of any interior campground road shall not be less than fifty (50) feet.
5. The maximum grade of any campground road shall not exceed twelve (12) percent.
6. No campground road may be offered for dedication to the Borough. Construction and maintenance of campground roads shall be the sole responsibility of the developer or operator of the campground.

B. Parking

1. Parking shall not be permitted on roads or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
2. All campsites designed for recreational vehicles shall have off-road parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved with asphalt, but shall have a minimum depth of six (6) inches of compacted crushed stone.
3. All campsites designed for tenting may be provided with on-site parking spaces in accord with §805.5,B,2 or may have a common parking area not over three hundred (300) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum size of each parking space shall be at least nine (9) feet by eighteen (18) feet.

C. Access Roads - There shall generally be at least two (2) points of ingress and/or egress for each campground from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be designed and constructed in accord with the requirements of this Ordinance for local roads.

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

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

- A. All campsites which are not provided with a connection to a central water supply and a central sewage system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.
- B. The campground shall be equipped with sewage dumping stations designed and constructed for easy access by campers in accord with the following:
 1. The station shall not be located in any 100-year floodplain.
 2. The dump station shall include an area for:

- a. Disposal of stored sewage sized in accordance with Chapter 73 DEP regulations.
 - b. A source of water to flush out sewage holding tanks.
 - c. A separate source of potable water for filling vehicle storage tanks. The potable water source should be separated from the tank-flushing water source according to DEP requirements
3. Signs shall be provided to distinguish between water supplies.
 4. The station shall be sited so that it is usable from the driver's side of the vehicle.
 5. All controls that operate the station shall be between nine (9) and fifty-four (54) inches off the ground and be operable with one (1) hand with not more than five (5) pounds of force.
 6. The immediate area surrounding the drains shall be:
 - a. Paved shall be paved with a minimum of four (4) inches of stone base with two (2) inches of Superpave 9.5 millimeter HMA Wearing Course.
 - b. Sloped two (2) percent toward the drain and a clear space of at least five (5) feet around the drain shall be maintained.

805.7 Refuse Disposal

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

805.8 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer in accord with §615 of this Ordinance for review and approval by the Borough. Landscaping shall be considered an improvement for the purposes of regulation by this Ordinance.

805.9 Illumination

A lighting plan and lighting shall be provided in accord with §616.

805.10 Other Requirements

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

806 Non-Residential Uses

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

807 Other General Requirements

807.1 Fences

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

807.2 Nuisances

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

807.3 Animals

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

807.4 Garbage and Refuse Disposal

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

807.5 Camping Accessories

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

807.8 Appurtenances

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

808 Expansion of Existing Campgrounds

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

**ARTICLE IX
COMMERCIAL LAND DEVELOPMENTS
AND
COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

901 Commercial Land Developments and Commercial and Industrial Subdivisions

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

902 General Design and Site Standards

902.1 Land Development

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

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

902.2 Design of Commercial Establishments and Nonresidential Uses

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

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

- C. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- D. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- E. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- F. Being consistent with any design guidelines adopted by the Borough.

902.3 Design Considerations - The design shall to the greatest extent possible ensure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed streets, drives and parking and loading areas, but in any event for not less than a WB-50 truck.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Borough.

902.4 Ownership

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

903 Commercial and Industrial Lots

Each lot or area plotted for commercial and/or industrial use shall provide, inside of the required yards, an area at least equal to the projected horizontal area of the proposed building, plus such additional area as is required for parking in conformance with the Zoning Ordinance. Such area shall have an average slope not greater than ten (10) percent and shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of twelve(12) percent. In the case of lots using an on-lot sewage disposal system, in addition to such area, there shall be sufficient area, separate and apart from parking areas, for the sewage disposal field, and sufficient area for a replacement field, tested and approved in accord with Department of Environmental Protection regulations.

904 Unified Development

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

905 Streets

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

ARTICLE X ADMINISTRATION

1001 Purpose

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

1002 Amendment

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

1003 Modifications

1003.1 Intent

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

1003.2 Procedure

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

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

1003.3 Action

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

1003.4 Conditions

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

1003.5 Record

The Borough Council shall keep a written record of all actions on all requests for modifications.

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument

of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner or record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

1004.2 Enforcement Remedies

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

1004.3 Jurisdiction

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

1004.4 Transfer

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

1004.5 Construction

- A. No person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance.
- B. A preconstruction conference with the Borough Engineer shall be required prior to the initiation of construction of any improvements.
- C. No deeds shall be executed or recorded for the transfer of any lots or units before the Borough has approved the Final Plan and such Plan is duly recorded with the Lackawanna County Recorder of Deeds.

1005 Fees**1005.1 Establishment of Fees**

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

1005.2 Application Fees

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

1005.3 Review and Inspection Fees

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

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

1005.4 Supplemental Fees and Adjustment

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

1005.5 Disputes

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

1005.6 Failure to Pay Fees

Any failure by the Applicant to pay any required fees within forty-five (45) days of notice from the Borough of fees due shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Borough.

1006 Records

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

**ARTICLE XI
ADOPTION**

This Ordinance ordained and enacted this 7th day of March, in the Year 2012, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania.

BOROUGH OF CLARKS SUMMIT

By: _____
Council President

ATTEST:

Borough Secretary

APPROVED this 7th day of March, in the Year 2012

By: _____
Mayor