SUBDIVISION
AND
LAND DEVELOPMENT
ORDINA NCE

TUNKHANNOCK TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

#2005 – 101

Adopted: March 14, 2005

Tunkhannock Township
1557 Long Pond Road
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ARTICLE 1

GENERAL PROVISIONS

101 Legislative Authority

This Ordinance is enacted pursuant to the authority and provisions of P.L. 805, Act No. 247 of the Commonwealth of Pennsylvania, approved July 31, 1968, as amended, and known as the Pennsylvania Municipalities Planning Code.

102 Repealer

This Subdivision and Land Development Ordinance shall repeal and replace the Subdivision and Lands Development Ordinance of Tunkhannock Township of February 12, 1986, as amended. This repeal, however, shall not be construed as a waiver or release from the provisions of the previous ordinance that are applicable to any prior subdivision or land development, and Tunkhannock Township shall continue to exercise the right to initiate any proceedings pertaining to any violation of the preceding Ordinance.

103 Applicability

This Ordinance shall apply to all subdivisions and land developments located, either entirely or partially, within the limits of Tunkhannock Township.

No subdivision or land development or any lot or parcel shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements shall be made, and no dedication of improvements for public use or travel, or for the common use of occupants of buildings abutting thereon shall be effected, except in strict accordance with the provisions of this Ordinance.

No lot in a subdivision may be sold, no permit issued to erect or alter a building in a subdivision or land development, until a subdivision or land development plan has received final approval in accordance with all applicable provisions of this Ordinance.

104 Purpose

The intent of this Ordinance is to protect and promote the health, safety and welfare of the residents of Tunkhannock Township through the establishment of regulations that provide for planned, prudent and environmentally balanced growth in the Township. Within this Ordinance is a recommended design options know as the *Conservation Subdivision Design*. This process involves a four-step procedure that includes a pre-design evaluation of existing resources and the development of a site analysis plan. The resulting design will produce larger areas of open space and a more environmentally responsive setting.

105 Interpretation

The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of public health, safety and welfare. Should conflicts arise with the respect to issues of subdivisions and land developments between this Ordinance and other ordinances or regulations, the more restrictive requirement shall govern.

SECTION 4. REPEALER

All other Ordinances or parts of Ordinances inconsistent herewith be and the same are expressly repealed and specifically, Tunkhannock Township Ordinance No. 48 of 1986, the prior Subdivision and Land Development Ordinance of Tunkhannock Township, as amended; excepting and reserving however, that the provisions of the prior Ordinance are hereby preserved to the extent necessary to permit the township to continue to enforce violations of the said Ordinance that existed prior to the repeal thereof.

ENACTED AND ORDAINED this 14th day of March 2005. This Ordinance shall be effective five (5) days following adoption by the Township Board of Supervisors.

Tunkhannock Township Board of Supervisors

Francis A. Altemose, II - Chairman

Jim Sterrett - Vice-Chairman

William Bourke, Supervisor

Attest:

Donna Verdes - Secretary/Treasurer

ARTICLE II

DEFINITIONS

201 Inclusions

As used in this Ordinance words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The words applicant, developer, person, subdivider and owner include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word *building* includes *structures* and shall be construed as if followed by the phrase *or part thereof.* The word *street includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial* and *road* and shall be construed as if followed by the phrase *or part thereof.* The words *should* and *may* are permissive, the words *must, shall* and *will* are mandatory and directive.

202 Definitions

The following words or phrases, when used in these regulations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

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.

AGENT: Any person other than the subdivider who, acting for the subdivider, submits land development or subdivision plans to the Board for purpose of obtaining approval thereof.

AGRICULTURAL USE/OPERATION: 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 or commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, 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.

ALLEY: A right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

ALTERATIONS: As applied to a building or structure, means any change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

APPLICATION: Every application, whether preliminary or final, required to be filed for the approval of a subdivision plat or plan or for the approval of a development plan.

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

BOARD: The Tunkhannock Township Board of Supervisors.

BUFFER: A strip of land that separates one use or feature from another and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways.

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

BUILDING COVERAGE: The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

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

BUILDING HEIGHT: The vertical distance of a building measured from the average ground level to the highest part of the structure, excluding chimneys.

BUILDING SETBACK LINE: The line describing the minimum setback or yard in which no building or other structure a portion thereof, except as provided in this Ordinance, may be erected.

CAMPGROUND OR RECREATIONAL VEHICLE PARK: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents, recreational vehicles or primitive cabins, and which shall not be used for long term residency of occupants. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

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

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

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

COMMERCIAL BUILDING: A building which houses a commercial use.

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

COMMISSION: The Planning Commission of Tunkhannock Township.

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 a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMPREHENSIVE PLAN: The Tunkhannock Township Comprehensive Plan including all maps, charts and textual matter.

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

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

CONSERVATION DESIGN SUBDIVISION: A subdivision designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

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

COUNTY PLANNING COMMISSION: The Planning Commission of Monroe County.

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

CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

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

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

DESIGNATED GROWTH AREA: Region within a county, or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned.

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

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon health, safety or welfare of citizens in more than one municipality.

DOUBLE FRONTAGE LOT: A lot extending between and having frontage on two streets with vehicular access limited to one street. If the streets are of different classification, vehicular access is limited to the street of the lesser classification.

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

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

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

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

DWELLING, MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in 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. Prefabricated homes or sections thereof, which when assembled or combined are twenty (20) feet or more in width, and which are placed on a permanent foundation shall be classified according to dwelling type by the number and arrangement of dwelling units contained therein, and shall not be classified as mobile homes.

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

A. RESIDENTIAL CONVERSION TO APARTMENTS: Conversion of an existing single family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

B. GARDEN APARTMENT: Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height, not including townhouses.

C. TOWNHOUSE: Multi-family dwelling three (3) or more dwelling units of no more than two and one-half (2 ½) stories or thirty-five (35) feet in height in which each unit has its own front and rear accesses to the outside, no unit is locate over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

D. MEDIUM HIGH-RISE APARTMENT: Multi-family dwellings of no more than two and one-half (2 ½) stories or thirty-five (35) feet in height but not exceeding the height limitations (in feet) of the Zoning Ordinance.

DWELLING, SINGLE-FAMILY: A detached dwelling unit accommodating one family, but excluding mobile homes as defined in this Ordinance.

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

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

EARTH DISTURBANCE ACTIVITY: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

EASEMENT: A limited right of use granted in private land for public or quasi-public purpose.

ENGINEER: A professional engineer licensed by the state of Pennsylvania.

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

EROSION: The removal of soil or soil material by the action of wind or water.

EXISTING RESOURCE AND SITE ANAYLYSIS PLAN: See §402.3 for all required details.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream or water course 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.

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

FUTURE RIGHT-OF-WAY:

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

B. A right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY: The Tunkhannock Township Board of Supervisors.

GROUP RESIDENCES: All structures, except rooming houses, used primarily for the housing of persons non-related by blood or marriage, shall be considered group residences. Such group residences shall include but not be limited to: dormitories, fraternities and sororities, and, also all other structures occupied by groups of non-related persons sharing a dwelling.

HOUSE TRAILER: Same as Mobile home.

IMPERVIOUS SURFACE: Area covered by roofs, concrete, asphalt or other non-porous cover. The Township Engineer shall decide any dispute over whether an area is *impervious*.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use proposed (also referred to as "Required Improvements).

INDUSTRIAL BUILDING: A building which houses an industrial use.

INDUSTRIAL USE: Any commercial use engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, or other basic production processes.

INSTITUTIONAL BUILDING: A building which houses an institutional use.

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

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

A. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

The definition of land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this provision:

A. The addition of twenty-five (25) percent or more of floor area to the original structure; or

B. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or,

C. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

A. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

B. The addition of an accessory building, including farm buildings, on a lot subordinate to an existing principal building; or

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

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

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

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

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

B. Depth: The average horizontal distance between the front lot line and rear lot line. In the case of a flag lot this shall be measured in the main body of the lot, not the access corridor.

C. Width: The horizontal distance between the side lot lines measured:

1. In the case of lots fronting on a cul-de-sac turnaround, along a chord located a distance from the right-of-way line equal to the prescribed front yard setback,

2. In the case of all other lots along a line parallel to and at a distance equal to the prescribed front yard setback from the right-of-way line.

D. Corner Lot: A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty five (135°) degrees.

E. Flag Lot: A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public road.

LOT COVERAGE: That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

LOT LINE:

A. Front: That boundary of a lot which is along an existing or proposed right-of-way.

B. Rear: That boundary of a lot most distant from and most nearly parallel to the front line.

C. Side: Any boundary of a lot not a front or rear lot line.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two 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 *Excepting that* prefabricated homes or sections thereof, which when assembled or combined are twenty (20') feet or more in width, and which have axles and hitches removed and are placed upon a permanent foundation shall not be classified as mobile homes.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MPC: The Pennsylvania Municipalities Planning Code

MUNICIPALITY: The Township Tunkhannock, County of Monroe.

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

OWNER: The Owner of record of a parcel of land.

PA DEP: The Pennsylvania Department of Environmental Protection

PA DOT: The Pennsylvania Department of Transportation

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

PLAN OR PLAT: A map or chart indicating the subdivision or resubdivision of land which in its various stages of preparation can include the following:

A. Sketch Plan: An informal plan, identified as such with the title Sketch on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the Township.

B. Preliminary Plan: A complete plan prepared by a registered professional engineer or registered surveyor, 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.

C. Final Plan: A complete and exact plan identified as such with the wording Final Plan, in the title, with professional engineer's or registered surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements.

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

PLANNING COMMISSION: The Tunkhannock Township Planning Commission.

POSITIVE DRAINAGE: Sufficient slope to drain surface water away from buildings without ponding.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PUBLIC GROUNDS: Includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
C. 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 MPC.

PUBLIC INFRASTRUCTURE AREA: A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriated within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health, safety and welfare of residents.

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 (for a public hearing): 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.

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

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

A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls 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;
   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.

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

RESUBDIVISION: Any revision, re-platting or re-subdivision of land which includes changes to a recorded plan.

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

RUNOFF: That portion of rainfall or snowmelt which does not enter the soil but moves off the surface.

SEDIMENT: The resulting residue from erosion - mud.

SEWAGE FACILITY:

A. Sewage Disposal System, Centralized: A publicly or privately owned and operated utility system or system designed to collect, centrally treat with sewage treatment plant and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Township.

B. Sewage Disposal System, Community: A publicly or privately owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment or disposal of the sewage on one or more of the lots or at any other site, by on-site (into the soil) disposal techniques in compliance with regulations of the appropriate state agency and of the Township.

C. Sewage Disposal System, Individual: A utility system or other system designed for the collection, treatment and disposal of sewage from a single lot into the soil or into waters of the Commonwealth.

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

SHOULDER: The improved portion of a street immediately adjoining the travelway.

SIGHT DISTANCE: The length of street, measured along the centerline, which is continuously visible from any point 3.75 feet above the centerline to an object 3.75 inches above the road surface.

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

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

B. Connector Street: Connector streets collect traffic from minor, local access and collector streets and also provide a connection to arterial streets and expressways and between connector streets and serve an unlimited average daily traffic.

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

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

E. Local Access Street: Local Access streets primarily provide direct access to individual uses. They serve to provide the connecting link between the beginning and end point of a trip and the higher categories of streets.

F. Cul-de-sac Street: A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end. Cul-de-sac streets shall not normally exceed eight hundred (800) feet in length, and if the cul-de-sac is intended to service commercial properties it shall not be permitted if the reasonable anticipated traffic count is in excess of two hundred (200) vehicles daily.

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

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

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

SUBDIVISION: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, or 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 division 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.

SUBDIVISION - MINOR: Subdivision of land under any of the following conditions:

A. A subdivision which contains no more than five (5) lots which have frontage on an existing public road or approved private street and involves no new street or extension or improvement of an existing street. A stormwater analysis shall be included with all minor subdivisions.

B. A subdivision of any parcel of land to create a single lot which involves no new road or street or improvement of an existing road or street other than a private access drive as defined by this Ordinance, provided such private access drive has a minimum right-of-way width of twenty (20) feet.

C. A division of any parcel of land for the purpose of joining or annexing a lot to an adjacent existing lot, parcel or tract of land providing a covenant running with the parcel to be conveyed joins it with and makes it an inseparable part of the parcel to which it is joined.

SUBSTANTIALLY COMPLETED: Where, in the judgement of the Township Engineer, at least ninety percent 90% (based upon the cost of the required improvements for which financial security was posted pursuant to section §509) 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 used, occupied or operated for its intended use.

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

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: An area of land developed for a compatible mixture of residential units for various income levels and non-residential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven with the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernable edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets.

Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSFER OF DEVELOPMENT RIGHTS: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, by permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRAVELWAY: That portion of a street or road which is intended for vehicular movement.

TREATMENT CENTER: A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

A. criminal rehabilitation, such as a criminal halfway house;

B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or

C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

VILLAGE: An unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

WATER COURSE: A natural or constructed drainage-way for water, includes permanent streams and intermittent streams.

WATER SUPPLY, CENTRAL: A public or private utility system designed to supply and transmit potable water from a common source to two or more dwelling units or uses in compliance with PA DEP regulations.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND: A system for supplying and transmitting potable water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement, and in compliance with the PA DEP if such compliance is required.

WATER SUPPLY, ON-SITE: A system for supplying and transmitting potable water to a single dwelling or other use from a source located on the same lot, and in compliance with the PA DEP if such compliance is required.

WETLANDS: An area of land and/or water that meets the definition of a wetland according to Federal and/or Pennsylvania law or regulations.

YARD: An area not permitted to be covered by building and principal structures. A minimum yard is also known as a minimum setback.

ZONING ORDINANCE: A land use ordinance officially adopted in accordance with MPC requirements by the Tunkhannock Township Supervisors with any and all amendments thereto.

ARTICLE III

PLAN PROCESSING

301 General

All plans for Subdivisions and Land developments within the Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Supervisors in accordance with the procedures specified in this Article. The following types of plans are provided for in this Article:

A. Sketch Plan – Sketch plans are not required but are very strongly encouraged for all types of subdivisions and land developments to facilitate the formal plan submission and review process. See §302.

B. Preliminary Plans for Major Subdivisions – Major subdivisions require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied. Unconditioned preliminary plan approval authorizes the Applicant to proceed to completion of the subdivision as detailed on the plans. See §303.

C. Final Plans for Major Subdivisions – Final plans for major subdivisions cannot be approved until all conditions of approval have been satisfied, and lots in the subdivision cannot be sold until final plan approval is granted. The Applicant has the option of completing the improvements or providing a financial guarantee for their completion. See §304.

D. Minor Subdivision Plans – Minor subdivisions require only final plan approval. See §305.

E. Land Developments – Land developments are governed by §306. Final plans and preliminary plans are combined into one stage. Final plans cannot be approved until all requirements of this Ordinance are satisfied. The Applicant has the option of completing the improvements or providing a financial guarantee for their completion prior to final approval.

F. Lot Improvement Subdivisions – The combination of previously recorded lots are governed by a simplified deed recording process. Any lot improvement (add-on) subdivision involving the creation of new lot lines is considered a minor subdivision. See §308.

G. Meeting Attendance – The Applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. No action will be taken in the absence of the Applicant or representative, and failure of appearance shall constitute grounds for denial of the application if the time for Township action is due to expire.

302 Sketch Plan

302.1 Optional – Sketch Plans

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

A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission. Analyze existing resources and site analysis plans.

B. Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.

C. Determine if the plan is a major or a minor subdivision and/or land development.

D. Assist applicants and officials to develop a better understanding of the property.

E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

F. Ensure that the plan generally conforms with the provisions of this Ordinance.

G. Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to the Township Comprehensive Plan.

302.2 Contiguous Holdings

When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the Sketch Plan described in this §302 shall not constitute approval of the future subdivision shown thereon.

302.3 Non-formal Filing

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

302.4 Major Subdivisions and Land Developments – Sketch Plans

The following procedures shall apply to sketch plans for major subdivisions and land developments:

A. Pre-Application Meeting – a pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Township's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

B. Pre-Application Existing Resources and Site Analysis Plan – Applicants shall submit an Existing Resources and Site Analysis Plan, in its context, prepared in accordance 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 shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).

C. Pre-Application Site Inspection – After preparing the Existing Resources and Site Analysis Plan, applicants shall arrange for a site inspection of the property by the Planning Commission and other Township officials, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township 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-Application Sketch Conference – Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in

§602, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

E. Sketch Plan Submission and Review –

1. Ten (10) copies of a Sketch Plan, meeting the requirements set forth in §401, shall be submitted to the Planning Commission Secretary during business hours for distribution to the Supervisors, the Planning Commission, the Township Planner, the Township Engineer and applicable Township advisory boards at least ten (10) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for open space, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The Sketch Plan shall also be designed in accordance with the four-step design process described in §602, and with the open space standards listed in §603.

2. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances of the Township. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. The Commission shall submit its written comments to the Applicant. The Sketch Plan may also be submitted by the Planning Commission to the Monroe County Planning Commission for its review and comment. The reviews shall address the following parameters:

   a. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan and on the Municipality's Map of Potential Conservation Lands;

   b. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;

   c. The location of proposed access points along the existing road network;

   d. The proposed building density and impervious coverage;

   e. The compatibility of the proposal with respect to the objectives and policy recommendations of the Township Comprehensive Plan; and

   f. Consistency with the Township Zoning Ordinance.

302.5 Sketch Plan Review Fee – There is no fee for filing a sketch plan.

303 Preliminary Plans for Major Subdivisions

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

A. Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §401 including the Existing Resources and Site Analysis Plan, plus further details as required by this Ordinance.

B. Site Inspection - If requested by the Planning Commission, a site inspection shall be arranged and conducted in accordance with §302.4.C.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township

A. Initial Submission - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

303.1.2 Number of Copies to be Submitted - The submission of the Preliminary Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

A. Three (3) completed copies of the subdivision plan application.
B. Ten (10) legible paper prints of the Preliminary Plan.
C. Four (4) 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.

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

A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.

B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

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

A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:

1. The Township Engineer
2. The Township Solicitor
3. The Township Planning Commission Solicitor
4. The Township Zoning Officer
5. The Township Planner
6. Any other engineer or consultant designated by the Township

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

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

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

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

B. If the submission is complete and acceptable, the Planning Commission Secretary shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Preliminary Plan Submission and forward said receipt to the Applicant.

C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accordance with §303.1.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar 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) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

303.1.6 Distribution of the Preliminary Plan - Following the Official Date of Submission, the Applicant shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PA DOT, and all other agencies that may have jurisdiction relating to the proposed development.

303.2 Preliminary Plan Review and Action

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

A. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.

B. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.

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

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

303.2.3 Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §303.2.2. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept, the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

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

303.3 Reviewing Agency and Officials Comments
The Planning Commission and Supervisors may consider the comments and the recommendations provided pursuant to §303.1.6 and may request such additional information as deemed necessary.

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

303.5 Sewage Facilities Planning Modules
The Supervisors 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 PA DEP. Preliminary Plan approval shall be conditional upon PA DEP sewage planning approval.

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

303.7 Soil Erosion and Sedimentation Control
Approval of the Preliminary Plan shall be conditional upon the approval of the Soil Erosion and Sedimentation Control Plan by the Monroe County Conservation District and the issuance of any associated permits.

303.8 Public Hearing
The Planning Commission or Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

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

304 Final Plans for Major Subdivisions

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

304.1 Final Plan Application

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

A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accordance with §303 or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.

B. All improvements, such as roads and drainage facilities (see definition of *improvements* in Article II) which are shown on the Preliminary Plan, have been completed or guaranteed in accordance with Article V of this Ordinance.

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

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

304.3 Sections

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

A. Each section in the subdivision, except for 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 Supervisors may approve a lesser percentage.

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

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township

A. Initial Submission - Copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".

B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

A. Three (3) completed copies of the subdivision plan review application.
B. Ten (10) legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, seven (7) paper prints shall be submitted for final signature.
C. Four (4) copies of all required sewage disposal approvals and/or permits from the PA DEP.
D. Four (4) 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.

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

A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.

B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

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

A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:

1. The Township Engineer
2. The Township Solicitor
3. The Township Planning Commission Solicitor
4. The Township Zoning Officer
5. The Township Planner
6. Any other engineer or consultant designated by the Township.

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

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

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

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

B. If the submission is complete and acceptable, the Secretary of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.

C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accordance with §304.4.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar 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) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

304.4.6 Distribution of the Final Plan – If the submission is a land development, the Applicant shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. If the submission is a land development, the Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PA DOT, and all other agencies.

304.5 Final Plan Review and Action

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

A. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.

B. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.

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

304.5.2 Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, Supervisors shall make its decision regarding the Final Plan and communicate, in writing, such decision to the Applicant within fifteen (15) calendar days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) calendar days from the *Official Date of the Final Plan Submission* as established pursuant to §304.4.5.

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

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

304.6 Reviewing Agency and Officials Comments
The Planning Commission and Supervisors shall consider the comments and the recommendations provided pursuant to §304.4.6 and may request such additional information as deemed necessary.

304.7 Monroe County Planning Commission Comments
If the submission is a land development, no official action shall be taken by the Supervisors until it has received and considered the comments of the Monroe County Planning Commission or after thirty (30) calendar days following transmittal of the Land Development Plan to the County Planning Commission.

304.8 Public Hearing
The Planning Commission or Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

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

304.10 Signature of Final Plan
When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Supervisors shall endorse the Final Plan for recording purposes and shall retain at least one (1) endorsed print and one (1) reproducible Mylar.

304.11 Recording of the Final Plan
The Applicant shall file the final record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Township proof of such recording.

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

304.13 Time Extension
The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

305 Minor Subdivisions

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

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township

A. Initial Submission - Copies of the Minor Subdivision Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or authorized representative by noon at least ten (10) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".

B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

A. Three (3) completed copies of the subdivision plan application.
B. Ten (10) legible paper prints of the Minor Subdivision Plan.
C. Four (4) 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.

305.1.3 Minor Subdivision Plan Filing Fee - The Planning Commission Secretary shall collect a Minor Subdivision Plan filing fee as established by resolution of the Supervisors for all subdivisions.

A. Fees charged shall cover the costs of examining plans and other administrative expenses associated with the review of subdivision.

B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

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

A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:

1. The Township Engineer
2. The Township Solicitor
3. The Township Planning Commission Solicitor
4. The Township Zoning Officer
5. The Township Planner
6. Any other engineer or consultant designated by the Township

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

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

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

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

B. If the submission is complete and acceptable, the Secretary of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the Official Date of the Minor Subdivision Plan Submission and forward said receipt to the Applicant.

C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) calendar days following the date of submission verification established in accordance with §305.1.4, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the day of said submission verification.

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar 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) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

305.1.6 Distribution of the Minor Subdivision Plan - Following the Official Date of Submission, the Applicant shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to all other agencies that may have jurisdiction relating to the proposed subdivision.

305.2 Minor Subdivision Plan Review and Action

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

A. If approval is recommended, the plan and written notice of said recommendation, along with the other documentation, shall be forwarded to Supervisors.

B. If approval with conditions is recommended, such approval recommendation shall be communicated to Supervisors and the Applicant, in writing, along with a statement of such conditions.

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

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

305.2.3 Supervisors Approval with Conditions - When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Supervisors meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §305.2.2. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and the

said plan shall be resubmitted as required by §305, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

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

305.3 Reviewing Agency and Officials Comments
The Planning Commission and Supervisors shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary

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

305.5 Sewage Facilities Planning Modules
The Supervisors 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 PA DEP. Minor Subdivision Plan approval shall be conditional upon PA DEP sewage planning approval.

305.6 Highway Occupancy Permit
If a highway occupancy permit shall be required for access to a Township or State road, approval of the Minor Subdivision Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

305.7 Soil Erosion and Sedimentation Control (if required)
Approval of the Minor Subdivision Plan shall be conditional upon the approval of the Soil Erosion and Sedimentation Control Plan by the Monroe County Conservation District and the issuance of any associated permits.

305.8 Public Hearing
The Planning Commission or Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.9 Signature of Minor Subdivision Plan
When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Supervisors shall endorse the Minor Subdivision Plan for recording purposes and shall retain at least one (1) endorsed print and one (1) reproducible Mylar.

305.10 Recording of the Minor Subdivision Plan
The Applicant shall file the Minor Subdivision record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Township proof of such recording.

305.11 Time Extension
The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

306 Plans for Land Developments

A. Applicability - All plans for land developments, except as noted in Subsection C below, shall be submitted and processed in accordance with this §306.

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

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

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

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Township

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

B. Subsequent Submission - All materials submitted in support of an application after the initial submission, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be submitted to the Planning Commission Secretary or the Township Secretary (as the case may be) at least fourteen (14) days prior to the meeting at which the Applicant wishes to have those materials considered.

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include the following: (The Township may require the Applicant to submit additional copies of any required information.)

A. Three (3) completed copies of the land development plan review application.

B. Ten (10) legible paper prints of the Land Development Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Land Development Plan, seven (7) prints shall be submitted for final signature.

C. Four (4) copies of all required sewage disposal approvals and/or permits from the PA DEP.

D. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

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

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

B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission Secretary.

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

A. If the submission is verified, the Secretary shall accept the said plans and documentation, complete the submission verification, noting same, and provide a copy of the plan submission verification to the Applicant. The Secretary shall then provide copies of the applicable plans and documents to:

1. The Township Engineer
2. The Township Solicitor
3. The Township Planning Commission Solicitor
4. The Township Zoning Officer
5. The Township Planner
6. Any other engineer or consultant designated by the Township

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

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

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

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

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

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

D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar 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) calendar days following the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the final order of the court.

306.2.6 Distribution of the Land Development Plan - Following the Official Date of Submission, the Applicant shall submit the Plan and all required supporting documentation to the Monroe County Planning Commission for review. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PA DOT, and all other agencies that may have jurisdiction relating to the proposed Land Development.

306.3 Land Development Plan Review and Action

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

A. If approval is recommended, the signed and dated plan shall be forwarded to Supervisors.

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

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

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

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

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

306.4 Reviewing Agency and Officials Comments
The Planning Commission and Supervisors shall consider the comments and the recommendations provided pursuant to §306.2.6 and may request such additional information as deemed necessary.

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

306.6 Sewage Facilities Planning Modules
The Supervisors 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 PA DEP. Land Development Plan approval shall be conditional upon PA DEP sewage planning approval.

306.7 Highway Occupancy Permit
If a highway occupancy permit shall be required for access to a Township or State road, approval of the Land Development Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or PA DOT, as the case may be.

306.8 Soil Erosion and Sedimentation Control
Approval of the Land Development Plan shall be conditional upon the approval of the Soil Erosion and Sedimentation Control Plan by the Monroe County Conservation District and the issuance of any associated permits.

306.9 Public Hearing
The Planning Commission or Supervisors may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

306.10 Authorization to Proceed with Land Development or to Provide a Financial Guarantee
Following any approval granted pursuant to §306.3.2 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Supervisors shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accordance with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accordance with Article V of this Ordinance.

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

306.12 Recording of the Land Development Plan
The Applicant shall file the final record plan with the Monroe County Recorder of Deeds within ninety (90) calendar days of the date of endorsement by the Supervisors and provide to the Township proof of such recording.

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

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

306.15 Time Extension
The time period for review of the plan may be extended by mutual agreement of the Applicant and the Supervisors; and, any such agreement shall be in writing.

307 Reserved

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

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Monroe County Recorder of Deeds (the applicant shall certify to the Supervisors that the subject map is, in fact, on record) and which do not involve the creation of any new lot lines may be submitted directly to the Planning Commission. A new map for such lot improvements shall not be required; however, the combination shall be effected by the execution of an *Owners Affidavit* for same which shall be recorded with the Monroe County Recorder of Deeds upon the signature of the Applicant and the Supervisors. The *Owners Affidavit* shall be in such form as required by the Supervisors upon the recommendation of the Township Solicitor; and, it shall include a reference to the lot numbers of the subject lots and the Plat Book and page number where the map is recorded.

Lot improvement subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3.B shall be included on the map; and, the combination language shall also be included in the deed from the grantor to the grantee and made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Supervisors with the recommendation of the Township Solicitor; and, said documents shall be turned over to the Township Solicitor who shall record same. The fee for lot improvement subdivisions shall be established by resolution of the Supervisors and shall include the costs of recording.

309 Subdivision From Large Parcel

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

310 Contiguous Municipalities

In accordance with §502.1(b) of the MPC, the governing body of any municipality contiguous to the Township may appear before the Planning Commission and/or Supervisors to comment on a proposed subdivision, change of land use, or land development.

ARTICLE IV

PLAN REQUIREMENTS

401 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan (See §402.3), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.

A. Name and address of the legal owner, the equitable owner, and/or the applicant;

B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;

C. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;

D. Tract boundaries, sufficient to locate the tract on a map of the Township;

E. Location map;

F. Zoning district;

G. Streets on and adjacent to the tract (both existing and proposed);

H. 100-year floodplain limits;

I. Location of wetlands;

J. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, existing rights-of-way and easements, all structures, foundations, walls, wells, and trails;

K. Schematic layout indicating a general concept for land conservation and development;

L. Proposed general street and lot layout;

M. General description of proposed method of water supply, sewage disposal, and stormwater management;

N. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements;

O. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.

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

Preliminary Plans shall be prepared by a Qualified Professional, in accordance with §202, as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

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

402.1 Drafting Standards

A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.

B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.

C. The survey shall not have an error of closure greater than one (1) in twenty thousand (20,000) feet.

D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

402.2 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one inch equals two hundred feet (1"= 200'), and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (0.5) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

402.3 Existing Resources and Site Analysis Plan

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

A. North arrow and graphic scale.

B. Topography, the contour lines of which shall generally be at two (2) foot intervals. 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 shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

C. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands.

D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, field, hedgerow, woodland, wetland, trees with a caliper in excess of fifteen (15) inches if not growing within any of the proposed conservation areas, the actual canopy line of existing trees and woodlands.

E. Soil series and types, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying relevant data published for each soil relating to its suitability for construction (and, in unsewered areas, for on-site sewage disposal suitability).

F. Identification of ridge lines and watershed boundaries.

G. A viewshed analysis showing the location and extent of views into the property from adjoining streets and lands; and, showing views from the property to exterior points.

H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

I. All existing man-made features including, but not limited to, streets, driveways, all roads, buildings, foundations, walls, wells, drainage fields, dumps, and all utilities (public and private.

J. Locations of all historically significant sites or structures on the tract including gravesites.

K. Locations of public trails.

L. All easements and other encumbrances of property including those that have been filed of record with the Recorder of Deeds of Monroe County.

M. Total acreage of the tract, the Adjusted Tract Area with steep slopes, wetlands, bodies of water and other necessary areas removed, and the proposed developed area with detailed supporting calculations.

402.4 Preliminary Resource Impact and Conservation Plan

A. A Preliminary Resource Impact and Conservation Plan shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis Plan (as required under §402.3). All proposed improvements and required activities as proposed in the other Preliminary Plan documents shall be taken into account. The Plan shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

B. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas (e.g., areas directly impacted by the proposed subdivision); (2) secondary impact areas (e.g., areas in proximity to primary areas which may be impacted); and (3) designated protected areas, either to be included in a proposed open space or an equivalent designation such as dedication of a neighborhood park site.

C. This requirement for a Preliminary Resource Impact and Conservation Plan may be waived by the Supervisors if, in their judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan, would have an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan shall include the following items:

A. All features as shown on the Existing Resources and Site Analysis Plan.

B. Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.

C. Open space.

D. Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; and preliminarily-engineered profiles for proposed streets.

E. Location of proposed swales, drainage easements, stormwater and other management facilities.

F. Where community sewage service is proposed, the conceptual layout of proposed sewage systems including, but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities

G. Where central water service is proposed, the 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 and test pits, approved and failed, as may be required under this Ordinance. Each lot shall have an approved primary and alternate area.

I. Limit of earth disturbance.

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 conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Contiguous facilities that are linked to the Applicant's development in Tunkhannock Township must be approved by the adjoining municipality as a condition of approval in Tunkhannock Township.

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 tentative location of proposed on-site sewage and water facilities.

N. Location of proposed shade trees, plus locations of existing vegetation to be retained.

O. Appropriate signature blocks for the Planning Commission and Board of Supervisors.

P. Zoning data, including all of the following, when applicable:

1. Zoning district designations.

2. Zoning district boundary lines transversing the proposed subdivision and/or development.

3. Zoning district boundary lines within one thousand (1,000) feet of the proposed subdivision and/or development, shown on location map.

Q. A title block designating the name of the project.

R. Name and address of the owner of record (if a corporation, give names of principal officers); and, current deed book volume and page where the deed of record is recorded.

S. Name and address of developer if different from landowner (if a corporation, give names of principal officers).

T. Name, address, license number, seal and signature of the Qualified Professional, in accordance with §202, responsible for the preparation of the plan.

U. Date that the Preliminary Plan was completed and the date for each Plan revision, along with a description of the revision.

V. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.

W. North arrow (true or magnetic).

X. Graphic scale and written scale.

Y. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current property identification number for each property shown.

402.6 Supporting Documents and Information

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

A. Typical street cross-section drawings for all proposed streets showing the following:

1. Typical cut and fill sections with parallel drainage.

2. Superelevated sections.

B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines. Elevations of existing and proposed grades shall be noted at fifty (50) foot intervals.

C. Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.

D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.

F. Proof of legal interest in the property and the latest deed of record.

G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:

1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.

2. Preliminary design of any central water supply system.

3. Connection to 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. New 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 PA DEP or the PA Public Utility Commission (PA PUC) 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. Connection to Township Sewer Authority system - Documentation from the Authority that service will be provided and that the Applicant has complied with all Authority requirements.

3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

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

J. Soil Erosion and Sedimentation Control Plan.

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

L. Preliminary bridge designs and a statement by the Applicant's Engineer regarding any approvals required by the state or federal government.

M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.

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

O. Highway occupancy permit.

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

Q. A Traffic Impact Study if required by the Township Zoning Ordinance.

R. An Environmental Impact Statement may be required if the Planning Commission or Supervisors deem it necessary based on the size, site features, or other characteristics of the project.

S. Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.

T. Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.

402.7 Additional Information
The Planning Commission or Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

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

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

Final Plans shall be prepared by a Qualified Professional, in accordance with §202, as applicable, and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Existing Resources and Site Analysis Plan
A plan, as required by §402.3, consistent with the terms of the approved Preliminary Plan and modified, as necessary, to show the proposal for final approval.

403.2 Final Resource Impact and Conservation Plan

A. This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Plan, as set forth in §402.4, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §403.

B. In addition to the requirements of §402.4, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:

1. Description of existing resources (as documented in §402.3).

2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Plan.

3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.

4. The qualifications and experience of the preparer of the report.

403.3 Final Plan Information

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

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

1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.

2. All dimensions in feet and hundredths of a foot.

3. All bearings to the nearest one second of the arc.

4. Street names.

5. Street widths and right-of-way and easement widths.

6. A clear sight triangle shall be shown for all street intersections.

7. Block and lot numbers.

8. Total tract area and area of each lot to the nearest 1/100th of an acre.

9. Location and type of permanent monuments and markers as required by this Ordinance.

10. Building setback lines for each lot and the proposed placement of each building, if known.

11. Excepted parcels or sections shall be appropriately labeled and their boundaries completely indicated by bearings and distances.

12. A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and, if the covenants are recorded, including the book and page.

13. The deed book volume and page number referencing the latest source(s) of title to the land being developed.

14. Monroe County property identification number.

15. The location, ownership and maintenance responsibility of common facilities and open space.

16. Name, address, license number, seal and signature of the Qualified Professional, in accordance with §202, responsible for the preparation of the plan.

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

1. Building setbacks.

2. Corner lot easements for clear sight triangles.

3. Corner lot driveway locations.

4. Utility and drainage easements, including ownership and maintenance responsibility.

5. "Wells and sewage disposal systems shall be constructed in accordance with the current standards of the Pennsylvania Department of Environmental Protection."

6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."

7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

8. "All lots shown on this plan are subject to the rules and regulations contained in the Tunkhannock Township Zoning Ordinance, as amended."

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

1. In the event the subdivision incorporates a private access street as defined in this Ordinance, "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."

2. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval".

3. "Highway occupancy permits are required for access to roads under the jurisdiction of the PA DOT pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Tunkhannock Township pursuant to applicable Township Ordinance."

4. In the case where wetlands are present or if otherwise required by the Township, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with applicable state and federal regulations relating to wetlands."

5. When on-site subsurface sewage disposal is proposed, "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

6. In the case where the requirement for sewage planning is waived by the Township, "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require compliance with applicable PA DER regulations and all necessary permits and approvals required by Tunkhannock Township."

7. In the case where common land and/or facilities are proposed, "Common open land, common 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."

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

403.4 Supporting Documents and Information

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

A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:

1. Typical cut and fill sections with parallel drainage.

2. Typical superelevated sections.

B. Final profiles along the top of the cartway (pavement) center-line showing existing and existing and proposed elevations at fifty (50) foot intervals, unless otherwise required by this Ordinance.

C. Any existing and proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.

D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

E. Proof of legal interest in the property, and the latest deed of record.

F. Water Supply and Sewage Disposal Information:

1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.

2. All other documentation required to demonstrate compliance with this Ordinance.

G. All required state or federal permits.

H. Highway occupancy permits.

I. Soil erosion and sedimentation control plan approved by the Monroe County Conservation District.

J. Final drainage/stormwater management plan.

K. Final bridge designs and required state or federal approvals.

L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.

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

403.5 Additional Information

The Planning Commission or Supervisors shall require any other necessary information based on the specific characteristics of the proposed project.

403.6 Application Forms and Certifications

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

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 accordance with Article V. The Supervisors shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

404 Minor Subdivisions, Final Plan Requirements

Plans for Minor Subdivision shall be prepared by a Qualified Professional, in accordance with §202, as applicable, and required by State law and shall be submitted pursuant to the following:

404.1 Drafting Standards

A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.

B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.

C. The survey shall not have an error of closure greater than one (1) in twenty thousand (20,000) feet.

D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

404.2 Minor Subdivision Plan Information

A. Name of subdivision.

B. Name and address of the owner of record (if a corporation, give names of principal officers).

C. Name and address of Developer, if different from landowner (if a corporation, give names of principal officers).

D. Name, address, license number, seal and signature of the Qualified Professional, in accordance with §202, responsible for the preparation of the subdivision plan.

E. Date that the Final Plan for the minor subdivision was completed and the date of each Plan revision, along with a description of the revision.

F. The deed book volume and page number reference of the latest source(s) of title to the land being subdivided.

G. North arrow (true or magnetic).

H. Graphic scale and written scale.

I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.

J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).

K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.

L. The area of each lot or parcel shall be shown within each lot or parcel; and, the area of each shown in the nearest 1/100th of an acre.

M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §608.

N. Any existing buildings located on the tract being subdivided to demonstrate compliance with setback requirements.

O. The proposed building setback lines for each lot, and the proposed placement of each building, if known.

P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.

Q. Names of adjoining property owners including those across adjacent roads; and, the names of all adjoining subdivisions including those across adjacent roads with the deed book volume and page number where each property and/or subdivision is recorded; along with the property identification number for each property shown.

R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses, significant features, structures, utilities, wells and sewage systems.

S. Wetlands.

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 property identification 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 SCS classification for each type.

Y. The location of any (includes both passed and failures) soil test pits and/or percolation test. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.

Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.

AA. A key map for the purpose of locating the property being subdivided.

BB. Signature blocks for the Planning Commission and Board of Supervisors.

CC. A title block.

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

1. Building setbacks.

2. Corner lot easements for clear sight triangles.

3. Corner lot driveway locations.

4. Utility and drainage easements, including ownership and maintenance responsibility.

5. "Wells and sewage disposal systems shall be constructed in accordance with the current standards of the PA DEP."

6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system."

7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

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

A. In the event the subdivision incorporates a private access street as defined in this Ordinance, "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."

B. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume___, Page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval".

C. "Highway occupancy permits are required for access to roads under the jurisdiction of the PA DOT pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Tunkhannock Township pursuant to applicable township Ordinances."

D. In the case where wetlands are present or if otherwise required by the Township, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Board of Supervisors shall not in any manner be construed to be an approval of compliance with applicable state and federal statutes or regulations relating to wetlands.

E. When on-site subsurface sewage disposal is proposed, "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

F. In the case where the requirement for sewage planning is waived by the Township, "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require compliance with applicable regulations and all necessary permits and approvals required by Tunkhannock Township."

G. In the case where common land and/or facilities are involved, "Common open space, common 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."

404.4 Supporting Documents and Information

A. The required Sewage Facilities Planning Modules, along with the site investigation reports.

B. If connection to the Township Sewer Authority system is proposed, documentation from the Authority that service will be provided; and, that the Applicant has complied with all Authority requirements.

C. If connection to a central system is proposed, 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; and, documentation that the Applicant has complied with all water company requirements.

D. Typical cross-sections for any private access street of a design adequate for anticipated traffic, along with center-line profiles and vertical curve data.

404.5 Additional Information

The Planning Commission or Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

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

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in §404 for Minor Subdivisions shall also apply to Lot Improvement Subdivisions. In addition, copies of the deeds prepared for recording shall be provided; and, said deeds shall be recorded along with the approved plans.

406 Plan Requirements for Land Developments

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

406.1 Plan Requirements

Land Development Plans shall comply with all requirements for preliminary and final plans as set forth in §403. In addition to the information required by §403, the land development plan shall include all details of required improvements necessary to confirm compliance with this Ordinance and all other applicable Township ordinances. See also Article IX.

406.2 Design Standards and Improvements

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

ARTICLE V

IMPROVEMENT CONSTRUCTION AND GUARANTEES & OPEN SPACE

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 corner markers and survey monuments and all other required or proposed improvements have been installed in accordance with this Ordinance.

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

A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are inspected by the Township Engineer and are certified as complete and in compliance with this Ordinance by the Applicant's Engineer; or,

B. An Improvements Construction Guarantee in accordance with §503 and the MPC has been accepted by the Supervisors.

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

501 PA DOT Required Improvements

An 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 PA DOT in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law."

502 Sections/Stages

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

503 Improvements Construction Guarantees

503.1 Acceptable Guarantees
The following are acceptable forms of improvement construction guarantees:

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

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

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

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

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

A. The funds of any guarantee shall be held in trust until released by the Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.

B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.

C. The creditor shall guarantee funds in the amount required by this Ordinance.

D. The guarantee shall not be withdrawn, or reduced in amount, until authorized by the Supervisors.

503.2 Amount of Security

The amount of financial security to be posted for the completion of all required improvements shall be equal to one hundred ten (110) percent of the cost of completion of all required improvements.

A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed in Pennsylvania and certified, in writing, by such engineer to be a fair and reasonable estimate of such cost. The Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Developer and the Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Supervisors and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant or Developer.

B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this §503.2.

503.3 Terms of Guarantee

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

503.4 Release of Improvements Construction Guarantees

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

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

B. Inspection - Within thirty (30) calendar days of receipt of such request the Supervisors shall direct the Township Engineer to inspect the subject improvements and certify, in writing, to the Supervisors the completion in accordance with the approved plans and Township standards; and, the Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. If the Supervisors fails to act within said thirty (30) calendar day period, the Supervisors shall be deemed to have approved the release of funds as requested.

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

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

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

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

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

E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in §503.4.2.A 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 accordance with the approved plan, the Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the

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

504 Improvements Construction

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

504.1 Construction Plans and Drawings

The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal shall be accomplished only in accordance 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, at least fifteen (15) calendar days prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements, including the timing of the development of any proposed sections. The schedule may be revised from time to time upon mutual agreement of the Applicant Engineer and the Township Engineer.

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within fourteen (14) calendar days of receipt of the said construction schedule, the Township Engineer shall prepare Township inspection requirements to ensure that the construction of required improvements are in accordance with the approved plan and Township standards. 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 final inspection (e.g., backfilling of sewer or water line trenches).

504.4 Notice

The Developer shall provide a minimum of five (5) working days notice prior to the time when construction will have proceeded to the time of a required inspection. Construction shall not proceed further until the Township Engineer conducts the inspection.

504.5 Cost

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

505 Improvements Maintenance Guarantee

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

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

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

506 Continued Ownership and Maintenance of Improvements

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

506.1 Private Operation and Maintenance

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

506.1.2 Residential Developments - In the case of subdivisions, 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), or equivalent entity, to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Supervisors.

506.1.3 Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the Developer shall provide for the establishment of an escrow fund in accordance 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 Supervisors. The amount of said fund shall be established by the Supervisors, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Supervisors.

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

506.2 Dedication to Township

Where a plan includes a proposed dedication of roads, neither the plan approval nor the Developer's completion of the roads shall obligate the Supervisors to accept the roads. Acceptance of a proposed dedication shall be a matter of discretion for the Supervisors. If determined by the Supervisors to be in the interest of the public health, safety and general welfare, the Supervisors may accept roads and associated drainage facilities, but shall generally not accept any stormwater control facilities used to manage

stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Supervisors deems it necessary to fulfill the purposes of this Ordinance or any related Township Ordinance or regulation. In accepting any improvements the Supervisors may attach such reasonable conditions 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 Supervisors (referred to as "common open space") as required by this Ordinance.

507.1 Purpose

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

507.2 Plan and Legal Documents

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

A. The Plan shall define ownership.

B. The Plan shall establish necessary regular and periodic operation and maimenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, cropland, 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 space 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 Supervisors may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.

E. Any changes to the maintenance plan shall be approved by the Supervisors.

507.3 Use Restriction

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

507.4 Development Plan Designations

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

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

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

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 Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

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

A. The POA/CA is established by the Developer as a nonprofit 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 owners.

C. Provision is made for the maintenance of common open space during the 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.

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

A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.

B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Supervisors.

C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.

D. A maintenance agreement among the Developer, organization and Township is executed to the satisfaction of the Supervisors.

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, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space. Up to 80 percent of the required open space may be included within one or more large conservancy lots of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses permitted for open space by the Township Zoning Ordinance, and that the Supervisors are given the ability to enforce these restrictions. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

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

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

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

A. There is no consideration paid by the Township.

B. Such land can be accessible to the public.

C. The Supervisors have access to maintain such lands.

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space
If the method established for the dedication of use, operation, and maintenance of common open space is not implemented in accordance with the approved development plan, the Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation, and maintenance. The action of the Supervisors shall be in accordance with the following:

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

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

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

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

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

507.6.6 Appeal - Any party to the action of the Supervisors may appeal such action to court as provided for in the MPC, as amended.

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

508 Subdivision and/or Land Development Improvements Agreement

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

508.1 Contents

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

A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.

B. Installation of survey monuments and lot markers.

C. Installation of all water, sewer, and 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 Supervisors deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.

G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.

H. Security in the form of a construction guarantee approved by the Supervisors to ensure the installation of the required improvements.

I. Security in the form of a maintenance guarantee approved by the Supervisors for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.

J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems, water distribution systems and all other required improvements.

K. Ownership of any improvements.

L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Supervisors.

M. A hold harmless clause to protect the Township from any and all liability.

N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations, and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.

O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.

P. Provisions for violations of the development agreement.

Q. Provisions for severability of any article.

R. Provisions for any additional agreements deemed necessary.

508.2 Execution

The final plan shall not be approved by the Supervisors prior to the execution of this agreement.

ARTICLE VI

DESIGN STANDARDS AND SPECIFICATIONS

601 General Design Standards; Zoning Requirements

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accordance with the applicable requirements of the Township's 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.

A. Planning - The development shall conform to all applicable requirements contained in the Township Comprehensive Plan and any local or regional plans adopted by the Township.

B. Contiguous Lands - Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall address future developmental potentials of all such contiguous lands. This provision, however, may be waived in full, or in part, by the Supervisors if it is not considered essential to the evaluation of the plans for the current development tract.

C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, shall be required in specific cases where, such specifications are necessary to maintain conditions essential to the health, safety, and general welfare of the citizens of the Township.

D. Hazard Areas - Those areas which may present hazards to life, health, or property, 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, and specialty studies conducted by professionals.

E. Development Design; Remnants; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open space, 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. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the PA DEP and the US Army Corps of Engineers.

1. Groundwater Resources - 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/or infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that limit land use because of flooding hazards, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. The following activities shall be carefully evaluated during the design process:

   a. Disturbance to streams and drainage swales.

   b. Disturbance to year-round wetlands.

   c. Development within hydric soils where it can be demonstrated that they are suitable for low density residential uses and on-site sewage systems.

3. Woodlands - Woodlands occur extensively throughout the Township.

   a All woodlands on any tract proposed for subdivision or land development shall be evaluated by the Applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or development lands. Evaluation criteria shall include:

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

   b. The evaluation of the tract's woodlands shall be undertaken by a qualified professional with woodland expertise and acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in §601.1.F.3.

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

      1. Where possible healthy woodlands shall be preserved and designated as open space areas. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.

      2. Developments shall be designed to encourage the preservation of woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows.

      3. Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only on a limited, selective basis to minimize the adverse impacts of such actions. This shall include vegetation performing important soil stabilizing functions on wet soils, stream banks, and sloping lands.

      4. No clearing or earth disturbance directly related to the Applicant's submittal shall be permitted on a site before the completion of subdivision and land development agreements.

4. Upland Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where alternative development cannot be accomplished (such as at the far edge of open fields).

5. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed.

   a. Areas of steep slope shall be preserved in accordance with the Township Zoning Ordinance and as required below.

   b. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.

   c. No site disturbance shall be allowed on slopes exceeding twenty-five (25) percent, except grading for a single-family dwelling and the required driveway.

   d. On slopes of fifteen (15) percent or greater, the Developer shall submit detailed plans to document how all grading, filling, and building development will address steep slope concerns.

   e. Roads and driveways shall, to the greatest extent possible, follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

6. Significant Natural Areas and Features - Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Township's Map of Potential Conservation Lands or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed open space areas or avoiding their disturbance where possible in areas proposed for development.

G. Historic Structures and Sites - Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Township participation, review and approval of the Applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, or other permit applications shall be required prior to Preliminary Plan approval.

H. Scenic Viewsheds - The Township has identified a number of scenic viewsheds in the Top of the Mountain Regional Open Space and Recreation Plan. All applications for subdivision and land development shall attempt to preserve the viewsheds by incorporating them into open space or otherwise providing for building setbacks and architectural designs to minimize their intrusion.

I. Trails - When a subdivision or land development proposal is traversed by or abuts an existing trail that is part of an existing public domain (e.g., the Appalachian Trail) the Applicant shall make provisions for it's continued use.

   1. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Planning Commission upon recommendation of the Township Solicitor.

2. The land area permanently designated for trails for public use may be credited toward the open space requirement of the Zoning Ordinance.

3. An Applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the open space requirement of the Zoning Ordinance.

4. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) ft.

5. No trail shall be designed with the intent to accommodate motorized vehicles.

6. "Environmentally Friendly" materials for all trails are recommended.

J. 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.

K. Water Frontage and Surface Drainage - The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the PA DEP, or other applicable state or Federal agencies.

L. Community Facilities and Adopted Plan Requirements - Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Township and is located in whole or in part in a proposed development, the Supervisors may require the reservation of such area provided that such reservation is acceptable to the developer.

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

N. 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.

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 Preliminary Plan.

601.3 Improvements Specifications

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

A. Where there are no applicable Township specifications, improvements shall, if approved by the Supervisors, be constructed in accordance with specifications furnished by the Township's Engineer, Monroe County Conservation District, PA DOT, PA DEP, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

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

601.4 Other Ordinances

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

602 Four-Step Design Process

All Preliminary Plans (including standard subdivisions, conservation design subdivisions, and land developments) shall include documentation of a Four-Step Design Process in determining the layout of proposed open space, house and development sites, streets and lot lines, as described below.

602.1 Resource Inventory and Analysis

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

602.2 Four-Step Design Process

A. Step 1: Delineation of Open Space

1. The minimum percentage and acreage of required open space shall be calculated by the Applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this Ordinance and §601 of the Zoning Ordinance. Open space shall include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §603.1 and §603.2.

   Below is an example of a hypothetical 50-acre subdivision parcel. Primary Conservation Area is comprised of an area or areas of land within the overall tract that are not permitted to be used in the calculations of minimum required lot sizes or minimum total parcel areas for any use as defined in the Tunkhannock Township Zoning Ordinance (e.g. slope areas >25% and wetlands).

Total Tract Area	50 acres
Adjusted Tract Area (ATA)	40 acres
Minimum Open Space Requirements:	
Primary Conservation Area	10 acres
Add	
Secondary Conservation Areas (50% of ATA)	20 acres
Total	30 acres
Development Area (50% of ATA)	20 acres

   a. Unsuitable lands deducted from the gross tract to determine Adjusted Tract Area, shall be delineated in their entirety as "Primary Conservation Area", comprising 10 acres in the illustration.
   b. Additional minimum acreage requirements for open space consist of "Secondary Conservation Areas", to be calculated on the basis of 50% of the ATA. In the example, a minimum of 50% of the Adjusted Tract Area (or 20 acres) must be Secondary Conservation areas.
   c. Total Open Space requirements are the sum of Primary and Secondary Conservation Areas which, in this example, comprise 30 acres.
   d. The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of wetlands and slopes.
   e. The locations and boundaries of Secondary Conservation Areas shall be based upon the applicant's analysis of the tract's resource features, using the design standards in Section 403. The applicant shall also be guided by any written recommendations provided by the municipality regarding the delineation of Secondary Conservation Areas lands, following the Site Inspection or the Pre-Sketch Conference.
   f. Development areas constitute the remaining lands of the tract outside of the designated open space, which in the above example consist of 20 acres, where house sites, streets and lots are to be delineated.

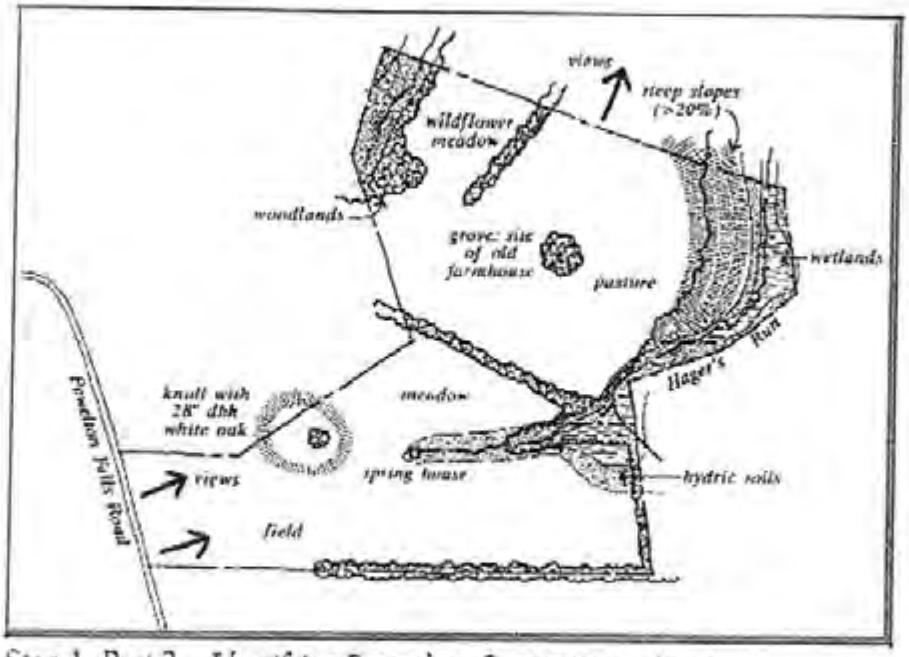
2. Proposed open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying of the Zoning Ordinance and this §602 and §603, dealing with resource conservation and open space delineation standards. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.

3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Commission and in accordance with §603.1 and §603.2.

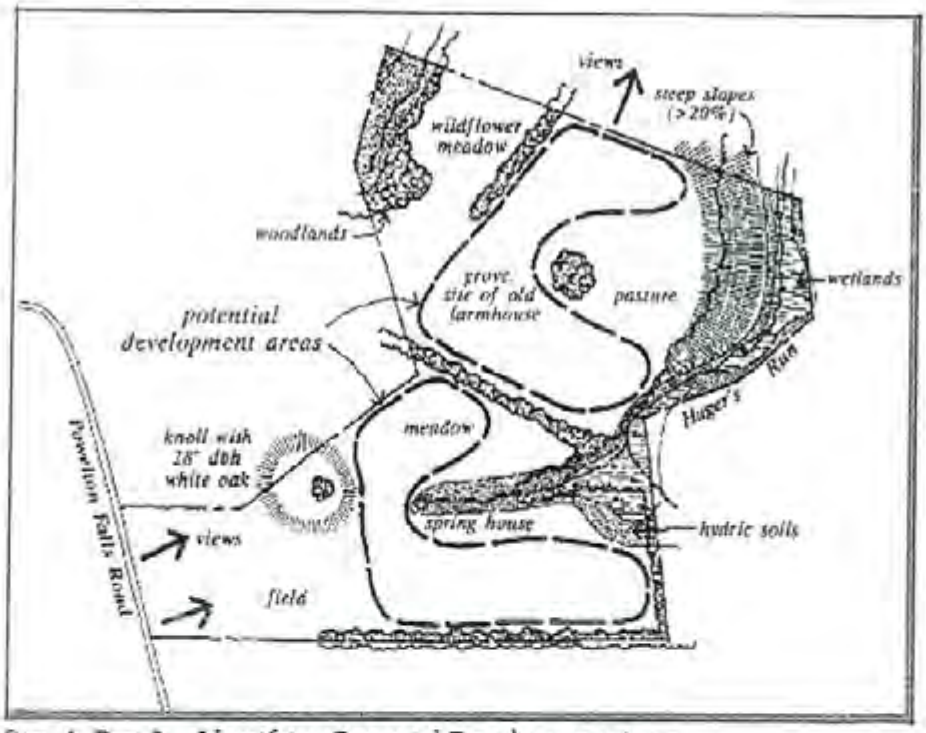
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.

5. Development areas constitute the remaining lands of the tract outside of the designated open space areas.

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



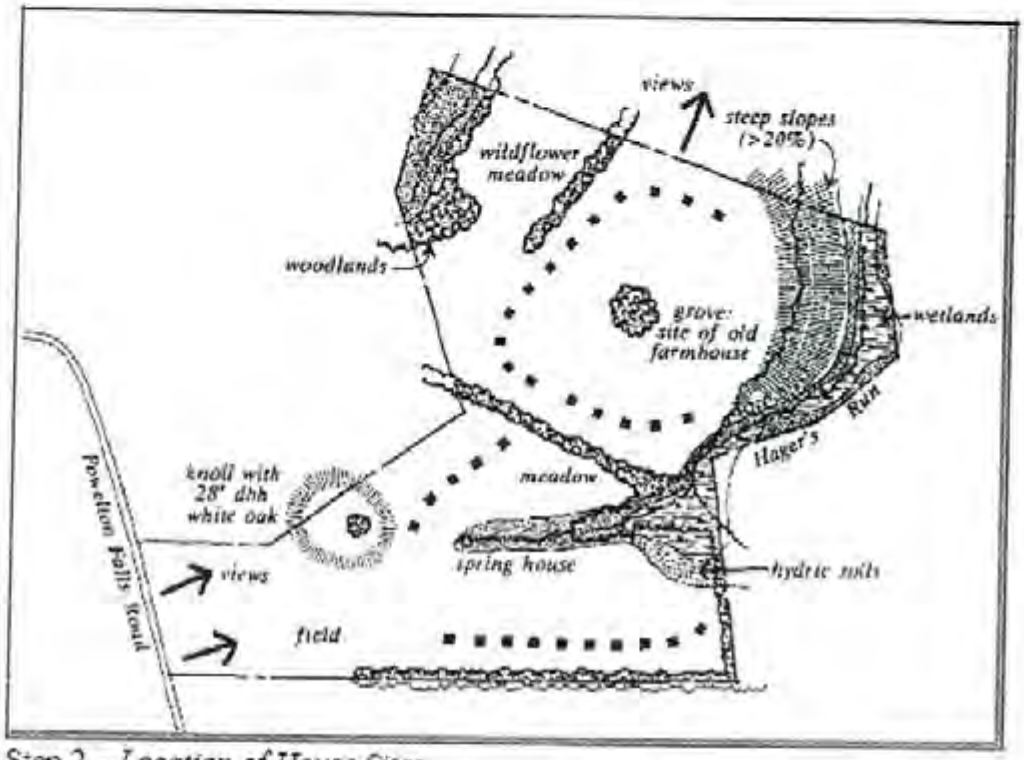
Step 1. Part 2 – *Identifying Secondary Conservation Areas*



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

B. Step 2: Location of House Sites

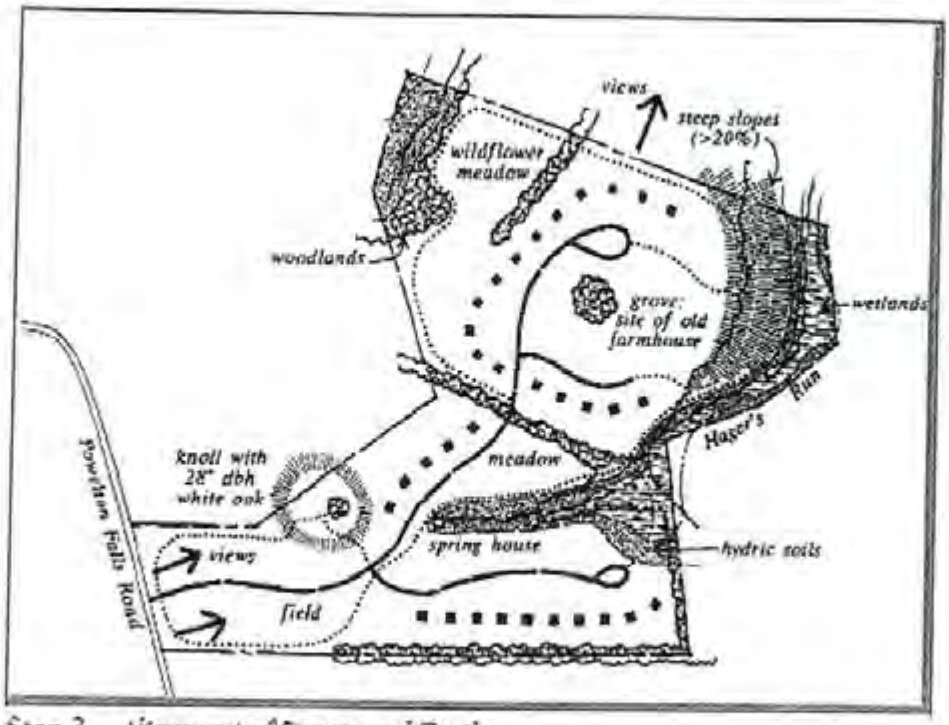
Potential house sites shall be located, using the proposed open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet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



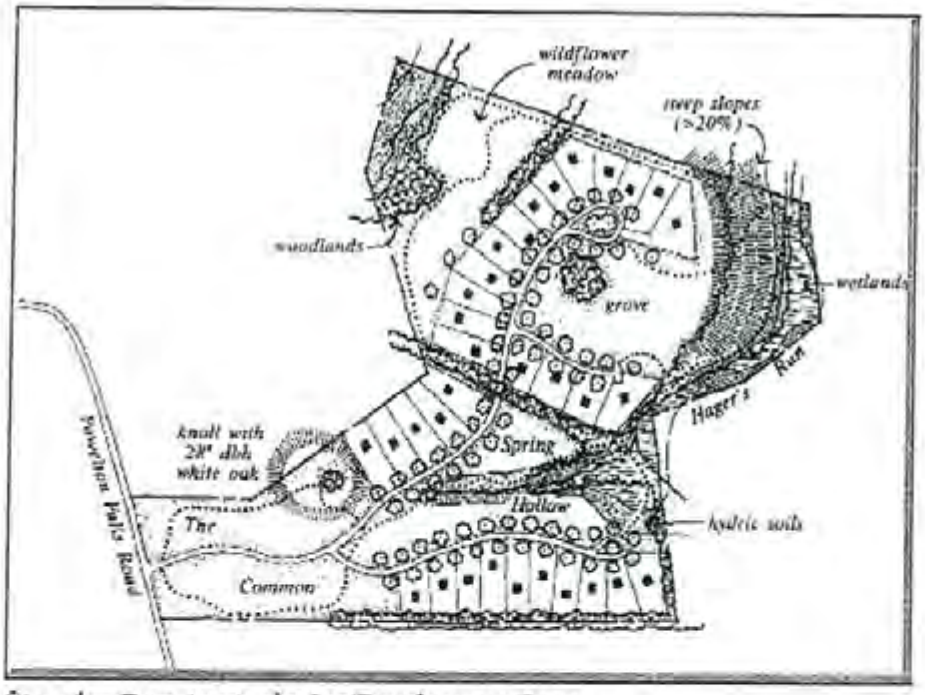
Step 2 – *Location of House Sites*

C. Step 3: Alignment of Streets and Trails

1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.



Step 3 – *Alignment of Streets and Trails*



Step 4 – *Drawing in the Lot/Development Lines*

2. Streets shall avoid or at least minimize adverse impacts on the open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.

3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.

4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved open space. Potential trail connections to adjacent parcels shall also be shown to demonstrate the possibilities of future trail networks.

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

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

603 Open Space Standards

Open space shall be preserved in accordance with §507 of this Ordinance and the Township's Zoning Ordinance; and, not less than thirty (30) percent of the open space shall be accessible to the residents of the subdivision or land development.

603.1 Prioritized List of Resources to be Conserved

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

A. Stream channels, floodplains, wetlands, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.

B. Significant natural areas of species listed as endangered, threatened, or of special concern as designated in the Pennsylvania Natural Diversity Inventory.

C. Steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.

D. Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.

E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

F. Hedgerows, groups of mature trees, and large individual trees of botanic significance.

G. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.

H. Historic structures and sites.

I. Visually prominent topographic features such as hilltops and scenic viewsheds.

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

603.2 Other Design Considerations

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

A. Be free of all structures except historic buildings, stone walls, and structures related to open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities are not detrimental to the open space (and that the acreage of lands required for such uses is not credited towards minimum open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).

B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.

C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space.

D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.

E. Be interconnected wherever possible to provide a continuous network of open space within the subdivision and adjoining developments, if practical and permitted.

F. Provide buffers to adjoining parks, preserves or other protected lands.

G. Except in those cases where part of the open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the open space, as required for land management and emergency purposes.

H. Be undivided by public or private streets, except where necessary for proper traffic circulation.

I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.

J. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township or regional plan.

604 Reserved

605 Resource Conservation Standards For Site Preparation and Cleanup

605.1 Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands or other significant vegetation or site features, the Supervisors 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.

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.

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. Stored topsoil 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 accordance with best management practices and the approved Erosion and Sedimentation Control Plan.

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 space requirements, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

606.2 Blocks

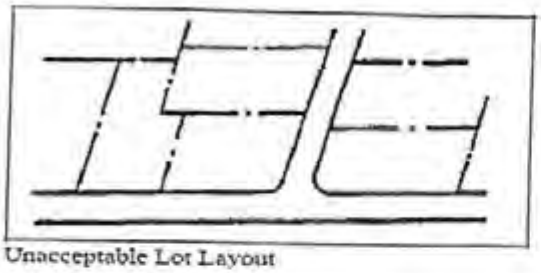
A. Residential and commercial blocks shall have a maximum length of one thousand (1,000) feet.

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.

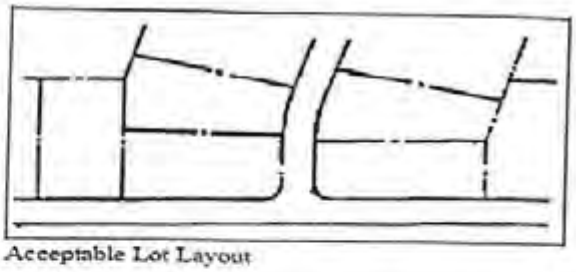
606.3 Lots

A. Lot sizes and dimensions shall comply with the requirements of the Township Zoning Ordinance.

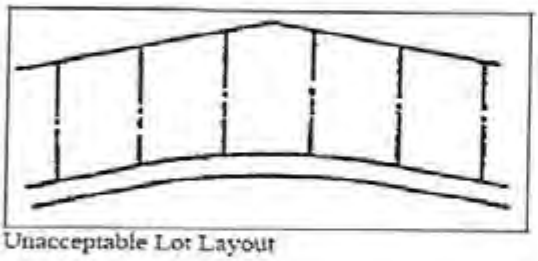
B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.



Unacceptable Lot Layout



Acceptable Lot Layout



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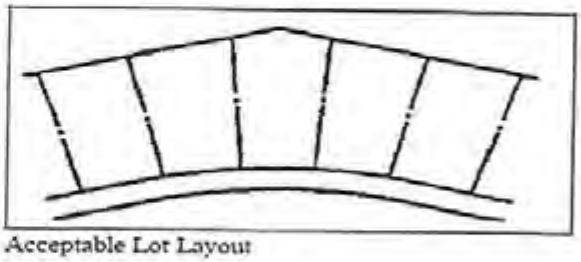
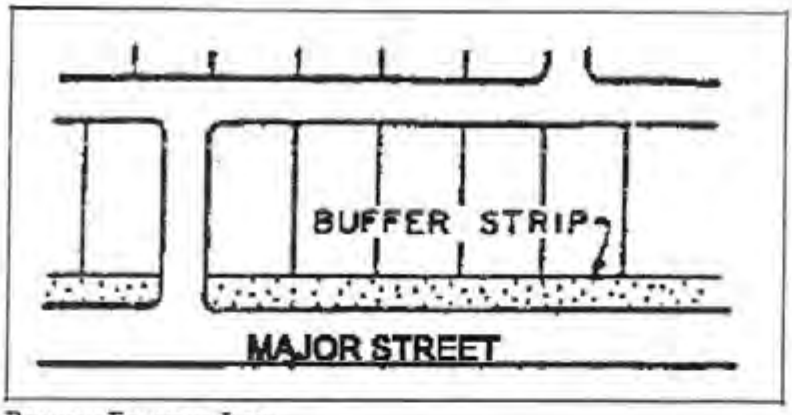


Acceptable Lot Layout

C. All lots shall front on an approved street.

D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.

E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development streets, and the lot is increased twenty (20) feet in depth to provide for a buffer strip along the exterior street.



Reverse Frontage Lots

F. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.

G. Lots shall be laid out to the edge of any road; and, lot lines along existing public or private roads shall be maintained as they exist.

H. No corner lot shall have road frontage of less than one hundred (100) feet.

I. All corner lots shall have a curve with a minimum radius of twenty (25) feet adjoining the intersecting road edge or right-of-way lines.

606.4 Lot Width Modifications

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

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

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

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

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

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

B. Not more than ten (10) percent of the lots within a major subdivision may be approved as flag lots.

C. The access corridor portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300) feet in length, as measured from the street right-of-way.

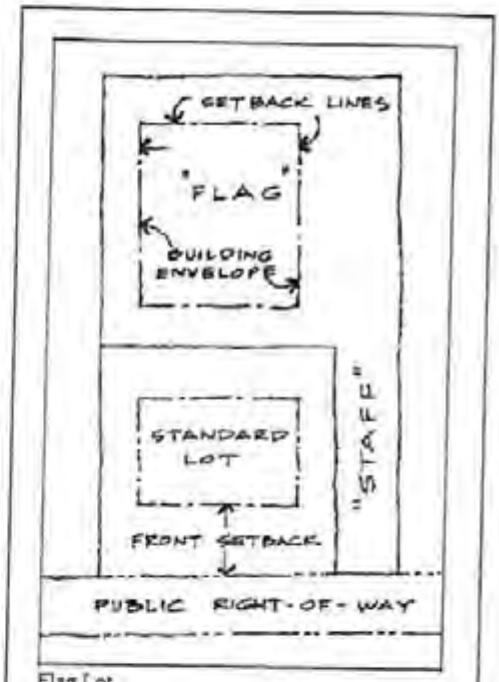
D. The access corridor shall, at a minimum, meet the right-of-way width requirement for private access drives. (See §607.7.)

E. The Applicant shall prove to the satisfaction of the Supervisors that the proposed driveway would provide adequate access for emergency vehicles.

F. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor.

G. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.

H. A flag lot shall only be approved for a lot that is protected by a deed restriction or conservation easement from further subdivision.



Flag Lot

607 Streets/Roads

A. Every subdivision and land development shall have adequate access to a public road.

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

C. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this Ordinance.

D. Proposed streets shall further conform to such Township, County and State highway plans as have been prepared, adopted and/or filed as prescribed by law.

607.1 Topography

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

607.2 Existing Access

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

607.3 Street Continuation

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

607.4 Subdivision Names and Street Names

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 the same as those existing within the Township or adjacent areas; and, all street names shall be subject to the approval of the Township for conformance with the enhanced 911 emergency call system. Street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

607.5 Further Subdivision

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

607.6 Cul-de-Sac Streets

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

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

B. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots and shall not exceed a length of eight hundred (800) feet.

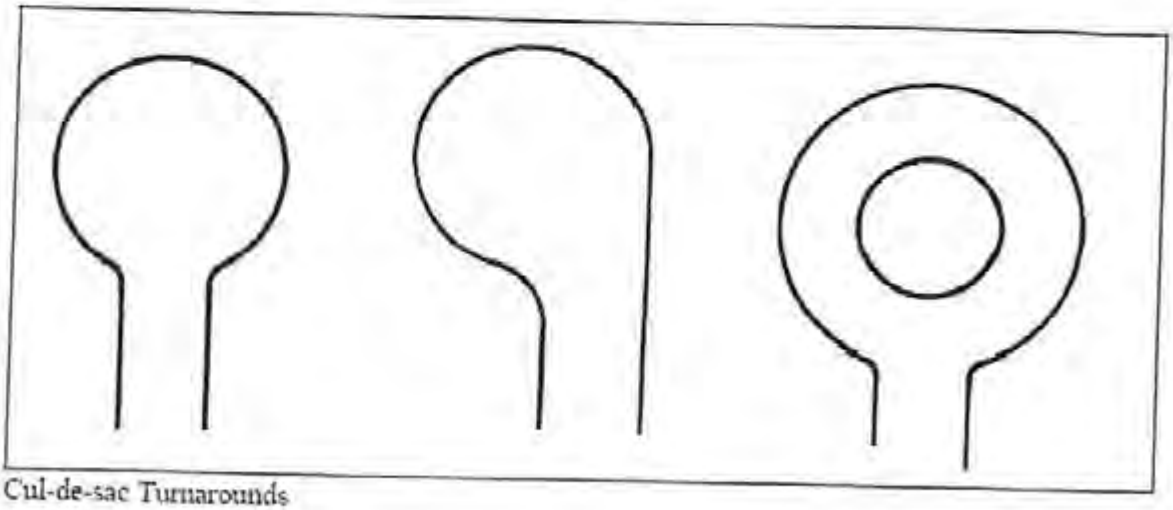
C. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. One (1) of the following turnarounds shall be provided:

1. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of thirty (30) feet and be improved to the required construction specifications.

2. A circular turnaround with a center island having a right-of-way with a minimum outside radius of fifty-five (55) feet, an outer pavement edge or curb line having a minimum radius of forty-five (45) feet, and a pavement width of twenty (20) feet improved to the required construction specifications. The Center Island shall be landscaped with low maintenance vegetation.

D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.

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



Cul-de-sac Turnarounds

607.7 Private Access Drives

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

A. Number of Dwelling Units - A private access drive shall be used only to provide access to one (1) lot which cannot legally be further subdivided or improved with more than one (1) dwelling unit. If any of the lots are of such size to allow further subdivision or the development of one (1) or more additional dwelling units, a note such as follows shall be included on the plan and in the deed of conveyance for the lot: *Lot ___ shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit unless otherwise approved by the Board of Supervisors pursuant to the terms of the Township's Subdivision and Land Development Ordinance in effect at the time application is made for any such approval.*

B. Length and Width - The private access drive shall not exceed eight hundred (800) feet in length as measured from the edge of the right-of-way of the abutting public street to the point of connection to the lot. Any subdivision proposing a street exceeding these limits shall be considered a major subdivision and all normal standards shall apply to the lot and drive construction. The width of the drive shall be a minimum of twenty (20) feet.

C. Further Development - If there are future plans 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.

D. Drive Construction - Private access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access drive shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access drive is constructed or guaranteed in accordance with Article V of this Ordinance. The private access drive shall not under any circumstances be offered to the Township as a municipal street. The Applicant shall agree to the terms of this §607.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access drive, establishing its future private ownership status, and noting the condition of a building permit issuance: *The construction and maintenance of the private access drive shall be the responsibility of the owner(s) of the lots served by the drive. No building permit shall be issued for any improvements on lots served by the drive until such time as the drive is constructed. The private access drive shall remain private and shall not be offered for dedication to the Township as a public street.*

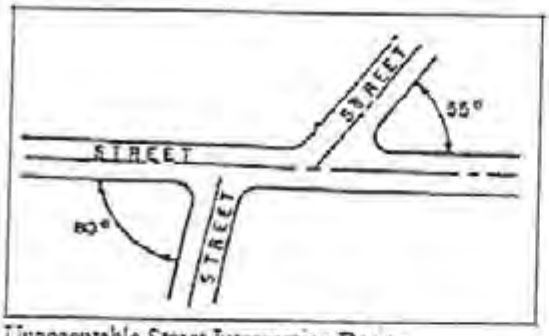
F. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access drive intersects with the right-of-way of the adjoining street.

G. Storm Water; Soil Erosion - Storm Water Management and Soil Erosion and Sedimentation Control shall be addressed in accordance with §609, §610 and Appendix A of this Ordinance.

H. Through Street Grade - A private access drive 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.

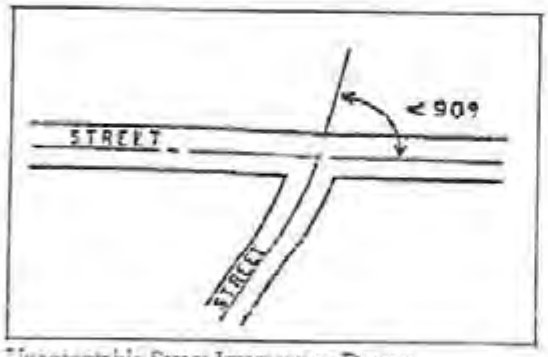
607.8 Intersections

A. Center-Lines - Center-lines of streets shall intersect as nearly at right angles as possible. Center-line intersection angles of less than sixty (60) degrees shall not be approved under any condition.

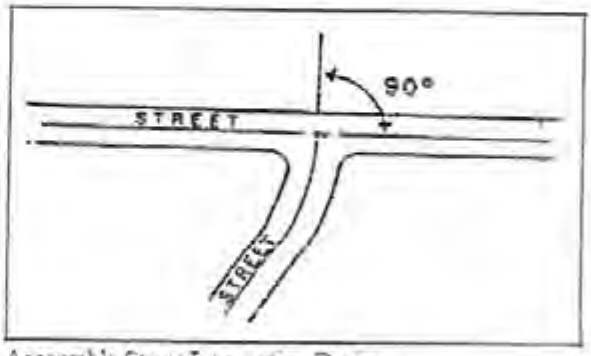


Unacceptable Street Intersection Design

Acceptable Street Intersection Design



Unacceptable Street Intersection Design



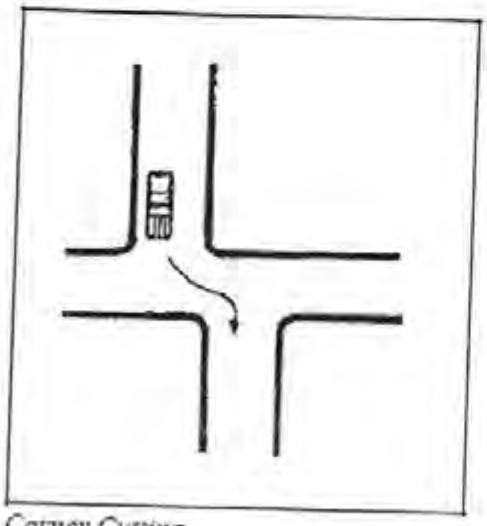
Acceptable Street Intersection Design

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

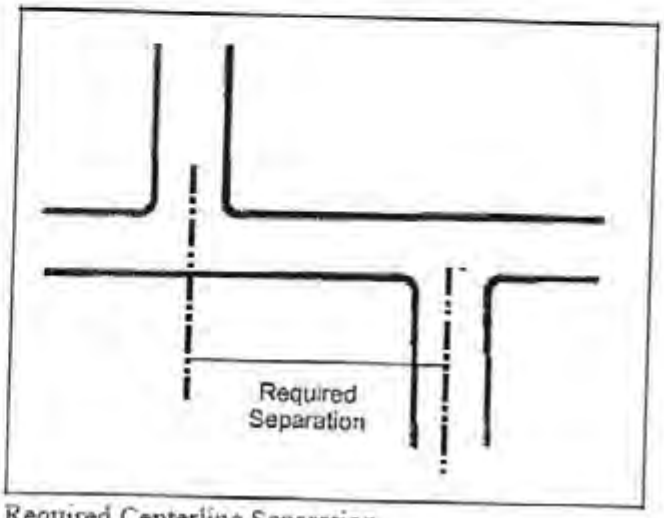
C. Minimum Offset - Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:

1. One hundred fifty (150) feet for minor, local access and marginal access streets.

2. Four hundred (400) feet for collector and connector streets.



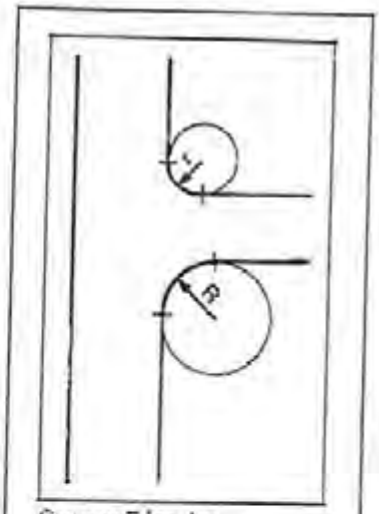
Corner Cutting



Required Centerline Separation

D. Cartway Edge Arc - The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for minor streets and streets of lesser classification and fifty (50) feet for collector streets and streets of higher classification. The right-of-way arc shall be twenty-five (25) feet.

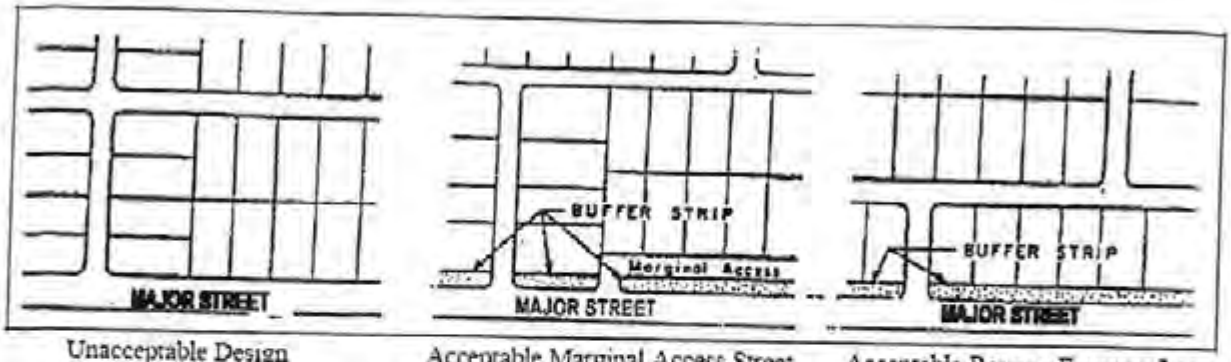
E. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accordance with §617.



Cartway Edge Arc

607.9 Major Street Frontage

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



Unacceptable Design | Acceptable Marginal Access Street | Acceptable Reverse Frontage Lots

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

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

A. Shoulder surfaces shall be graded at a slope of three-fourths (0.75) inch per foot away from the pavement edge.

B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated shall be crowned at one-quarter (0.25) inch per foot away from the center-line.

C. Properly superelevated cross sections shall be required on collector streets in accordance 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 in the name of the Township or POA, as applicable, shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plans; and, the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

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.

TABLE VI-1
DESIGN STANDARDS FOR STREETS

DESIGN SPECIFICATION	COLLECTOR (e)	MINOR	LOCAL	PRIVATE ACCESS (f) (g)
Number of dwelling units served	<500	<150	25	1
Average daily traffic	40,000	1,250	200	na
Design speed, mph	50	40	30	na
CROSS SECTION STANDARDS				
Street right-of-way width (feet) (a)	60	50	50	20
Additional easement width (a)	as required for drainage, slope and utility easements			
Travelway width, feet	24	22	20	12
Shoulder width, each side, feet (h)	6	4	4	na
Cartway width, feet	36	30	28	na
Crown, feet/foot	0.02	0.02	0.02	0.02
Superelevation, maximum, feet/foot	0.08	0.08	na	na
Shoulder slope, feet/foot	0.06 (i)	0.06 (i)	0.06 (i)	na
Clear zone width, feet	per PA DOT Design Manual, Part 2, Chapter 12		10	na
GEOMETRIC STANDARDS				
Grade, maximum, percent	7 (b) (d)	12 (c) (d)	12 (c) (d)	14
Grade, minimum, percent	1	1	1	1
Center line radius, minimum, feet (b)	750	475	250	75
Stopping sight distance, minimum, feet	425	305	200	100
Tangent between reverse curves, minimum, feet	100	50	na	na
Vertical curves	See §607.14	See §607.14	See §607.14	See §607.14
Swale grade, minimum, percent	1	1	1	1

Notes:

a. Right-of-way width does not include slope, drainage or utility easements. Additional road width and cartway widths may be required by the Township to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.

b. 10% for up to 500 feet in distance.

c. 14% for up to 500 feet in distance.

d. The maximum grades in c. and d. above may be repeated if separated by distances of five hundred (500) feet meeting the standard grade requirements for the class of road.

e. Collector standards apply to all commercial and industrial subdivisions and land developments.

f. See also §607.7.

g. Curbs not permitted.

h. If curbs are provided, shoulders shall not be provided.

TABLE VI-2					
Residential Subdivisions and Land Developments					
TRAVELWAY CROSS SECTION					
COURSE	MATERIAL	MINIMUM DEPTHS (inches)			
		ROAD CLASSIFICATION			
		Collector	Minor	Local	Private Access **
Surface	2A Coarse Aggregate	na	na	na	3
Bituminous Surface	ID-2 Wearing	1.5	1.5	1.5	na
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5	4.5	4.5	na
Subbase	Subbase (No. 2A)	2	2	2	2
Aggregate Base	AASHTO #1 Coarse Aggregate with #10 Choke	12	12	12	6
SHOULDERS					
2A Coarse Aggregate		6	6	6	na

Commercial & Industrial Subdivisions and Land Developments		
TRAVELWAY CROSS SECTION		
COURSE	MATERIAL*	MINIMUM DEPTHS (inches)
Bituminous Surface	ID-2 Wearing	1.5
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5
Subbase	Subbase (No. 2A)	2
Aggregate Base	AASHTO #1 Coarse Aggregate with #10 Choke	12
Shoulders	2A Coarse Aggregate	6

NOTES:

* All material shall meet PA DOT specifications, Publication 408, latest editions.

** Not eligible for dedication.

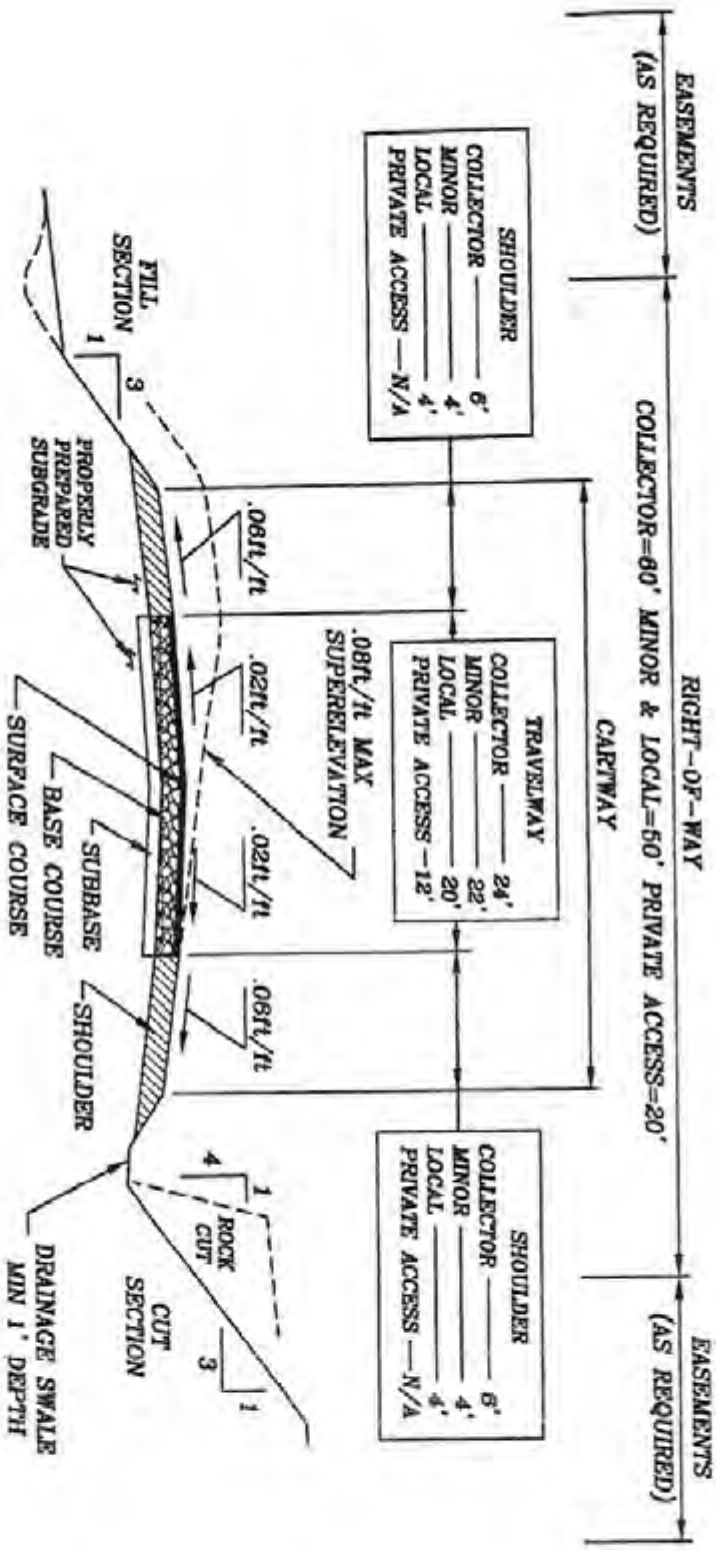


TABLE VI-2 TYPICAL STREET CROSS SECTION

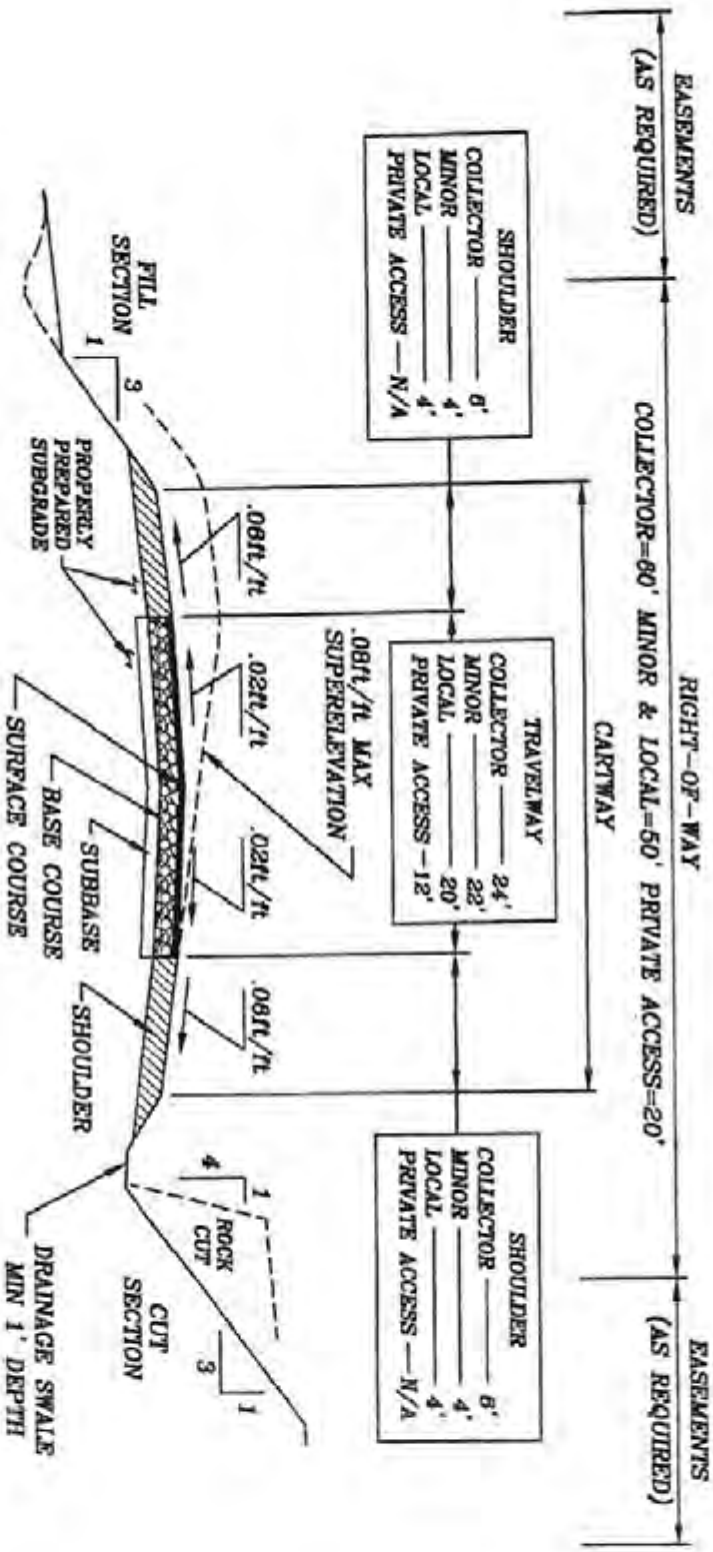


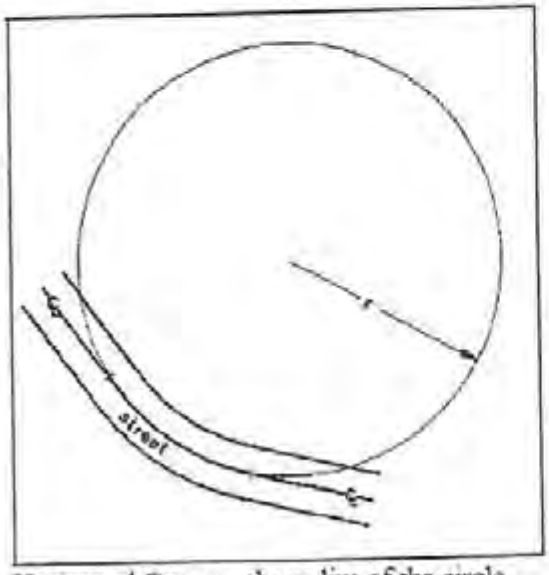
TABLE VI-2 TYPICAL STREET CROSS SECTION

607.12 Street Alignment

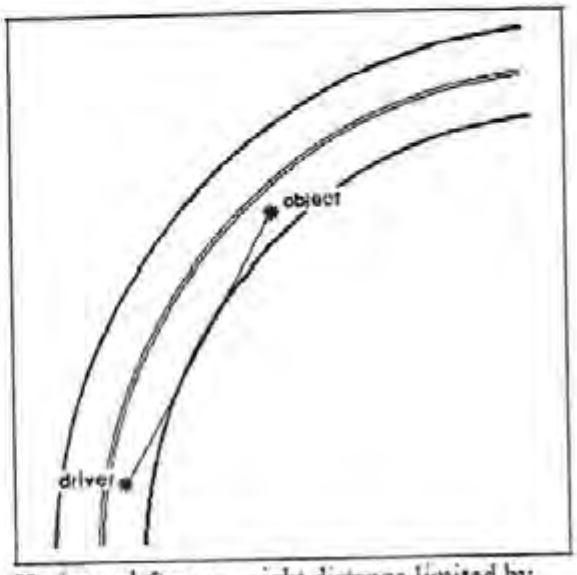
Street alignment shall be designed as follows:

A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.

B. Sight Distances - Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.



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



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

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

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

1. Two hundred (200) feet on arterial streets.

2. One hundred (100) feet on collector and connector streets.

3. Fifty (50) feet on minor, local access, and marginal access streets.

607.13 Street Grades

Street grades shall be designed as follows:

A. Center-line grades shall not exceed the grades set forth in Table VI-1.

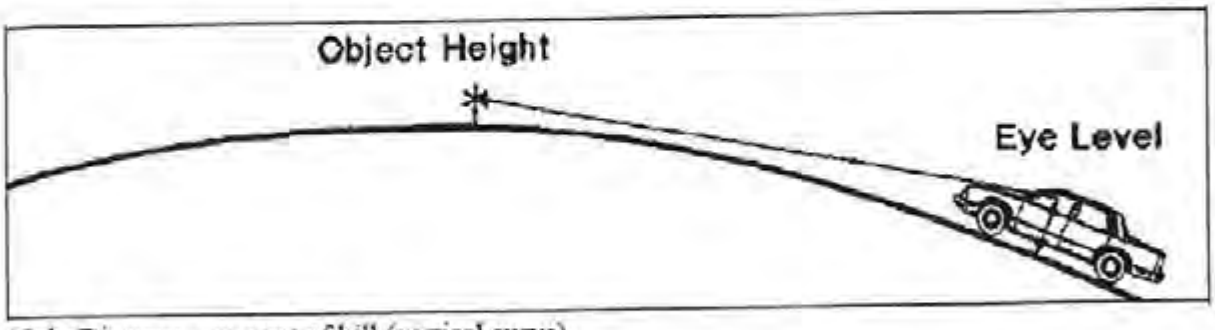
B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed eight (8) percent.

C. To provide for adequate drainage, the minimum grade of any street gutter or parallel ditch shall not be less than one (1) percent.

D. A leveling area for all street intersections shall be provided as follows:

1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for collector, minor, local access, and marginal access street intersections; and, all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §607.14.

2. The tangent grade of the connecting street(s) shall not exceed four (4) percent within the right way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §607.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.



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

607.14 Vertical Curves

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

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

B. On minor, local access and marginal access, and private access streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)

C. On all other streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)

D. The following vertical curve information shall be shown on the street profiles:

1. Length of vertical curve.
2. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
3. Street grades.
4. Sight distances.

607.15 Clear Sight Triangles

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

A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.

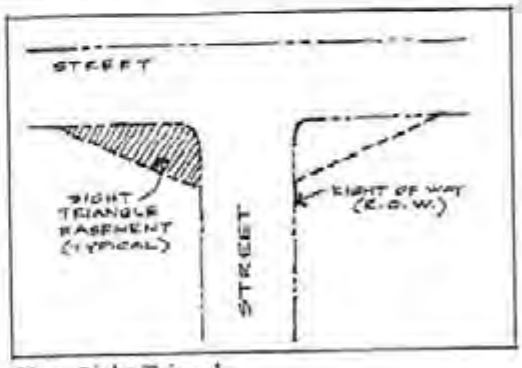
B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The centerline points shall be the following distances from point of intersection:

1. One hundred (100) feet for collector streets

2. Seventy five (75) feet for minor and local streets

C. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

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



Clear Sight Triangle

607.16 Driveways

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

A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the PA DOT, as applicable, via issuance of a highway occupancy permit.

B. Lots shall not be platted which would result in driveways which would exceed fifteen (15) percent in grade or as otherwise required by state or Township regulations.

C. Entrances shall be rounded at a minimum radius of five (5) feet to the existing or proposed shoulder line.

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 shall be provided where a driveway intersects with the right-of-way of the adjoining road.

F. Adequate provision shall be made for parallel drainage facilities.

G. The minimum vertical curve for residential driveways shall be two (2) feet per one (1) percent change in grade.

H. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting street right-of-way by type of intersecting street. The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the driveway is proposed.		
	Arterial	Connector Collector	Minor Local Access Marginal 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 (5) feet from adjoining properties.

607.17 Bridges and Stream Crossings
Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current PA DOT Standards and Specifications for the proposed load. Evidence of compliance with any state or federal requirements shall be provided.

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

A. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the street improvements shall be removed from site unless otherwise approved by the Township.

B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.

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 two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Supervisors for special conditions.

B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.

C. All embankments shall be compacted, seeded and stablized to prevent erosion.

D. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

E. Fills shall be placed in lifts and compacted in accordance 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.

G. Grading shall be done in a manner so as not to change directions or volume of water that flows onto the property of another landowner without the written consent of the landowner.

607.20 Sub-Grade, Base and Surface

A. Subgrade

1. The design and construction of the roadbed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.

2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.

3. Unsuitable soils, as identified by the Project Engineer and confirmed by the Township's Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations, and particularly, on soils identified in the Monroe County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

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

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

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

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

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

G. Alternative Designs - Alternative roadbed designs may be proposed and will be considered in accordance with §1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above.

607.21 Walls, Slopes, and Guide Rails

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

B. Guide rails shall be installed in accordance with the most current PA DOT standards.

607.22 Curbs, Gutters, and Swales

A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Supervisors for public safety.

B. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.

C. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Unless this requirement is waved by the Supervisors.

D. Where curbs are not required, adequate swales shall be graded and protected by seeding, or appropriate surfacing.

E. Curbs shall be constructed in accordance with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards, where applicable.

F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Where applicable swales shall be deep enough to accommodate driveway and other culverts.

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 Township to accommodate street trees or other landscaping. Sidewalks and street crosswalks shall be constructed in accordance with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.

607.24 Parking On Streets

Off-street parking for all uses shall be provided in accordance with the Township's Zoning Ordinance; and, streets shall not be designed to accommodate on-street parking except in accordance 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 accordance with §609 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accordance 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. (See §609 for additional requirements.)

607.26 Alleys

Alleys shall not be permitted.

607.27 Street, Parking Area and Building Lighting

Streetlights may be required when considered necessary by the Supervisors and shall be of such design and spacing as required by the Supervisors in accordance with current Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land developments, and shall include details for lighting of streets, parking areas and buildings. All lighting shall comply with the Township Zoning Ordinance and the standards of the Illuminating Engineering Society of North America. (IESNA).

607.28 Traffic Signs and Signals

Traffic signs and traffic signals shall be required where considered necessary to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association (POA) or similar entity shall be responsible for the installation of the traffic signal and all associated facilities, signs, and pavement markings.

607.29 Road Striping
All roads constructed or improved as part of any subdivision or land development shall be striped in accordance with the most current PA DOT requirements.

608 Monuments and Markers

Monuments and markers shall be placed and shall conform to the following:

608.1 Placement
Monuments and markers shall be placed so that the center or a scored or marked joint shall coincide exactly with the intersection of the lines to be marked.

608.2 Monuments

A. Type - Monuments shall consist of either:

1. Solid steel rods not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length centered in a cylinder of concrete poured in place, not less than nine (9) inches in diameter nor less than forty-eight (48) inches in depth.

2. Steel pipes not less than three-fourths (3/4) inch in diameter and not less than twenty-four (24) inches in length centered in a cylinder of concrete poured in place, not less than nine (9) inches in diameter nor less than forty-eight (48) inches in depth.

3. Such other monuments as the Township Engineer may approve.

B. Placement

1. Monuments, including the rod or pipe and the concrete, shall be placed close to the surface of the ground.

2. Monuments shall not be placed until road grading has been completed.

3. Monuments shall be set as follows:

a. One adjacent to street intersection, (in the instance of a *T* intersection, one shall be placed at the lot corner most nearly opposite the intersecting street.)

b. One at a lot corner on each side of the street approximately midway through the block when the distance between intersecting streets exceeds eight hundred (800) feet.

c. One at the intersection of street right-of-way lines with exterior property lines. At all exterior property corners where permanent corners did not exist at the time of the perimeter survey.

608.3 Markers

A. Type - Markers shall consist of either:

1. Solid steel rods not less than one-half (1/2) inch in diameter or less than twenty-four (24) inches in length.

2. Steel pipes not less than three-quarters (3/4) inch in diameter nor less than twenty-four (24) inches length.

3. Such other markers as the Township Engineer may approve.

B. Placement:

1. Markers normally shall be set two (2) inches above the surrounding grade.

2. Markers shall be set as follows:

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

b. At all points of curvature along right-of-way lines, except for monument locations.

c. At all other lot corners

609 Storm Water and Drainage Control

Storm water management facilities shall be provided in accordance with this Ordinance and with any applicable Township Storm Water Ordinance, as amended.

610 Soil Erosion and Sedimentation Controls

All Soil Erosion and Sedimentation Control Plans shall meet the specifications of and shall be approved by the Monroe County Conservation District and PA DEP if required. Said Plans shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 PA DEP regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Monroe County Conservation District and/or PA DEP.

611 Water Supply and Sewage Disposal

611.1 General Standards

A. All subdivisions and land developments shall be served by an adequate water supply and adequate sewage disposal systems.

B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.

C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the PA DEP and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the PA DEP and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.

D. In the case of utilization of a publicly owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.

E. All required approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.

F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work:

G. Pressure testing of all collection/conveyance of any central water supply or central sewage disposal system lines shall be required as part of the inspections required in accordance with Article VI of this Ordinance. All such testing shall be conducted in accordance with procedures reviewed and approved by the Township.

611.2 On-Site Water Supply

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

611.3 Shared Water Supply

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

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

611.3.2 Water Distribution System

A. The system design shall follow good engineering practice, the requirements of the PA DEP and applicable Township Ordinances. 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 PA DEP.

D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

611.4 Central Water Supply

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

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

611.4.3 Deep Well Source

A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Groundwater Geologist.

B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.

C. The capacity of the well(s), as certified by a Registered Professional, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.

D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. In no case will a pumping rate greater than the established rate be allowed.

E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA DEP.

F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

611.4.4 Water Distribution System

A. The system design shall follow good engineering practice, the requirements of the PA DEP and/or the Public Utilities Commission and applicable township ordinances. 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 PA DEP.

D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

611.4.5 Flow Rates

A. Distribution systems serving residential and/or commercial and industrial developments shall provide for a minimum flow rate in accordance with the guidelines and requirements of the PA DEP.

B. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters Association.

611.5 <u>On-Lot Sewage Disposal</u>

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

B. Site Suitability

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

2. Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a suitable area as tested by the Township SEO in accordance with PA DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.

3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

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

611.6 Central Sewage Disposal System

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

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

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

A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.

B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.

C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those construction costs associated with their individual development.

D. All central sewage disposal systems using subsurface disposal shall be designed and constructed in accordance with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

611.7 Community System Maintenance

In order to extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association (POA). Such POA shall be created in accordance with §506 of this Ordinance, and shall provide for the inspection of the community system each year and the pumping of septic tanks at intervals as required but not less than once every five (5) years from the date of the operation of each system. The POA shall file with the Township an annual report detailing which systems have been inspected and pumped. Failure of the POA to comply with this §611.7 shall be considered a violation of this Ordinance.

612 Reserved

613 Utilities

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

614 Sidewalks

See §607.23.

615 Landscape Requirements; Trees and Vegetation

A landscape plan meeting the requirements of this section shall be prepared for all land developments and major subdivisions; and, no land development or major subdivision shall be finally approved until all landscaping has been installed or guaranteed in accordance with this Ordinance.

615.1 Legislative Intent

It is the intent of these landscape planting requirements to conserve where practical existing healthy plant communities, and to require new landscape plantings in critical areas of new developments in order to:

A. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.

B. Reduce stormwater runoff velocity and volume by providing planting areas where storm water can infiltrate.

C. Encourage tree planting and landscaping along public streets. (See definition of *improvement.*)

D. Conserve historically, culturally, or environmentally sensitive landscapes.

E. Preserve and enhance property values through the implementation of good landscape architectural standards.

F. Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.

G. Provide planted and architectural visual screens around visually obtrusive site elements within development.

H. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas

I. Aesthetically improve required improvements such as detention basins, without impairing function.

615.2 Minimum Number of Trees; Preservation of Existing Vegetation

Unless other provisions of this ordinance require more trees or vegetation, each development site shall include a minimum of twelve (12) deciduous or evergreen trees for each one (1) acre. Each deciduous tree shall be two and one-half (2.5) inch caliper or greater and each evergreen tree shall be six to seven (6 to 7) feet in height or greater.

A. Preservation of Existing Vegetation - Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" and shall be shown on the plan in accordance with the following criteria:

1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy native trees and shrubs on the site. The plan shall show the location of major specimen trees in areas of the site proposed for development, and the edge of existing woodlands.

2. The following criteria shall be used by the Township to make the final determination of which mature trees, tree masses, or woodland shall be designated "TO REMAIN":

   a. The outermost branches of the tree(s) are at least five (5) feet from any proposed buildings, structures, changes in grade, drainage structure, utility corridor, parking or load/unloading area, sidewalk, on site sewage system, or any other excavations.

3. Mature trees, tree masses, or woodland that are not designated "TO REMAIN" shall be designated "TO BE REMOVED." These trees shall be removed in the field during the construction process.

4. Specimen tree preservation or removal shall be considered on an individual basis and site conditions.

B. Protection of Existing Vegetation - Existing vegetation designated "TO REMAIN" in accordance with Subsection A.2, above shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process.

C. Credit for Existing Trees - If healthy, existing trees will be preserved which will generally meet the requirements of this Section, the Supervisors may permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Supervisors may permit existing trees which would otherwise be required to be maintained by this Ordinance to be removed in exchange for the Developer planting replacement trees in accordance with this Section. To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of fifty (50) percent of the ground area under the tree's drip line shall be maintained in natural ground cover and at the existing natural ground level. The following standards shall be used to determine the extent of credit:

DBH of Approved Preserved Tree	Number of Credited Trees
greater than 30 inches	4
15 to 29 inches	3
7 to 14 inches	2
2 to 6 inches	1

D. Hydrology - Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.

E. Transplanting Existing Plants - Specimen trees or individual trees from woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of §615.7 and §615.8.

F. Clear Sight Triangles - All landscaping shall comply with the sight distance requirements of this Ordinance, including intersections of public streets and access drives of commercial, industrial and multi-family developments. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

G. Topsoil Protection - Topsoil shall not be permanently removed from a lot except from areas that will be covered by buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.

615.3 Parking Lot Landscaping

A. Landscaping Benefits - Parking lots shall be landscaped with trees and shrubs to reduce the impact of glare, headlights, and parking lot lights; to delineate driving lanes; define rows of parking; and facilitate pedestrian circulation.

B. Lots With Ten or More Stalls - All parking lots with ten (10) or more stalls shall be landscaped in accordance with the criteria in this Section.

1. One (1) planting island shall be provided for every twenty-five (25) parking stalls. There shall be no more than twenty-five (25) contiguous parking stalls in a row without a planting island.

2. The ends of all parking rows shall be divided from drives by planting islands.

3. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than forty (40) stalls.

4. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in dimension, underlain by soil (not base course material); mounded at no more than a three-to-one (3:1) slope, nor less than a five-to-one (5:1) slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one (1) shade tree plus shrubs and/or ground cover sufficient to cover the entire area.

5. All planting strips shall be a minimum of eight (8) feet wide. Strips shall run the length of the parking row, underlain by soil (not base course material), shall be designed to encourage the infiltration of storm water insofar as possible, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at maximum intervals of one tree per thirty (30) feet, plus shrubs and/or ground cover, as approved by the Township.

6. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

7. Plants shall comply with the requirements of §615.7 of this Ordinance. The use of plants selected from the *List of Acceptable Plants* in Appendix D is required.

8. In the case where this or another Township ordinance requires a buffer or other landscaping at the end of a parking lot, such buffer or landscaping may take the place of the planting strip provided the buffer or landscaping meets the minimum requirements of this §615.3.

C. Buffers - All parking lots shall be buffered from public roads and from adjacent properties as required in §615.6.

615.4 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 Supervisors where existing vegetation is considered sufficient to provide effective screening.

C. Standards - Street trees shall be located adjacent to the right-of-way line and shall meet the following standards:

1. In nonresidential developments, trees shall be located within a planting bed at least ten (10) feet in width, planted in grass or ground cover.

2. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities.

3. 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.

4. Trees shall comply with the requirements of §615.7. The use of tree species selected from the *List of Acceptable Plants* in Appendix D is required.

615.5 Storm Water Basins and Associated Facilities

Landscaping shall be required in and around all storm water management basins according to the following:

A. Vegetative Cover Required - All areas of storm water management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with cover vegetation such as lawn grass or naturalized plants specifically suited for storm water basins. (See §615.8 for plants for storm water basins.)

1. Lawn grass areas, once established, shall be maintained at a height of not more than six (6) inches.

2. Naturalized cover plants, such as wild flowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of storm water basins, may be planted as an alternative to lawn grass provided:

a. The plantings provide continuous cover to all areas of the basin.

b. The plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.

3. Trees and shrubs shall be allowed in and around storm water basins provided no interference is caused to the proper function of the basin; and, trees or shrubs shall not be planted on an earthen impoundment structure or dam.

B. Basin Shape - Basin shape shall incorporate curvilinear features to blend with the natural surrounding topography; and, the use of sharp geometric shapes shall be avoided.

C. Basin Grades - Minimum grades inside storm water basins shall be one (1) percent unless infiltration is an integral part of the design; and, maximum side slopes of the basin shall be thirty-three (33) percent (3:1 slope).

D. Buffers - Storm water basins shall be buffered with landscaping from adjacent properties in accordance with §615.6.

615.6 Buffers and Screens

A. Property Lines and Site Elements - All subdivisions and land developments shall be landscaped with the following two (2) components:

1. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.

2. Site element screens that act to minimize or eliminate views to certain other site elements.

B. Minimum Requirements - The requirements in this §615.6 are minimum standards; additional plants, berms, or architectural elements may be required by the Township as necessary to meet the intent of this §615 or may be included in the plan at the applicant's discretion.

TABLE 615-1

PROPERTY LINE AND ROAD RIGHT-OF-WAY BUFFERS
(See 615.6.C.5 for buffer intensity requirements)

PROPERTY LINE BUFFERS – applies to side and rear property lines

PROPOSED USE	ADJACENT USE			
	Office/Institutional Public Recreation	Commercial/ Industrial	Multi-Family Mobile Home Park	Single-Family
	BUFFER TYPE / WIDTH (feet)			
Office/Institutional	Low / 10	Low / 10	Medium / 15	High / 20
Commercial/Industrial	Medium / 15	Low / 10	High / 20	High / 20
Residential*	Low / 10	Medium / 15	Medium / 15	Medium / 15
Active Recreation (play fields, golf courses, swim clubs, etc)	None	None	Low / 10	Low / 10

* Buffers are required for all multi-family and mobile home parks.

PARKING LOT BUFFERS ALONG ROAD RIGHTS-OF-WAY

SIZE OF PARKING LOT	BUFFER TYPE / WIDTH (feet)
25 spaces or less	Low / 0
25 to 50 spaces	Medium / 10
more than 50 spaces	High / 10

C. Property Line and Road Right-of-Way Buffer Requirements

1. Property line and road right-of-way buffers shall be required for the following types of development:

a. All nonresidential development.

b. All multi-family development.

c. All single-family detached developments unless a better design is approved by the Board of Supervisors.

d. All mobile home parks.

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, the case of several permitted uses on a site, the most restrictive requirements shall apply. The Supervisors shall make the final determination of the designation of the existing or zoned land uses.

3. The width and quantity and type of plants required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 615-1.

4. Buffer Area Location and Dimensions

   a. The buffer area may be included within the front, side, or rear yard setback.

   b. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.

   c. Parking shall not be permitted in the buffer area.

   d. Site element screens shall be permitted in the buffer area.

   e. Storm water basins shall be permitted in the buffer area.

5. Plant Quantities and Types - In accordance with Table 615-1, for every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plants shall be required:

BUFFER TYPE	PLANTS (per 100 linear feet)
Low	2 canopy trees; and 1 ornamental tree
Medium	2 canopy trees; 2 ornamental trees; and 2 evergreen trees (15 shrubs may be substituted for 1 ornamental tree)
High	5 evergreen trees; 2 ornamental trees; and 2 canopy trees (30 shrubs may be substituted for 1 ornamental tree)

6. Design Criteria:

   a. The required plants shall be distributed over the entire length and width of the buffer area.

   b. Buffer plants may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters.

   c. Plants shall be spaced to provide optimum growing conditions.

d. A variety of tree species is required as follows:

NUMBER OF TREES	MINIMUM NUMBER OF TREE SPECIES	MAXIMUM PERCENT OF ANY ONE SPECIES
0-5	1	100
6-15	2	50
16-30	3	50
> 30	4	50

e. All plants shall meet the requirements of §615.7.

7. Existing healthy trees, shrubs, or woodlands that meet the requirements of this Ordinance may be substituted for part or all of the required plants with the approval of the Supervisors.

8. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers with the approval of the Supervisors.

D. Site Element Screens

1. Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within one hundred (100) feet of a property line or existing road right-of-way:

   a. Dumpsters, trash disposal, or recycling areas.

   b. Service or loading docks.

   c. Outdoor storage.

   d. Vehicle storage.

   e. Sewage treatment plants and pump stations, lagoons, storage basins, and settling ponds.

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Supervisors shall make the final determination of the designation of the existing or zoned land uses.

3. The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Table 615-2.

4. Site elements not included in the above list that have similar visual impact shall be screened in accordance with requirements for the most similar elements as determined by the Supervisors.

5. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. Unless the screen is most effective at another location, it shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.

TABLE 615-2 SITE ELEMENT SCREENS (See 615.6, D, 6 screen types and design criteria.)				
PROPOSED USE	EXISTING ADJACENT LAND USE (OR ZONED USES WHEN UNDEVELOPED*)			
	Office or Institutional	All Other Nonresidential	Single-Family, Two-Family, Townhouses	All Roads
Dumpster, trash, or recycling area	3 or 5	3 or 5	3 or 5	3 or 5
Service or loading docks	1 or 3	1 or 3	1 or 3	1 or 3
Outdoor sales yard and vehicle storage (excluding vehicle sales areas)	1 or 5	1 or 5	1 or 5	1 or 5
Active Recreation (tennis, basketball, court games, etc)	None	None	4	None
Sewage treatment plants and pump stations	5	None	5	5
*When residential and nonresidential uses are allowed by the zoning district on undeveloped adjacent land, the residential requirements shall apply.				

6. Screen Types and Design Criteria - The following types of screens shall be used where specified in Table 615-2.

SCREEN TYPE	DESIGN CRITERIA
Screen Type #1 Double Row of Evergreen Trees	A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
Screen Type #2 Opaque Fence	A six-foot opaque fence surrounding the site element on at least three sides
Screen Type #3 Opaque Fence with Ornamental Trees and Shrubs	A 6-foot opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for each 20 linear feet of proposed fence, arranged formally or informally next to the fence.
Screen Type #4 Berm with Ornamental Trees	A 2 to 3 foot high continuous curvilinear berm with ornamental trees and grasses, at the rate of 1 tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3:1.
Screen Type #5 Evergreen Hedge	An evergreen hedge (such as arborvitae, charmaecyparis, etc.) with a minimum height at planting of 6-foot plants, 4 feet on center maximum.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Supervisors.

8. Existing topographic conditions, such as embankments or berms may be substituted for part or all of the required screen with the approval of the Supervisors.

9. The applicant may propose the use of alternative screen types or changes in plants or designs which fulfill the intent of this Ordinance, with the approval of the Supervisors.

10. Plants shall meet the specifications of §615.7. Use of plants selected shall be subject to approval by the Board of Supervisors.

615.7 Materials Specifications, Maintenance, and Guarantee

The following standards shall apply to all plants or trees as required under this Ordinance:

A. General Requirements

1. The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and present and future environmental requirements.

2. Plants shall be selected and located where they will not contribute to conditions hazardous to public safety.

B. Plant Specifications

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the latest edition of the American Association of Nurserymen (AAN) Standards.

2. All plants shall be selected for hardiness and shall be suitable for planting in the United States Department of Agriculture Hardiness Zone applicable to the Township.

3. Canopy trees, sometimes called shade trees, shall have a minimum caliper of two and one-half (2.5) inches at planting.

4. Ornamental trees or large shrubs shall have a minimum height of six (6) feet or one and a half-inch caliper. New large shrubs shall have a minimum height of two and one-half (2.5) to three (3) feet at the time of planting.

5. Small shrubs may be evergreen or deciduous and shall have a height at maturity of at least four (4) feet. New shrubs shall have a minimum height of eighteen (18) inches at the time of planting.

6. New evergreens shall have a minimum height at planting of six to seven (6 to 7) feet.

C. Maintenance

1. Required plants shall be maintained in a healthy, vigorous condition and be kept free of refuse and debris for the life of the project. Dead or diseased plants shall be removed or treated promptly by the property owner and replaced at the next growing season.

2. All sight triangles shall remain clear of obstructions. It shall be the responsibility of the property owner to maintain all plants and architectural elements to assure public safety.

D. Landscape Replacement; Performance Guarantee

1. Any tree or shrub that dies within eighteen (18) months of planting shall be replaced by the current landowner or Developer. Any tree or shrub that within eighteen (18) months of planting or replanting is deemed, in the opinion of the Township, not to have survived or not to have grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Supervisors.

2. Landscaping shall be considered a required improvement for the purposes of installation and the provision of a performance guarantee in accordance with of this Ordinance.

615.8 List of Acceptable Plants

All plants used for landscaping and vegetative cover shall be subject to approval by the Board of Supervisors. See Appendix D for list of Acceptable and Non-acceptable invasive plants.

615.9 Plan Requirements

All areas of the site shall be included in the landscaping plan, and buffers, screening, and those areas immediately adjacent to buildings and walkways shall be given extra consideration. Landscape plans shall be submitted concurrently with all Preliminary and Final Plans. Landscape plans shall be prepared by a professional licensed by the Commonwealth of Pennsylvania or other person deemed qualified by the Township. In addition to the information required by other sections of this Ordinance, the following information shall be provided:

A. The preliminary landscape plan shall show the following:

1. Existing Features - The location and character of existing buildings, mature trees, location and elevation of major specimen trees (12" or greater DBH) in any area of the site proposed for development; outer limits of tree masses and other existing vegetation.

2. Proposed Landscaping

a. Approximate location of all proposed landscaping required by this Ordinance.

b. Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.

c. Approximate location of proposed buildings, paving, utilities, or other improvements.

B. The final landscape plan shall show the following:

1. Location of all outside storage and trash receptacle areas.

2. Sidewalks, berms, fences, walls, freestanding signs, and site lighting.

3. All existing and proposed contours at an interval deemed adequate by the Township to determine the relationship of planting and grading areas with slopes in excess of 3:1.

4. Existing trees and woodland to remain.

5. Existing trees and woodland to be removed.

6. Location of all proposed landscaping, including required street trees, storm water basin landscaping, parking lot landscaping, property line buffers, and site element screen landscaping.

7. A planting schedule listing name, size, quantity, and condition of all proposed plants.

8. Planting details and specifications, including method of protecting existing vegetation.

9. A detailed cost estimate shall be submitted, showing the value of all proposed landscaping, including all labor and materials.

616 Street, Parking Area and Building Lighting

Streetlights may be required when considered necessary by the Supervisors and shall be of such design and spacing as required by the Supervisors in accordance with current Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. All lighting shall comply with the standards of the Illuminating Engineering Society of North America (IESNA).

617 Traffic Signs and Signals

Traffic signs shall be required by the Supervisors to ensure safe traffic or pedestrian circulation. All traffic signs shall meet the most current requirements of PA DOT. In the case of a required traffic signal, the Developer shall be responsible for the installation of the traffic signal and all associated facilities, signs, and pavement markings. The Developer, his heirs, or assigns shall be responsible for the installation and permanent maintenance of the traffic signal and all associated facilities, signs, and pavement markings.

618 Wetlands

618.1 Identification
If a proposed subdivision or land development includes any area that is suspected of being a wetland, then a professional wetland delineation shall be required. Until such time as the Board of Supervisors has approved application, the wetland limits shall be visibly identified in the field.

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

618.3 Zoning Ordinance
Wetland buffers shall be provided in accordance with the Township's Zoning Ordinance.

619 Multi-Family Dwellings

In addition to the applicable requirements of this Ordinance, multi-family dwelling projects shall comply with all applicable requirements of the Township's Zoning Ordinance.

620 Community Facilities and Recreation Fees

620.1 Purposes
The purpose of this section is to provide adequate community facilities and active and passive recreational facilities to serve the occupants of new developments; and, to recognize and accomplish the goals and policies of the Township's Comprehensive Plan.

620.2 Applicability
This section shall apply to any subdivision or land development for which a Preliminary Plan or a combined Preliminary/Final Plan is required.

620.3 Street Rights-of-Way Reservations
The Board of Supervisors may require the Developer to reserve land for future street widening for the purpose of the protection and preservation of the public health and safety.

620.4 Recreation Fees

The Developer of any subdivision or land development governed by this §620 shall pay a recreation fee in accordance with the following:

A. Fee Amount - The fee amount shall be established by resolution of the Board of Supervisors.

1. Fees for dwelling lots and units shall be assessed on a per lot and per unit basis.

2. Fees for nonresidential development shall be assessed on a per square foot of impervious area basis. No fee shall be assessed for developments of less than one thousand (1,000) square feet of impervious area, nor for any development which does not require approval under this Ordinance.

B. Accounting - Any fees collected under this section shall be deposited in an interest bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account.

C. Use of Fees - The fees shall be used for Township or other public recreation facilities located in the Township. In addition, the Supervisors may commit fees to a recreation area open to the public in an adjacent municipality that would serve the inhabitants of the development that paid the fees.

D. Timing of Fees - Fees shall be paid prior to the approval of the Final Plan.

620.5 Facilities in Place of Fees

An applicant may submit a written request for a modification of the requirements of this §620 by offering to construct recreation facilities open to the general public within the proposed subdivision or land development or on public parkland. Such modification shall only be approved if the Developer clearly proves to the satisfaction of the Supervisors that the facilities will serve a valid public purpose, will be designed following modern standards in a durable manner, and will have an equal or higher value than the fees that would otherwise be required.

TABLE VI-4						
SCHEDULE OF REQUIRED IMPROVEMENTS						
Minimum Improvements Required by Type of Subdivision of Land Development						
Type of Improvements	**Residential Single Family &Two Family**	**Multi-Family**	**Mobile Home Parks**	**Camp Grounds**	**Commercial**	**Industrial**
Streets	x	x	x	x	x	x
Alleys					a	a
Curbs	c	c	c	c	x	x
Gutters	c	c	c	c	x	x
Street Sign	x	x	x	c	x	x
Traffic Lights & Signs	c	c	c	c	c	c
Off-Street Parking Loading	d	x	x	x	x	x
Central Water	c	b	b	b	b	b
Central Sewer	c	b	b	b	b	b
Surface Water Drainage	x	x	x	x	x	x
Storm Sewer	c	c	c	c	c	c
Utilities: Electric, Telephone, & TV Cable	y	y	y	y	y	y
Street Lighting	c	c	c	c	c	c
Playlot or Park	c	c	c	c	c	c
Landscaping	c	c	c	c	c	c
Monuments/Markers	x	x	x	x	x	x

Notes:
x – indicates a requirement for that particular type of subdivision or land development
y – required (underground if possible & practical
a – permitted to provide service as needed
b – required according to site specific conditions of the development
c – the Township Planning Commission and the Board of Supervisors may require according to individual size characteristics, nature and location of development
d – by lot owner at time of construction of dwelling unit(s)

ARTICLE VII

MOBILE HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS

701 Application

701.1 Parks for Sale or Longer Term Lease
Applications for proposed development of mobile home parks with lots proposed for sale or lease exceeding twelve (12) months shall meet all requirements and standards for a single-family residence residential subdivision in this Ordinance and the Township's Zoning Ordinance.

701.2 Parks to be Held under Single Ownership
Applications for proposed development of mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month-lease period or rental basis only shall meet the design standards and required improvements set forth in this Article.

702 General Standards and Requirements

702.1 Acreage
All mobile home parks shall have a total land area of not less than fifty (50) acres.

702.2 Floodplain
The site of any proposed mobile home park shall not be located within or upon a one hundred (100) year frequency floodplain as defined by current FEMA Mapping Panels.

702.3 Nuisances
The site of any proposed mobile home park shall be free of wetlands, garbage or rubbish disposal areas and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

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

702.5 Access
Any proposed mobile home park shall have direct access to a public street.

703 Submission of Application and Compliance

703.1 Procedure
All provisions of Article III and Article IV shall apply with respect to submission, application and approval. Fees shall be charged in accordance with the approved fee schedule.

703.2 Conformity
The plans of the proposed mobile home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this Ordinance.

704 Design Standards

704.1 General

All plans for proposed new mobile home parks or expansion of existing mobile home parks shall be designed in accordance with the Four-Step Process in §602 and meet the design standards applicable to all types of development contained in Article VI.

704.2 Lot Size

Each mobile home lot shall have a minimum area of five thousand (5,000) square feet. Minimum average width shall be forty-five (45) feet. Minimum average lot depth shall be seventy-five (75) feet.

704.3 Density

The total number of lots in any mobile home park shall not exceed an average density of one (1) unit per fifteen thousand (15,000) square feet of the adjusted tract acreage of the parcel.

704.4 Site Drainage Requirements

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

B. Surface Water Collectors - Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the PA DEP and the Board of Supervisors.

704.5 Soil and Ground Cover Requirements

A. Soil and Ground Cover - Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

B. Vegetation Maintenance - Park grounds shall be maintained in accordance with procedures approved by the Board of Supervisors.

704.6 Park Areas for Nonresidential Uses

No part of any park shall be used for nonresidential purposes, except for required service orientated and for the management and maintenance of the park.

704.7 Required Setbacks, Buffer Strips and Screening

A. Setbacks from Property Boundary Line - All mobile homes shall be located at least fifty (50) feet from any park property boundary line abutting upon a public street or highway and at least forty (40) feet from other park property boundary lines.

B. Setbacks from Common Areas and Structures - There shall be a minimum distance of twenty (20) feet between an individual mobile home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures

C. Screening - All mobile home parks existing shall be required to provide screening such as fences, or plant materials along the property boundary line separating park and such adjacent use. These 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.

704.8 Streets

All streets within proposed mobile home parks shall conform to the requirements for streets as set forth in §607. Right-of-way width shall be a minimum of fifty (50) feet. All streets or roads providing access from the public highway system into and/or through a proposed mobile home park shall conform to the requirements for streets as set forth in §607.

704.9 Lot Frontage

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

704.10 Illumination

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

704.11 Off Street Parking

Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot. These spaces shall be improved to a grade not greater than eight (8) percent and shall be paved with a minimum six (6) inches depth of select material approved by the Board of Supervisors.

704.12 Walks

A. General Requirements - All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. Common Walk System - Where pedestrian traffic is concentrated and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.

C. Individual Walks - All mobile home lots shall be connected to common walk or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three (3) feet.

704.13 Recreational Areas

A recreational area, consisting of ten (10) percent of the total area of the park shall be maintained within the park for the use of all park residents. This area shall be of suitable configuration and free of hazards to permit active recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for recreational use.

704.14 Landscaping and Outdoor Living Requirements

A. Private Area - Private outdoor living and service space shall be provided for each mobile home. It shall be walled, fenced, or planted as necessary to assure reasonable privacy. The minimum area shall be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.

B. Screen Planting - Screen plantings shall be provided adequate to screen objectionable views including laundry drying yards, garbage and trash collection stations, and non-residential uses.

704.15 Sewer and Water Systems

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

In those cases where a community subsurface sewage disposal system is proposed, a replacement area shall be provided for the subsurface sewage disposal field which has been properly tested and meets current state and Township standards for subsurface sewage disposal.

704.16 Underground Utilities

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

704.17 Mobile Home Foundation

Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The foundation shall be either a solid perimeter of masonry or piers, both installed to depth below frost line or a slab of poured concrete, that is properly designed and constructed in accordance with industry standards.

704.18 Skirting

Each mobile home shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

704.19 Central Fuel System

Any central fuel supply systems and/or central fuel storage facilities shall be installed in accordance with all applicable Federal and State regulations.

705 Exceptions

705.1 Mobile Home Sales

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

705.2 Storage of Recreation Vehicles

None of the provisions of this Ordinance shall be applicable to the storage or garaging within a building or structure of recreational vehicles not being used for living or sleeping purposes or to the storage of one (1) unoccupied recreational vehicle on the premises occupied as principal residence by the owner of such recreational vehicle; provided however, that such unoccupied recreational vehicle shall not be parked between the street line and the front building line of such premises, but shall be parked within the lot, within the same setbacks as required for accessory buildings.

705.3 Construction Project

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

ARTICLE VIII

CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS

801 Application

The design standards and required improvements set forth in this Article will be applied by the Planning Commission and the Supervisors in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum twelve (12) month lease, or rental basis only. Campsites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a twelve (12) month period shall meet all standards and requirements of a single-family residence, residential subdivision.

802 General Standards and Requirements

802.1 Required Acreage
All campground subdivisions or developments shall have a total land area of not less than twenty-five (25) acres.

802.2 Soils and Slope
All campgrounds shall be located on moderately well drained land with the average natural slope of the area to be improved for campsites not to exceed twelve percent (12%).

802.3 Township Comprehensive Plan
The location and layout of the proposed campground shall be consistent with the Township Comprehensive Plan.

802.4 Floodplain
No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined one hundred (100) year floodplain area.

802.5 Access
The proposed campground shall have direct access to a public street.

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

802.7 Prohibited Use
No camping site may be occupied as a permanent residence.

803 Submission, Application and Compliance

803.1 Procedure
All provisions of Article III and Article IV shall apply with respect to submission, application and approval, and fees shall be in accordance with the Township fee schedule.

803.2 Design Requirements
The design of the campground shall conform to the requirements of this Ordinance and/or the requirements of the PA DEP for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the PA DEP before the plan will be considered for final recommended approval by the Planning Commission and the final approval by the Board of Supervisors.

804 Design Standards

All plans for proposed new mobile campgrounds or expansion of existing campgrounds shall be designed in accordance with the Four-Step Design Process in §602 and meet the design standards applicable to all types of development contained in Article VI.

804.1 Required Area
Each camping site shall have a minimum area of two thousand five hundred (2,500) square feet exclusive of street rights-of-way and walkways.

804.2 Density
The maximum gross density of development in the area improved for campsites shall not exceed ten (10) sites per acre of the adjusted tract acreage.

804.3 Existing Trees and Shrubbery
To the extent possible, existing trees and shrubbery shall be retained by the campground developer.

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

804.5 Electric Service
Electric service shall be provided to at least fifty (50) percent of the campsites. Such electric service shall be installed underground.

804.6 Centralized Sewage
At least fifty (50) percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.

804.7 Non-Centralized Sewage
All campsites which are not provided with a connection to a centralized sewage system shall be located within five hundred (500) feet of a bath-house/toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with PA DEP regulations.

804.8 Off-Street Parking
All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one (1) passenger vehicle. The parking spaces shall be reasonably level in a longitudinal direction and shall be well drained. The parking spaces need not be paved; but, they shall have a minimum depth of six (6) inches of compacted crushed stone.

804.9 On-Site Parking
All campsites designed for tenting may be provided with on-site parking spaces in accordance with §804.8 or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least two hundred (200) square feet, exclusive of any aisle.

804.10 Centralized Water and Sewage Systems
The centralized water and sewage system shall be designed in accordance with the requirements of the PA DEP and approved by the Department and in accordance with the standards of this Ordinance.

804.11 Sewage Dumping Stations
The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the PA DEP requirements.

804.12 Streets

Streets within the campground shall conform to the following:

A. Conformity - All campground streets shall conform to the requirements for Private Access Drives as set forth in Table 6-2.

B. One-Way Streets - One-way streets shall have a minimum right-of-way width of twenty (20) feet and shall be improved with a travelway not less than fifteen (15) feet in width.

C. Two-Way Streets - Two-way streets 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.

D. Radius- The minimum center-line radius of any interior campground street shall be not less than fifty (50) feet.

E. Grade - The maximum grade of any campground street shall not exceed twelve (12) percent.

F. Drainage - Drainage facilities shall be designed and constructed in accordance with the standards set forth in §609.

G. Construction and Maintenance - No campground street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

804.13 Recreation Area

At least five (5) percent (but not less than one-half acre) of the area improved for campsites shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Planning Commission and the Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities before granting approval.

804.14 Access Road

The access road(s) serving the campground shall be designed and constructed in accordance with the standards set forth for Minor Street Base Course in Table VI-1 and Table VI-2 of this Ordinance.

804.15 Other Improvements

There shall be provided in each campground such other improvements as the Planning Commission and the Board of Supervisors shall require in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the PA DEP, adequate park lighting system, and maintenance of all areas.

ARTICLE IX

COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND LAND DEVELOPMENTS

901 Commercial and Industrial Subdivisions and Land Developments
All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article.

902 Sketch Plan; General Design and Site Standards
Applicants are **VERY STRONGLY ENCOURAGED** to submit a Sketch Plan in accordance with §302. Commercial and industrial subdivisions and development areas shall be designed in accordance with the Four-Step Design Process in §602 with respect to conservation areas and development sites and in consideration of site conditions to ensure:

A. Desirable land utilization.

B. Convenient traffic circulation and parking.

C. Adequate service, delivery and pickup.

D. Design coordination with adjacent parcels of land.

E. That the site shall be served by approved water supply and sanitary sewer systems.

F. That adequate storm drainage facilities shall be provided.

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

A. All information required by this Ordinance for major subdivisions and land developments.

B. Location of all project improvements including:

1. Buildings
2. Streets, access ways and parking areas
3. Landscaping and planting strips
4. Storm water management facilities
5. Water supply and distribution systems
6. Sewage collection and treatment systems
7. Street lighting and parking area lighting

C. All required improvements shall be specifically shown.

D. Construction specifications for all required improvements, including floor plans and elevations.

E. Designated open space areas.

F. Outdoor trash dumpster locations and proposed screening.

904 Blocks and Lots

Block layout shall be in accordance with §606.2. Lot sizes, lot dimensions, and building setbacks shall be governed by the Township's Zoning Ordinance.

905 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of §607 and shall be constructed to collector street standards as required in Table VI-1 and Table VI-2.

ARTICLE X

ADMINISTRATION

1001 Purpose

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

1002 Amendment

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

1003 Waivers/Modifications

1003.1 Intent
The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Supervisors may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

1003.2 Conditions
In granting waivers/modifications, the Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

1003.3 Procedure
All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:

A. The specific sections of this Ordinance in question.

B. Provisions for the minimum modification necessary as an alternate to the requirements.

C. Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.

1003.4 Action
If the Supervisors deny the request, the applicant shall be notified, in writing, of the reasons for denial. If the Board of Supervisors grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

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

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

1. The owner of record at the time of such violation.

2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

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

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

1004.2 Enforcement Remedies

A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation by the District Justice and, thereafter, each day that a violation continues shall constitute a separate violation.

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

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

1004.3 Jurisdiction

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

1004.4 Transfer
The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

1004.5 Construction
In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accordance with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accordance with §306.7. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is filed with the Monroe County Recorder of Deeds.

1005 Fees

1005.1 Establishment of Fees
Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, administrative, engineering and other related consulting service costs.

1005.2 Application Fees
At the time of the filing of any application, the Applicant shall pay to the Township an application fee in accordance with the application fee which has been established pursuant to 1005.1.

1005.3 Review Fees
The application fee shall be used to pay expenses that may accrue in the following categories:

A. Engineering reviews

B. Site inspections

C. Cost estimates of required improvements

D. Required improvements inspections

E. Other related consulting services

F. Any other review costs incurred by the Township

1005.4 Supplemental Fees and Adjustment

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

1005.5 Disputes

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

1005.6 Failure to Pay Fees

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

1006 Records

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