

BENTON TOWNSHIP

LACKAWANNA COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**PROPOSED FOR
NOVEMBER 7, 2002**

COMMUNITY PLANNING & MANAGEMENT ASSOCIATES
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TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

PAGE I -

100 Repealer and Conflict 1

101 Title and Short Title 1

102 Jurisdiction 1

103 Purpose 3

104 Interpretation 3

105 Effect of Ordinance Changes 3

106 Severability 4

107 Effective Date 4

ARTICLE II - DEFINITIONS

PAGE II -

201 Tense, Gender, and Number 1

202 General terms 1

203 Terms or Words Not Defined 1

204 Specific Terms 1

ARTICLE III - PLAN PROCESSING PROCEDURES

PAGE III -

301 General 1

302 Sketch Plan 1

303 Preliminary Plans for Major Subdivisions 3

304 Final Plans for Major Subdivisions 6

305 Minor Subdivisions 10

306 Plans for Land Developments 13

307 Reserved

308 Lot Improvement Subdivisions 16

309 Subdivision From Large Parcel 17

310 Contiguous Municipalities 17

ARTICLE IV - PLAN REQUIREMENTS

PAGE IV -

401 Sketch Plan Overlay Sheet 1

402 Preliminary Plan Requirements for Major Subdivisions 1

403 Final Plan Requirements for Major Subdivisions 8

404 Minor Subdivisions, Final Plan Requirements 11

405 Plan Requirements for Lot Improvement Subdivisions 14

406 Plan Requirements for Land Developments 14

ARTICLE V - IMPROVEMENT CONSTRUCTION AND GUARANTEES, AND OPEN LAND

PAGE V -

500 General 1

501 PennDOT Required Improvements 1

502 Sections/Stages 1

503 Improvement Construction Guarantees 1

504 Improvements Construction 4

505 Improvement Maintenance Guarantee 4

506 Continued Ownership and Maintenance of Improvements 5

507 Open Land and Recreation Land - Ownership and Maintenance 6

508 Subdivision and/or Land Development Improvements Agreement 10

ARTICLE VI - DESIGN STANDARDS and SPECIFICATIONS

PAGE VI -

601 General Design Standards; Township Zoning Requirements 1

602 Four-Step Design process for Conservation Design Subdivisions and Developments 6

603 Greenway Design Review Standards 8

604 Reserved

605 Resource Conservation Standards for Site Preparation and Cleanup 9

606 Blocks and Lots 10

607 Streets/Roads 12

608 Monuments and Markers 25

609 Storm Water and Drainage Control 26

610 Soil Erosion and Sedimentation Controls 29

611 Water Supply and Sewage Disposal 29

612 Utilities 33

613 Sidewalks 33

614 Trees and Vegetation 33

615 Street Lighting 34

616 Commercial and Industrial Subdivisions and Land Developments 34

617 Fire Fighting – Adequate and Reliable Water Source 34

618 Multi-Family Dwellings 35

ARTICLE VII MOBILE HOME PARKS

PAGE VII -

701 Application 1

702 Procedures 1

703 Minimum Park Size 1

704 Lot Size and Density 1

705 Design Standards 1

706 Non-Residential Uses 4

707 Individual Mobile Homes 4

708 Administration 4

ARTICLE VIII CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

PAGE VIII -

800 General Applicability 1

801 Campgrounds 1

802 Procedures 2

803 Minimum Parcel Size 2

804 Campsite Size, Density and Lot Width 2

805 Design Standards 2

806 Non-residential Uses 5

807 Other General Requirements 5

808 Compliance of Existing Campgrounds 6

ARTICLE IX - LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

PAGE IX -

901 Land Developments and Commercial and Industrial Subdivisions 1

902 General Design and Site Standards 1

903 Plans 1

904 Lots and Block Layout 2

905 Streets/Roads 3

ARTICLE X ADMINISTRATION

PAGE X -

1001 Purpose 1

1002 Amendment 1

1003 Waivers/Modifications 1

1004 Penalties for Violations 2

1005 Fees 3

1006 Records 4

ARTICLE XI - ADOPTION

PAGE XI -

Adoption 1

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

ARTICLE I GENERAL PROVISIONS

100 Repealer and Conflict

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors shall repeal and replace in total the Benton Township Subdivision and Land Development Ordinance of February 5, 1973, as amended; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation.. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

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

102 Jurisdiction; Authority

102.1 Application

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

- A. The Benton Township Board of Supervisors hereby delegates the authority granted it under §501 of the Pennsylvania Municipalities Planning Code to the Benton Township Planning Commission for all subdivisions and land developments. The powers granted to the Planning Commission are specifically enumerated throughout this Ordinance. All other power and authority is specifically reserved by the Board of Supervisors.
- B. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- C. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or

guaranteed as hereinafter provided.

- D. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Planning Commission the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Planning Commission the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- E. The proposed subdivision or land development plat shall be in general accordance with the Comprehensive Plan of the Township of Benton.

102.2 Prior Approvals [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code]

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the 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. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (See §105.)

102.3 Previously Filed Maps

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

102.4 Powers

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

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

102.5 Recording of Plans

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

103 Purpose

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

104 Interpretation

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

105 Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

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

105.2 Project Completion and Effect of Litigation

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

105.3 Five Year Initiation

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

105.4 Substantially Completed Improvements

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

105.5 More Than Five Years

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

105.6 Sections

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

105.7 Landowner Failure

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

106 Severability

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

107 Effective Date

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II DEFINITIONS

201 Tense, Gender and Number

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

202 General Terms

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

203 Terms Or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

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

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

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

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

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

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of

the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Benton Township, Lackawanna County, Pennsylvania.

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

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

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

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

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

COMMISSION OR PLANNING COMMISSION - The Benton Township Planning Commission

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

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

CONSERVANCY LOT - A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed for residential use; the remainder must be protected through conservation easements and used in conformance with standards for greenway land, which include compatible resource-based, for-profit, commercial uses such as agriculture, horticulture, wholesale nurseries, and equestrian facilities.

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

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

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

COUNTY - The County of Lackawanna, Commonwealth of Pennsylvania.

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

turnaround.

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

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

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

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

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

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

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

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

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

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

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

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

GREENWAY LAND - That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other noteworthy, locally significant, or unique features of the property. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of conservancy lots which are not accessible to the public.

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

IMPROVEMENT - For the purpose of classification as a land development as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of

use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

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

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

The definition of land development shall also include the expansion or addition to a nonresidential 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 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 residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

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

LOT AREA -The total number of square feet within the boundaries of the lot.

LOT DEPTH -The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

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

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

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

LOT LINE, FRONT - Any lot line which is coterminous with the boundary line or right-of-way line of road on which the lot fronts.

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

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

LOT WIDTH - The average horizontal distance between the side lot lines, measured parallel to the front lot line. In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line.

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

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

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

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

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

MUNICIPALITY - Benton Township, Lackawanna County, Pennsylvania.

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

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

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

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

PLANNING COMMISSION - The Planning Commission of Benton Township, Lackawanna County, PA.

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

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

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

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

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

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not

a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

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

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

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

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

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

SELF-CONTAINED UNIT - A unit which:

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

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

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

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

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

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

SEWAGE DISPOSAL, CENTRAL - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, including sewage treatment plants, land application systems, and community sewage disposal systems. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as central sewerage for unit density determination, and in such a case all development standards, including but not limited to, unit densities, will apply the same for each dwelling or unit as any single-family unit.

SEWAGE DISPOSAL, COMMUNITY - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which is used to treat and dispose of domestic sewage into the soil (whether

entirely in-ground or partially elevated) in accord with DEP Rules and Regulations.

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

SEWAGE DISPOSAL, ON-SITE - Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil on an individual lot in accord with Pennsylvania Department of Environmental Protection Rules and Regulations.

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

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

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

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

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. The change in elevation, measured in consistent units, from one point to another measured perpendicular to the contours (lines of equal elevation) of the land. Slope is generally expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance. In the case of functional acreage, slope shall be calculated based on the contour interval required by the Township Subdivision Ordinance -- two-foot intervals for major subdivisions and twenty-foot intervals for minor subdivisions. (See Subdivision Ordinance §402.3,B and §404.2,V, respectively). The final determination of slope shall be made by the Township with the advice of the Township Engineer.

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

- A. COLLECTOR STREET - Provides access to abutting properties, intercept minor streets and provides routes for considerable volume of traffic to community facilities and major streets and serves more than two hundred (200) dwelling units or more.
- B. MINOR STREET - Provides access to abutting properties and serves twenty-six (26) to two hundred (200) dwelling units.
- C. COUNTRY LANE - Provides access to abutting properties and serves not more than twenty-five (25) dwelling units. See §603.7.
- D.. MINIMUM ACCESS STREET - Provides access to abutting properties and serves not more than three (3) dwelling units. See §603.7.

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

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

SUBDIVIDER - See "Developer".

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

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

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

SUPERVISORS - The Benton Township Board of Supervisors.

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

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

TOWNSHIP - Benton Township, Lackawanna County, Pennsylvania.

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

VERNAL POOL - Upland areas that are wet only for periods of two or more months in the Spring and are typically identified during dry months by the thin film of soil sediment that usually exists on the upper side of the leaf litter covering the forest floor. These very shallow depressions constitute critical habitat for a range of woodland amphibians and related species.

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

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

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

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

WATER SUPPLY, CENTRAL - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Protection regulations.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Protection if such compliance is required.

WATER SUPPLY, SHARED - A system for supplying and transmitting drinking water to a minor (residential) land development, or to a non-residential land development with more than one (1) principal structure, in compliance with Pennsylvania Department of Environmental Protection regulations, if such compliance is required. (Note: Any water system serving two (2) or more lots shall be considered a central water supply.)

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

ARTICLE III PLAN PROCESSING

301 General

All plans for the subdivision and/or development of land within the corporate limits of Benton 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 Planning Commission in accordance with the procedures specified in this Article.

302 Sketch Plan

302.1 Optional - Sketch Plans

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

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

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

302.2 Contiguous Holdings

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 section 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

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

Analysis Plan and on the Municipality's Map of Potential Conservation Lands;

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

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

303 Preliminary Plans for Major Subdivisions

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

303.0 Submissions Not Preceded by a Sketch Plan - If an applicant opts not to submit a Sketch Plan the following shall apply:

- A. Sketch Plan Information - The Preliminary Plan shall include all information required for Sketch Plans listed in §401 specifically including the Existing Resources and Site Analysis Plan, plus further details as required by this Ordinance.
- B. Site Inspection - A site inspection shall be arranged and conducted in accord with §302.4.C.

303.1 Official Submission of Preliminary Plans

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

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

- A. Ten (10) completed copies of the subdivision plan application.
- B. Ten (10) legible blue-line paper prints of the Preliminary Plan.
- C. Six (6) copies of the required sewage planning module(s) and associated documentation.
- D. Six (6) copies of all other required supporting data and information as required in Article IV of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Planning Commission Secretary shall collect a preliminary plan

filing fee as established by resolution of the Board of Supervisors for all subdivisions.

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

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

- A. If the submission is complete, 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.
- B. If the submission is not complete, 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 has been submitted and shall in no way be construed to be a plan submission receipt.

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

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

303.1.6 Distribution of the Preliminary Plan - The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Preliminary Plan and applicable supporting documents to the Lackawanna County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission:

- A. The Township Engineer.
- B. The Township Zoning Solicitor.
- C. The Township Zoning Officer
- D. The Township Sewage Enforcement Officer
- E. The Lackawanna County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

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 approve, approve with conditions and modifications, or deny the plan as provided in this §303.2, and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.1.5.

303.2.2 Reserved

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

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

303.4 Lackawanna County Planning Commission Comments

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

303.5 Sewage Facilities Planning Modules

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

Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

303.6 Highway Occupancy Permit

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

303.7 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

303.8 Time Extension

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

304 Final Plans for Major Subdivisions

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

304.1 Final Plan Application

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

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

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

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

304.3 Sections

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

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

304.4 Official Submission of Final Plans

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

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

- A. Ten (10) completed copies of the subdivision plan review application.
- B. Ten (10) legible blue-line 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) blue-line prints shall be submitted for final signature.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Six (6) copies of the applicable highway occupancy permit.
- E. Six (6) copies of all other required supporting data and information as required in Article IV of this Ordinance.

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

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

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

- A. If the submission is complete, 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.
- B. If the submission is not complete, 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 has been submitted and shall in no way be construed to be a plan submission receipt.

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

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

- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §304.4.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Committee next following the final order of the court. If the first meeting of the Planning Committee occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

304.4.6 Distribution of the Final Plan - The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Final Plan and applicable supporting documents to the Lackawanna County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission:

- A. The Township Engineer.
- B. The Township Zoning Solicitor.
- C. The Township Zoning Officer.
- D. The Township Sewage Enforcement Officer.
- E. The Lackawanna County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

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 approve, approve with conditions and modifications, or deny the plan as provided in this §304.5, and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §304.4.5.

304.5.2 Reserved

304.5.3 Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval

of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

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

304.7 Lackawanna County Planning Commission Comments

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

304.8 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

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

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission shall endorse the Final Plan for recording purposes. The Planning Commission shall retain at least one endorsed print.

304.11 Recording of the Final Plan

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

304.12 As-Built Plans

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

304.13 Time Extension

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

305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall

be submitted to the Township and be processed in accord with this §305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the minor subdivision plan and all required supporting documentation may be submitted by the Applicant or his authorized representative to the Planning Commission Secretary prior to a Planning Commission meeting or at any duly advertised Planning Commission meeting. However, the Applicant shall contact the Planning Commission Secretary not less than ten (10) working days prior to the meeting the Applicant intends to attend.

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

- A. Six (6) completed copies of the minor subdivision plan review application.
- B. Six (6) legible blue line prints of the minor subdivision plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Minor subdivision plan, seven (7) blue-line prints shall be submitted for final signature.
- C. Six (6) copies of the sewage facilities planning modules and associated documentation.
- D. Six (6) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

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

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

305.1.4 Reserved

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

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

- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

305.1.6 Distribution of the Minor Subdivision Plan -The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Minor Plan and applicable supporting documents to the Lackawanna County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission:

- A. The Township Engineer.
- B. The Township Zoning Solicitor.
- C. The Township Zoning Officer.
- D. The Township Sewage Enforcement Officer.
- E. The Lackawanna County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission may make its decision at the meeting when the Minor Subdivisions Plans are submitted and found to be complete; or at its discretion, make its decision at a subsequent meeting so that the comments provided pursuant to §305.1.6 may be considered. Its decision regarding the Minor subdivision plan shall be communicated in writing to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to §305.1.5.

305.2.2 Reserved

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

305.2.4 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 Planning Commission 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 shall consider the comments and the recommendations pursuant to §305.1.6 and may request such additional information as deemed necessary.

305.4 Lackawanna County Planning Commission Comments

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

305.5 Sewage Facilities Planning Modules

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

305.6 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Minor subdivision plan pursuant to public notice.

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Planning Commission shall endorse the Minor subdivision plan for recording purposes. The Planning Commission shall retain at least one endorsed print.

305.8 Recording of the Minor Subdivision Plan

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

305.9 Time Extension

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

306 Plans for Land Developments

A. Applicability

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

B. Intent

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

C. Non-Qualifying Land Developments

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

306.1 Land Development Plan Application

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

306.2 Official Submission of Land Development Plans

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

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

- A. Ten (10) completed copies of the land development plan review application.
- B. Ten (10) legible blue-line 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) blue-line prints shall be submitted for final signature.
- C. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Six (6) copies of 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 Board of Supervisors.

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

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

- A. If the submission is complete, 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.
- B. If the submission is not complete, 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 has been submitted and shall in no way be construed to be a plan submission receipt.

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

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmission.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Final Plan submission and forward said receipt to the Applicant.
- C. If the first meeting of the Planning Commission following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Committee next following the final order of the court. If the first meeting of the Planning Committee occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

306.2.6 Distribution of the Land Development Plan -The Planning Commission Secretary shall, promptly after the official date of submission and after all required fees have been collected, refer the Land Development Plan and applicable supporting documents to the Lackawanna County Planning Commission, and as may be directed by the Planning Commission, to the following who shall provide written comments and recommendations to the Planning Commission:

- A. The Township Engineer.
- B. The Township Zoning Solicitor.
- C. The Township Zoning Officer.
- D. The Township Sewage Enforcement Officer.
- E. The Lackawanna County Conservation District.
- F. PennDOT when applicable.
- G. Any other Engineer or Consultant designated by the Township.

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 approve, approve with conditions and modifications, or deny the plan as provided in this §306.3, and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case

shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §306.2.5.

306.3.2 Reserved

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

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

306.5 Lackawanna County Planning Commission Comments

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

306.6 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

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

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

306.8 Final Approval; Signature of Land Development Plan

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

306.9 Recording of the Land Development Plan

The Applicant shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Planning Commission, and provide to the Township proof of such

recording within fifteen (15) days of such recording. If the Applicant fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Planning Commission.

306.10 Certificate of Conformance

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

306.11 As-Built Plans

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

306.12 Time Extension

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

307 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 Lackawanna County Recorder of Deeds, (The applicant shall certify to the Board 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 Lackawanna County Recorder of Deeds upon the signature of the applicant and the Planning Commission. The "Owner's Affidavit" shall be in such form as required by the Planning Commission upon the recommendation of the Township Solicitor; and 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 of this Ordinance for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage disposal areas are proposed. The applicable notes listed in §404.3, B of this Ordinance shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

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

309 Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided not more than four (4) lots shall be platted from the parent parcel in any one (1) year period,

and the Applicant can demonstrate to the satisfaction of the Township that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

310 Contiguous Municipalities

In accord with Section 502.1(b) of the Pennsylvania Municipalities Planning Code, the governing body of any municipality contiguous to Benton Township, may appear before the Planning Commission 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. In fact, the diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.

- 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. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;
- E. Location map;
- F. Zoning district
- G. Streets on and adjacent to the tract (both existing and proposed);
- H. 100-year floodplain limits;
- I. Approximate location of wetlands;
- J. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- K. Schematic layout indicating a general concept for land conservation and development;
- L. Proposed general street and lot layout;
- M. General description of proposed method of water supply, sewage disposal, and stormwater management;
- N. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

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

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

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

402.1 Drafting Standards

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

402.2 Site Context Map

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

402.3 Existing Resources and Site Analysis Plan

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

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked
- B. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites.

Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches if not growing within any of the proposed conservation areas, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Ridge lines and watershed boundaries shall be identified.
- G. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, 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, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Lackawanna County shall be shown on the plan
- M. Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

402.4 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, including but not necessarily limited to grading, fill, streets, buildings, utilities

and stormwater detention facilities, as proposed in the other Conceptual Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

- B. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.
- C. This requirement for a Preliminary Resource Impact and Conservation Plan may be waived by the Planning Commission if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis Plan.
- B. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. For properties subject to the Conservation Design Overlay District, the boundaries of greenway lands shall be indicated.
- C. Approximate location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
- D. Approximate location of proposed swales, drainage easements, stormwater and other management facilities.
- E. Where community sewage service is proposed, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities
- F. Where central water service is proposed, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- G. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- H. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- I. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- J. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public

improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

- K. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- L. Utilities and Easements
 - 1. Exact locations of existing utility easements and approximate locations of proposed utility easements.
 - 2. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - 3. The tentative location of proposed on-site sewage and water facilities.
- M. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- N. Signature blocks for the Planning Commission shall be provided on the right-hand side of the Preliminary Improvements Plan.
- O. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 - 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development, shown on location map.
- P. A title block shall be included on the lower right corner.
- Q. Name of project.
- R. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- S. Name and address of developer if different from landowner (if a corporation give name of each officer).
- T. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- U. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- V. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- W. North arrow (true or magnetic).

- X. Graphic scale and written scale
- Y. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

402.6 Supporting Documents and Information

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

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.
- B. Approximate profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and latest deed of record.
- G. Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 - 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.
 - 3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 - 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - 5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
- H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.
 - J. Soil erosion and sedimentation control plan for submission approval by the Lackawanna Conservation District.
 - K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township.
 - L. Preliminary bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
 - M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
 - N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
 - O. Highway occupancy permits.
 - P. A plan for the ownership of and maintenance of all improvements and common areas as required by §507 of this Ordinance.

402.7 Additional Information

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

402.8 Application Forms and Certifications

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

402.9 Preliminary Plan Engineering Certification

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

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

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

403.1 Existing Resources and Site Analysis Plan

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

403.2 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 reflect 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 and contain all of the information required on the Preliminary Plan and the following additional information:

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

restrictive covenants:

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Benton Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
8. "All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance."

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

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

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

403.4 Supporting Documents and Information

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

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

403.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for

submission with Final Plan applications.

403.7 Maintenance of Development Improvements

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

404 Minor Subdivisions, Final Plan Requirements

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

404.1 Drafting Standards

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

404.2 Minor Plan Information

- A. Name of subdivision
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).

- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- S. Wetlands in accord with §613.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, existing zoning district and tax map number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by SCS classification for each type.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is

proposed.

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

BB. Signature block for the Planning Commission.

CC. A title block on the lower right corner.

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

1. Building setbacks.
2. Corner lot easements for clear sight triangles.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Benton Township."
6. "Individual owners of lots must apply to the Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
7. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

404.3 General Notes

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

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

this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning and other applicable approvals by the Township.

404.4 Supporting Documents and Information

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

404.5 Additional Information

The Planning Commission 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 minor subdivision applications.

405 Plan Requirements for Lot Improvement Subdivisions

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

406 Plan Requirements for Land Developments

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

406.1 Plan Requirements

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

406.2 Survey

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

406.3 Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Planning Commission 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
and
OPEN LAND

500 General

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

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

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

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

501 PennDOT Required Improvements

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

502 Sections/Stages

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

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

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

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

503.1.4 Other Forms - Other forms of collateral including but not limited to real estate mortgages as the

Township may require or accept as part of the security.

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

- A. The funds of any guarantee shall be held in trust until released by the Township 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 Township for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- C. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.
- D. The guarantee shall not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security

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

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township 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 Township 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 Township to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

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

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

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

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

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

504 Improvements Construction

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

504.1 Construction Plans and Drawings

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

504.2 Schedule

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

504.3 Inspections

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

504.4 Notice

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

504.5 Cost

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

505 Improvement Maintenance Guarantee

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount determined by the Planning Commission 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 Township 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 Township, 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 Township shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

505.2 Central Sewage Guarantee

- A. In lieu of the requirements of §505.1 above, the Planning Commission may require a guarantee from the developer for the maintenance, operation and repair of any central sewage system for three (3) years after completion of construction. Said bond shall be posted immediately after the system receives final approval and before it is put into operation.
- B. In instances where the system use will not reach operational capacity within a period of one (1) year, however, the Township may require that such guarantee provide for the maintenance and operation of the system for a period of three (3) years from the time operational capacity is reached. The amount of said maintenance guarantee shall be determined by the Township Planning Commission but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.
- C. Upon the expiration of the term of the maintenance guarantee, the Township shall release said maintenance guarantee, provided the system has been properly maintained and operated during the term of the guarantee and is currently operating properly and in conformance with the applicable DEP discharge requirements. In the event the system is not so maintained and operated, the Township Planning Commission, at any time during the term of the guarantee and upon thirty (30) days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said three (3) year period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 Continued Ownership and Maintenance of Improvements

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

506.1 Private Operation and Maintenance

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

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

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

maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Township. The amount of said fund shall be established by the Planning Commission, 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 Township.

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 Township shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Board shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefitting from said proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in Article X of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

Where a plan includes a proposed dedication of roads, neither the plan approval nor the developer's completion of the roads shall obligate the Township to accept the roads. Acceptance of a proposed dedication shall be a matter of discretion for the Township Planning Commission. If determined by the Board to be in the interest of the public health, safety and general welfare, the Township 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 Township deems it necessary to fulfill the purposes of this Ordinance or the Township Official Wastewater Facilities Plan. In accepting any improvements the Township may attach such reasonable conditions necessary to fulfill the purposes of this Ordinance.

507 Open Land and Recreation Land -- Ownership and Maintenance

This §507 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Township (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 Planning Commission 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 Township.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).

- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Township 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 Township.

507.3 Use Restriction

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

507.4 Development Plan Designations

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

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

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

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

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

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

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

- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

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

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

507.5.3 Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space. Up to 80 percent of the required greenway land 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 greenway land by the Township Zoning Ordinance, and that the Township is 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 Planning Commission, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

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

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

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

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

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

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

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

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

507.6.4 Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Planning Commission may enter upon the common open space and maintain the same and/or correct the deficiencies. The Planning Commission 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 Planning Commission that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

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

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

508 Subdivision and/or Land Development Improvements Agreement

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

508.1 Contents

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

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township 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 Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Ownership of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

508.2 Execution

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

**ARTICLE VI
DESIGN STANDARDS AND SPECIFICATIONS**

601 General Design Standards; Township Zoning Requirements

In addition to the standards in this Article VI, residential subdivisions and land developments shall be designed in accord with the applicable requirements of the Township Zoning Ordinance, including but not limited to §601, Land Conservation Overlay District, §602, Two-Family Dwellings, and §603 Multi-Family Dwellings.

601.1 Application

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

A. Planning

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

B. Contiguous Lands

Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall cover all such contiguous lands. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract; provided, however, that the developer shall be required to submit not less than a prospective street layout and a topographic map of the contiguous lands at a scale of 1 inch equals 200 feet regardless of any such waiver.

C. Improvements, Specifications

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

D. Hazard Areas

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

E. Development Design, Neighboring Development

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

F. Natural Features

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

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

1. Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality and the health of aquatic communities, and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:
 - a. Disturbance to streams and drainage swales.
 - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
 - c. Because of extreme limitations, stream valleys, swales and other lowland areas warrant designation as greenway lands. They may also require adjoining buffer lands to be included in the Greenway, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the Greenway 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, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.
 - a. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
 - 1) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
 - 2) As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
 - 3) As a source of wood products, i.e., poles, saw timber, veneer and firewood.
 - 4) As habitats for woodland birds, mammals and other wildlife.
 - 5) As recreation resources for walkers, equestrians, picnickers and other related outdoor activities.
 - 6) As visual buffers between areas of development and adjacent roads and properties.
 - b. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as Greenway or development lands. Evaluation criteria shall

include:

- 1) Configuration and size.
 - 2) Present conditions, i.e., stocking, health and species composition.
 - 3) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
 - 4) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
 - 5) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- c. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in §§a above.
- d. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- 1) Healthy woodlands exceeding one acre shall be preserved and designated as Greenway areas, to the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
 - 2) Developments shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
 - 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Planning Commission and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
 - 4) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.
4. Upland Rural-Agricultural Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. Several elements of these working landscapes lend themselves to incorporation into the Township's Greenway network. These include prime agricultural soils and natural

features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

5. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.
 - a. Areas of steep slope shall be preserved in accordance with the Zoning Ordinance and as required below.
 - b. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
 - c. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.
 - d. On slopes of 15 to 25 percent, the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single family dwelling , its access driveway and the septic system.
 - e. Grading or earthmoving on all sloping lands of 15 percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Planning Commission no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 feet.
 - f. Roads and driveways shall 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 - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features 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 Greenway areas or avoiding their disturbance in areas proposed for development.

G. Historic Structures and Sites

The Township's documented historical resources begin with the Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. 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 DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

H. Historic Rural Road Corridors and Scenic Viewsheds

The Township has identified a number of historic rural roads in various parts of the Township. All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into Greenway areas or otherwise providing for building setbacks and architectural designs to

minimize their intrusion. In instances, where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

I. Trails

When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Planning Commission may require the applicant to make provisions for continued recreational use of the trail.

1. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
 - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
2. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Planning Commission upon recommendation of the Township Solicitor.
3. The land area permanently designated for trails for public use may be credited toward the greenway land requirement of the Zoning Ordinance.
4. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the open space requirement of the Zoning Ordinance.
5. Trail improvements shall demonstrate adherence to principles of quality trail design.
6. Trails shall have a vertical clearance of no less than ten (10) feet.
7. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
8. No trail shall be designed with the intent to accommodate motorized vehicles.

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 Pennsylvania Department of Environmental Protection, or other applicable state agencies.

L. Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and

is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the Township and the developer.

M. Walkways

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a 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. Where applicable, detention basins or other water retention methods may be required by the Township.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, Lackawanna County, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable Township or State regulations, the Township Planning Committee and/or the Planning Commission may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

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

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

All Preliminary Plans in the Conservation Design Development shall include documentation of a four-step design process in determining the layout of proposed greenway lands, 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 Greenway Lands

- 1. The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accord with the provisions of this Ordinance and §601 of the Zoning Ordinance. Greenway lands 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.

2. Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with §601 of the Zoning Ordinance and this §602 and §603, dealing with Resource Conservation and Greenway 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 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 Greenway, 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 greenway lands 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 Greenway areas.

B. Step 2: Location of House Sites

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

C. Step 3: 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.
2. Streets shall avoid or at least minimize adverse impacts on the Greenway 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 greenway lands. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.

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..

E. Note on the Four-Step Site Design Process for Option 5: Hamlets and Villages

The design process for laying out Option 5 Hamlets and Villages shall be a variation on the four-step process for conservation subdivisions. In hamlets and villages, where traditional streetscape and "terminal vistas" are of greater importance, Steps Two and Three may be reversed, so that streets and squares are located during the second step, and house sites are located immediately thereafter. The first step is to identify greenway lands, including both Primary and Secondary Conservation Areas.

603 Greenway Design Review Standards

603.1 Prioritized List of Resources to be Conserved

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

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

603.2 Other Design Considerations

The configuration of proposed greenway lands set aside for common use in residential subdivisions and greenway lands in non-common ownership shall comply with the following standards. Greenway lands shall:

- A. Be free of all structures except historic buildings, stone walls, and structures related to Greenway uses. The Governing body may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Greenway provided that such facilities would not be detrimental to the Greenway (and that the acreage of lands required for such uses is not credited towards minimum Greenway acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than

- 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 greenway land.
 - D. Be suitable for active recreational uses to the extent deemed necessary by the Governing body, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - E. Be interconnected wherever possible to provide a continuous network of Greenway lands within and adjoining the subdivision.
 - F. Provide buffers to adjoining parks, preserves or other protected lands.
 - G. Except in those cases where part of the greenway 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 greenway lands, 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 Greenway resources.
 - J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the common open space for such uses.
 - K. Be consistent with the municipality's Comprehensive Plan and its Open Space 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, old fields or other significant vegetation or site features, the Planning Commission may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

605.2 Protection of Vegetation from Grading Change

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

605.3 Protection of Vegetation from Excavations

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

605.4 Protection of Topsoil

- A. 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.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

606 Blocks and Lots

606.1 Configuration

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

606.2 Blocks

- A. Residential blocks shall have a maximum length to serve not more than twenty-five (25) lots.
- B. Commercial blocks shall have a maximum length of one thousand (1000) feet.
- C. Blocks shall be of sufficient width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.
- D. To facilitate pedestrian movement through the neighborhood, mid-block pedestrian connections shall be provided on blocks longer than eight hundred (800) feet.

606.3 Lots

- A. Lot sizes shall comply with the requirements of the Township Zoning Ordinance. Lot dimensions for subdivisions with greenway lands are governed by §601 of the Zoning Ordinance and lot dimensions in subdivisions without greenway lands shall comply with the following:

DIMENSIONS FOR RESIDENTIAL LOTS <u>PLANNED</u> AS PART OF A SUBDIVISION WITHOUT GREENWAY LAND				
STANDARD	LOT SIZE (functional acres)			
	Equal to or greater than			Less than
	2.0	1.0	0.5	0.5
Minimum width (feet)	200	125	100	new lots <0.5 acres not permitted
Maximum depth to width ratio (no lot need exceed a width of 300 feet)	4:1	4:1	4:1	

DIMENSIONS FOR NONRESIDENTIAL LOTS				
STANDARD (see §911 for nonconforming lots)	LOT SIZE (functional acres)			
	Equal to or greater than			Less than
	2.0	1.0	0.75	0.75
Minimum width (feet)	150	125	100	new lots <0.75 acres not permitted
Minimum depth (feet)	150	150	125	
Maximum depth to width ratio (no lot need exceed a width of 300 feet)	4:1	4:1	4:1	

DIMENSIONS FOR RESIDENTIAL LOTS PLANNED AS PART OF A SUBDIVISION WITH GREENWAY LAND	See Zoning §601
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- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the applicant shall so notify the Planning Commission of each Township affected so that an administrative agreement for the platting and taxing of lots between the Townships can be executed, if such agreement is necessary.
- C. All lots shall front on an approved street. Flag lots shall be permitted only by waiver/modification in accord with §1003 for flexibility of design, to accommodate odd shaped tracts, and to minimize impacts on natural and historic resources.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. In order to minimize the number of driveways or subdivision road accesses to a public road, access to the abutting public road shall be limited to one (1) access per five hundred (500) feet of road frontage.
- F. Double frontage lots shall not be platted. Access to lots shall be restricted to the interior development streets unless no other reasonable design alternative is possible.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any road, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting road edge or right-of-way lines.

607 Streets/Roads

- A. Every subdivision and land development shall have access to a public road.
- B. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure 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 approved by the Township.
- D. Proposed streets shall conform in all respects to the Township Comprehensive Plan.
- E. Proposed streets shall further conform to such County and State highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Township.

607.1 Topography

Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

607.2 Existing Access

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

607.3 Street Continuation

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 similar to those existing within the Township or adjacent areas and all street names shall be subject to the approval of the Township for conformance with the 911 emergency call system. Four way 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

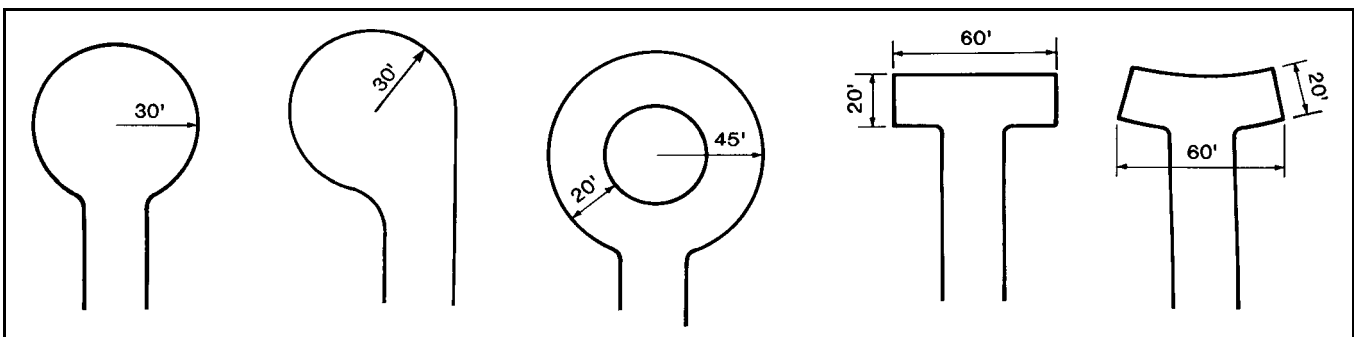
If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary. At least one right-of-way shall be reserved for each one thousand six hundred (1,600) feet of frontage on a public road or on a collector street within the subdivision in order to provide access to undeveloped land.

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. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.

- B. Any temporary dead end street, if no longer than two-hundred (200) feet or fronted by existing lots, 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.
- C. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots.
- D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a turnaround. See illustrations.
 - 1. In cases where the cul-de-sac serves more than ten (10) dwelling units one of the following turnarounds shall be provided.
 - a. A circular turnaround or off-center circular turnaround with a right-of-way with a minimum outside radius of forty (40) feet and the outer pavement edge or curb line shall have a minimum radius of thirty (30) feet and be improved to the required construction specifications.
 - b. A circular turnaround with a center island with a right-of-way with a minimum outside radius of fifty-five (55) feet and the outer pavement edge or curb line shall have a minimum radius of forty-five (45) feet, and a pavement width of twenty-feet improved to the required construction specifications. The center island shall be landscaped with low maintenance vegetation.
 - 2. In cases where the turnaround serves ten (10) or less dwelling units, the turnaround may be *T- or Y-shaped*, with a length of sixty (60) feet and a width of twenty (20) feet, improved to the required construction specifications.
- E. 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.
- F. 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

- G. Cul-de-sac streets shall be connected to other cul-de-sac streets via footpath or bike trail of a width of not less than ten (10) feet.
- H. As an alternative to a cul-de-sac street, the Township may permit a one-way loop lane with a midway length not to exceed eight hundred (800) feet and with a center median not less than fifty (50) feet in width.

607.7 Minimum Access Streets

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

- A. The minimum access street serves no more than three (3) lots, including that lot fronting on the abutting street; and shall not exceed eight hundred (800) feet in length. Any subdivision proposing a road exceeding these limits shall be considered a major subdivision and all applicable standards shall apply to the lots and road construction.
- B. The minimum access street shall conform to the following: (See also Table VI-1 and Table VI-2):

Minimum total right-of-way width - 25 feet
Minimum travelway - 12 feet.

The width of the minimum access street shall be excluded from the lot dimension for purposes of conformance to lot width and lot depth requirements.

- C. A minimum access street may be used only to provide access to not more than three (3) lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit, except in full accord with Township requirements.
- D. If there is a potential for re-subdivision of any of the lots created such that eventually more than three (3) lots might result, the Applicant shall provide additional street width as necessary to serve the maximum potential number of lots. Cartway and travelway widths may remain the same until such time as additional lots are platted when all development and road standards applicable to a major subdivision shall apply.
- E. The minimum access street and entrances or aprons within the adjoining street right-of-way shall be installed or guaranteed by the Developer and/or Applicant as required in this Ordinance prior to final approval of the plan. The minimum access street and associated improvements shall not under any circumstances be offered to the Township as a municipal road. The Applicant shall agree to the terms of this §607.7 in writing and a covenant shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the minimum access street and establishing its future private ownership status.
- F. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the minimum access street intersects with the right-of-way of the adjoining road.
- E. 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 the minimum access street intersection, 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.

607.8 Intersections

- A. Center-lines of streets shall intersect as nearly at right angles as possible.
 - 1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
 - 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
- B. Intersections of more than two (2) streets at one (1) point are not permitted.
- C. 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 streets.
2. Four hundred (400) feet for collector streets.

D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (20) feet for minor streets or streets of lesser classification and fifty (50) feet for collector streets and Township, or State roads.

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 access from interior subdivision streets or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the collector or public street and separation of local and through traffic.

607.10 Street Right-of-Way, Travelway, 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 one-half (0.5) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated, shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly superelevated cross-sections shall be required on collector streets when the curve radii are less than one-thousand five-hundred (1500) feet. The maximum permissible superelevation shall be 0.08 feet per foot.

TABLE VI-1 DESIGN STANDARDS FOR STREETS				
DESIGN SPECIFICATION	COLLECTOR [f]	MINOR	COUNTRY LANE	MINIMUM ACCESS [g]
Number of dwelling units served	> 200	26 - 200	25 or less	3 or less
Cross Section Standards				
Road right-of-way width (feet) [a]	50	50	50	25
Additional road width [a]	as required for drainage, slope and utility easements			
Cartway width (feet)	28	22	20	NA
Travelway width (feet)	20	18	16	12
Shoulder width, each - cut or fill (feet)	4	2	2	NA
Shoulder slope (inches per foot)	0.5			NA
Crown (inches per foot)	0.25			
Superelevation, maximum (feet per foot)	0.08			
Drainage swale minimum bottom width (inches)	18			
Geometric Standards				
Maximum grade (%)	7 [c] [e]	12 [d] [e]	12 [d] [e]	14
Minimum center line radius for horizontal curves (ft) [b]	200	150	100	75
Minimum sight distance (ft)	300	200	150	100
Minimum tangents between curves (ft)	100	50	NA	NA
Vertical curves	see §607.14			
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. Larger radii may be required as determined by alignment to provide required sight distances. c. 10% for up to 500 feet in distance. d. 14% for up to 500 feet in distance. e. 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. f. Collector standards apply to all commercial and industrial subdivisions and land developments. g. See also §607.7.				

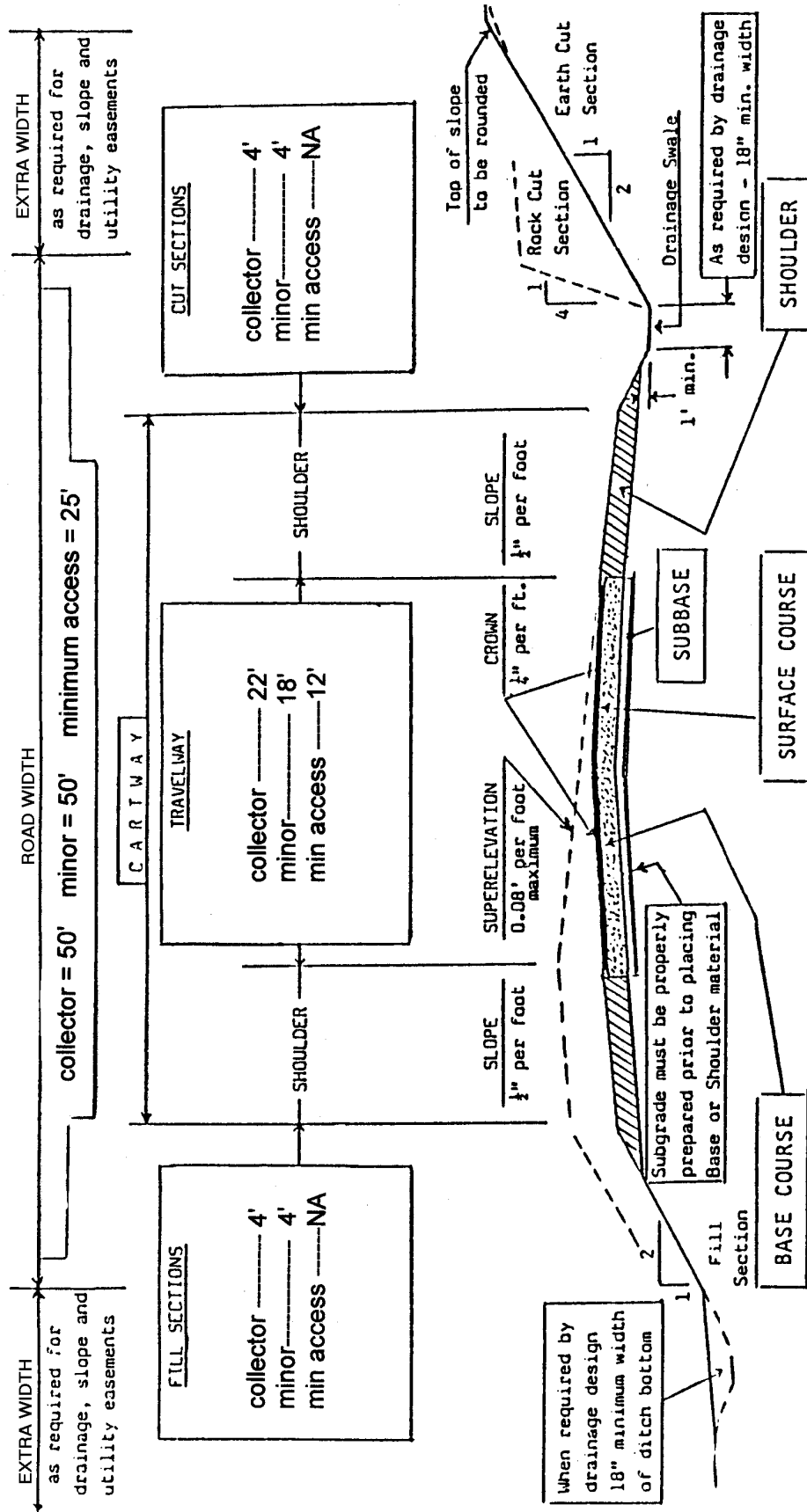


TABLE VI-2 TYPICAL STREET CROSS SECTION

TABLE VI-2 CONTINUED

TRAVELWAY CROSS SECTION					
COURSE	MATERIAL*	MINIMUM DEPTHS (inches)			
		ROAD CLASSIFICATION			
		Collector	Minor	Country Lane	Minimum Access** *
Surface	2A Coarse Aggregate**	NA	NA	NA	6
Bituminous Surface	ID-2 Wearing	1.5	1.5	1.5	NA
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5	4.5	4.5	NA
Subbase	Subbase (No. 2A)	4	4	4	NA
Aggregate Base	AASHTO #1 Coarse Aggregate with #10 Choke	8	8	8	NA
MODIFICATION FOR PRIVATE ROADS - In the case where a residential road will not be offered for dedication and will remain private, the bituminous surface and bituminous base may be replaced by a total of eight (8) inches of 2A Coarse Aggregate**					
SHOULDERS					
Type 4		4	4	4	NA
2A Coarse Aggregate**		NA	NA	NA	NA
COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND LAND DEVELOPMENTS					
TRAVELWAY CROSS SECTION		MINIMUM DEPTHS (inches)			
Bituminous Surface	ID-2 Wearing	1.5			
Bituminous Base	Bituminous Concrete Base Course (BCBC)	4.5			
Subbase	Subbase (No. 2A)	6			
Shoulders	2A Coarse Aggregate**	6			
NOTES: * All material shall meet PennDOT specifications, Publication 408, latest edition. ** 2A Coarse Aggregate = Coarse aggregate treated with PennDOT-approved oil for dust control at the application rate specified by PennDOT. ***Not eligible for dedication.					

607.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, 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. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility. (Example: An access to a well lot would be part of the well lot and not a right-of-way across the adjoining building lot.)
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

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

607.12 Street Alignment

Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one half ($7 \frac{1}{2}$) degrees, connection shall be made by horizontal curves.
- B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
 1. Stopping Site 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.
 2. Comer Site Distance - Comer site distance refers to the maximum length of highway along which a driver stopped at an intersection or driveway can continuously see another vehicle approaching on another roadway or driveway. For the purpose of measuring the available comer sight distance, the height of both the driver's eye and the approaching vehicle should be assumed to be three and one-half (3.5) feet above the roadway surface. In addition, the driver's eye should be assumed to be ten (10) feet from the near edge of the intersecting roadway or driveway or the near edge of the closest travel lane in the event there is parking permitted on the intersecting roadway or driveway.
- C. Between curves the following minimum tangents shall be provided:
 1. One hundred (100) feet on collector streets.
 2. Fifty (50) feet on minor 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 dead end street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for minor street or minimum 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 three four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §607.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.

607.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four (4) 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 streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)
- C. Except on minor streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- D. The following vertical curve information should be shown on the plans:
 1. Length of vertical curve.
 2. Elevation and stationing of the VPI, VPC, VPT and MO.

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:
 - a. One hundred seventy-five (175) feet from the intersection of such street center-lines if either street is a state or Township road.
 - b. One hundred twenty-five (125) feet from the intersection of such street center-lines if either street is a collector street.
 - c. Eighty-five (85) feet from the intersection of such street center-lines if both streets are minor streets.
 - d. 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.

607.16 Residential Driveways

This §607.16 shall apply to lots in subdivisions approved after the effective date of this Ordinance. Driveways proposed for pre-existing lots and non-residential driveways shall be governed by other applicable Township and State requirements. Residential driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed sixteen (16) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the preliminary and final plans.
- E. 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 road by type of intersecting road.		
	Township or State	Collector	Minor & Minimum Access
Residential	100 ft.	75 ft.	40 ft.

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- F. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- G. Adequate provision shall be made for parallel drainage facilities.

607.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with any state or federal requirements shall be provided. At a minimum, the width of the bridge or stream crossing shall be equal to the travelway width of the roadway carried by the bridge or stream crossing.

607.18 Clearing and Grubbing

The right-of-way for all collector, minor and minimum access roads shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township prior to the cut and fill operations.

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Planning Commission 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 excavations and embankments shall have a slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.
- G. Fills shall be placed in lifts and compacted in accord with specifications of PennDOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner and the Planning Commission.

- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams and adequate provisions shall be made for the installation of culverts and bridges.

607.20 Sub-Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the 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 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 Lackawanna 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.

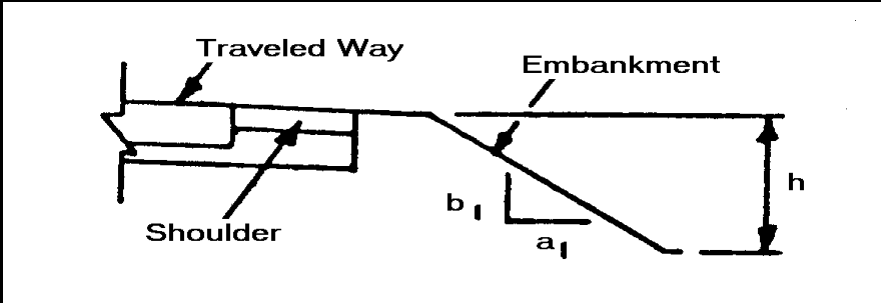
B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Benton Township.

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 Pennsylvania Department of Transportation (Form 408) and the requirements of Benton Township.

D. Shoulders - Shoulders shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

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 at points where a road or required parking area will be constructed three (3) feet or more above existing grade or as otherwise determined by the Township Engineer in accord with the following Table.



EMBANKMENT SLOPE (S = a ₁ : b ₁)	EMBANKMENT HEIGHTS (h) IN FEET			
	AVERAGE DAILY TRAFFIC (ADT)			
	>5,000	751 - 5,000	401 - 750	~ 400
1 ½ : 1	4.0	6.0	9.0	17.0
2 : 1	8.0	10.0	16.0	31.0
2 ½ : 1	12.0	16.0	25.0	49.0
3 : 1 or flatter	GUIDE RAIL NOT REQUIRED			

ADT shall be determined by applying the most current trip generation rate per day per dwelling unit, based on the number of units served by the subject guide rail location. In the case of non-residential uses the most appropriate rates shall be used based on the use. All rates shall be taken from the most current edition of Trip Generation, Institute of Transportation Engineers.

607.22 Curbs and Gutters

- A. In commercial developments or where other similar intensive uses exist or are anticipated, curbs shall ordinarily be required if such construction is deemed necessary by the Planning Commission for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall be thirty (30) feet.
- C. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs may be of the wall type or may be combined with gutters built of concrete. Curbs, combined curbs and gutters, and graded gutters shall be constructed in accordance with the specifications and standards as adopted by the Township with the recommendation of the Township Engineer.

607.23 Walks

Pedestrian interior walks and crosswalks may be required where necessary to assist circulation or to provide

access to community facilities and common areas. Such interior walks shall have an easement width of not less than ten (10) feet and be surfaced for not less than four (4) feet in width. Crosswalks shall be designated not less than four (4) feet in width. Construction and marking of crosswalks shall be in accord with generally accepted practices and shall be approved by the Township with the advice of the Township Engineer.

607.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with the Township Zoning Ordinance, and streets shall not be designed to accommodate on-street parking.

607.25 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §605 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than eighteen (18) inches in diameter. (See §605 for additional requirements.)

608 Monuments and Markers

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

608.1 Monuments

A. Monuments shall consist of either:

1. Solid steel rods not less than one (1) inch in diameter and not less than thirty-six (36) inches in length (preferred 42" to 48").
2. A two (2) inch (inside diameter) galvanized pipe filled with concrete at least thirty-six (36) inches in length (preferred 42" to 48").
3. A concrete cylinder four (4) inches in diameter and at least thirty-six (36) inches in length (preferred 42" to 58").
4. Other types approved by the Planning Commission.

B. Monuments shall be set flush with the finish grade of the surrounding ground.

C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

D. Monuments shall be placed as follows:

1. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

608.2 Markers

- A. Lot markers shall consist of either:
 - 1. Solid steel rods not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.
 - 2. Steel pipes not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.
 - 3. Other types approved by the Planning Commission.
- B. Markers normally shall be set two (2) inches above the finish grade of the surrounding ground.
- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:
 - 1. At all points where lot lines intersect street right-of-way lines.
 - 2. At all points where lot lines intersect exterior property lines.
 - 3. At all interior lot corners.
 - 4. At such other lot corners and locations as the Township may direct.

609 Stormwater and Drainage Control

609.1 Purpose and Stormwater Management Ordinance

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

609.2 Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments (except Minor Residential Land Developments) and shall be subject to the approval of the Township and Township Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Committee at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408

standards and the applicable PennDOT RC standards for construction.

609.3 Compliance with State Regulations

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

609.4 Design Criteria

- A. The basic goal of the stormwater management plan shall be to maximize the on-site infiltration of stormwater and minimize the overall volume of stormwater leaving the property after development, and the plan shall incorporate best management practices to achieve this goal.
- B. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.
- C. In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development. In addition to the ten (10) year storm, storms of less frequency shall also be controlled.
- D. The Planning Commission shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

609.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards.
- B. Natural drainage courses and points of natural drainage discharge shall not be altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Planning Commission adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities.

A drainage easement shall also be so provided for all proposed stormwater control facilities.

- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDOT Publication 408, latest edition.
- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

609.6 Maintenance of Stormwater Control Facilities

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

610 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Lackawanna County Conservation District and PA DEP. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as

determined by the Lackawanna County Conservation District. The Applicant shall submit the Plan to the Township at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Township until all required approvals are obtained from the Lackawanna County Conservation District.

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

611.2 On-Site Water Supply

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

611.3 Shared Water Supply

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

contained in §611.4 of this Ordinance.

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

611.3.2 Water Distribution System

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

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

611.4 Central Water Supply

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

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

611.4.3 Deep Well Source

- A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Groundwater Geologist.
- B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
- C. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.
- D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.

- E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

611.4.4 Water Distribution System

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

611.4.5 Flow Rates

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

611.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance and all other applicable standards.
- B. Site Suitability
 - 1. All residential lots in developments proposing the use of on-site sewage disposal shall contain two areas suitable for such a disposal system with such areas indicated on the Preliminary Plan and Final Plan. One area shall be used for installation of the system and the second area shall be reserved for future use should the constructed sewage system fail beyond repair. 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 Planning Commission, the Applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a suitable area as tested by the Township SEO in accord with DEP requirements and this §611.5, or are already served by an adequate, existing sewage disposal system.

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

611.6 Central Sewage Disposal System

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

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

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

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

611.7 Community System Maintenance

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

612 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 and that such plan is approved and that 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.

613 Sidewalks

Sidewalks shall be provided in all multi-family residential developments.

613.1 Location

Sidewalks, where required or provided, shall be located within the street right-of-way immediately adjacent to the curbs, except as provided in §614.3.

613.2 Width

Sidewalks shall have a minimum width of four (4) feet. Street crosswalks shall have a minimum width of four (4) feet.

613.3 Required Construction

Sidewalks and crosswalks shall be portland cement concrete of at least four (4) inches thick, underlain by four (4) inches of compacted cinder, gravel or crushed stone. Sidewalks at driveway crossings shall be at least six (6) inches thick, reinforced and underlain by four (4) inches of compacted gravel or crushed stone.

614 Trees and Vegetation

614.1 Tree Protection

All areas of a site which have not been approved for any type of improvements shall remain undisturbed and the developer shall provide a plan for the protection of trees and other vegetation during construction. The general standard shall be that filling, grading, and use of heavy equipment within one (1) foot of the outer edge of the tree canopy drip line shall be prohibited. Any trees cut or damaged in areas not approved for improvements shall be replaced by the developer by planting trees of a type and size so that the total basal area of trees which have been removed or damaged will be regenerated within fifteen (15) years.

614.2 Street Trees

Where the subdivision or land development is cleared or devoid of trees, the developer shall plant shade trees meeting the following specifications within a ten-foot planting strip adjacent to all street rights-of-way.

- A. Types of Trees - Trees shall be of nursery stock quality of a deciduous species capable of attaining a height of sixty (60) feet approved by the Planning Commission. Topography and natural and historical features shall be considered by the developer and the Township in selecting and approving species. All trees shall be a minimum of 2.5 inches diameter at breast height.

- B. Location - Trees shall be planted along the street right-of-way on both sides of the street at intervals of not less than fifty (50) feet. The location of shade trees will be subject to the approval of the Planning Commission. Where sidewalks are provided or required, trees may be planted between the sidewalk and building line at least three (3) feet from the sidewalk or between the curb and sidewalk, provided that the planting strip is a minimum of five (5) feet in width.
- C. Maintenance - Besides conforming to all parts of this subsection, all planting shall be done in accordance with good nursery and landscape practice. The developer shall be responsible for replacing any trees within eighteen (18) months of planting, and this shall be assured via a maintenance guarantee. A covenant running with the land shall stipulate that the responsibility for maintenance and replacement of street trees shall be borne by the owner of record.

615 Street Lighting

Street lights may be required when considered necessary by the Board and shall be of such design and spacing as required by the Board in accord with Pennsylvania Power and Light Company or other generally accepted lighting standards.

616 Commercial and Industrial Subdivisions and Land Developments - see Article IX

617 Fire Fighting -- Adequate and Reliable Water Source

Each sub-division of five (5) or more lots shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the subdivision application. Such plans and installations shall be inspected by the Fire Department and shall be approved by the Planning Commission. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof. When utilizing an off-site water source, the developer shall secure a permanent contract with the source owner to provide said water. Water sources shall conform to the requirements set forth in this §617.

617.1 Pressurized System

When electing to use a pressurized water distribution system, the developer may use a gravity, direct pumping, or combination system. Regardless of the type of pressurized system installed, the system shall be installed in compliance with NFPA 24, unless the Township imposes other specific requirements.

- G. The flow capacity of the system shall such that it will maintain a delivery rate of one thousand (1,000) gallons per minute and forty (40) pounds per square inch residual pressure for a two-hour duration. No piping shall be used which is less than six (6) inches in diameter.
- H. Hydrants shall be of the dry barrel type with two (2), two and one-half- inch *nst* male discharges and one (1), four and one-half-inch male *nst* discharge. All discharges shall have caps installed. Hydrants shall not be set more than ten (10) feet from the road edge and shall have the four and one-half-inch connection facing the roadway. Each hydrant shall be equipped with a curb stop to allow for isolation of the hydrant. Fire hydrants shall be installed with a maximum spacing not to exceed eight hundred (800) feet. The Developer shall provide the Fire Department with a key to operate the curb stops. Hydrant bodies shall be painted bright yellow, with the bonnet and caps painted bright green.
- I. When pumps are used as part of the distribution system, a reserve power source shall be provided. This power source shall be designed to automatically start when primary power is lost. The Developer shall be responsible to provide monthly maintenance and testing of the power system.

617.2 Static Water Sources

When electing to use a static water source, the Developer shall ensure that access to the water source is provided

within two thousand (2,000) feet road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township imposes other specific requirements.

- A. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the two thousand-foot requirement.
- B. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head a with six-inch male *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
- C. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.
- D. The access road to the dry hydrant shall meet the requirements for minor roads contained in this Ordinance.

618 Multi-Family Dwellings

In addition to the applicable requirements of this Ordinance, multi-family dwelling projects shall comply with Zoning Ordinance §603 and all other applicable requirements of the Township Zoning Ordinance.

ARTICLE VII MOBILE HOME PARKS

701 Application

In addition to the other applicable requirements in this Ordinance, development of new mobile home parks or expansions of existing mobile home parks shall meet the design standards and required improvements set forth in this Article VIII and other applicable Township Ordinances.

702 Procedures

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

703 Minimum Park Size

A mobile home park shall have a total contiguous land area of not less than fifty (50) acres.

704 Lot Size and Density

Mobile home parks shall be permitted and designed in accord with §602 of this Ordinance and §607 of the Township Zoning Ordinance and shall comply with the additional requirements in this Article VII.

704.1 Lot Size

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

704.2 Density and Design

The total number of lots in any mobile home park shall not exceed a density of four (4) lots per acre. Density shall be calculated and the mobile home park shall be designed in accord with §607 of the Township Zoning Ordinance.

705 Standards

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

705.1 Location

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

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

705.1.3 Slopes - Mobile home sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

705.2 Mobile Home Sites

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

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

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

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

705.3 Soil and Ground Cover

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

705.4 Stormwater/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of §605 of this Ordinance shall apply to all mobile home parks.

705.5 Setbacks, Buffer Strips and Screening

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

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

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

705.5.4 Buffers and Screening - All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

705.6 Streets, Parking and Access

705.6.1 Streets - Mobile home park streets shall be provided, designed and constructed in accord with §603 and other applicable standards of this Ordinance. The Township shall not accept any mobile home park street for dedication.

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

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

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

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

705.7 Utilities

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

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

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

705.8 Refuse Disposal

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

705.9 Recreation Area

A common recreational area of land, consisting of ten (10%) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10%) percent slope and free of hazards to permit recreational use. Fifty (50%) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Planning Commission.

706 Non-Residential Uses

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

707 Individual Mobile Homes

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

708 Administration

708.1 Permits and License

708.1.1 Initial Permit - No mobile home park shall be constructed, opened, altered or expanded without the approval of the Township pursuant to the procedures and standards of this Ordinance.

708.1.2 License - In addition to the initial approval, an annual license shall be required for all mobile home parks. Upon approval of the entire Final Plan and payment of the required fees, the Planning Commission shall issue a mobile home park license to the owner which shall be valid for a period of one (1) year thereafter. Fees for the annual license shall be established by resolution of the Planning Commission.

708.1.3 Posting of License - There shall be a building at every mobile home park in which the office of the person in charge of the park is located. It shall be the responsibility of the permittee to maintain in such office a copy of the license for the park, the mobile home park register, and one (1) set of the plans for the park, all of which shall be on display to the public.

708.1.4 Renewal of License - A mobile home park license shall be valid for a one year period and may be renewed on an annual basis following an inspection by the Planning Commission or their designee to determine continued compliance with this Ordinance and any conditions of approval.

708.1.5 Revocation of License - Any mobile home park license is subject to revocation for the violation of any provision of this Ordinance, any condition of license approval, or any other Ordinance of the Township, or of any laws of the Commonwealth of Pennsylvania. If the Township determines a violation exists, the Township shall notify the license holder of said violation and the license holder shall thereafter correct the said violation as directed by the Planning Commission. If the license holder fails to correct the violation as required by the Township, the Township shall take action in accord with enforcement provisions of this Ordinance.

708.2 Responsibilities of License Holder

It is the duty of the license holder and of the individual in charge of any mobile home park to:

- A. Keep a register of the names and addresses of all occupants, which shall be open at all times to inspection by officers of the Township.

- B. Maintain the mobile home park in a clean, orderly, and sanitary condition at all times.
- C. See that the provisions of this Ordinance are complied with and report promptly to the proper authorities any violations of this Ordinance, or of any other law, that may come to their attention.

708.3 Compliance of Existing Mobile Home Park

708.3.1 Application - The regulations of this Ordinance shall apply to all extensions or enlargements of existing mobile home parks, including cases where the number of mobile home lots is increased even though the total land of the park is not increased. These regulations shall apply in addition to any State requirements.

708.3.2 Location - All new and replacement homes shall at a minimum comply with §705.2 and §705.5.

708.3.3 License - Licenses shall be required for existing parks. Within six (6) months of the enactment of this Ordinance, every owner or operator of a mobile home park in the Township, shall, by letter, apply for a license to operate said park. Such application shall include a statement of the number of mobile homes presently placed in such park and shall be accompanied by a map showing rights-of-way, boundaries of the tract, acreage contained therein, the layout of streets and lots and existing community facilities. A license to operate for one year shall be issued and regularly renewed regardless of non-conformities, so long as the total number of mobile home lots is not increased and provisions regarding replacement homes are followed.

708.4 Inspections

The Township Planning Commission, and other persons it may from time to time designate on its behalf, are hereby designated as inspectors for this Ordinance. Additional inspectors may be designated at the discretion of the Planning Commission.

**ARTICLE VIII
CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

800 General Applicability

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

801 Campgrounds

801.1 Purpose

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

801.2 Occupancy

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

In order to prevent permanent occupancy and limit maintenance and policing problems, continuous occupancy of any campsite by one party, vehicle or tent shall be limited to ninety (90) days. The licensee shall be responsible for enforcing this provision. When not in use, all recreational vehicles shall be removed to a common parking or storage area provided by the licensee. Every RV park except primitive type camping facilities shall provide such a common parking or storage area, which shall be improved with a hard surface and provide a minimum of five hundred (500) square feet of parking area per campsite created. This shall be considered common area and no more than two (2) such areas shall be created in any development. Recreational vehicles shall be kept in the common storage area at all times when not in use.

801.3 Records

The management of every campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term *management* shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Planning Commission shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions. If any campsite remains occupied seven (7) days following a Township order prohibiting occupancy, the vehicle or tent may be removed to the common storage area by order of the Planning Commission and at the expense of the individual occupant.

802 Procedures

802.1 Land Development

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

802.2 Design

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

803 Minimum Parcel Size

A campground shall have a total contiguous land area of not less than twenty-five (25) acres.

804 Campsite Size, Density and Lot Width

804.1 RV Park

The minimum area of any campsite in an RV park shall be four thousand five hundred (4,500) square feet, and the gross density shall be no greater than six (6) campsites per acre. Gross density may be measured to include areas developed or planned for common property.

804.2 Primitive

The minimum area of any campsite in a primitive type camping facility shall be three thousand five hundred (3,500) square feet in recognition of the lesser impact on land disturbance of the natural environment that will be created as compared to sites for recreational vehicles. The gross density of such a development shall be no greater than seven (7) per acre.

804.3 Density Calculation and Design

Density shall be calculated and the RV park shall be designed in accord with §601.4 of the Township Zoning Ordinance using the density factors of this §804.

804.4 Lot Width

The minimum average lot width for each campsite in an RV camp shall be fifty (50) feet. The minimum average lot width for each campsite in a primitive type camping facility shall be forty-five (45) feet.

804.5 Improved Area

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

805 Design Standards

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

805.1 Location

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

805.1.2 Nuisances - The site of any proposed campground shall be free from adverse influence by swamps,

marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

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

805.2 Soil and Ground Cover

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

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

805.3 Stormwater/Drainage

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

805.4 Setbacks, Buffer Strips and Screening

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

805.4.2 Interior Setbacks - No recreational vehicle or tent shall be placed on a campsite less than:

- A. Twenty (20) feet from the front lot line
- B. Twenty (20) feet from the rear lot line
- C. Ten (10) feet from the side lot lines
- D. One-hundred (100) feet from the normal high water mark of any lake, stream or other body of water.

805.5 Streets, Access and Parking

805.5.1 Streets

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

805.5.2 Parking

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

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

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

805.6 Utilities

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

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

805.7 Refuse Disposal

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

805.8 Recreation Area

At least ten percent (10%) of the parcel shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play

fields, ball fields, courts of all types, community buildings and similar facilities. The Planning Commission will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval.

805.9 Landscaping

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

805.10 Other Requirements

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

806 Non-residential Uses

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

807 Other General Requirements

807.1 Fences

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

807.2 Nuisances

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

807.3 Animals

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

807.4 Garbage and Refuse Disposal

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

807.5 Camping Accessories

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

807.6 Ditches and Swales

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

807.7 Drilling and Mining

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

807.8 Appurtenances

No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to or be

placed to serve any travel trailer or other recreational vehicle parked in a campground development, and the removal of wheels or placement of the unit on a foundation is prohibited.

808 Compliance of Existing Campgrounds

808.1 Existing

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

808.2 Expansions

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

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

901 Land Developments, and Commercial and Industrial Subdivisions

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

902 General Design and Site Standards

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

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

903 Plans

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

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

ownership areas.

- D. Construction specifications for all other project improvements.
- E. Designated open space areas.

904 Lots and Block Layout

904.1 Lots and Density

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

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

904.2 Blocks; Unified Development

A. Blocks

Block layout shall be in accord with §602.2.

B. Unified Development

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

905 Streets/Roads

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

ARTICLE X ADMINISTRATION

1001 Purpose

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

1002 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

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 Township, 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 Planning Commission 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 Planning Commission 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 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.

The Planning Commission may refer the request for a waiver/modification to the Board of Supervisors for advisory comments.

1003.4 Action

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

1004 Preventive and Enforcement Remedies

1004.1 Preventive Remedies

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner or record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the 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 determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the

Township the right to commence any action for enforcement pursuant to this section, including but not limited to, injunctive relief.

1004.3 Jurisdiction

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

1004.4 Transfer

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

1004.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.7 of this Ordinance. 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 Lackawanna County Recorder of Deeds.

1005 Fees

1005.1 Resolution

Fees shall be established by Resolution of the Board of Supervisors.

1005.2 Supplemental Fees

Prior to approval of the Preliminary application, the developer shall also pay to the Township a supplemental fee sufficient to cover the cost of engineering services, County Planning Commission fees and fees for other related consulting services incurred by the Township. Such supplemental fees shall be based on actual costs incurred in excess of the basic fee.

1005.3 Final Fees

At the time of filing, the Final Application shall be accompanied by a check payable to the Township in an amount determined by the Township sufficient to cover the cost of:

- A. Reviewing engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged by the County Planning Commission and fees for other related consulting services.

1005.4 Adjustment

Prior to the final approval of any application, the Planning Commission Secretary will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment as indicated.

1005.5 Disputes

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

1006 Records

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

**ARTICLE XI
ADOPTION**

This Ordinance ordained and enacted this _____ day of _____, 2002, by the Board of Supervisors of Benton Township, Lackawanna County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:

Township Secretary