

PENN LAKE PARK BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

John R. Varaly, AICP
Varaly Associates
Professional Planning Consultants

50 FINN STREET
WILKES-BARRE, PENNSYLVANIA 18705
PHONE (574) 574-3061
jackvaraly@hotmail.com

<p style="text-align: center;">PENN LAKE PARK BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE</p>
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ARTICLE 1

GENERAL PROVISIONS

SECTION 100 TITLE

This Ordinance shall be known and cited as the "**Penn Lake Park Borough Subdivision and Land Development Ordinance.**"

SECTION 101 AUTHORITY

Penn Lake Park Borough is empowered to regulate subdivisions and land developments within its municipal limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended.

The Penn Lake Park Borough Council hereby confers the authority for the approval or disapproval of all subdivisions and land developments as set forth in this Ordinance to the Penn Lake Park Borough Planning Commission.

SECTION 102 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the Borough and its residents by establishing regulations to allow for the proper and controlled development of the Borough, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Borough 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 rural and natural features of the Borough.

A basic tenet for all major residential subdivisions and land developments in the Borough is to base design and development intensity on land capability and to encourage flexibility of design via the *Conservation Subdivision Design Process*. The *Conservation Subdivision Design Process* as set forth in this Ordinance is intended to promote the quantity, quality and configuration of areas of open space within developments while not impeding growth.

In addition to the Community Development Objectives set forth below, this Ordinance is intended to implement the goals and objectives contained in the Penn Lake Park Borough Comprehensive Plan. Through the adoption, administration and enforcement of this Ordinance, Penn Lake Park Borough proposes to create conditions favorable to promote the health, safety, and general welfare of the Borough with regulations aimed at achieving the following objectives:

- A. To guide the future growth and development of the Borough in accordance with the policies and objectives contained within the Penn Lake Park Borough Comprehensive Plan

- B. To provide a standard set of minimum regulations to guide applicants in the design and development of subdivisions and land developments.
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- E. To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- G. To provide the opportunity for a wide-range and variety of housing types to meet the needs and affordability of all Borough residents, newly-formed households, growing families and senior citizens.
- H. To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to insure proper legal descriptions and monumentation of proposed subdivisions and land developments.
- I. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- J. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough, with particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- K. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- L. To protect and regulate land in critical areas which may be unsuitable for development.

SECTION 103 APPLICATION OF THE ORDINANCE

103.1 No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main and/or facilities for a potable water supply, gas, oil, or electric transmission line, or other facilities 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.

103.2 No lot in a proposed subdivision or proposed land development may be sold, and no zoning and/or building permit to erect any building, structure or other improvements upon land in a subdivision or land development may be issued unless and until each of the following conditions are met:

- (a) Based upon vested authority, the plans and application have been granted final approval by the Borough Planning Commission.
- (b) All required conditions and/or improvements as set forth in the grant of approval have been met and required improvements have been constructed or until the applicant has posted a form of financial security, acceptable to the Borough, which guarantees that all required improvements shall be subsequently constructed within a defined period of time.
- (c) the final plan, as approved, is filed and recorded with the LuzerneCounty Recorder of Deeds.

SECTION 104 EFFECT OF ORDINANCE CHANGES UPON PLANS

104.1 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 to the Borough subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

104.2 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 to 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, that 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.

104.3 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.

104.4 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 Planning Commission, no change to a Borough 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.

104.5 INSTALLATION OF IMPROVEMENTS BEYOND FIVE (5) 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 Planning Commission at its discretion.

104.6 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 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.

104.7 FAILURE OF COMPLIANCE BY LANDOWNER

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 to subdivision

or other governing ordinance or plan enacted by the Borough subsequent to the date of the initial preliminary plan submission.

SECTION 105 RESUBDIVISION OF LAND

A revision or resubdivision of a plan of record and/or lot of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

SECTION 106 INTERPRETATION

In the interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

The provisions of this Ordinance are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other restriction, the applicable provisions of this Ordinance shall govern.

SECTION 107 MODIFICATION OF REQUIRED STANDARDS

107.1 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 Planning Commission, 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.

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

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

107.3 All proposals for waiver/modification of provisions or requirements of this Ordinance shall require final approval by the Planning Commission.

107.4 If the request is denied, the applicant shall be notified in writing of the basis for denial. If the Planning Commission grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.

SECTION 108 FEES

108.1 ESTABLISHMENT OF FEES

The Penn Lake Park Borough Council shall establish by resolution, a fee schedule for subdivision and land development applications. Said fees schedule shall cover all costs incurred by the Borough associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Borough administrative costs and the reasonable and necessary charges by the Borough's professional consultants as defined in Article 2 of this Ordinance and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

108.2 APPLICATION FEES

In accordance with the adopted fee schedule, an applicant, at the time of the filing an application shall pay to the Borough the required fee representing the administrative fee for filing said application. Said fee shall be separate and distinct from review and inspection fees.

108.3 REVIEW AND INSPECTION FEES

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

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

108.4 SUPPLEMENTAL FEES AND ADJUSTMENT

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

108.5 COUNTYFEES

The applicant shall also be required to pay for all required fees for review and comment by the Luzerne County Planning Commission.

108.6 FILING DATE AND PAYMENT OF FEES

A completed application and plans for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed.

SECTION 109 PENALTIES

109.1 PREVENTIVE REMEDIES

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or 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 to the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the 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 the issuance of a permit or granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

109.2 JURISDICTION

District Justices shall have initial jurisdiction in proceedings brought under Section 112.3

of this Ordinance.

109.3 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced 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 municipality 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 this Ordinance to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one such violation until the fifth day following the date of the termination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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.

Nothing contained within this Section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence action for enforcement pursuant to this Section.

SECTION 110 AMENDMENT PROCEDURE

The regulations set forth in this Ordinance may, from time to time, be amended by the Penn Lake Park Borough Council. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

- A. A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission not less than thirty (30) days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission not less than thirty days prior to the public hearing.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.

- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.
- F. Within thirty days following the adoption of an amendment to this Ordinance, the Borough shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 111 PENNSYLVANIA MUNICIPALITIES PLANNING CODE
AMENDMENTS

The provisions of this Ordinance that only reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

SECTION 112 APPEALS TO COURT

Decisions rendered by the Planning Commission may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 113 CONFLICTS WITH OTHER ORDINANCES

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, are hereby repealed.

SECTION 114 SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of Penn Lake Park Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 115 EFFECTIVE DATE

This Ordinance shall be in force and effect five (5) days after its date of enactment as provided for by law.

APPROVED AND ENACTED BY THE PENN LAKE PARK BOROUGH COUNCIL ON
THIS ____ DAY OF _____, 2013.

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH SECRETARY

ARTICLE 2 DEFINITIONS

SECTION 201 GENERAL INTERPRETATION

Words used in the present tense include the future. Words in the masculine gender include the feminine and the neuter. The singular includes the plural, and the plural the singular. The word "may" is permissive. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise, or unless the context clearly indicates otherwise.

SECTION 202 TERMS OR WORDS NOT DEFINED

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

SECTION 203 DEFINITION OF TERMS

ABUT: Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."

ACRE: 43,560 square feet.

ADJACENT: A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features, and rights-of-way."

ADMINISTRATOR: The person designated by the Borough Council who is authorized to accept and receive subdivision and land development plans and applications for and on behalf of Penn Lake Park Borough.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

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

AS-BUILT DRAWINGS: Construction plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location and design of all on-site improvements, which includes but is not limited to streets, structures, parking facilities, stormwater detention/retention areas, curbs, sidewalks and any other facilities approved for the subject development. As-Built Drawings shall be sealed by the engineer of record.

BASE FLOOD ELEVATION: The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-Year Flood, as projected and delineated upon the most recent official Flood Insurance Rate Map, published by the Federal Insurance Administration.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

BOROUGH COUNCIL: The Penn Lake Park Borough Council, Luzerne County, Pennsylvania.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animal, or property of any kind.

BUILDING SETBACK LINE: The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property.

CALIPER: The diameter of a tree trunk measured at a point 6 inches above the ground for a tree measuring up to and including 4 inches in diameter and 12 inches above the ground for a tree measuring above 4 inches in diameter. The term is usually applied to nursery stock.

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

CATCH BASIN: An inlet designated to intercept and redirect surface storm water.

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

COMPREHENSIVE PLAN: The Penn Lake Park Borough Comprehensive Plan, including any amendments, updates, or revisions thereto as adopted by Penn Lake Park Borough.

COMMON FACILITIES: All the real property and improvements, including without limitation, landscaped areas, buffers, open space not included within title lines of any privately owned lot, street rights-of-way not dedicated to Penn Lake Park Borough, owned in common by residents within the development which is served by the facilities.

COMMUNITY ASSOCIATION: A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by member of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners' Associations and Condominium Associations are types of Community Associations.

CONDOMINIUM: Real estate, portions of which is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act 1980-82, as amended.

CONSERVATION AREA, PRIMARY: Lands within the 100-year floodplain

(including the floodway), wetlands and prohibitive steep slopes (above 25 percent).

CONSERVATION AREA, SECONDARY: All landscape elements not included in the Primary Conservation Area, which do not create severe limitations for development, but which should be considered for conservation due to their capacity for helping to provide, along with the Primary Conservation Areas, an interconnected system of open space and recreation.

CONSERVATION DESIGN SUBDIVISION: A residential subdivision designed around permanently preserved natural resources at the dwelling unit density specified in the Borough Zoning Ordinance.

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.

CONSTRAINED LAND: The acreage sum of certain features on the land, each of which is multiplied by a net-out factor set forth in Article 6 of the Penn Lake Park Borough Zoning Ordinance.

CONSERVANCY LOT:

A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required open space in a conservation subdivision. An area of at least one acre surrounding the dwelling, farm complex or historic structure is set aside and is not counted toward the required minimum open space. The remainder of the conservancy lot is permanently protected open space. Public access to conservancy lots is not required.

CONSTRUCTION PLANS: The maps or drawings accompanying subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the Borough P.

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

COVENANT: A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

CRITICAL AREA: An area with one or more of the following characteristics: (1) slopes in excess of twenty percent; (2) flood plain and/or wetlands; (3) soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion or highly acidic; (5) land incapable of meeting percolation requirements.

CULVERT: A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

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 caused to be made a subdivision of land or a land development.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT PLAN: The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

DBH (Diameter at Breast Height): The diameter of a tree trunk measured at a point 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term is usually applied to trees in the field (not nursery stock).

DISTRICT OR ZONING DISTRICT: A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DISTURBANCE: Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DISTURBED AREA: Any area of land on which the vegetation has been cut or removed, or where the soil has been turned, displaced, graded or removed.

DRAINAGE: (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRAINAGE EASEMENT: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

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

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

DWELLING: A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including hotels and boarding houses and dormitories.

DWELLING, MULTIFAMILY: A single building containing three (3) or more individual dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE): A one family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

DWELLING, SINGLE-FAMILY, DETACHED: A residential building containing not more than one (1) dwelling unit.

DWELLING, TWO FAMILY: A residential building containing two (2) dwelling units entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter/exit the building or for access to a common cellar or basement.

DWELLING UNIT:

One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein.

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

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENGINEER: A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

FINAL APPROVAL: Last official action of the Borough Council granting approval of a subdivision or land development which has been granted preliminary approval, after all conditions and requirements have been met, including as applicable, the installation of all required improvements or the posting of an improvement bond to guarantee the installation of such.

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

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

FLOOD PLAIN (100-YEAR FLOOD PLAIN): Areas of land which are subject to inundation by waters of a one-hundred (100) year flood. The source of delineating the boundaries of a one-hundred (100) year flood plain shall be based upon the most recent maps of the Flood Insurance Administration.

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

GOVERNING BODY: The Penn Lake Park Borough Council.

GRADE: The slope of a road, street or other public or private way, specified in percentage (%) terms.

GRADING: Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GREENWAYLAND:

A parcel or parcels of land and/or water, within a development site set aside for the protection of natural and cultural resources. It is also intended for the use and enjoyment by the residents of such development and possibly the general public. Greenway land is substantially free of structures, but may contain such improvements as are in the finally approved development plan, and does not include individually owned private yards, except in the case of approved conservancy lots. Greenway land may be a combination of natural or naturalized areas (such as the municipal greenway network) and more manicured areas (such as lawn, recreational areas or play fields). Greenway land is permanently restricted against further development. Greenway and Greenway Land are synonymous.

HEDGEROW: A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak).

HIGHWAY OCCUPANCY PERMIT: A permit, issued by Penn Lake Park Borough, the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department, which authorizes access from a parcel of land onto a street or highway which is under its jurisdiction.

HISTORIC RESOURCE: Any structure that is 75 years or older at the time a subdivision or land development application is submitted for the property on which it is located or any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by

the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

or

- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without an approved program.

HOMEOWNERS ASSOCIATION: A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners association.

IMPACT ANALYSIS: A study, which may be required by the Planning Commission prior to approval of a subdivision or land development to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The landowner and/or applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Planning Commission under or within the context of the term "IMPACT ANALYSIS." The landowner and/or applicant shall also be responsible to fully reimburse the Borough for any engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

IMPROVEMENT BOND Financial security which may be accepted by the Borough in lieu of a requirement that certain improvements be completed by a developer before a plat is approved; including a letter of irrevocable credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements as approved by the Borough Council upon the advice of their Solicitor.

IMPROVEMENTS: Man-made physical additions, alterations and/or changes which become part of, placed upon, or are affixed to real estate.

INVASIVE PLANT SPECIES: Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively,

usually because they have few or no natural predators, and which can so dominate that they kill off or drive out many indigenous plant species.

LAND DEVELOPMENT: Land development shall include any of the following activities:

1. The improvement of one lot or two (2) 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.
 - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. the conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units, shall be deemed as a land development if the units are intended to be a condominium.
4. the development of a mobile home park or the expansion of an existing mobile home park within the context of the definition of said term as contained within this Ordinance.

LAND DEVELOPMENT: MAJOR: A land development which does not qualify or classify as a minor land development.

LAND DEVELOPMENT: MINOR: A development of a parcel of land which contains not more than two (2) detached single family residential structures, whether developed initially or cumulatively.

LAND DISTURBANCE: Any activity, which exposes soils, alters topography and/or alters woody vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation.

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

LAND SURVEYOR: A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

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

LOT AREA, GROSS - The area of land contained within the limits of the legally described property lines bounding the lot.

LOT AREA, NET - The area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any street or railroad rights-of-way, common open space, easements for the purposes of access, utility, or stormwater management, prohibitively steep slopes, land within the delineated boundaries of a One Hundred (100) Year Flood Plain, and wetlands as defined by this Ordinance.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE: That portion of the lot that is covered by buildings and structures.

LOT DEPTH: The distance measured from the front lot line to the rear lot line.

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

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

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE ADJUSTMENT: A minor subdivision involving the revision or deletion of one or more lot lines in such a way that all of the following are true:

- A. No new lots will be created beyond what was previously approved.
- B. No additional street segments or significant changes in alignment are proposed other than what was previously approved.
- C. No additional nonconformities will be created under the Borough's Zoning Ordinance.
- D. No new land development will occur other than a land development that was previously approved.

LOT LINE, FRONT: The lot line separating a lot from a street right of way.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length

entirely within the lot, parallel to and at a maximum distance from the front lot.

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

LOT, MINIMUM AREA OF: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular zoning district.

LOT, THROUGH: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in this Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. In the case of flag lots, the width measurement shall not include the access corridor but shall be made on the main portion of the lot.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, 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 with or without a permanent foundation when connected to required utilities.

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

MOBILEHOMEPARK: A site with required improvements and utilities for the long term placement of mobile homes which may include services and facilities for the residents.

MULTIPHASE DEVELOPMENT: A development project that is proposed to be constructed in stages at the time of preliminary approval, with each stage being capable of existing independently of the others.

MUNICIPALITY: Penn Lake Park Borough, Luzerne County, Pennsylvania.

NATURAL DRAINAGE FLOW: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any re-grading.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision

or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

OFFICIAL MAP: The Municipal Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public streets, watercourses, and public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Borough.

OFFICIAL SOIL MAP: Soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

OFFICIAL SOILS INTERPRETATION: The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

ONE HUNDRED (100) YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years and has a one (1) percent chance of occurring each year.

ONE HUNDRED (100) YEAR FLOOD PLAIN: The areas within the Borough that have a one (1) percent chance of being flooded in any given year based upon the most recent data and maps as provided by the Federal Insurance Administration.

OPEN SPACE: That part of a particular development tract set permanently aside for the protection of sensitive natural features, greenways, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance and the Borough Zoning Ordinance. Open space may be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland, forest land or conservancy lots which are not accessible to development residents or the public. Open space must be substantially free of structures, but may contain such improvements as are in the finally approved development plan. Open space may be a combination of natural or naturalized areas (such as the municipal greenway network) and more manicured areas (such as lawn, recreational areas or play fields). Open space is permanently restricted against further development.

ORDINANCE: The Penn Lake Park Borough Subdivision and Land Development Ordinance, and any amendments thereto.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT: The Pennsylvania Department of Transportation.

PERFORMANCE GUARANTEE: A written instrument which may be accepted by the Borough Council 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 Borough 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.

PERSON: An individual, partnership, organization, association, trust, or corporation. When used in a provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

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 includes the following:

A. SKETCH PLAN:

An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough. This plan may be 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 having been 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 Borough and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION: The Planning Commission of Penn Lake Park Borough.

PROFESSIONAL CONSULTANT (S): A person or persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, intended to inform and obtain public comment, prior to taking action on a particular subject.

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Borough. 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 days and the second publication shall not be less than seven days from the date of the hearing.

QUALIFIED PROFESSIONAL: An individual authorized to prepare plans pursuant to §503(1) of the MPC 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.

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved therein for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETAINING WALL: A structure constructed to hold back or support an earthen bank.

RIGHT-OF-WAY: A defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

SANITARY SEWER: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SEDIMENTATION: The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes, in which bacteria in the wastes decompose the organic matter, and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at regular intervals.

SEPTIC TANK: A watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit

settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SEWAGE DISPOSAL SYSTEM:

A. CENTRALIZED:

A publicly or privately owned and operated utility system or other system designed to collect, centrally treat (with a sewage treatment plant or similar process) and dispose of sewage from users in compliance with regulations of the Pennsylvania Department of Environmental Protection and of the Borough.

B. COMMUNITY:

A publicly or privately owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment and disposal of the sewage on one or more lots, or at any other site, by on-site subsurface (into the soil) disposal systems and techniques in compliance with regulations of the Pennsylvania Department of Environmental Protection and of the Borough.

C. INDIVIDUAL (ON-LOT):

A utility system or other system designed to collect and to biochemically treat sewage into the soil within the boundaries of an individual lot.

SEWAGE TREATMENT PLANT: A facility which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with PA DEP Rules and Regulations involving an effluent discharge to surface waters.

SITE: A plot or parcel of land or combination of contiguous lots or parcels of land.

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

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

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, as approved by the Luzerne Conservation District, designed to effectively minimize soil erosion and sedimentation.

SLOPE: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice by the Commonwealth of Pennsylvania.

SPECIMEN TREE: A unique, rare, or otherwise specifically selected tree or plan considered worthy of conservation by the municipality, because of its species, size, age, shape, form historical importance, or any other significant

characteristics, including listing as a Species of Special Concern by the Commonwealth of Pennsylvania. All healthy trees over 20 inches dbh are considered specimen.

STEEP SLOPES: Areas of land where the grade is 15 percent or greater. Steep slopes are divided into two categories:

- A. Precautionary slopes are those areas of land where the grade is 15 to 25 percent.
- B. Prohibitive slopes are those areas of land where the grade is greater than 25 percent.

STORM SEWER: A pipe that collects and transports rainwater, surface water, and other liquid waste exclusive of sewage.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and alley.

- A. **Arterial:** Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with very restricted vehicular access to abutting properties.
- B. **Collector Street:** Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- C. **Local Street:** Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. **Loop Street:** A local street that has its only ingress and egress at two points along the same collector street of its origin.
- E. **Marginal Access Street:** A type of local street parallel and adjacent to an arterial or collector streets that provides access to abutting properties.
- F. **Cul-De-Sac:** A local street with a single common ingress and egress and with a turnaround located at its end.

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

- A. **Subdivision; Major:** Any subdivision which does not qualify or classify as a minor subdivision.

B. Subdivision; Minor: A subdivision of a parcel of land into not more than four (4) lots, which, has access, direct or indirect, to an existing public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements, does not adversely affect the remainder of the parcel or adjoining property and does not conflict with the Comprehensive Plan. Any proposed subdivision of a lot of record, which resulted from a minor subdivision shall be classified as a major subdivision, when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceed three (3) lots within five (5) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision

C. Subdivision; Minor Also See Lot Line Adjustment.

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the municipal engineer, at least 90% 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.

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

TOPSOIL: Natural and friable loam containing sufficient nitrogen, phosphorus and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

TRACT AREA, ADJUSTED: The gross tract area minus the constrained land.

TRACT AREA, GROSS: The total amount of land contained within the limits of the legally described property lines bounding the tract.

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

VERNAL POND: An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides important storage for stormwater runoff and spring snowmelt that would otherwise contribute to downstream flooding. A vernal pond is no bigger than three hundred (300) feet long and one hundred and twenty (120) feet wide and is often much smaller.

WATERCOURSE: Any natural or main-made stream, river, creek, ditch channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WELL: A shaft and all related pipes, fittings, control valves, and appurtenances sunk into the earth to tap an underground supply of water.

WETLANDS: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

WOODLANDS: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (larger than 6 inches dbh) covering an area of one-quarter acre or more, or consisting of ten (10) individual trees larger than 6 inches dbh, shall be considered a woodland. The extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the plant community.

WOODLAND DISTURBANCE: Any activity that (1) alters the existing structure of a woodland or hedgerow, including the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, and herbaceous woodland floor species; (2) constitutes a land disturbance within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See INVASIVE PLANT SPECIES)

YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

Front Yard: A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Rear Yard: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Side Yard: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

ZONING OFFICER: An administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance.

ZONING ORDINANCE: The governing Zoning Ordinance of Penn Lake Park Borough and any amendments thereto. .

ZONING PERMIT: A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an

applicant to proceed with said use, building

ARTICLE 3

PROCEDURAL REQUIREMENTS

SECTION 301 **REVIEW AND APPROVAL PROCESS**

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- A. Sketch Plan - Sketch plans are not required but are very strongly encouraged for all types of major subdivisions and land developments to facilitate the formal plan submission and review process.
- B. Preliminary Plans for Major Subdivisions/Land Developments - Major subdivisions/land developments require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied by detail on the plans or conditions of approval for such compliance are applied. Unconditioned preliminary plan approval authorizes the Applicant to proceed to completion of the subdivision/land development as detailed on the plans.
- C. Final Plans for Major Subdivisions/Land Developments - Final plans for major subdivisions/land developments cannot be submitted until all conditions of approval have been satisfied, and lots in the subdivision cannot be sold until final plan approval is granted. The Applicant has the option of completing the improvements or providing a financial guarantee for the completion.
- D. Minor Subdivisions/Land Developments - Minor subdivisions require only final plan approval.

The applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. A decision on an application and plans may be withheld in the absence of the applicant or representative. Failure of appearance by the applicant or representative shall constitute grounds for denial of the application if the time for the Borough to render decision is due to expire prior to the next regularly scheduled meeting.

SECTION 302 **SKETCH PLAN - PURPOSE**

Prior to submitting a major subdivision application or a land development application, the applicant is very strongly encouraged, but not required, to submit a sketch plan to the Planning Commission in accordance with the process and procedures set forth in Section 401 of this Ordinance. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The purpose of the Sketch Plan is to:

- A. Identify the overall objectives of the applicant's development using a diagrammatic approach showing potential areas of conservation and development.

- B. Assist applicants and officials to develop a better understanding of the property.
- C. Establish an overall design approach that respects the site's special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.
- D. Ensure that the plan generally conforms with the provisions of this Ordinance.
- E. Demonstrate compliance with any design parameters deemed necessary by the Borough for conformance to the Comprehensive Plan.
- F. Reach a general consensus on the layout of the property with the Borough to avoid costly revisions to more detailed plans.

SECTION 303 REVIEW OF SKETCH PLAN

Planning Commission shall provide advice and comment on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other applicable related regulations.

- A. The Borough Planning Commission shall, at a meeting with the applicant, consider the suitability of the sketch plan for the development of the land, using the review standards in subsection D, below. At the discretion of the Planning Commission, plans shall undergo review by the Borough's Planning Consultant prior to receiving a recommendation from the Planning Commission. Based on this meeting and input from the Planning Consultant, the Planning Commission shall submit its written comments to the applicant; provided, however, that the failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any application or to vest any rights in the applicant.
- B. The applicant may, but need not, request further review of the sketch plan by the Borough Council. If further review is requested, the Board may consider the sketch plan, may consider the written or other comments of the Planning Commission, may meet with the applicant, and may advise the applicant as to the Board's comments with respect to the sketch plan; provided, however, that the Board is not required to review the sketch plan nor to submit comments to the applicant if the Board does review the sketch plan.
- C. Nothing herein contained, nor the failure of the Planning Commission or the Board, or both, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights in the applicant.
- D. Sketch plan review standards. The Planning Commission shall review the sketch plan in accordance with the criteria contained in this ordinance and with other applicable Borough ordinances. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Its review shall include but is not limited to:

1. The location of all areas proposed for land disturbance with respect to natural or cultural features to be preserved.
 2. The potential for street connections with existing or proposed streets, or with potential developments on adjoining parcels.
 3. The location of proposed access points along the existing road network.
 4. The proposed building density and impervious coverage.
 5. The compatibility of the proposal with respect to the objectives and recommendations of the Penn Lake Park Borough Comprehensive Plan.
 6. Consistency with the Borough Zoning Ordinance.
 7. For conservation subdivisions, the conceptual layout shall be based upon the information in the Existing Resources/Site Analysis Plan, and shall be designed in accordance with the four-step design process described in Section 604 and with the design review standards in Section 605 of this Ordinance.
- E. The Planning Commission shall submit its written comments to the applicant and the Borough Council. The sketch plan may also be submitted by the Borough to the Luzerne County Planning Commission for unofficial review and comment.
- F. The Planning Commission may request that the applicant submit additional drafts of the sketch plan to ensure that its comments have been properly incorporated into the revised plan. This request will be included in the written comments described in subsection E above.

SECTION 304 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than fourteen (14) days prior to the next regularly scheduled meeting of Planning Commission:

- a. Three (3) prefolded copies of the plan (sketch, preliminary or final) and one electronic copy of said plans as a PDF via email to Penn Lake Park Borough at pennlakesubdivision@yahoo.com.
- b. Three (3) prefolded copies of construction plans (if applicable) and one electronic copy of said plans as a PDF via email to Penn Lake Park Borough at pennlakesubdivision@yahoo.com.
- c. A completed subdivision or land development application with original signatures and one electronic copy of the same as a PDF via email to Penn Lake Park Borough at pennlakesubdivision@yahoo.com.
- d. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection and one electronic copy of the same as a PDF via email to Penn Lake Park Borough at pennlakesubdivision@yahoo.com.
- e. A complete set of any supporting data and/or information and one electronic copy of the same as a PDF via email to Penn Lake Park Borough at pennlakesubdivision@yahoo.com.

SECTION 305 DISTRIBUTION OF PLANS

305.1 The Administrator shall provide each member of the Planning Commission, the Borough Council and Borough Planning Consultant with electronic copies of the complete set of plans (preliminary or final), construction plans (if applicable), the subdivision/land development application, the DEP Planning Module (if applicable) and any supporting data and/or information.

305.2 The applicant shall be required to distribute, **as applicable**, and provide the Borough with dated written verification of the same, copies of complete sets of plans (preliminary or final), construction plans (if applicable), the subdivision/land development application, the DEP Planning Module and any supporting data and/or information to the following agencies and officials for review, comment and approval, as applicable.

- a. The Luzerne County Planning Commission.
- b. The Borough Engineer
- c. The Borough Planning Consultant
- d. The Borough Solicitor.
- e. The Borough Sewage Enforcement Officer.
- f. The Luzerne County Conservation District.
- g. Aqua Pennsylvania.
- h. The Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department if a proposed subdivision or land development fronts upon or is to have access to a road under its jurisdiction.
- h. The Pennsylvania Department of Environmental Protection.
- j. The Crestwood Area School District (Submission limited to Major Subdivisions.
- k. Adjoining municipalities that have a common border with the proposed subdivision and/or land development.

305.3 The developer or applicant shall be responsible to ensure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

305.4 The applicant shall pay any applicable fees related to the review and inspection of other agencies and parties provided under Section 304.2.

SECTION 306 LUZERNE COUNTY REVIEW

The Penn Lake ParkBorough Planning Commission shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendations of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Luzerne County Planning Commission. The applicant shall pay all review fees required by the Luzerne County Planning Commission.

SECTION 307 PUBLIC HEARING

The Planning Commission, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 308 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which the approval was conditioned upon specific improvements, the Planning Commission shall require the following of the applicant:

- a. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.
- or
- b. provision of a form of financial security, acceptable by the Borough Council, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

SECTION 309 PROCEDURAL METHODS IN RENDERING DECISIONS

309.1 The Planning Commission shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was properly submitted to the Borough.

309.2 The Planning Commission shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

309.3 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Planning Commission shall specify the defects found in such,

and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

309.4 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Planning Commission shall expressly include such conditions in the minutes of the meeting at which the plan is considered and communicate said conditions and/or modifications, in writing, to the applicant as provided in §309.2. When a plan has been approved subject to any conditions and/or modifications and the applicant does not agree to accept said conditions and/or modifications, **in writing**, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the plan shall become an automatic disapproval. The written notice to the applicant shall include the specific terms of the approval and shall note that failure to respond **in writing** to agree and accept all conditions shall constitute a denial of the plan. Failure by the applicant to provide any **written response** within fifteen (15) calendar days of receipt of said written notice from the Borough shall be deemed to constitute that the applicant does not agree to accept, the said conditions and/or modifications said conditional approval of the plan shall become an automatic disapproval.

309.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Planning Commission to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 310 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

310.1 Until a submission is approved or rejected by the Planning Commission the applicant may withdraw the submission and submit a revised plan following the submission and review procedures, which apply to the plan. If a revised plan is resubmitted within 120 days from the date of withdrawing said plan, no additional submission fee shall be charged by the Borough for the first revision. The applicant shall however remain responsible for consulting fees incurred by the Borough for the review of a revised plan. Failure to resubmit a revised plan within said period of time, or a second revision and any subsequent revision shall be treated as a new submission for which a new submission fee shall be required. No submission additional fee shall be charged for plan revisions which are directed by the Planning Commission. Should an applicant wish to withdraw a plan under review and consideration by the Planning Commission, notice of withdrawal shall be in writing and shall include a statement that the ninety (90) day time limitation for the Planning Commission to render a decision shall not include the period of time which the plan is withdrawn.

310.2 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.

310.3 Any revised plans, at the sole discretion of the Planning Commission, may be resubmitted to the Luzerne County Planning Commission or to any other party noted

within Section 305.2 of this Ordinance if the Planning Commission renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the payment of all applicable required fees.

SECTION 311 RECORDING OF FINAL PLAN

311.1 The applicant shall record the final plan as approved by the Planning Commission in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval, unless an extension has been granted in writing by the Planning Commission. Failure by the applicant to record the final plat within the ninety (90) days, or an approved extension of the time period, will result in the approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.

311.2 A final plan shall not be submitted for recording within the Recorder of Deeds Office unless it bears an approval signature by the Borough Planning Commission along with an appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission

311.3 Within thirty (30) days from the date on which the final plan is recorded, the applicant shall furnish to the Borough a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office.

SECTION 312 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision or land development plan, the Planning Commission may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Planning Commission at its sole discretion. The Planning Commission may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission shall be granted concurrently with final approval of the plan.

ARTICLE 4
MAJOR SUBDIVISION/LAND DEVELOPMENT
PLAN REQUIREMENTS

SECTION 401 SKETCH PLANS FOR MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS

401.1 Sketch Plan Information

A Major Residential Subdivision/Land Development

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

1. Name and address of the legal owner, the equitable owner, and/or the applicant;
2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
3. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
4. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality, including any contiguous holdings of the owner or developer;
5. Location map;
6. Zoning district;
7. Streets on and adjacent to the tract (both existing and proposed);
8. 100-year floodplain limits, and approximate location of wetlands, if any;
9. 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;
10. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of Step One of the four-step design process described in Section 604 of this Ordinance);
11. Proposed general street and lot layout; and
12. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

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

B. Major Nonresidential Subdivision/Land Development

1. Name and address of the legal owner, the equitable owner, and/or the applicant;
2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
3. Graphic scale (not greater than 1" = 200 ft.; however, dimensions on the plan need not be exact at this stage) and north arrow;
4. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality, any contiguous holdings of the owner or developer;
5. Location map;
6. Zoning district;
7. Streets on and adjacent to the tract (both existing and proposed);
8. 100-year floodplain limits, and approximate location of wetlands, if any;
9. Topographic, physical, and vegetative features both upon the tract and within two hundred (200) feet of the tract;
10. Schematic layout of the proposed development.
12. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.
13. General description of proposed method of water supply, sewage disposal, and stormwater management.

401.2. Pre-Application Meeting

A pre-application meeting is encouraged among the applicant, the site designer, the Planning Commission and Council to introduce the applicant to the Borough's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to a schedule site inspection, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

401.3. Existing Resources and Site Analysis Plan

This Plan shall be provided to Borough officials not less than seven (7) days prior 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).

An essential part of the Sketch Plan review process is to overlay the Sketch Plan on top of the Existing Resources and Site Analysis Plan, prepared in accord with the requirements of Section 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 shall be prepared

on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

401.4. Site Inspection

After preparing the Existing Resources and Site Analysis Plan, applicant shall arrange for a site inspection of the property by the Planning Commission, and Council and other Borough officials, and shall distribute copies of said site analysis plan prior to on-site meeting. 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 conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Borough officials or their 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.

Following the site inspection the applicant shall meet with the Planning Commission and Council to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract. in accordance with the four-step design process described in Section 604 of this Ordinance. At the discretion of the Borough, this meeting may be combined with the site inspection.

401.4. Sketch Plan Review

The Planning Commission and Council shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances of the Borough. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. The Commission and Council may submit its written comments to the applicant, which shall include, but not be 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.
- 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 Penn Lake Park Borough Comprehensive Plan;
- f. Consistency with the Penn Lake Park Borough Zoning Ordinance.
- g. For conservation subdivisions, the sketch plan shall be designed in accordance with the Four-Step Design Process described in Section 402.4 and the conservation open space design standards in Section 605.

Upon reviewing a sketch plan, the Planning Commission shall advise the applicant of any initial changes and/or additions, if any, which should be addressed relative to the proposed design, layout, and character of the site.

SECTION 402 PRELIMINARY PLAN REQUIREMENTS

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article 2), as applicable, and required by State law. The following plans and maps shall bear the name, signature, address, and telephone number of the Qualified Professional responsible for preparing the plan or map, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance. 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 (Major Residential Subdivision/Land Development).
- B. Existing Resources and Site Analysis Plan (Major Residential Subdivision/Land Development).
- C. Preliminary Resource Impact and Conservation Plan. (Major Residential Subdivision/Land Development)
- D. Preliminary Improvements Plan.
- E. Preliminary Studies and Reports as set forth in other parts of this Ordinance.

402.1 Preliminary Plan Drafting Standards

- A. The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than
 - (1) one (1) inch equals one hundred (100) feet for a property in excess of two (2) acres.
 - (2) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.
- B. The original drawing, and all submitted prints thereof shall be black line drawings made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.
- C. All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- D. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.

- E. If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.
- F. Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed. Plans shall be legible in every detail.

402.2 Site Context Map

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

402.3 Existing Resources and Site Analysis Plan

For all major subdivisions and/or land developments an Existing Resources and Site Analysis Plan shall be prepared to provide the Developer and the Borough with a comprehensive analysis of existing conditions, both on the proposed development site and within two hundred (200) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The Planning Commission shall review such Plan to assess its accuracy, conformance with Borough 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 (2) foot intervals. The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, vernal ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands.

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

- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, wetland, trees with a caliper in excess of fifteen inches, 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 unsewered areas, for on-site sewage disposal suitability).
- F. Identification of ridge lines and watershed boundaries.
- G. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands; and, showing views from the property to exterior points.
- H. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs and sinkholes, based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including, but not limited to, streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract including, but not limited, to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County.
- M. Total acreage of the tract, the Adjusted Tract Area, and the constrained land area with detailed supporting calculations.

402.4 Four-Step Design Process for Subdivisions in the Conservation Design Overlay District. (See Appendix for Illustrations on Four-Step Design Process)

Based upon the Existing Resources and Site Analysis Plan, all Preliminary Plans in the Conservation Design Overlay District shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, in accordance with the process set forth in Section 604 of this Ordinance

402.5 Preliminary Resource Impact and Conservation Plan

- 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 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. 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.

402.6 Preliminary Improvement Plan

The Preliminary Plan shall contain the following information:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcroppings, 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 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 to be permitted, 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 to be permitted, 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 requiring a sand mound system. 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 Conceptual 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. Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning and construction materials.
- M. 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.
- N. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- O. The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.
- P. Name and address of applicant if different from owner. If the applicant is a corporation, provide name and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock.
- Q. Name of proposed subdivision or land development, labeled as the "Preliminary Plan".
- R. North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- S. The names of all current adjoining landowners, including block and lot numbers from the Luzerne County Assessor's Office.

- T. The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.
- U. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Borough.
- V. A block for the signatures of the Chairman and Secretary of the Planning Commission provided on the right-hand side the plan, indicating the date of its recommended approval of the preliminary plan.
- W. A block for the signatures and/or seal of the authorized party of the Luzerne County Planning Commission provided on the lower right-hand side the plan, indicating its review of said plan.

402.7 Additional Supporting Documentation

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical super elevated sections.
 - 4. Typical parallel drainage.
- B. 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, and protective and restrictive covenants that apply to the subdivision and/or land development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and the latest deed of record.
- G. Applicable Water Supply Information - In the case of individual on-lot wells, information documenting water table depth and required aquifer test (Section 627.1) for affecting the ground water supply. In the case of community systems:
 - 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.

3. Connection to central system - A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
4. New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
5. A copy of any application for any permit, license or certificate required by PA DEP or the Pennsylvania 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 the Pennsylvania Public Utility Commission.

H. Applicable Sewage Disposal Information:

1. Completed sewage facilities planning module(s) and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
2. Connection to Penn Lake Park Borough Municipal Sewage System and documentation from Aqua Pennsylvania that service will be provided and that the Applicant has complied with all requirements of Penn Lake Park Borough and Aqua Pennsylvania.
3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

I. A list of any public utility, environmental or other permits and/or approvals required; and, if none are required, a statement to that effect certified by the Qualified Professional responsible for preparing the plan

J. Soil erosion and sedimentation control plan, application and related information as required by the Luzerne County Conservation District.

K. Drainage/stormwater management plan, which includes the location, size and material of all storm drainage facilities, meeting the requirements of this Ordinance and any Stormwater Management Ordinance adopted by the Borough.

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

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 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.

N. Highway occupancy permit. A copy of the application for a Highway Occupancy Permit

as required by the Pennsylvania Department of Transportation, Luzerne County and/or PennLake ParkBorough, shall be provided for all driveways and/or proposed points of access. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed restriction shall be required for the subject property that prohibits development or improvements to the site or parcels until the appropriate Highway Occupancy Permit and/or Driveway Permit is secured.

- O. If applicable, engineering design of proposed bridges or culverts prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
- P. A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Penn Lake ParkBorough. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:
 - A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
 - Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
 - A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
 - Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
 - Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
 - Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
 - Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
 - A process of collection and enforcement to obtain funds from owners who fail to comply.

- A process for transition of control of the Community Association from the developer to the unit owners.
- Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- Provisions for the dissolution of the Community Association, in the event the Association should become unviable.

Q. A plan for the ownership and maintenance of all improvements and common areas.

R. Preliminary Open Space Ownership and Management Plan. For conservation subdivisions and other development with designated open space, the applicant shall submit a preliminary open space ownership and management plan describing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 608 of the Borough Zoning Ordinance.

S. Landscaping Plan

T. Any Impact Analysis as deemed necessary by the Planning Commission.

U. Utility Companies

A letter from the applicable public utility company which provides electrical service and/or gas service to the Borough, indicating said company can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

All plans shall contain the following notice in compliance with PA. Act 287:

CALL BEFORE YOU DIG!

BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA
CALL 1-800-242-1776
PA ACT 287 OF 1974 REQUIRES THREE
WORKING DAYS NOTICE TO UTILITIES
BEFORE YOU EXCAVATE, DRILL OR BLAST
PENNSYLVANIA ONE CALL SYSTEM INC.

V. Cost of Improvements

Estimated costs by item for required improvements in accordance with Section 704 of this Ordinance.

W. A Development Agreement which is notarized and signed by the developer.

X. Reimbursement to Borough: An executed written agreement under which the applicant agrees to fully reimburse the Borough for any and all consulting fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies and/or inspection of work. In providing

for such an agreement, the Planning Commission, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Borough's withdrawal of funds for the payment of consulting fees incurred by the Borough.

SECTION 403 FINAL PLAN REQUIREMENTS

Drawings and/or plans shall be titled "Final Plan." The Final Plan shall include all additional information and any changes, including but not limited to, those required by the Planning Commission in granting approval of the Preliminary Plan. A narrative report listing of all changes and the basis for each change shall be submitted with the final plan. In the event of any changes, the procedures and requirements outlined in Section 309 of this Ordinance shall apply.

SECTION 404 EXISTING RESOURCES AND SITE ANALYSIS PLAN

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

SECTION 405 FINAL RESOURCE IMPACT AND CONSERVATION PLAN

This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Plan, as set forth in §402.4, to show all proposed improvements and the projected impact upon resources located upon the site. 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.

SECTION 406 FINAL PLAN INFORMATION

The Final Plan shall be drawn to the same drafting standards as approved for the Preliminary Plan, containing 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. The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
 11. 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.
 12. The deed book volume and page number referencing the latest source(s) of title to the land being developed.
 13. Luzerne County property identification number.
 14. The location, ownership and maintenance responsibility of common facilities and conservation open space.
 15. Utility and drainage easements, including ownership and maintenance responsibility.
 16. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- B. The following items and notes, as applicable shall be on all Final Plans
1. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection."
 2. "Individual owners of lots must apply to the Borough's Sewage Enforcement Officer for a sewage permit prior to the construction of any on-lot sewage disposal system."
 3. "In granting this approval the Borough 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."

4. "All lots shown on this plan are subject to the rules and regulations contained in the Penn Lake ParkBorough Zoning Ordinance."
5. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following note shall be provided: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
6. "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).
7. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Penn Lake ParkBorough shall have no liability or responsibility for the same to the Developer or purchaser(s)."
8. When on-site subsurface sewage disposal is proposed the following note shall be provided: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP Planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

SECTION 407SUPPORTING DOCUMENTS AND INFORMATION

The following supporting documents, information and/or approvals 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 super elevated 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 and protective or restrictive covenants that apply to the subdivision and/or development plan.

- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, and the latest deed of record.
- F. Water Supply and Sewage Disposal Information:
 - 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 - 2. All other documentation required to demonstrate compliance with this Ordinance.
- G. All required state or federal environmental permits.
- H. Approved Highway Occupancy Permits and/or Borough Driveway Permits. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed restriction shall be required for the subject property that prohibits development or improvements to the site and/or any lots or parcels until the appropriate HighwayOccupancyPermitBoroughand/or Driveway Permit is secured.
- I. Soil erosion and sedimentation control plan approved by the Luzerne County Conservation District, and if applicable NPDES Permit.
- 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. A final Community Association Document in accordance with the provisions of Section 402.7(P) of this Ordinance
- N. An executed Development Agreement in accordance with the provisions as set forth in the Appendix of this Ordinance
- O. Final Open Space Ownership and Management Plan. For conservation subdivisions and other development with designated open space, the applicant shall submit a final open space ownership and management plan describing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements ofSection 608 of the Borough Zoning Ordinance.
- P. Final Landscaping Plan
- Q. 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.

- R. Upon completion of all required improvements, final “as built” drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant’s engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above referenced “as built” drawings shall precede the release of any remaining funds placed as a financial security by the developer.
- S. Any other information deemed necessary by the Planning Commission, including but not limited to, any Impact Analysis, based on any specific characteristics of the proposed subdivision and/or land development.

SECTION 408 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 311 of this Ordinance.

ARTICLE 5
MINOR SUBDIVISION/LAND DEVELOPMENT

SECTION 501 **ONLY FINAL PLAN REQUIRED**

The classification of a proposed subdivision as a "Minor Subdivision" shall only require the submission, review and approval of only a Final Plan. The classification shall be based upon the definitions of terms "Minor Subdivision" and "MinorLand Development" as provided for under Article 2 of this Ordinance.

SECTION 502 **SUBMISSION PROCEDURE**

The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with Section 304 of this Ordinance.

SECTION 503 **DISTRIBUTION OF PLAN**

The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 305 of this Ordinance.

SECTION 504 **DRAFTING STANDARDS FOR MINOR PLANS**

504.1 The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale not greater than:

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property not in excess of two (2) acres.

504.2 The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

SECTION 505 **PLAN REQUIREMENTS**

The Final Plan shall be noted a "Minor Subdivision –Final Plan" or "MinorLand Development – Final Plan: and shall contain the following information:

505.1 The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.

505.2 Name and address of applicant if different from owner. If the applicant is a corporation, provide name and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock.

- 505.3 Name of proposed subdivision or land development.
- 505.4 Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.
- 505.5 North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 505.6 Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- 505.7 The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each. Markers shall be provided for all proposed lots. Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter placed flush with the surrounding grade.
- 505.8 The dimensions and area of all lots, expressed in both square feet and acres.
- 505.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown. The location of driveways must be shown.
- 505.10 The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- 505.11 The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- 505.12 The distance of all existing structures to lot lines, front, rear and side, that will fail to meet the minimum setback distance upon approval of the plan.
- 505.13 The names of all adjoining property owners, including block and lot numbers from the Luzerne County Assessor's Office.
- 505.14 All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- 505.15 All existing sewer lines, water lines, fire hydrants, utility transmission lines,

utility easements or right-of-ways, public right-of-ways (including paper streets), any form of easements, culverts, storm drains, bridges, railroad right-of-ways, and other significant man-made features located within the boundaries of the proposed subdivision or land development.

505.16 Existing watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.

505.17 With regard to wetlands, all plans must specifically address the subject of whether any wetlands are located upon the site based upon the National Wetlands Inventory Maps and/or the presence of hydric soils. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.

Any parcels or portions thereof, which are not intended to be developed in any manner, including but not limited to new structures, shall be exempt from providing the above information subject to clearly indicating such areas upon the plan and including written notification of the same upon the plan as recorded.

505.18 Existing contour lines at vertical intervals of:

- not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
- not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
- not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

505.19 If the lots or development are to be serviced by individual on-lot sewage disposal:

- (a) the location of soil percolation test sites and the location of the on-lot sewage system upon each lot;
- (b) location and extent of various soil types within the site with DEP definitions for each.
- (c) proposed or typical location of building and/or structure with proposed location of wells, if applicable;
- (d) copy of the applicable report and findings of the Borough's Sewage Enforcement Officer.

505.20 All easements, existing and/or proposed, including their location, dimensions and purpose.

SECTION 506 INFORMATION TO BE SUBMITTED WITH PLAN

The following information, as applicable, shall be submitted with the Final Plan of a Minor Subdivision or Minor Land Development.

- (a) Proof of ownership including a copy of the existing deed.
- (b) Application for Minor Subdivision Plan or Minor Land Development Plan and the required fee.
- (c) Required fee for Luzerne County Planning Commission review.
- (d) Approved Highway Occupancy Permits and/or Borough Driveway Permits. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed restriction shall be required for the subject property that prohibits development or improvements to the site or parcels to until the appropriate Highway Occupancy Permit and/or Borough Driveway Permit is secured.
- (e) If applicable, a letter of commitment from Aqua Pennsylvaniait can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- (f) Written certification, when applicable, from the appropriate public utility company, which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.

All plans shall contain the following notice in compliance with PA. Act 287:

CALL BEFORE YOU DIG!

BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA

CALL 1-800-242-1776

PA ACT 287 OF 1974 REQUIRES THREE
WORKING DAYS NOTICE TO UTILITIES
BEFORE YOU EXCAVATE, DRILL OR BLAST
PENNSYLVANIA ONE CALL SYSTEM INC.

- (g) If applicable, the Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by PA DEP.

- (h) Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- (i) Copies of description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- (j) If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- (k) An appropriate Planning Module for Land Development, approved by DEP.
- (l) Any other information as required by the Planning Commission.
- (m) The cost of all professional consulting fees incurred by the Borough for the review of the application, plans and supporting information, data and/or reports or studies, including but not limited to, any required Impact Analysis and site inspections of the property to insure compliance with the terms of approval and required improvements.

SECTION 507 FINAL PLAN INFORMATION

The following items and notes, as applicable shall be on all Final Plans

1. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection."
2. "Individual owners of lots must apply to the Borough's Sewage Enforcement Officer for a sewage permit prior to the construction of any on-lot sewage disposal system"
3. "In granting this approval the Borough 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."
4. "All lots shown on this plan are subject to the rules and regulations contained in the Penn Lake Park Borough Zoning Ordinance."
5. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following note shall be provided: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
6. "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).

7. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Penn Lake Park Borough shall have no liability or responsibility for the same to the Developer or purchaser(s)."
8. When on-site subsurface sewage disposal is proposed the following note shall be provided: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

SECTION 508 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 311 of this Ordinance.

ARTICLE 6

DESIGN STANDARDS AND SPECIFICATIONS

SECTION 601 APPLICATION

The standards and requirements contained within this Article and the applicable requirements within the Borough's Zoning Ordinance shall apply to all major subdivisions and land developments unless otherwise noted. Said standards and requirements are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare. These standards and requirements shall be applied as such by the Penn Lake Park Borough Planning Commission in reviewing and evaluating plans for all proposed major subdivisions and/or land developments. Compliance with all standards shall be documented by the applicant at the time of the submission of the preliminary plan and application:

SECTION 602 GENERAL REQUIREMENTS

A. PLANNING

The development shall generally conform with policies, goals and objectives of the Penn Lake Park Borough Comprehensive Plan. The streets, drainage, rights-of-way, school sites, public parks and playgrounds as shown upon the officially adopted Comprehensive Plan shall be considered in the approval of all plans. The applicant shall submit a narrative outlining how the proposed development conforms to the above referenced plan.

B. CONTIGUOUS LANDS

Where the owner of a site under consideration for development, owns contiguous land that may be suitable for development, the subdivision plan shall include all contiguous lands. This provision however, may be waived in full or in part by the Borough, if it is not considered essential to the evaluation of the plans for the current development tract.

C. REMNANTS; DEVELOPMENT DESIGN; NEIGHBORING DEVELOPMENT

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

D. HAZARD AREAS

Land which the Planning Commission deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or

developed unless adequate methods are formulated by the applicant and approved by the Planning Commission upon the recommendation of the Borough Engineer.

E. IMPROVEMENT SPECIFICATIONS

The design standards and requirements as outlined in this Article shall be utilized by the Planning Commission in evaluating the plans for all proposed subdivisions and land developments. Altered design standards, including more stringent specifications may be required, in cases where the Planning Commission finds that such specifications are essential to protect the health, safety and general welfare of the residents of Penn Lake Park Borough and/or the environment of the Borough.

Any request to modify the design standards and/or requirements below those contained within this Article shall be considered in accordance with Section 107 of this Ordinance.

F. OTHER ORDINANCES

Whenever a Borough, County, State or Federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this Ordinance, the higher or more restrictive standard shall apply

SECTION 603 PLANNING AND DESIGN STANDARDS

The standards for resource conservation, as set forth in this Article, shall apply to all subdivision and land developments in the Borough. The standards for open space delineation shall apply to all subdivision and land developments within the Conservation Design Residential Overlay District.

A. General Standards to Minimize Adverse Impacts

All subdivisions and land developments shall avoid or minimize adverse impacts on the Borough's natural, cultural and historic resources, as defined below.

B. Groundwater Resources

This section is intended to ensure that the Borough's groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of the Borough's 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.

1. 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, 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.

C. Stream Valleys, Swales, Springs, and Other Lowland Areas

Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas represent resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground

water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

1. 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 their extreme limitations, stream valleys, swales and other lowland areas warrant designation as open space. They may also require adjoining buffer lands to be included in the open space, 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 open space where it can be demonstrated that they are suitable for low density residential uses and conventional on-site sewage systems.

D. Woodlands

Woodlands occur extensively throughout the Borough, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

1. Woodland conditions within the Borough 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 Borough represent one or more of the following resource values:
 - a. 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.
 - b. As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
 - c. As a source of wood products, i.e., poles, sawtimber, veneer and firewood.
 - d. As habitats for woodland birds, mammals and other wildlife.
 - e. As recreation resources for walkers, equestrians, picnickers and as well as other related outdoor activities.
 - f. As visual buffers between areas of development and adjacent roads and properties.
2. 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 open space or development lands. Evaluation criteria shall include:
 - a. Configuration and size.
 - b. Present conditions, i.e., stocking, health and species composition.
 - c. Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.

- d. Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
 - e. Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
3. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Borough. 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 paragraph 1 above.
4. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- a. To the maximum extent possible, healthy woodlands exceeding one acre shall be preserved and designated as open space. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
 - b. Subdivisions 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.
 - c. 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.
 - d. No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems and testing required under 631.16.A.4 of this Ordinance) 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.

E. Upland Rural-Agricultural Areas

These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession that may include fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. They give the Borough much of its rural character. They may 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. They 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.

1. Several elements of these working landscapes lend themselves to incorporation into the Borough's open space 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.
2. 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).

F. Slopes

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

1. Areas of steep slope shall be preserved in accordance with Article 6 of the Zoning Ordinance and as required below.
2. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
3. 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.
4. 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 (which should typically be designed with a long, narrow drainage field following the land contours).
5. 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 ft. 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.

G. Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Borough. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the applicant's Existing Resources and Site Analysis Plan (as required in Section 401.3) by incorporating them into proposed open space or avoiding their disturbance in areas proposed for development.

H. Historic Structures and Sites

All subdivision and land development plans shall be designed to protect historic and cultural resources. The protection of an existing historic resource and/or structure shall include the conservation of the landscape within 200 feet of that resource and/or historic structure to preserve its historic context. Where, in the opinion of the Planning Commission, a plan will have an impact upon an historic or cultural resource the developer shall mitigate that impact to the satisfaction of the Planning Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Borough participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

I. Historic Rural Road Corridors and Scenic Viewsheds

All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into open space 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.

J. Trails

1. 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 request the applicant to make provisions for continued recreational use of the trail.
2. 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.
3. 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 Borough Solicitor.
4. The land area permanently designated for trails for public use, both proposed and/or existing, may be credited toward the open space land requirement described in Section 607 of the Penn Lake Park Borough 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.

SECTION 604

FOUR-STEP DESIGN PROCESS FOR SUBDIVISIONS IN A
CONSERVATION DESIGN OVERLAY DISTRICT ((SEE APPENDIX
FOR DIAGRAMS OF 4 STEP PROCEDURE))

- A. Step 1: Delineation of Conservation Open Space
1. The minimum percentage and acreage of required open space shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this Ordinance and the governing provisions of the Zoning Ordinance. Open space shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance.
 2. Proposed open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with the governing provisions of Article 6 of the Penn Lake Park Borough Zoning Ordinance and Sections 604 and 605 herein, dealing with Resource Conservation and Open Space Delineation Standards.
 3. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitabilities for inclusion in the proposed open space, in consultation with the Planning Commission and in accordance with Prioritized List of Resources to be Conserved and Other Design Considerations as set forth Section 605 of this Ordinance. All Secondary Conservation Areas are buildable lands, some of which shall be conserved and some of which may be developed.
 4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.
 5. Development areas constitute the remaining areas of land within the tract that are not designated as conservation open space areas.
 6. Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources & Site Analysis Plan and proposed open space as the base maps. Opportunities to use these facilities as an additional buffer between the proposed open space and development areas are encouraged. These

facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources & Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development.

B. Step 2: Location of Dwelling Units

Potential dwelling units shall be located, using the proposed open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. Dwelling units should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from 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 dwelling units 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 open space. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
4. A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved open space. Potential trail connections to adjacent parcels shall also be shown, 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.

SECTION 605

CONSERVATION OPEN SPACE DESIGN STANDARDS

A. Prioritized List of Resources to be Conserved.

The design of conservation open space in any subdivision or land development plan shall reflect the standards set forth in Section 603, and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance on a case by case basis):

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory.
3. 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.
4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
6. Hedgerows, stone field walls, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
7. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
8. Historic structures and sites.
9. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
10. Existing trails connecting the tract to other locations in the Borough

B. Other Design Considerations.

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

1. It shall be free of all structures except historic buildings, stone walls, and structures related to open space uses. The Planning Commission may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space provided that such facilities would not be detrimental to the open space (and that the acreage of lands required for such uses is not credited towards minimum open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
2. It shall 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.
3. It shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space.
4. It shall be suitable for active recreational uses to the extent deemed necessary by the Planning Commission, without interfering with adjacent dwelling units, parking, driveways, and roads.

5. It shall be interconnected wherever possible to provide a continuous network of open space within and adjoining the subdivision.
6. It shall provide buffers to adjoining parks, preserves or other protected lands.
7. Except in those cases where part of the open space is located within private house lots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Borough. Provisions should be made for access to the open space lands, as required for land management and emergency purposes.
8. It shall be undivided by public or private streets, except where necessary for proper traffic circulation.
9. It shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
10. It shall be made subject to such agreement with the Borough and such conservation easements duly recorded in the office of the Luzerne County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the common open space for such uses.
11. It shall be consistent with the Penn Lake Park Borough Comprehensive Plan.

SECTION 606

RESOURCE CONSERVATION STANDARDS DURING AND AFTER CONSTRUCTION

A. Conservation Practices During and After Construction

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.
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.
3. Protection of Vegetation from Excavations
 - a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
 - b. If trenches must be excavated in the root zone, all disturbed roots shall be cut cleanly and the trench shall be backfilled as quickly as possible.
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. Topsoil stored on site shall

be stabilized and protected from erosion in accordance with the approved Erosion & Sedimentation Pollution Control Plans by the Luzerne Conservation District and/or the Borough Engineer.

- 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 revegetation of exposed ground is difficult.

SECTION 607 MONUMENTS AND MARKERS

The applicant shall place permanent reference monuments and markers by a Registered Land Surveyor.

607.1

Monuments shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

607.2

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Monuments shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

607.3

Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter. Markers normally shall be flush with the surrounding grade.

607.4

Monuments shall be set as follows:

- (a) One at each single angle of the perimeter of the property at all major subdivisions and land developments.
- (b) One at the beginning and end of all curves along street right-of-way lines along one side of the street.
- (c) A minimum of one at each street intersection along the street right-of-way line.

607.5

Markers normally shall be flush with the surrounding grade.

607.6

Markers shall be set as follows:

- (a) At all points where lot lines intersect street right-of-way lines, except for monument locations.
- (b) At all other lot corners.
- (c) At all points where lot lines intersect curves.
- (d) At all angles in property lines of lots.

SECTION 608 RESIDENTIAL BLOCKS

For blocks the following standards shall apply:

- a. Maximum length not to exceed 1,000 feet;
- b. Be of sufficient width to permit two (2) tiers of lots. Exceptions to this prescribed block width shall be permitted in blocks adjacent to public streets, railroads, streams, other natural barriers.

SECTION 609 RESIDENTIAL LOTS

- 609.1 All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths in yard requirements as set forth in the Penn Lake Park Borough Zoning Ordinance.
- 609.2 Each lot or area platted for residential use shall be accessible from an existing or proposed street.
- 609.3 The lot depth shall not be greater than three (3) times its width.
- 609.4 Side lines of lots shall be at right angles to straight streets and on radius lines on curved streets. Some variation may be permitted at the discretion of the Planning Commission, but pointed or very irregular shaped lots shall be avoided.
- 609.5 In the case of lots utilizing an on-site sewage disposal system, there shall be sufficient area for the disposal field in accordance to DEP regulations.
- 609.6 Double or reverse frontage lots shall be avoided except where required to provide separation of residential uses from arterial or collector streets or to overcome specific disadvantages of topography or orientation.
- 609.7 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general

storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

609.8 Flag lots shall be avoided when alternate development layouts would yield the same number of lots otherwise permitted with the elimination of flag lots. The approval of flag lots shall subject to the following standards:

- a. Not more than five (5) percent of the lots within a major subdivision may be approved as flag lots.
- b. The access corridor portion of the lot shall not exceed three hundred (300) feet as measured from its intersection with the street right-of-way.
- c. The applicant shall prove to the satisfaction of the Planning Commission that proposed driveway would provide adequate access for emergency vehicles.
- d. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor portion of the lot.
- e. Approval of a flag lot shall be conditioned upon the existence or provision of a recorded a deed restriction prohibiting any further subdivision of the flag lot.

SECTION 610 STREETS - GENERAL REQUIREMENTS

610.1 Any proposed subdivision or land development shall have frontage upon or access to an existing State, County, Borough or private road.

610.2 Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.

610.3 Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.

610.4 Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.

610.5 All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-ways.

610.6 All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

610.7 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision

with the existing layout or the most advantageous future development on adjacent tracts.

610.8 Any residential subdivision and/or land development containing more than thirteen (13) which do not front upon an existing off-site public road, shall provide within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.

610.9 Street lights shall be installed at the intersection of all streets, at the middle point of the terminus of a cul-de-sac and at other locations deemed necessary based upon field conditions or required by the Planning Commission.

SECTION 611 STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Borough, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Borough and/or private streets to remain under private ownership shall be vested with the Penn Lake Park Borough Council based upon the prior approval of the same by the Luzerne County 911 Communication Center for Emergency Services and the United States Postal Service.

SECTION 612 STREET SIGNS

Street signs, which provide the legal name of each street, shall be erected at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Borough Council.

SECTION 613 TRAFFIC CONTROL MEASURES

Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be installed at appropriate locations by the applicant as determined by PennDOT, Luzerne County, the Planning Commission and/or the Borough Engineer.

The applicant shall be responsible for line painting on all new streets, including the extension of existing streets, in accordance with the following standards:

Centerlines

Four (4) inch wide double yellow center lines shall be painted along the centerline of the travelway of each street.

Edge Lines

Four (4) inch wide white edge lines shall be painted four (4) inches inside the edge of pavement shoulder.

Stop Lines

Twenty-four (24) inches wide white stop lines shall be painted that completely traverse all traffic lanes on each approach to a stop sign and/or crosswalk

All pavement markings shall be inlaid hot applied thermoplastic unless a higher standard is provided for in accordance with the latest edition of the Pennsylvania Department of Transportation Publication 408.

SECTION 614 CONTINUATION OF ROADS AND TEMPORARY DEAD-END ROADS

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Borough's goals as provided for within the Statement of Community Development Objectives of the Penn Lake Park Borough Zoning Ordinance. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, a temporary cul-de-sac shall be with a minimum diameter of 100 feet shall be provided. The paving requirements shall be in accordance with the standards as set forth in the Appendix of this Ordinance unless a lesser standard is approved by the Planning Commission.

SECTION 615 DEAD-END ROADS (PERMANENT)

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with design standards and specifications as set forth in the Appendix of this Ordinance. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with design standards of this Ordinance.

SECTION 616 CUL-DE-SAC STREETS

616.1 A cul-de-sac street shall not be approved when a through street is more advantageous. Cul-de-sac streets shall be highly discouraged and shall only be approved when topographic and or field conditions necessitate the use of a cul-de-sac. The developer shall bear the burden of proof that development cannot be developed and/or designed without the use of a cul-de-sac.

616.2 Cul-de-sac streets shall not exceed 620 feet in length and furnish access to not more than thirteen (13) dwelling units. All lots fronting upon the arc of a cul-de-sac street shall have a frontage, as measured along the length of the arc, which results in a chord length of not less than one hundred seventeen (117) feet. Said requirement shall apply to all lots along the arc a cul-de-sac regardless of the Zoning District in which the subdivision is located.

616.3 No physical obstructions shall be located within six (6) feet of the edge of the cartway within a cul-de-sac, including but not limited to, mailboxes, utility poles, utility transformer boxes and/or similar above grade obstructions.

616.4 Any street which is temporary terminated, with planned future access to an adjoining property or because of authorized stage development, shall be design and constructed in compliance with Section 614 of this Ordinance.

SECTION 617 ACCESS TO ARTERIAL STREETS

Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Planning Commission may require that access to such street be limited by one of the following methods:

- a. The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street which shall contain a strip of screening along the rear property line of such lots.
- b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- c. A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

SECTION 618 INTERSECTIONS

618.1 Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.

618.2 Multiple intersections involving the junction of more than two streets shall be prohibited.

618.3 Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street.

618.4 Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

618.5 The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

SECTION 619 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS

In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardship to adjoining properties, the Design Standards for Streets as set forth in the Appendix of this Ordinance shall apply.

SECTION 620 LIMITED EXEMPTION FOR ROAD DESIGN STANDARDS

A subdivision or land development containing not more than three (3) lots or three (3) detached single-family dwellings units may be serviced by a private street having a minimum right-of way of not less than twenty-five (25) feet. Said right-of-way shall be cleared of all vegetation and properly graded. The width of the cartway shall be not less than sixteen (16) feet and have a base consisting of six (6) inches of 2 A modified stone. All other design specifications for streets, as set forth in this Ordinance which do not conflict with the above shall apply.

Any subdivision or land development qualifying and wishing to provide a private street, designed as such, shall contain covenants and/or deed restrictions as a condition of approval, recorded with the approved plan and addressing the following:

1. The street shall remain as a private street, not subject to offer for public dedication, unless it is improved to meet or exceed all applicable design standards in effect at the time such offer is made.
2. A maintenance agreement and appropriate provisions which outline the parties responsible for the continued use of the street.
3. An agreement with the Borough under which elected officials, appointed officials, representatives and/or employees of Penn Lake Park Borough are held harmless from any liability related to the use and safety of a private street, including but not limited to, enforcement of the maintenance agreement in relationship to vehicular access of emergency vehicles.
4. Any further proposed development upon the site, excluding accessory structures, shall result in the development being classified as a major subdivision or major land development, subject to all applicable design standards for such in effect at the time approval is sought for additional development.
5. The private street shall be designed and maintained in a manner to prohibit the discharge or drainage of stormwater onto any public right-of way.

SECTION 621 DRIVEWAYS

621.1 Driveways, where provided, shall be located not less than fifty (50) feet from any intersection whether on the same or opposite side of the adjoining street and provide access to the street of lower classification

when a corner lot is bounded by streets of two different classifications. Distance shall be measured between the centerline of the driveway, and the nearest intersecting street right-of-way line. No part of a driveway for a single family dwelling shall be located closer than ten (10) feet from a side property line.

- 621.2 No driveway shall be constructed opposite the paved cartway on the turn-around portion of a cul-de-sac street within the area bounded by the pavement edge lines as extended across the turn-around.
- 621.3 Driveways shall be so located as to provide reasonable sight distances of one hundred fifty 150 feet at intersections with streets.
- 621.4 The number of driveways shall not exceed one (1) per lot or, on lots with street frontages in excess of one hundred (100) feet, one (1) per one hundred (100) feet of street frontage. Such driveway may be of loop design.
- 621.5 Driveway entrances shall be rounded at a minimum radius of five (5) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line) or outside shoulder edge as applicable. For residential lots the entrance of the driveway shall have a minimum angle of 60 degrees, and for all other lots, 90 degrees. The maximum driveway width at the edge of the cartway shall be thirty (30) feet.
- 621.6 The entrance to the cartway from the driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway or shoulder, as applicable. The shoulder slope shall be maintained for the full width of the shoulder.
- 621.7 Adequate drainage facilities shall be provided where driveways meet the street cartway. Driveway pipes are to be installed at locations where the Borough Engineer determines them necessary. In cases where pipes are required, they shall be a minimum of eighteen (18) inches in diameter and shall be placed in line and on grade with the swale both upstream and downstream of the driveway. The minimum cover as recommended by the manufacturer shall be placed above the pipe. In areas where pipes are not required, the shoulder and swale shall be constructed to accommodate the size and grade of the swale through the driveway. In no case shall the low point of the shoulder be other than the proper elevation, as referenced to the crown of the cartway, as well as the proper distance from the edge of the cartway.
- 621.8 Subdivisions should be designed to eliminate, where possible, driveways entering State or County highways. This shall be accomplished either by providing for a street parallel to the State or County highway and separated from it by a berm, or by laying out lots such that the rear lot lines abut the State or County highway right-of-way and that provision for driveways be made from the front of the lot onto a street of the subdivision.

621.9 Based upon applicable jurisdiction, all driveway entrances with access onto a public road shall be required to secure a Highway Occupancy Permit from Penn Lake Park Borough, Luzerne County or PennDOT prior to construction and the establishment of the same. A deed restriction requiring the owner or developer of a property as the responsible party to secure the required Highway Occupancy Permit shall be contained in all deeds.

621.10 Streets offered for dedication will not be accepted unless all driveways entering such streets meet the standards outlined above.

SECTION 622 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 current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection, shall be provided by the developer, if applicable.

SECTION 623 SOIL EROSION AND SEDIMENTATION CONTROL

The minimization of soil erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Borough. All Soil Erosion and Sedimentation Control Plans shall be prepared and sealed by a licensed professional engineer in accordance with the "Erosion and Sedimentation Pollution Control Program Manual" DEP Document #363-2134-008624.

623.1 General Standards:

- a. Soil Erosion and Sedimentation Control Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been referred to and reviewed and approved by the Borough Engineer and/or the Luzerne Conservation District.
- b. Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless there has been an Erosion and Sedimentation Control Plan approved by the Luzerne Conservation District that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other form of financial security is deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements within five (5) years of preliminary plan approval or one (1) year of final plan approval..

The applicant and/or developer shall provide financial security as a construction guarantee in a form to be approved by the Borough Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to

install the facilities required by the approved plan. The financial security shall be released only after receipt by the Borough of certifications and "As-Built" drawings as required.

- c. Minimum Requirements of Luzerne Conservation District to be Met: Where not specified in this Ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Luzerne Conservation District. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Luzerne Conservation District.

623.2 Specific Standards: The following measures are effective for minimizing soil erosion and sedimentation and shall be included where applicable as part of the Soils Erosion and Sedimentation Control Plan

- a. Stripping: Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.
- b. Natural Features: Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- c. Natural Vegetation: Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- d. Disturbed Areas: The disturbed area and the duration of exposure shall be kept to a practical minimum.
- e. Stabilization: Disturbed soils shall be stabilized as quickly as practicable.
- f. Temporary Vegetation and Mulching: Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- g. Permanent Vegetation and Measures: The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development. Permanent seeding on individual lots must be completed within thirty (30) days of issuance of an occupancy permit.
- h. Accommodation of Increased Runoff: Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
- i. Containment of Sedimentation: Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

623.3 Grading for Erosion and Other Environmental Controls: In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- a. Street Improvements: Streets shall be improved to a mud-free or otherwise permanently passable conditions as one of the first items of work done on a subdivision or development. The cartway shall be constructed in accordance with Section 619 and as approved by the Borough Engineer.
- b. Cuts and Fills: Provision shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by the installation of temporary or permanent drainage improvements across or above these areas.
- c. Compaction of Fill: Fill material shall be acceptable per the review of the Borough Engineer. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil. Material for fill, other than that for a roadway base or subgrade, shall be acceptable material per the review of the Borough Engineer, placed in 12-inch loose lifts and compacted to 95% of the material's dry weight density as determined by Modified Proctor Test, ASTM D-1557, Method C or D.
- d. Fill Near Watercourses: No fill shall be placed within one hundred (100) feet of a watercourse or other body of water or within any area designated as a flood plain..
- e. Dust Control: During grading operations necessary measures for dust control shall be exercised.
- f. Stream Crossings: Grading equipment shall not be allowed to enter into flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges. Where necessary, approval and/or permits must be secured from the proper state or federal agencies.

623.4 Responsibility

- a. Sedimentation Damage: Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the party listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or DEP causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of Control Facilities: Maintenance of all erosion and sedimentation control facilities during the construction and development period and until or unless they are accepted for dedication by the Borough or other public authority shall be the responsibility of the party listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or PA DEP.

- c. Maintenance of Watercourses: It shall be the responsibility of the party undertaking any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way, to secure all necessary approvals and permits from the Pennsylvania Department of Environmental Protection. If there are no approvals and/or permits required from the Pennsylvania Department of Environmental Protection, written verification of the same must be provided to the Planning Commission. In the absence of any PA DEP jurisdiction, the stream, watercourse, swale, flood plain or right-of-way shall be maintained as nearly as possible in its present state during the pendency of the activity and to return it to its original or equal condition after such activity is completed.

Maintenance of drainage facilities or watercourses originating on and located completely on private property is the responsibility of the owner to the point of open discharge of the facility at the property line or at a communal watercourse within the property.

No party shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Planning Commission and/or the Pennsylvania Department of Environmental Protection, whichever has jurisdiction.

- d. Installation of Improvements: The applicant or developer listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or PA DEP shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

623.5 Compliance with Regulations and Procedures

- a. Compliance as a Condition of Preliminary Plan Approval: The Borough, in its consideration of all Preliminary Plans of a subdivision and/or land development, shall condition its approval upon the execution of erosion and sedimentation control measures.
- b. Compliance with Requirements of Luzerne Conservation District: The installation and design of the required erosion and sedimentation control measures shall be in accordance with standards and specifications of the Luzerne Conservation District.
- c. Compliance with Requirements of Pennsylvania Department of Environmental Protection: Stream channel construction shall conform to rules and regulations established by the Pennsylvania Department of Environmental Protection.

SECTION 624 WATER SUPPLY FACILITIES

Within any proposed subdivision or land development, if the water is to be provided by means other than by private wells, owned and maintained by the individual owners of the lots within the subdivision or land development, the developer shall present evidence to the Planning Commission that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable as evidence.

SECTION 625 CENTRALIZED WATER SYSTEM

- 625.1 All major subdivisions and land developments shall be served by an approved public distribution system for water supply.
- 625.2 The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the Preliminary Plans.
- 625.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed, with a required flow rate of 500 gallons per minute, at a pressure compliant with the most recent applicable standards of the National Fire Protection Code. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.
- 625.4 All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting documentation, application for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Borough as part of the public record. One copy of the permit and certificate of convenience issued by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission authorizing such services shall be forwarded upon receipt to the Planning Commission as part of the public record.

SECTION 626 ON-LOT WATER SYSTEM

On-lot water systems, if permitted, shall be subject to the requirements of this Section and subject to the design and construction requirements in accordance with the applicable criteria as set forth by the Pennsylvania Department of Environmental Protection. Any subdivision or land development which equals or exceeds fifteen dwelling units and/or having a water consumption rate of 6,000 gallons per day, based

upon complete build-out, shall be required to construct a centralized community water system. Each residential dwelling unit shall be deemed to have a water consumption rate of 400 gallons per day.

626.1. AQUIFER TEST REQUIRED

An aquifer test shall be required prior to the approval of a subdivision or land development plan proposing to use any type of an on-lot water system serving more than four (4) residential dwelling units, and/or any non-residential use or uses which individually or collectively will have an anticipated daily water usage demand that equals or exceeds one thousand two hundred (1,200) gallons per day, including but not limited to the use of water at a location other than the lot from the on-lot water system is located.

A residential use is hereby used within the context of as normal household usage, based upon 400 gallons per day. Irrigation systems and open loop geothermal heating systems are expressly excluded within the context of normal household usage.

In addition to the aquifer test, any subdivision or land development, which will exceed 6,000 gallons per day after complete build-out, shall be required to construct a centralized community water system.

626.2 AQUIFER TEST STANDARDS AND PROCEDURES.

1. No person shall propose the use of a public water supply system or individual wells for a development activity described in Section 626.1 without first administering the aquifer test required by this Section and meeting the minimum requirements of Section 626.3.
 - A. Test Objective. The objectives of an aquifer test shall be one or more of the following:
 - (1) To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
 - (2) To determine the location and character of geologic boundaries.
 - (3) To ascertain the effects of well interference.
 - (4) To determine the age of the aquifer.
 - B. Test Standard. The aquifer test shall establish that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit or in the case of non-residential use, the anticipated daily water flow, at a demand rate of not less than eight (8) gallons per minute for one (1) hour, either with or without the use of a storage system. The test shall also establish that no significant adverse impact will result to other existing wells.

C. Test Supervision and Evaluation. The aquifer test shall be conducted under the supervision of a professional consultant with experience in geology or professional engineer, using testing procedures hereinafter set forth. The geologist or engineer shall be responsible for notifying the Borough of the test. He or she will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Borough with a copy of all field notes and test results.

D. Test Method. The method for conducting the aquifer test shall be as follows:

An aquifer test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specified development activity for which the test is conducted. Two (2) observation wells which have hydraulic continuity with the pumped well are required. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.

E. Collection of Data. Data shall be collected in conjunction with the aquifer test as follows:

(1) Prior to the test:

- (a) Collection of geologic data of the area to be tested including well logs, if available.
- (b) History of water level fluctuations in the area when available.
- (c) The location, relative elevations and static water levels in the pumped well and the observation well or wells.
- (d) Data on the age of the aquifer.

(2) During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:

- (a) Date.
- (b) Elapsed time since pumping started/stopped (in minutes + seconds).

- (c) Depth to water below land surface
 - (d) Drawdown or recovery in feet and 10ths.
 - (e) Observed discharge at specified intervals.
- (3) Following the test:

In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data which may be considered necessary to satisfy the test objectives.

- F. If the Planning Commission determines that the water withdrawal could result in a significant negative impact upon existing water users, then as a condition of any development approval, the Planning Commission may require that the applicant commit in a legally binding manner to appropriate mitigation of the negative impacts. This mitigation may include, but is not limited to:
- a. a financial guarantee to fund a deeper well or a connection to a central water system for properties that experience significant negative impacts after the water withdrawal occurs.
 - b. a permanent conservation easement placed on sufficient land areas to result in amounts of groundwater recharge that is equivalent to the amount of groundwater that is being withdrawn, or a legally binding commitment to reduce the amount of the water withdrawal during drought conditions.

626.3. WATER QUALITY TEST.

A water quality test shall be conducted concurrently with any aquifer test required in Section 626.2 of this Ordinance. Such tests shall be conducted by a certified laboratory. The quality of the water tested shall meet the minimum public health drinking water standards as set forth in the National Safe Drinking Water Regulations of the Environmental Protection Agency as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality.

626.4 DRY HYDRANTS

When a subdivision or land development is to be serviced by an on-lot water system, with individual wells serving each lot, dry hydrants shall be installed that are connected to a 15,000 gallon underground tank that is serviceable by a well. The design of all components shall be subject to the approval by the Planning Commission. The required number and locations of dry hydrants and underground tanks shall be determined on a case-by case

basis in relationship to number of dwelling units and area within a proposed development. In addition to the above requirements, a second well shall also be required for the purpose of refilling and maintaining a full water supply within each underground tank.

SECTION 627 SEWAGE DISPOSAL FACILITIES

All subdivisions and land developments shall be served with a sewage system (either centralized or on-lot) which meet or exceed the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Protection. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DEP in accordance with Pennsylvania Code Title 25.

SECTION 628 CENTRALIZED SEWERS

- 628.1 All major subdivisions and land developments shall be served by centralized sewage disposal systems, when an existing public centralized sewage system is within two-thousand (2,000) feet from any point of the proposed subdivision or land development.
- 628.2 All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Borough Sewage Plan, and be approved by the appropriate agencies prior to Final Plan approval.
- 628.3 All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. plus additional flow as may be projected to be generated by adjacent properties.
- 628.4 All individual lateral connection shall be installed to the curb/right-of-way line at the time of initial installation of the system.
- 628.5 All systems classified as Sewage Services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations shall be designed and constructed in accordance with regulations and requirements set forth in the most recent edition of the "Sewage Manual" prepared by the Bureau of Water Quality Management of Department of Environmental Protection and the applicable regulations of the Aqua Pennsylvania. Construction material for sewers shall comply with the Penn Lake Park Borough regulations and any applicable regulations of Aqua Pennsylvania.

SECTION 629 ON-LOT SEWAGE DISPOSAL SYSTEM

- 629.1 On-lot sewage systems, both individual and community sewage systems, shall be designed and constructed in accordance with Pennsylvania Department of Environmental Protection requirements under Title 25, Rules and Regulations Part 1, Subpart C, Chapter 73 and any amendments thereto. A community sewage system shall be required for any subdivision or land development which equals or exceeds fifteen

dwelling units and/or having a water consumption rate of 6,000 gallons per day, based upon complete build-out, Each residential dwelling unit shall be deemed to have a water consumption rate of 400 gallons per day.

629.2 Prior to approval of Preliminary Plan, the Borough Sewage Enforcement Officer shall submit a report to the Planning Commission regarding the site and soils investigation and analysis.

629.3 All systems utilizing subsurface disposal of sewage effluent (Community Sewage Systems as defined by Chapter 73 of the Pennsylvania Department of Environmental Protection Regulations) shall be designed and constructed in accordance with requirements of the aforesaid Chapter 73 and any amendments thereto. A registered professional engineer employed by the applicant shall provide written certification that the existing or proposed facility has adequate capacity to satisfactorily treat the total projected sewage flow.

629.4. 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.

629.4 A sewage permit must be approved and issued by the Borough Sewage Enforcement Officer prior to the start of any construction or development upon any lot within an approved subdivision or land development.

SECTION 630 STORM WATER MANAGEMENT PLAN

There shall be no increase in the rate of storm water discharge from the land development or subdivision above that which would have occurred from the land prior to the activity, using a grassland condition for cleared agricultural land and a good woodland condition for forested land. For land previously developed, the prior condition shall reflect the actual developed condition.

Each person, corporation, or other entity which makes any surface changes shall be required to: a) collect on-site surface runoff and dispose of it to the point of discharge into the common natural water course of the drainage area: b) handle existing off-site runoff through his/her development.

The required Stormwater Management Plan shall be designed to provide performance-based “best management practices” (“BMPs”) as set forth in the DEP document titled “PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL” Document # 363-0300-0002 December 30, 2006 or the most recent edition. The aforementioned Manual lists various BMPs which are acceptable to manage stormwater and prevent pollution of waters of the Commonwealth. The applicant’s selection of a BMP shall be further consistent with the following:

630.1 The Stormwater Management Plan for any subdivision or land development shall be consistent with the Penn Lake Park Borough stormwater management Ordinance and shall be prepared and sealed by a licensed professional engineer.

630.2 The Planning Commission shall submit one (1) copy of the Stormwater

Management Plan to the Borough Engineer for review and comment.

630.3 All required storm drainage facilities within the public right-of-way shall be designed as underground piping system. Said storm pipe shall be Corrugated Polyethylene Storm Drain Pipe smooth interior meeting the requirements of AASHTO M252, M294, or MP7, Type S. Pipe shall be supplied with bell end connections and shall have a rubber gasket that meets the requirements of ASTM F477. Pipe shall be manufactured by Advanced Drainage Systems N-12 PRO LINK ULTRA or approved equal. **Open swales shall be expressly prohibited as a design element of any required storm drainage facilities within the public right-of-way.**

630.4 Storm drainage systems and facilities shall be constructed in order to provide for the following:

- Improve water quality at point of discharge.
- Permit unimpeded flow of natural water courses except as modified by storm water detention facilities.
- Insure adequate drainage of all low points along the line of streets.
- Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.
- Provide positive drainage away from on-site sewage disposal systems.
- Take surface water from the bottom of vertical grades and lead water from springs. Use of cross gutters at street intersections and elsewhere is prohibited.
- Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.
- Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- The minimum size diameter of a drainage pipe shall be eighteen (18) inches, unless otherwise approved by the Planning Commission, based upon a recommendation by the Borough Engineer. The minimum value for "v" (velocity) in pipes shall be based on engineering judgment and experience.
- Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 500 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, in accordance with PA DOT Standards, no further allowance shall be made for flow at that point. Surface water drainage patterns shall be shown for each

and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets.

- Stormwater runoff calculations shall be calculated from methods as set forth in the DEP document titled “PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL” Document # 363-0300-0002 / December 30, 2006, as approved by the Borough Engineer.
 - Stormwater control system design calculations shall be based on methods as set forth in the DEP document titled “PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL” Document # 363-0300-0002 / December 30, 2006, as approved by the Borough Engineer.
 - All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- (5) All lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. However, all lots shall also be graded to retard storm water runoff from the land to take maximum advantage of natural on-site storm water percolation into the soils. Natural drainage courses shall be maintained.

The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of storm water across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel curbing which shall discharge only at drainage easements

- (6) The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.
- (7) No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- (8) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the runoff that will occur from the property at a higher elevation in the same watershed.
- (9) Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage. Such drainage easement shall be at least One Hundred (100') feet from any recognized high-water mark of any water course or body of water.

- (10) Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Commission before Preliminary Plan Approval.
- (11) All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be one-quarter ($\frac{1}{4}$) inches per foot away from the centerline.
- (12) All proposed surface drainage structures shall be indicated on the Preliminary Plan. Stormwater Management Plans shall include all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.
- (13) Interceptors for storm water runoff along streets shall be so spaced and so designed to intercept eighty (80%) percent of the peak runoff from the design storm.
- (14) A storm sewer system shall be separate from the sanitary sewer system. Storm sewer.
- (15) Storm drainage facilities shall be designed and provided to convey flow of surface waters without damage to persons or property.
- (16) Ownership and Maintenance Program: Each Grading and Stormwater Management Plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water facilities, and erosion and sedimentation control facilities, including;
 - Description of temporary and permanent maintenance requirements.
 - Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.
 - Establishment of suitable easements for access to all facilities.
 - The intent of these regulations is to provide private ownership and maintenance of storm water and erosion and sedimentation control facilities. Where the grading and Stormwater Management Plan proposes Borough Ownership and/ or maintenance, a description of the methods, procedures, and the extent to which any facilities shall be turned over to the Borough, including a written approval and agreement from the Borough indicating acceptance of responsibilities as proposed, shall be incorporated as an integral part of the plan.
- (17) Drainage easements shall be provided as follows:
 - Drainage easements shall be provided adjacent to street rights-of-way, streams,

side property lines and rear property lines as required by the Planning Commission.

- Drainage easements shall be a minimum width of:
 - a) Ten (10') feet adjacent to a street right-of-way plus the width of any required pipe or other necessary improvements.
 - b) Fifteen (15') feet when following side and rear lot lines. Such easements shall, to the fullest extent possible, either immediately adjoin or be centered on such lot lines, or
 - c) One Hundred (100') feet from any recognized high-water mark of any water course or body of water.

630.5 Calculating Storm Water Runoff: The general criteria for calculating storm water runoff shall include the following:

- a. Point of Evaluation: The point of evaluation shall be the point or points at which the storm water leaves the development site. The Borough Engineer may require additional points of evaluation beyond the development site as he deems necessary.
- b. Method of Computation: The acceptable methods of computation shall be those that are contained in the publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006.
- c. Rainfall Frequency Data: Rainfall frequency data are available from the U.S. Department of Commerce, Weather Bureau, and from the Pennsylvania Department of Environmental Protection, Research Publication Number 70.
- d. Design Storms:

All storm water drainage facilities shall be designed to handle, at minimum, the peak discharges from a 10-Year post-development storm event. The Planning Commission shall have the discretion to require that certain drainage facilities be designed for peak discharge, which may exceed a 10-Year post-development storm event, if so warranted in the recommendation of the Borough Engineer.

All storm water drainage facilities and components, including but not limited to storm water retention/detention facilities shall be designed on the basis of providing control for all storms of a 24-hour duration and for frequencies of 2, 10, 25, 50 and 100 years.

Emergency spillways shall be designed to pass the expected post development flows for a one-hundred (100) year storm frequency, assuming the principal spillway is 100 percent blocked.

Storm sewer systems shall be designed to handle the peak rate of runoff from a storm of 25-year frequency. This design shall be used for (i) building drains and (ii) local streets. Culverts shall be sized for the following classes of roads and storm frequencies: (i) secondary (collector) roads for storms of 25-year frequency; (ii) primary (arterial) highways for storm of 25-year frequency; and (iii) expressways for storms of 50-year frequency.

Greater design frequencies may be imposed on individual projects if deemed necessary for particular uses of land by the Borough Engineer.

Where State or Federal laws impose a greater design frequency, they shall prevail.

- e. Release Rate: The release rate of storm water from retention/detention facilities shall not exceed the predevelopment peak discharge for each storm frequency, for that particular point of discharge or the release rate as provided for under the Borough' Stormwater Management Ordinance. The more restrictive shall apply

630.6 Methods of Storm Water Runoff Detention and Control: In addition to the listing of detention and control methods in publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, the following methods may be utilized in stormwater management systems, based upon site conditions. All State and Federal regulations must be followed in the use of any control method.

- a. On-lot retention of roof-water
- b. Seepage pits, seepage trenches or other infiltration structures
- c. Cisterns and underground reservoirs
- d. Roof-top storage
- e. Parking lot ponding
- f. Porous pavement and concrete lattice-block surfaces
- g. Grassed channels and vegetative strips
- h. Routing flow over grass
- i. Decreased impervious area coverage
- j. Detention basins
- k. Retention basins

Lots which do not drain into other approved control facilities must have on-lot stormwater retention systems to retain roof water.

The use of other control methods which meet the criteria in this section shall be permitted if approved by the Borough Engineer. Various combinations of methods should be tailored to suit the particular requirements of the type of development and topographic features of the project area.

630.7 Design of Control Methods: The publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-

0300-0002 / December 30, 2006, should be consulted as an aid in designing control facilities:

- 630.8 Storm Water Management Plan Required: Prior to the preliminary and final approval of subdivision, land development or the issuance of any permit, or the commencement of any land disturbance activity, the owner, applicant, developer, or his agent shall submit a storm water management plan to the Planning Commission for approval.
- 630.9 Plan Requirements: In addition to compliance Borough' Stormwater Management Ordinance, the plan shall meet the requirements set forth herein, and shall also meet all requirements of applicable State and Federal regulations. The following items, where appropriate, shall be included in the plan:

A. GENERAL

1. General description of project.
2. General description of stormwater controls both during and after development.
3. Expected project time schedule, including anticipated start and completion dates.
4. Training and experience of person(s) preparing plan.
5. An executed signature block by a Registered Professional Engineer as follows: "I, _____, have prepared and hereby certify that the storm water management plan meets all design standards and criteria of Penn Lake Park Borough's Subdivision and Land Development Ordinance."

B. MAP(S) OF THE PROJECT AREA SHOWING

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet.
3. Streams, lakes, ponds, or other bodies of water within the project area or adjacent to the site which will be affected by runoff from the project.
4. Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
5. Location of existing overhead and underground utilities, sewers, and water lines.
6. Location of proposed underground utilities, sewers, and water lines.

7. Soil types and boundaries.
8. Proposed changes to land surface and vegetative cover.
9. Areas to be cut or filled.
10. Proposed structures, roads, paved areas and buildings.
11. Final contours at intervals of two (2) feet.
12. Location(s) of where water will exit the site and the means for discharging.
13. The location of where stormwater runoff exits the site based upon predeveloped conditions.
14. Boundaries of the drainage area contributing to each point of discharge based upon predeveloped and post developed conditions including areas beyond.
15. Show the runoff flow lines used in the time-of -concentration calculations for both the predeveloped and post developed conditions.
16. Provide two separate maps; one for the predeveloped conditions and one for post developed conditions.
17. Provide detailed drawings of all proposed stormwater management facilities.
18. Show all existing and proposed easements on the plan drawings. Identify each by use and width, along with identification legend of existing versus proposed. Indicate to whom the easement is being granted.

630.10 Stormwater Management Controls: The plan shall show the location And description of permanent control measures and facilities to be provided at the site, including:

1. Permanent vegetation or other soil stabilization measures.
2. Infiltration facilities such as seepage pits, beds, or trenches including on-lot retention systems for groundwater recharge; when such structures are used, the location of septic tank infiltration areas and wells relative to these facilities; cross-sections of proposed infiltration facilities must be provided upon the plan.
3. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, drainage easements, storm sewers, culverts, first flush treatment, etc.

4. All calculations, assumptions and criteria used in the design of the control device or method must be included upon the plan.
5. Details on the types, locations and dimensions of facilities for storm water detention and conveyance and for groundwater recharge.
6. Schedule for installation of the control measures and devices.
7. A 25 foot right-of-way around all storm water management structures and from such structures to a public right of way wherever the Borough is to accept the dedication of such structures.

630.11 Hydrologic/Hydraulic Calculations: As an attachment to the plan, hydrologic/hydraulic calculations shall be provided for stormwater flows from the site and from the entire area tributary to the site under conditions existing prior to development and resulting from the proposed development. Hydrologic/hydraulic calculations, assumptions and criteria used in the design of storm water control devices or methods shall also be provided. Measurements shall be in cubic feet per second for the design storms.

A written narrative which fully describes the Stormwater Management Plan shall be submitted with the required hydrologic/hydraulic calculations.

630.12 Plan Submission: Four copies of the completed plan and all related calculations shall be submitted with the Preliminary Plan.

630.13 Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless there has been a Storm Water Management Plan approved by the Planning Commission that provides for controlling storm water runoff consistent with this Section or there has been a determination by the Planning Commission that a plan for minimizing storm water runoff is not necessary. If the Planning Commission renders a determination that improvements indicated upon the approved stormwater management plan do not require to be installed at the time of final approval or prior to final approval, an improvement bond or other form of financial security shall be deposited with the Borough which shall insure and guarantee the installation and completion of required improvements as indicated upon the approved stormwater management plan within one year or less from the date of final plan approval.

The developer or lot owner shall provide financial security as a construction guarantee in a form to be approved by the Borough Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to install the facilities required by the approved plan. The financial security shall be released only after receipt by the Borough of certifications and "As-Built" drawings as required.

630.14 Maintenance Program: A maintenance program for all storm water

management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for required maintenance, subject to approval by the Planning Commission. The establishment and/or use of a homeowners' association shall not be included within the scope of a maintenance program.

630.15 Maintenance Guarantees: If any stormwater management facilities are offered for public dedication and accepted by Penn Lake Park Borough, the developer shall provide a financial security, in a form approved by the Borough Solicitor for a maintenance guarantee, equal to fifteen (15%) percent of the total cost of the installation of said facility, used as financial security to guarantee the stability of the newly constructed facility and revegetation for a period of eighteen (18) months.

630.16 Stormwater Drainage: Storm sewers, culverts, drainage easements and related measures shall be provided so as to control drainage and shall be included where applicable in the stormwater management plan:

- A. On-Lot Retention Systems: The owner of the individual lot shall be required to observe the following guidelines:
1. When required, a subsurface stormwater retention area shall be constructed on each lot prior occupancy of the building.
 2. Storm water runoff from impervious areas must be collected and conveyed underground to sub-surface retention areas.
 3. Retention systems, including conveyance and collection lines, are to be owned and maintained by the lot owner. Repair/replacement and maintenance of the system is the responsibility of the lot owner.
 4. The system shall be designed to accommodate anticipated peak flow for all storms of a 24-hour duration and for frequencies of 2, 10, 25, 50 and 100 years.
 5. The system shall be designed by a Professional Engineer licensed in Pennsylvania and shall be approved by the Borough Engineer and The Planning Commission prior to its construction.
 6. The system shall be constructed concurrently with or immediately after the house is framed.
 7. The system design shall be based upon the standards contained in Appendix C of "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, as approved by the Borough Engineer
 8. The system design shall include the following:

- (a) Filter fabric or other acceptable devices shall be utilized to prevent clogging or siltation of the storage areas.
 - (b) Cleanouts and traps are to be provided for maintenance purposes.
 - (c) Collection pipes are to be a minimum 4-inch PVC, perforated pipe.
 - (d) Storage area is to include all necessary tanks, large diameter pipes, and stone, 2-B or equivalent.
 - (e) Outlet pipes are to be solid wall PVC pipe, directed to adjacent swales and ditches in roadway areas, or to any adjacent streams that traverse the lot.
 - (f) Outlet pipes shall not discharge any runoff onto any adjacent lot.
 - (g) Large diameter pipes utilized for storage areas are to be either solid wall PVC or asphalt coated galvanized corrugated metal pipe, or other approved substitutes.
9. The Borough Engineer and/or any other party, as designated by the Planning Commission, shall inspect the system during and prior to backfilling. If the system is covered over prior to inspection, the lot owner will be required to re-excavate the backfill so proper inspection can be conducted.

630.17 Storm Drainage Systems: Storm drainage systems shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway in the determination of the Borough Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall be required to connect to them. Where storm sewers are to be located in undedicated land, they shall be placed in an easement at least twenty (20) feet wide. The minimum allowable velocity in storm sewers (pipes) shall be 3.0 feet per second. The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based upon the following table:

<u>Pipe Diameter (inches)</u>	<u>Maximum Allowable Spacing</u>
18	400 ft.
21-36	500 ft.
42-60	700 ft.
66 or larger	unlimited

630.18 Natural Drainage Areas: Where a subdivision or land development is traversed by a natural watercourse, a drainage easement shall be provided conforming substantially with the line of such watercourse. The width of such easement shall be at least forty (40) feet, measuring twenty (20) feet on each side, or of such additional width as will be adequate to preserve

the unimpeded flow of natural drainage and to provide adequate access along the watercourse for maintenance purposes.

No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Protection or the Borough, whichever is applicable. Any watercourse not under the jurisdiction of other official agencies are to be maintained open and free-flowing.

630.19 Roof Drains, Sump Pumps, Downspouts, Etc.: Stabilized outlets shall be provided for storm water roof drains, springs and sump pumps, footer drains, floor drains, and downspouts. No storm water shall be discharged directly onto streets and sidewalks from these sources. All piping systems from roofs, basement pumps, etc. discharging to rights-of-way must discharge via buried drainage pipe into adjacent roadway at the ditch invert, if allowed and accommodated for per the Stormwater Management Plan as approved by the Planning Commission.

630.20 Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

630.21 Drainage onto Adjacent Properties: Special consideration shall be given in the design of storm drainage facilities so as to prevent excess runoff or new concentrations of runoff onto adjacent properties. Whenever a subdivision or land development disposes storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the pre-development flow carried in the watercourse, a drainage release shall be obtained from the affected property owner in writing and a copy submitted with the preliminary plan. Drainage releases are required from all downstream property owners affected by the diversion, relocation or increase of storm water flow. Calculations shall be provided and sealed by a professional engineer demonstrating that such runoff will not erode or overtax any existing drainage facilities or watercourses on adjacent property. Ultimate approval of such drainage systems will depend upon approval by the Borough Engineer even though the adjacent property owner grants consent in writing.

630.22 Detention Basin Requirements:

1. When applicable, the design of any detention basin intended to meet the requirements of this Ordinance and the Penn Lake Park Stormwater Ordinance shall be verified by routing the design storm hydrograph through the proposed basin. For basins designed using the modified rational method technique, the detention volume shall, at minimum, equal the volume derived from the approximate routing process as contained in SCS Technical Release Number 55 (TR55, 1986), Chapter 6, (Figure 6-1)
2. All stormwater detention facilities shall be designed based upon the following criteria. Due to the uniqueness of each stormwater detention

basin and the variability of soil and other site conditions, the following criteria may be modified or deleted at the discretion of the Borough Engineer if warranted.

- a. The basin is to be seeded including the bottom, side slopes and all earthen dams and embankments.
- b. Suitable lining shall be required at all points of inflow to the basin where erosion and scour may occur.
- c. An easement to allow maintenance crews access to the basin and outlet areas shall be established around all basins to be maintained. The limits of such easements shall be 25 feet from the outside toe of all dams and embankments and the top of all pond side slopes, with said easement being connected to a public right-of-way.
- d. The design dimensions of the detention basin shall be maintained throughout construction, unless it is to be used as a sedimentation basin during construction in the watershed. If so, it shall be immediately returned to design dimensions following the completion of such construction. If used as a temporary sedimentation basin, it shall be designed based upon the most recent standards of DEP for sedimentation basins.
- e. Runoff from areas uphill or upstream from the development site may be passed across the development site without detention or storage. If it is more convenient, part or all of such water may be passed through the detention means described above, and an equal amount of water that originates on site may be passed downhill or downstream. If any such upstream water enters the detention structure, the amount of detention shall be increased accordingly.
- f. The inlet shall enter at the opposite end of the basin if possible. The basin shall have a minimum bottom slope of 1% towards the primary outlet to assure positive drainage. Low flow channels may be required to convey small inflows to the basin outlet.
- g. Side slopes shall be a maximum of three feet horizontal to one foot vertical (3:1), unless the design slopes are less than three feet, in which case 4:1 side slopes are required. The design engineer may propose steeper side slopes if justifiable evidence is submitted.
- h. Basins with a minimum depth of three feet or greater shall be enclosed by a fence, not less than six (6) feet in height around the entire perimeter to keep out persons, animals and all other unauthorized access to the basin area. A gate shall be installed to allow access into the basin for required maintenance. With the exception of the location of the gate, a vegetative screen of trees, with the variety subject to the approval of the Planning Commission, shall be planted in front of the fence with the spacing

distance not greater than eight (8) feet between trees. Said trees shall be not less than six (6) feet in height at the time of planting.

- i. The runoff entering the basin will result in the accumulation of considerable amounts of sedimentation. Provision shall be made within the maintenance schedule for periodic removal of accumulated solid materials.
- j. Responsibility for operation and maintenance of detention facilities, including periodic removal of accumulated materials, shall remain with the owner who is granted subdivision or land development approval of a given development, unless the detention facilities are dedicated and accepted by Penn Lake Park Borough.
- k. In some instances, the provision of separate detention facilities for a number of single sites may be more difficult to maintain than the provision of joint facilities for number of sites. In such cases, the Borough may consider the provision of joint detention facilities which would the meet all requirements of stormwater management. In such cases, a properly planned staged program of detention facilities may be approved by the Borough in which compliance with certain specified requirements may be postponed at early stages, while preliminary phases are undertaken. This shall however pertain to stormwater management only and not erosion and sedimentation pollution control.
- l. Safety ledges shall be constructed on the side slopes of all detention basins designed to have a permanent pool of water. The ledges shall be 4 to 6 feet in width and located approximately $2\frac{1}{2}$ to 3 feet below and 1 to $1\frac{1}{2}$ feet above the permanent water surface. Side slopes shall conform to paragraphs g. and h. of this subsection.
- m. Where the project consists of more than one phase, the stormwater controls shall be designed so that the rate of runoff for the maximum built out condition of the site is consistent with release rate specified in the plan. The outlet structure may have to be modified for the first phase. The stormwater detention basin shall be constructed prior to the first phase.
- n. All basins shall have, at minimum, a primary outlet to control the design storm(s) with a one foot freeboard above the maximum pool elevation associated the design storm(s). All basins shall also provide an emergency spillway to safely convey the 100-year design storm with one half ($\frac{1}{2}$) foot of freeboard.
- o. If the flow from the basin is proposed to be concentrated and discharged onto adjacent property, the developer must provide documentation that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or

otherwise provide documentation that no adverse effects will result from the concentrated discharge. Written permission from the adjacent property owner must be obtained which fully explains the proposed discharge to allow for consideration of such discharge. Ultimate approval of the feasibility of such discharges shall require the approval by the Borough Engineer.

- p. Maximum velocities in emergency spillways shall be determined based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in the most recent DEP Sedimentation and Erosion Control Manual suitable lining shall be provided.

- q. The minimum top width of all basins shall be as follows:

<u>Height</u>	<u>Top Width</u>
0-10 feet	6 feet
11-14 feet	8 feet
15 or greater	As per DEP regulations

- r. All detention basin routing will be performed using acceptable routing methods. Selected time increments will be of a short enough duration to allow reasonable approximation of the inflow hydrograph.
- s. Any detention basin intended to meet the requirements of this Ordinance which requires a Dam Safety Permit from DEP shall be designed consistent with the provisions of the Dam Safety and Encroachment Act and DEP Chapter 105 Rules and Regulations.
- t. The applicant shall comply with any additional design requirements which may be recommended by the Borough Engineer based upon site conditions.

630.23 Compliance as a Condition of Preliminary Plan Approval: The Borough, in its consideration of all Preliminary Plans of subdivision and land development, shall condition its approval upon the execution of stormwater management control measures.

630.24 Inspections and Certifications:

The developer must submit a certification by a Pennsylvania Registered Professional Engineer; which certificate shall certify that all elements of the approved plan have been constructed as designed and approved.

- a. Penn Lake Park Borough or its designee may inspect all phases of development of the site including, but not limited to:

1. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.
 2. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 3. During construction of the permanent storm water facilities at such times as specified by Planning Commission or its designee.
 4. Upon completion of permanent storm water management facilities, including established ground covers and plantings.
 5. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with approved plans and permit.
- b. It is the responsibility of the developer to notify the Planning Commission forty-eight (48) hours in advance of the completion of each phase of development identified above.
- c. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.
- d. If at any stage of the work, the Planning Commission determines that the soil or other conditions are not as stated or shown in the approved application or plan, it may refuse to approve further work and may revoke existing permits and approvals until a revised plan is submitted and approved.

630.25 As Built Drawings Required: Following the completion of construction, the developer shall submit drawing(s) of all improvements included within the scope of the approved stormwater management plan to the Planning Commission. Said drawings shall bear the seal of a Pennsylvania Registered Professional Engineer or a Pennsylvania Registered Land Surveyor indicating the “as built” of all required improvements shown upon the drawings. No approved dedication of improvements shall be accepted by the Borough without the submission of “as built” drawings.

SECTION 631 UTILITY EASEMENTS

Easements shall be provided for all utilities, including but not limited to poles, wires, conduits, storm and sanitary sewers, water and heat mains, gas, electric power, telephone, cable TV and roadway embankments.

- 631.1 Location and Width: With the exception of on-lot sewer laterals, utilities shall be located in easements centered on or adjacent to front, rear, or side lot lines. No structures or trees shall be placed over or within such easements. Such easements shall be minimum of twenty (20) feet in width.
- 631.2 Underground Installation: In developments of five (5) or more lots or residential developments of five (5) or more dwelling units electric, telephone, and all other utility facilities shall be installed underground. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for such a system. All underground utilities including laterals, service connections, etc. or provisions for the same shall be installed prior to the placing of the subbase material in areas where the utilities underlie the cartway.
- 631.3 Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to preliminary plan approval the developer shall be required to obtain a letter from the transmission or distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

Any company intending to install a petroleum, petroleum products or natural gas transmission line shall be required to construct such line on an easement at least fifty (50) feet wide, and the line shall be located at the center of such easement. The installation shall comply with all applicable standards of the Pennsylvania Utilities Commission.

A minimum distance of twenty-five (25) feet, measured from the edge of the easement, shall be required between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses a subdivision.

SECTION 632 CURBS AND SIDEWALKS

632.1 Curbs

Granite curbs shall be provided along all streets intended to be offered for public dedication to the Borough. Drainage swales shall not be located within the public right of way or upon any property intended to be offered for public dedication. Any drainage swales that are intended for private dedication, including but not limited to a home owners association, shall provide a maintenance plan and required funding of the same for approval by the Planning Commission. Drainage swales which are part of the storm water management plan that have slopes of eight (8%)

percent or more shall be paved, and the Planning Commission may require the paving of drainage swales on less than eight (8%) percent slopes.

632.2 Granite Curb Design Standards:

Type "A" or equal, 4" x 16" as produced by North Carolina Granite Corp., Mt. Airy, N.C. or an approved equal, as solely determined by the Planning Commission. Provide a sawed top to a true plane with no projection or depression greater than 1/8 inch. Back arris line shall pitch straight and true with no variation from a straight line greater than 1/4 inch. Back shall have no projection to exceed 4-inches in a 12-inch batter for a distance of 3-inches down from the top. Ends shall be square with the plane and face of top. Joints shall back over 8-inches from the plane of the joint. Curb bottom shall have a tolerance of 1-inch less, or 2-inches more than the required width. Front face shall have a 3/4 inch in 10-inch batter down and shall be smooth quarry split. No projection shall exceed 3/4 inch or depression to exceed 1/2-inch for 8-inches down. Front arris line to be true and straight. Curb shall not contain any marble seams which are irregular to the section. Mortar for joints shall be 1 part cement, 1 part fine aggregate and shall be mixed with sufficient water to form a plastic composition.

Excavate to the base of the curb allowing sufficient width and depth for the dry mix concrete. Tamp the subgrade and prepare to form a smooth and uniform surface so that the top elevation of the curb is to the desired grade. Set the curb for a max. joint width no greater than 1/2-inch. Verify the curbs alignment, grade and plumbness and place Cl. B Conc. in a continuous pour in front, back and under curb as indicated. Provide the required curb reveal at drives and normal sections as specified. Use drive transition pieces of the size indicated on the Detail Drawings, and at locations where handicap ramps are to be installed. Drill holes in new granite curbs at factory where rainleader holes are required.

632.3 Requirements for Physically Handicapped Persons: Where sidewalks are provided, all curbs shall be designed and constructed with barrier-free ramps at intersections. Said ramps shall not outlet onto a catch basin, be located and designed in accordance with the most recent governing accessibility standards in compliance with the Americans with Disabilities Act of 1990, as amended. Expansion joints shall be constructed with 3/4-inch premolded expansion joint material. Expansion joints shall be required at all obstructions. All concrete shall be cured in accordance with latest edition of PennDOT 408 Standards.

632.4 Sidewalks

- a. Sidewalks shall be required in all major residential developments. Each property owner shall be responsible for the maintenance of sidewalks which borders his or her property. Said responsibility for sidewalk maintenance shall be contained within each deed of a proposed subdivision
- b. Width and construction Sidewalks shall be constructed with class. "AA" concrete having a minimum strength of 3,750 PSI at 28 days. Minimum depth of sidewalks shall be five (5) inches with a subbase of four (4)

inches. Where crossed by driveways sidewalks shall be six (6) inches minimum depth with a subbase of four (4) inches. Sidewalk construction joints shall be 1/2" cold rolled, sawn end dowels, 18" long greased on both ends, spaced a maximum of 12" apart. Reinforcing shall be 6x6 6/6 WWF mesh. A cross slope is required on all sidewalks at a minimum of 1/8" per foot to a maximum of 1/4" per foot. False joints shall be provided at maximum intervals of five (5) feet and shall be at least one-fourth the depth of the concrete. Expansion joints shall be provided at all walls, poles, curbs, and other obstructions. All concrete shall be cured in accordance with the latest edition of PennDot Specifications 408. Forms shall be removed no sooner than seven (7) days after sidewalk concrete is poured. Sidewalks shall be sprayed with anti-spalling compound within 28 days after being poured.

632.5 Tree Lawn and Street Trees

The applicant or developer shall seed or sod a planting strip not less than three (3) feet wide between the curb and sidewalk, and, shall in addition, provide street trees. Such trees shall be 2" to 2.5" in diameter, measured at not less than 5 feet in height, when planted, and shall be spaced at intervals no greater than forty feet. The type of trees shall be subject to approval by the Planning Commission. Species shall be selected according to the following criteria:

- a. cast moderate shade to dense shade in summer;
- b. long-lived (over 60 years);
- c. mature height of at least 50 feet;
- d. be tolerant of pollution and direct or reflected heat;
- e. require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant;
- f. be able to survive two years with no irrigation after establishment;
- g. be of native origin, provided they meet the above criteria

Among the species that are recommended are sycamore or London Plane, sweet gum, red maple, green ash, Shademaster golden locust, little leaf linden and Village Green Zelkova.

632.6 Driveway access: The developer shall provide sufficient curb depressions at the time of original curb construction to permit driveway access to each lot. Where sidewalks are also required the developer shall install a concrete transition apron between curb and sidewalk at each such depression concurrently with curb and sidewalk construction. Each property within a subdivision or land development shall contain a deed restriction which requires that all driveways onto a property shall be installed in full compliance with the required transition apron.

SECTION 633 NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT

633.1 General - If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision or land

development with respect to such land shall make such provisions as the Planning Commission require.

633.2 A nonresidential subdivision or land development shall also be subject to all the requirements if site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Planning Commission and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance.

633.3 Standards - In addition to the requirements and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- A. Proposed industrial parcels shall be suitable in the types of industrial or commercial development anticipated.
- B. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- C. Special requirements may be imposed by the Planning Commission with respect to street, curb, gutter, and sidewalk design and construction.
- D. Special requirements may be imposed by the Planning Commission with respect to the installation of public utilities, including water, sewer, and storm drainage.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing and potential residential areas without provisions for a permanently landscaped buffer strip when necessary.

ARTICLE 7

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

No plan shall be granted final approval until the applicant either:

- a. Installs all required improvements in accordance with the terms of approval and the applicable design standards of said improvements.
- b. Posts a form of financial security, acceptable to the Borough, which shall be of sufficient amount to fully cover the costs of all required improvements in accordance with the terms of approval and the applicable design standards of said improvements. The Borough Council shall retain the discretion in all matters and decisions related to the acceptance and/or approval of the posting of any financial security.

SECTION 702 TYPES OF FINANCIAL GUARANTEE

702.1 A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

- a. An unconditional and irrevocable letter of credit with authorization for drawing upon by the Borough in the event of default or failure by the developer or applicant to complete the installation of required improvements.
- b. A restrictive escrow account.
- c. Other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld.

702.2 Such financial security shall be with a lending institution which is chartered by the Federal Government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

SECTION 703 REVIEW BY SOLICITOR

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Borough Council and their Solicitor for review not less than twenty one (21) days prior to the public meeting of the Borough Council at which the acceptance and/or approval of proposed financial security will be considered by the Borough Council.

SECTION 704 AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial

security shall be based upon a written estimated cost of completion of required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Borough Council, upon the recommendation of the Borough Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Borough and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Borough and the developer or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable, shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Borough and the developer or applicant.

SECTION 705 REQUIRED TIME PERIOD FOR COMPLETION

705.1 The financial security shall provide for, and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final Plan for the completion of such improvements.

705.2 If the applicant in posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one year period beyond the anniversary date from posting of the financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one year period.

SECTION 706 PHASING OF DEVELOPMENT

In the case where development is projected over a period of years, the Borough Council may authorize the submission of final plans by sections or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

SECTION 707 START OF WORK NOTICE

The applicant and/or developer shall provide the Borough and the Borough Engineer with not less than a seventy-two (72) hour notice prior to the commencement of work at the site.

SECTION 708 PERIODIC INSPECTIONS DURING CONSTRUCTION

The Borough Engineer shall make periodic inspections to the site during the construction of improvements to insure the work is in conformance with the approved plans. The Borough Engineer shall promptly provide Borough Council with a written report after any such inspection.

SECTION 709

RELEASE OF PORTIONS OF FINANCIAL SECURITY

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

SECTION 710

FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

- 710.1 Where Penn Lake Park Borough accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
- 710.2 Said financial security shall be of the same type as otherwise required in Section 702 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

SECTION 711

FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY

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

Council not less than fourteen (14) days prior to its next regularly scheduled meeting at which the final plan shall be considered.

SECTION 712 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

712.1 If financial security has been provided in lieu of the completion of improvements required as a condition for final approval as set forth in this Article, the Borough shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.

712.2 If a financial security has been provided certificates of zoning compliance or occupancy permits for any building or buildings to be erected shall not be withheld following:

- (a) the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition.

and

- (b) The completion of all other improvements as shown on the approved final plan, either upon the lot or lots beyond the lot or lots in question, if such improvements are deemed necessary for the reasonable use of or occupancy of the building or buildings.

SECTION 713 COMPLETION OF REQUIRED IMPROVEMENTS

713.1 When the applicant has completed all of the necessary and required improvements, the applicant shall notify the Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.

713.2 The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all the aforesaid improvements. The Borough Engineer shall thereupon file a report, in writing with the Borough Council, and shall promptly mail a copy of the same to the developer. The report by the Borough Engineer shall be made and mailed within thirty (30) days from the aforesaid authorization from the Borough Council.

713.3 The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof be rejected, said report shall contain a statement of the reasons for such rejection.

713.4 The Borough Council shall notify the developer, in writing, within fifteen (15) days of receipt of the Borough's Engineer's report, by certified or registered mail of the action of the Borough Council with relation thereto.

713.5 If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

SECTION 714 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 713 shall be followed.

SECTION 715 APPLICANT'S RIGHT TO CONTEST ACTION

Nothing herein, however shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Borough Council or Borough Engineer.

SECTION 716 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

716.1 In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Borough can enforce any corporate bond or other security by appropriate legal and equitable remedies.

716.2 If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development, may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

716.3 All of the proceeds, whether resulting from the security or from any legal or equitable action or from both brought against the applicant shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 717 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 108 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Borough may incur as related to Sections 704, 705, 708, 709, 710 and 713 of this Ordinance. The developer shall be required to fully reimburse the Borough for said engineering fees. The developer shall also be required to fully reimburse the Borough for any engineering and/or consulting fees which the Borough may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. Upon notification by the Borough of such costs, the developer shall provide a certified check or money order to the Borough to fully reimburse the Borough for said

engineering fees, within thirty (30) days from the billing date from Penn Lake Park Borough. An approved plan shall not be signed by the Borough Council nor shall any permits related to the development of the site be issued until all fees are paid in full.

The Borough Council shall also have the discretion to require the applicant deposit funds into an escrow account to be drawn upon by the Borough for the payment of the above fees. In such cases, the amount of funds to be deposited into such account shall be determined by the Borough with input from its consultants. Any funds deposited in said account at the conclusion of payment of all required reimbursable consulting fees shall be returned to the applicant. If the initial amount of funds deposited into said account appears to be insufficient to cover such costs, the Borough shall notify the applicant of any additional amount of funds required to be deposited for such purposes.

SECTION 718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

- 718.1 An applicant may contest the amount to be reimbursed to the Borough for consulting fees. The applicant shall notify the Borough, in writing, within ten (10) working days of the billing date, as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Borough for consulting fees, if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.
- 718.2 In such cases, the Borough Council shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicants written request to contest certain consulting expenses.
- 718.3 If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Borough Council shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- 718.4 The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- 718.5 In the event that the Borough Council and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Luzerne County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.

718.6 The fee of the appointed professional engineer for determining the reasonable and necessary consulting expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Borough shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

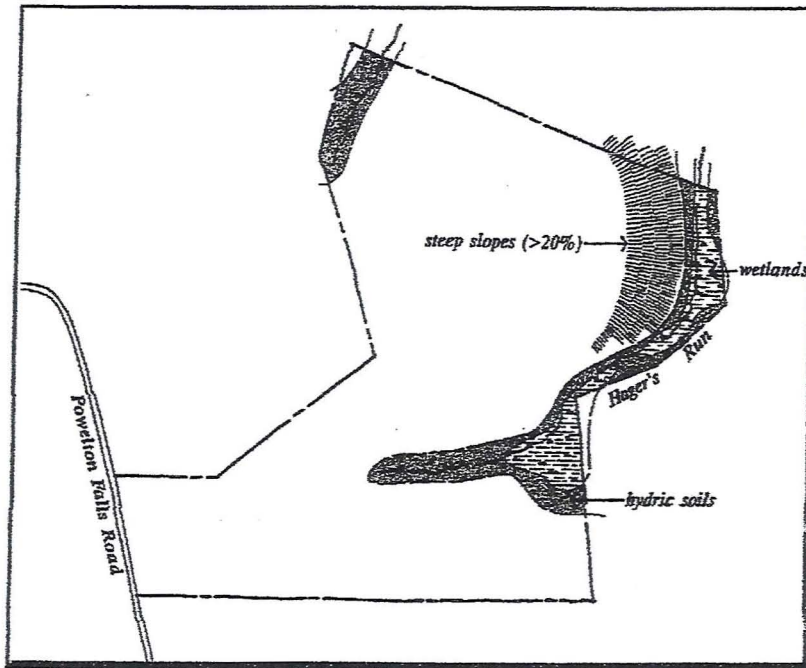
PENN LAKE PARK BOROUGH
SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE
APPENDIX

PENN LAKE PARK BOROUGH

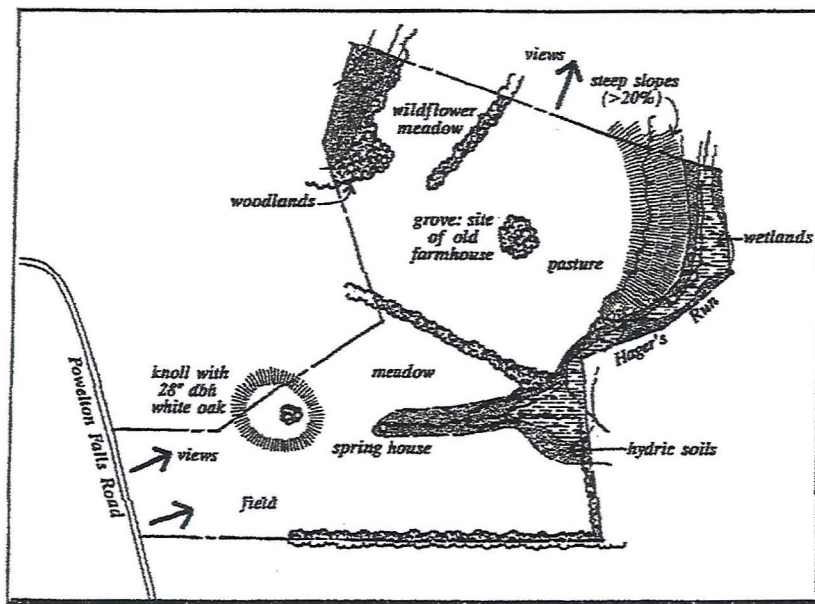
SALDO - SECTION 604

FOUR-STEP DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS

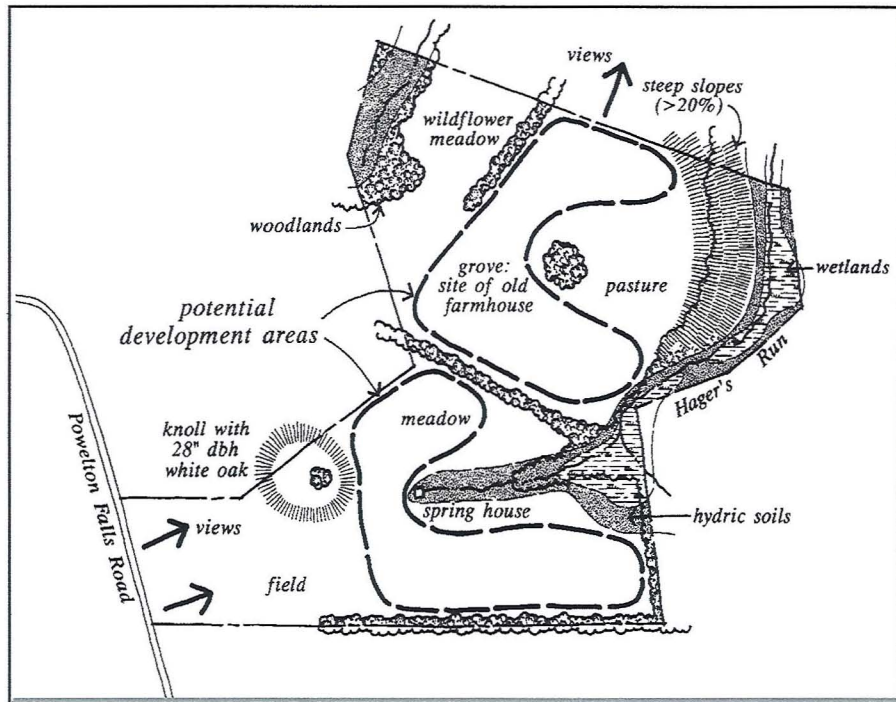
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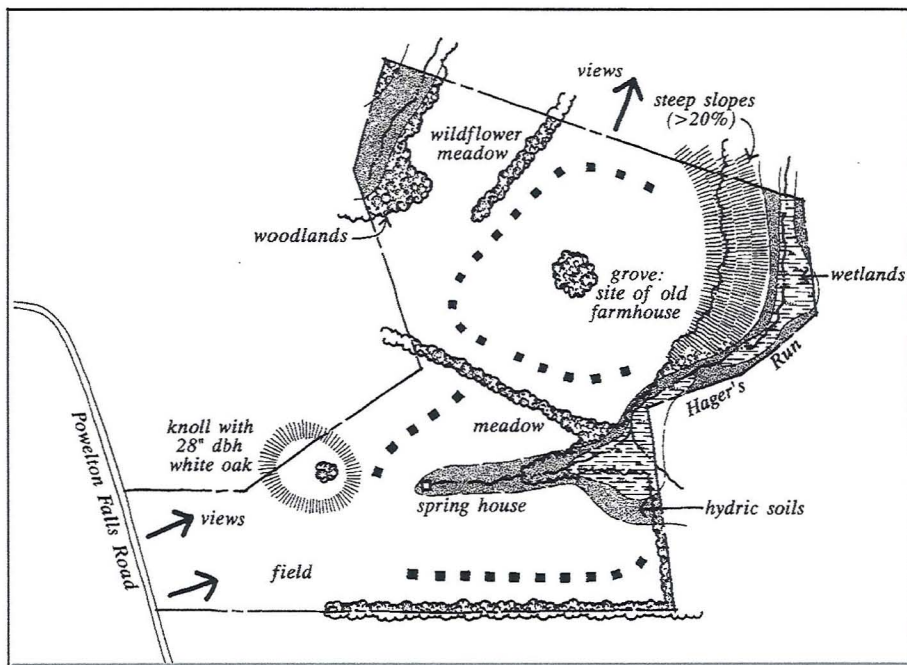
Step 1, Part 1 – Identifying Primary Conservation Areas



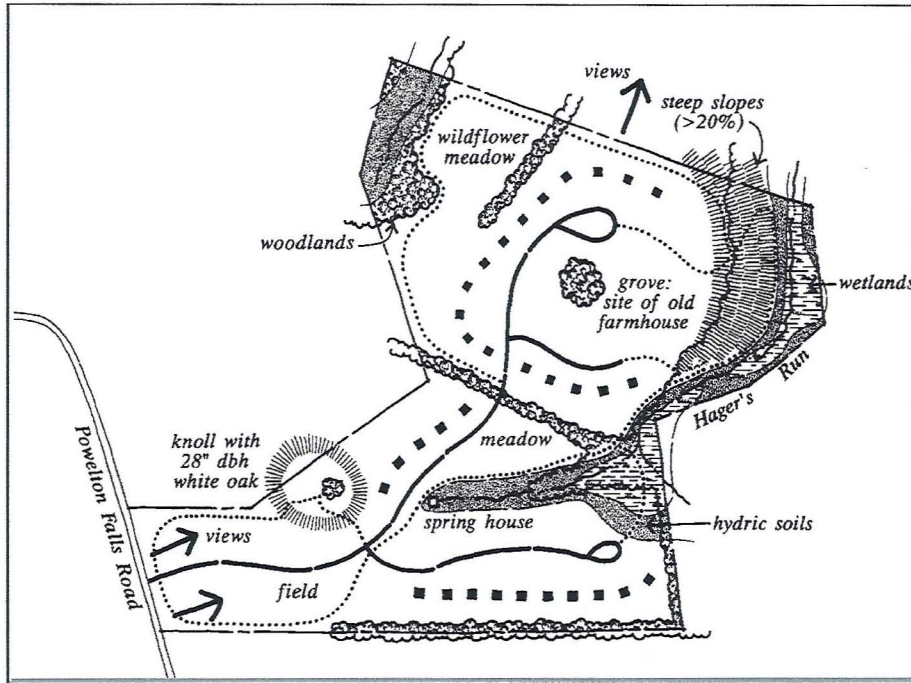
Step 1, Part 2 – Identifying Secondary Conservation Areas



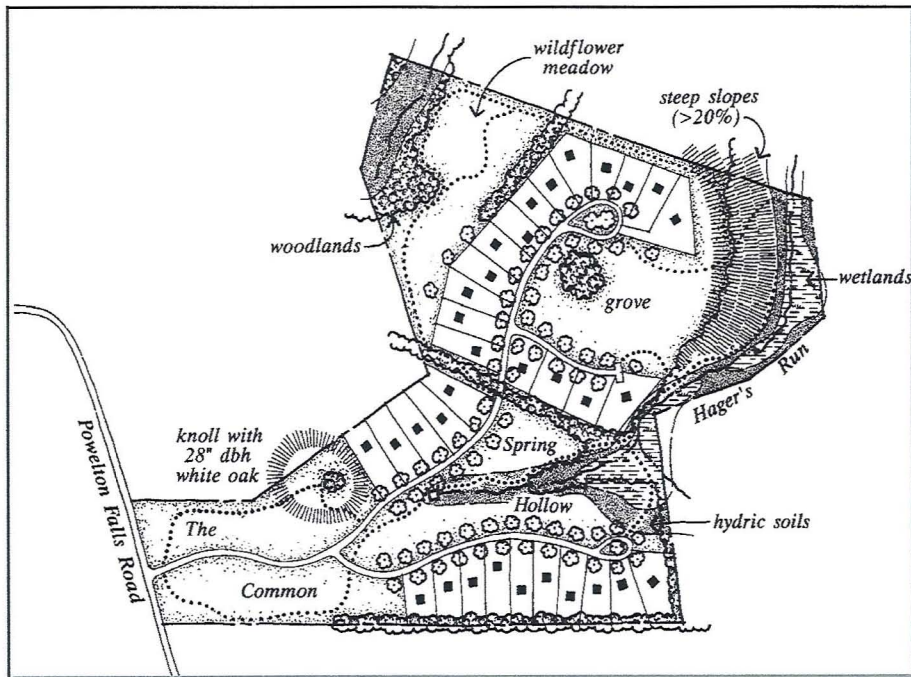
Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Location of Dwelling Units

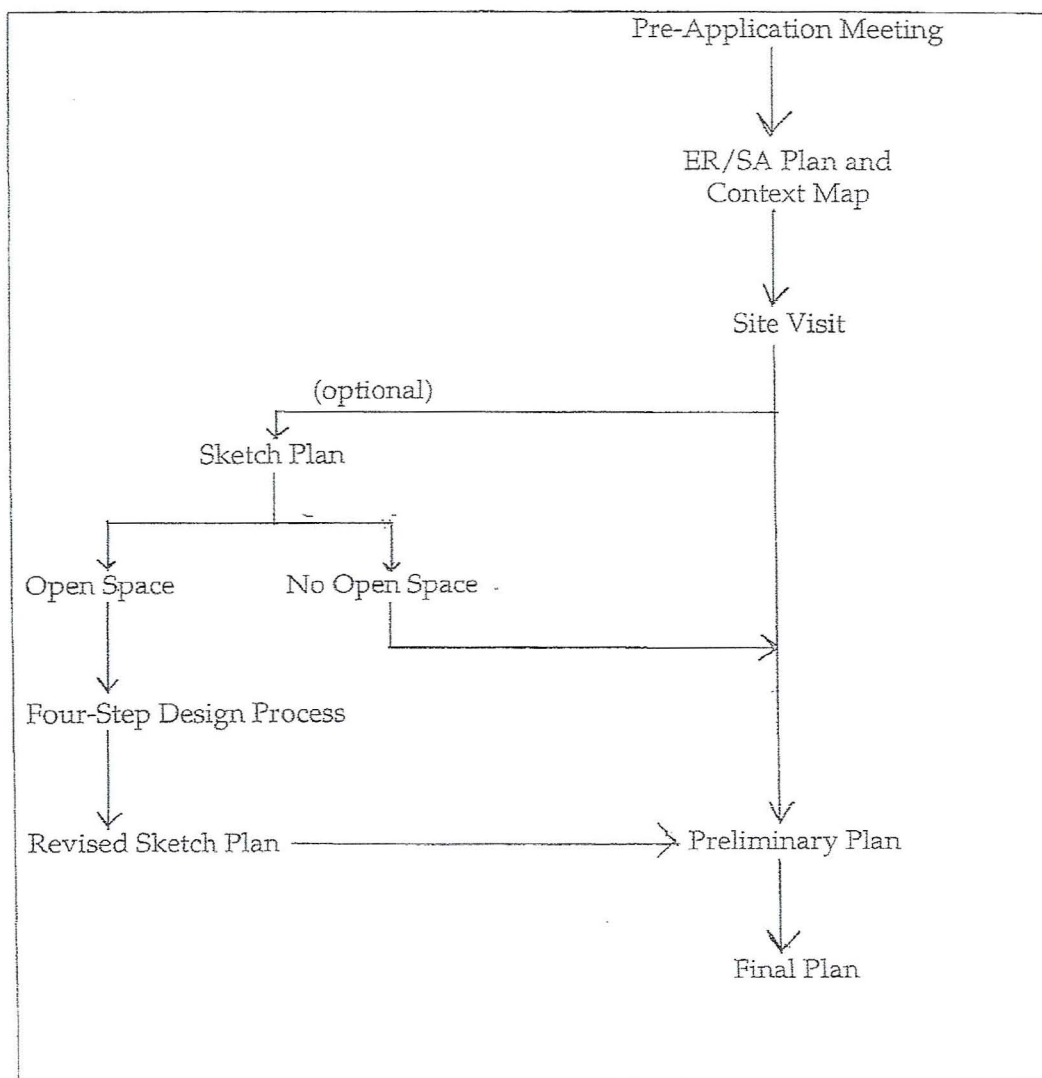


Step 3 – Alignment of Streets and Trails



Step 4 – Drawing in the Lot/Development Lines

PROCESS FOR ALL MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS



SALDO – SECTION 619 DESIGN STANDARDS FOR STREETS

	Total Lanes	Parking Lanes	Cartway ¹ Width	Curbing Required	R.O.W ²
Collector					
Lots 80'+	2	0	22 feet	yes	50'
Lots 40' - 80'	3	1	28 feet	yes	50'
Lots <40'	4	2	34 feet	yes	60'
Local Access					
Lots 80'+	2	0	20 feet	yes	50'
Lots 40' - 80'+	3	2	26 feet	yes	50'
Lots <40'	3	2	28 feet	yes	50'

¹There shall be a 7-foot wide utility easement on both sides of any public right-of way located beyond the pavement of the cartway and beyond the tree lawn and sidewalk. All utilities shall be placed within such easements.

²Additional right-of-way width and cartway widths may be required by the Borough to provide for additional construction requirements such as cuts, fills and embankment areas. In cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.

	Collector	Local Access
MINIMUM SIGHT DISTANCE ¹	250 feet	150 feet
MINIMUM TANGENTS BTW REVERSE CURVES ²	150 feet	100 feet
DESIGN SPEED	35	25
MINIMUM CENTERLINE RADII FOR HORIZONTAL CURVES	200 feet	100 feet ³
MAXIMUM GRADES	5%	7%
CARTWAY MINIMUM CROWN	2%	2%

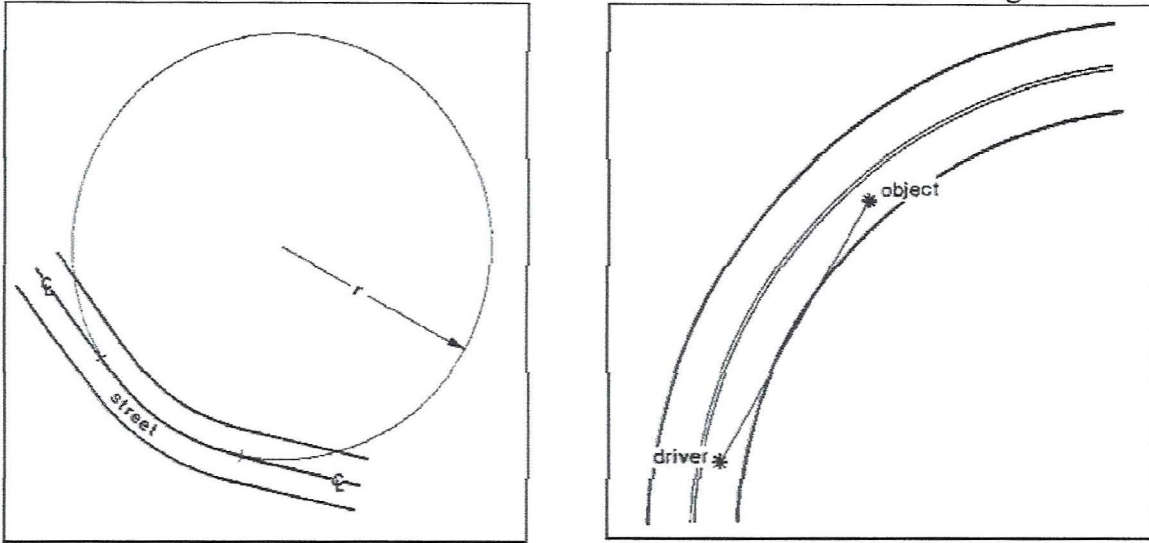
¹Horizontal sight distances shall be measured a point 3.5 feet above the road surface to a point 6 inches above the road surface, and shall be based upon standards of the American Association of State Highway and Transportation Officials (AASHTO).

²All tangents shall be measured along the street centerline.

³Maximum Curve Radius shall not be greater than 165 feet

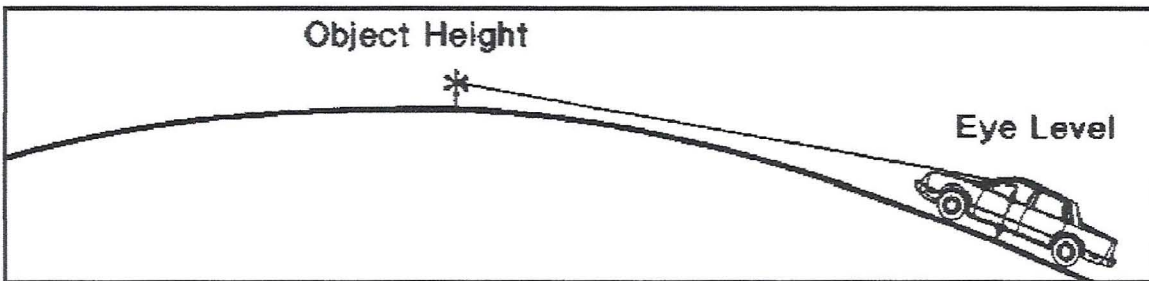
HORIZONTAL CURVES

Horizontal curves shall connect street lines that are deflected in excess of 2 degrees.



VERTICAL CURVES

Vertical curves shall be used at changes of grade exceeding 1 percent. The length of the vertical curve shall be determined by the required sight distance specified in Table 6-1. All approaches to an intersection of 2 or more streets shall have a leveling area not greater than 4 percent grade for a minimum distance of 25 feet, measured from the nearest right-of-way line of the intersecting street.



Sight Distance - on crest of hill (vertical curve)

CLEAR SIGHT TRIANGLES

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

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

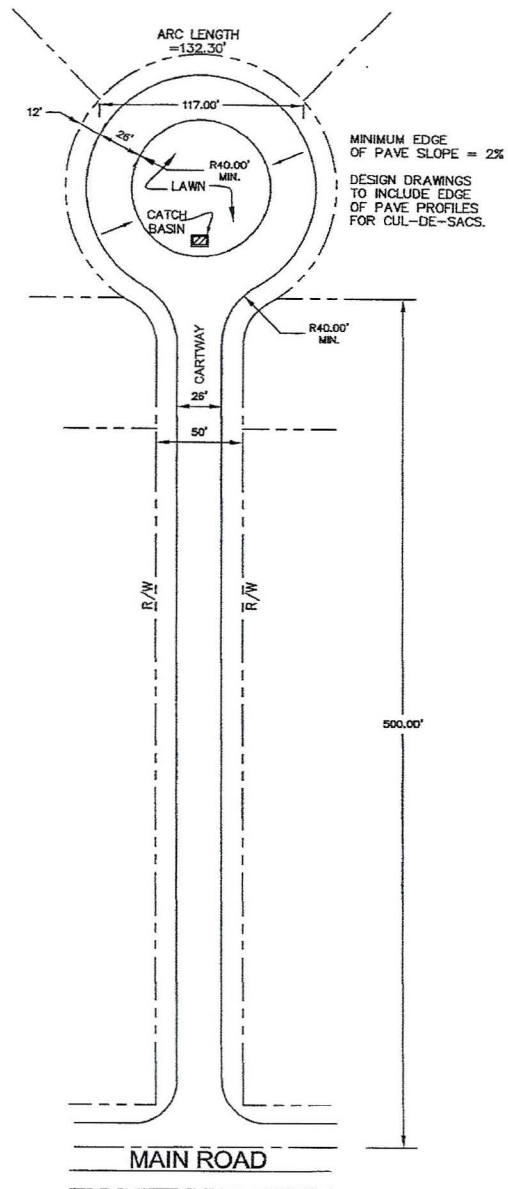
- B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The point along the secondary street centerline shall be ten (10) feet back from the pavement line of the through street. The points along the centerline of the through street shall be set in accordance with the following table.
- C. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

CUL-DE-SAC STREETS

All cul-de-sac streets, permanently designed as such, shall terminate in a circular turnaround and shall be designed in accordance with the following standards:

- 1. A circular right-of-way with a minimum diameter of 120 feet, with a minimum radius of forty (40) feet, as measured to the outer pavement edge or curb line, and improved to the required construction specifications.
- 2. For all lots fronting upon the arc of a cul-de-sac, there shall be a minimum cord distance of not less than one hundred seventeen (117) feet as measured from the side yard lot lines for each lot. (See illustration on the following page)

PENN LAKE PARK BOROUGH CUL-DE-SAC DESIGN STANDARDS



PENN LAKE PARK BOROUGH PAVING STANDARDS

The paving standards for Penn Lake Park Borough shall reflect the following PennDOT Superpave Standards, or any subsequent revision which may be adopted by PennDOT.

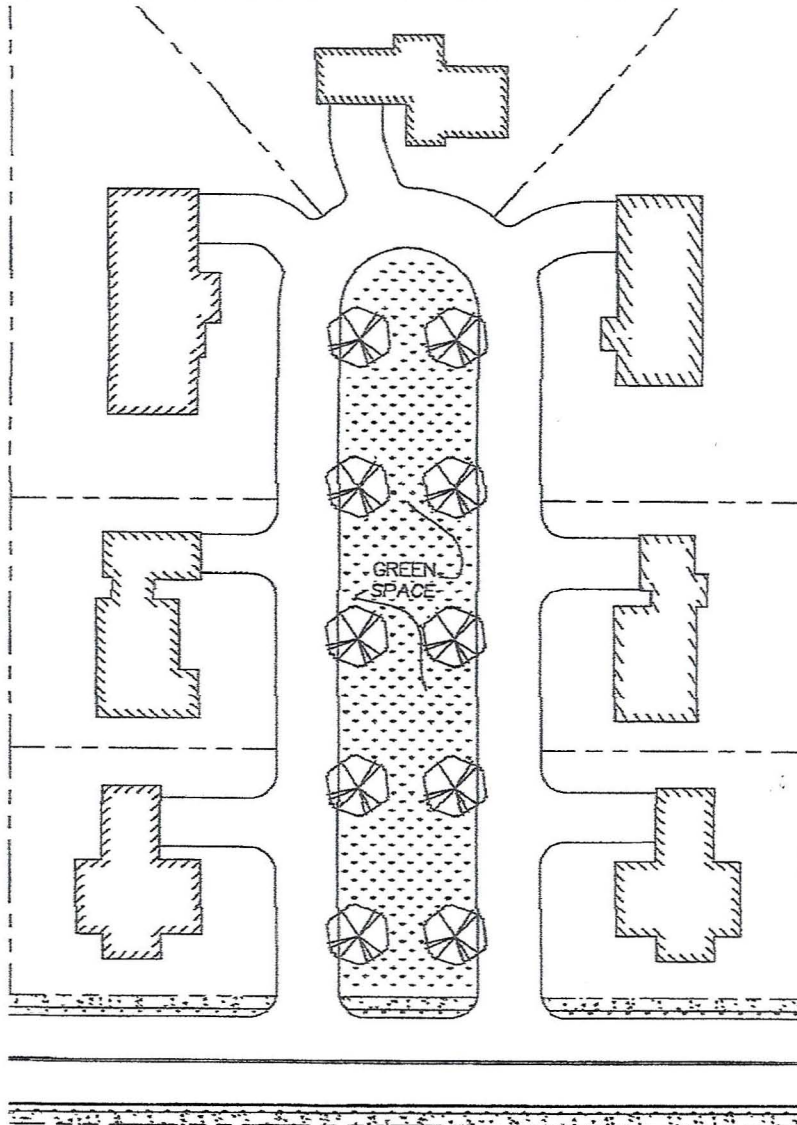
PennDOT – SUPERPAVE STANDARDS

Procedures/Specification. Design of all streets constructed shall be in accordance with the guidelines and requirements for Design of Local Roads and Streets contained in **Design Manual, Part II, Highway Design, latest revision and the latest edition of PennDOT Publication No. 408.** The following procedures shall be followed for construction.

Local Street

1. If at the time of construction, local, unstable subgrade conditions are encountered, the Borough Engineer may require that all areas of unstable subgrade may be excavated to sufficient depth, replaced with approved material, and compacted to a density and stability equal to, or greater than the surrounding subgrade. The Borough Engineer may require PennDOT No. 408 Specifications to be installed for the entire subgrade of the proposed cartway. Pavement base drain may be required by Borough Engineer.
2. Fine grade and roll subgrade.
3. Cut out all soft and yielding areas to a maximum depth of two (2') and backfill with 2A modified or 3A modified crushed stone compacted in 6" lifts. If the soil is still soft at the 2' depth, place geotextile fabric in the bottom prior to backfilling with 2A or 3A modified crushed stone.
4. Place and compact a minimum six-inch (6") depth of 2A modified crushed stone.
5. Place and compact a minimum four-inch (4") depth of Superpave asphalt design, 25.0 mm, PG 64-22 base course.
6. Place and compact a minimum one and one half inches (1½") of Superpave asphalt design, 9.5 mm, PG 64-22 wearing course. The appropriate skid resistance level shall be used in accordance with PennDOT Publication No. 408 and 242. Design mix shall be submitted to Borough for review to include appropriate ESAL.

**PENN LAKE PARK BOROUGH
SAMPLE DESIGN LAYOUT
FOR
LOOP STREET**



DEVELOPMENT AGREEMENT

Development Agreement Required

All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the plan shall be required to enter into a legally binding Development Agreement with the Borough prior to Final Plan approval. The Development Agreement shall guarantee the installation of said improvements in accordance with all Borough requirements. The Final Plan shall not be approved by the Commission prior to the execution of this agreement and the delivery of the Performance Guarantee.

Terms of Development Agreement

The Development Agreement shall be in the manner and form approved by the Borough Solicitor, and it shall consist of the following terms, where applicable:

- (1) The construction depicted upon the approved plans in itemized format.
- (2) Construction of streets with related curbs, street signs, drainage facilities and related improvements.
- (3) Installation of utility lines.
- (4) Dedication of streets, transfer of water and sewer lines and easements.
- (5) Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
- (6) The payment by the developer of the required fee for deposit into the Borough's Developers Stormwater Inspection Account
- (7) Developer's responsibilities for damage to other property.
- (8) A work schedule setting forth the beginning and ending dates and such other details as the Borough deems fit and appropriate for the improvements covered by the Development Agreement, together with an inspection schedule approved by the Borough engineer.
- (9) The estimated cost of the improvements not yet completed, including a detailed breakdown in a form acceptable to the Borough, per the Financial Security required under Article 7 of this Ordinance.
- (10) The provision of a Financial Security for completion of required improvements which complies with the applicable requirements of Article 7 of this Ordinance.

The developer shall provide the Planning Commission with a set of reproducible “AS BUILT” plans prepared by and certified to by a Professional Land Surveyor/Professional Engineer of all streets, storm and sanitary sewers, and water distribution facilities.

- (11) Provisions for violation of the Development Agreement.
- (12) Developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy of other evidence of coverage shall be submitted to the Borough.
- (13) A save harmless clause to protect the Borough from liability.
- (14) All improvements subject to the Development Agreement shall be approved according to the approved inspection schedule and the governing provisions under Article 7 of this Ordinance.
- (15) The developer shall be responsible for all reasonable engineering and legal costs and expenses for review, inspection, consultations, and preparation of agreements.
- (16) Any other lawful terms which the Planning Commission may require to carry out the provisions of this Ordinance