

POCONO TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

SUBDIVISION

AND

LAND DEVELOPMENT ORDINANCE

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

ARTICLE I

GENERAL PROVISIONS

100. Readoption and Conflict

The Pocono Township Subdivision and Land Development Ordinance of February 17, 1981, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Pocono Township. If any other ordinance, code or regulation of Pocono Township is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

101. Title and Short Title

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

102. Jurisdiction; Authority

102.1 Application

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

- A. The responsibilities of the Planning Commission are specifically enumerated throughout this Ordinance. All other power and authority is specifically reserved by the Board of Commissioners.
- B. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- C. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- D. No person, firm or corporation proposing to make, or having made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the

Board of Commissioners the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Board of Commissioners the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.

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

102.2 Powers

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

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

102.3 Recording of Plans

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

103. Purpose

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

B. Land Capability; Conservation Design - The basic tenet of subdivision and land development in Pocono Township is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Township and help establish substantial buffers along boundaries with existing protected lands.

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

104. Interpretation

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

105. Effect of Ordinance Changes

Changes in this Ordinance shall affect plats as follows:

105.1 Pending Action

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

105.2 Project Completion and Effect of Litigation

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

105.3 Five-Year Initiation

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

105.4 Substantially Completed Improvements

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

105.5 More Than Five Years

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

105.6 Sections

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

105.7 Landowner Failure

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

106. Alternative Plans

Only one plan concerning any area of land shall be actively before the Township for review at any one moment in time.

107. Conflict

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

108. Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair

any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

109. Effective Date

This Ordinance shall take effect five (5) days after enactment.

ARTICLE II

DEFINITIONS

201. Tense, Gender and Number

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

202. General Terms

A. The words *APPLICANT*, *DEVELOPER*, *PERSON*, *SUBDIVIDER*, *LANDOWNER* and *OWNER* include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.

B. The word *ROAD* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.

C. The word *BUILDING* shall be construed as if followed by the phrase *OR PART THEREOF*.

D. The term *OCCUPIED* or *USED*, as applied to any building, shall be construed as though followed by the words *OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED*.

E. The word *LOT* includes plot, parcel, tract, site or any other similar term.

F. The word *ABUT* shall include the words *DIRECTLY ACROSS FROM*.

G. The words *SHOULD* and *MAY* are permissive.

H. The words *SHALL* and *WILL* are mandatory and directive.

203. Terms Or Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning of standard usage, within the context of the provision, as determined by the Administrator.

204. Specific Terms

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

ACCESSORY USE - A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

ACCESSORY STRUCTURE - A structure serving a purpose customarily incidental to the use of the principal building and located on the same lots as the principal building

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

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

AGRICULTURAL USE - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of

crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

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

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

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

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

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

BOARD OF COMMISSIONERS - The Board of Commissioners of Pocono Township, Monroe County, Pennsylvania.

BUILDING - Any type of structure having a roof used for the shelter, housing or enclosure of persons, animals or property.

A. DETACHED - A structure with enclosing walls but no common or party wall.

B. SEMI-DETACHED - A structure with enclosing walls and one party wall in common with an adjacent building.

C. ATTACHED - A structure with enclosing walls as well as two party walls in common with adjacent buildings.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which it is situated.

BUILDING AREA - That portion of a lot, excluding required setback area and side yard, upon which a structure can be erected.

BUILDING COVERAGE, MAXIMUM - The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breezeways, but excluding open patios).

BUILDING HEIGHT - The vertical distance of a building measured from the average level of the highest and lowest ground grade of the building to the highest point of the roof.

BUILDING LINE - The line parallel to the road right-of-way line at a distance therefrom equal to the depth of the front yard setback requirement for the district in which the lot is located.

CAMPGROUND - A planned development, under single ownership, for rental, license or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.

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

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

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

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

COMMERCIAL BUILDING - A building which houses a commercial use.

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

COMMISSION OR PLANNING COMMISSION - The Pocono Township Planning Commission.

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

COMPREHENSIVE PLAN - The Hamilton Township, Stroud Township, Pocono Township and Stroudsburg Borough Multi-Municipal Comprehensive Plan, or any successor plan adopted in accord with the Pennsylvania Municipalities Planning Code.

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted, including wetlands, floodway, floodplain and slopes in excess of twenty-five (25) percent.

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

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

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

CONSERVATION OPEN SPACE - That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas and which meets the conservation open space requirements of the Township Zoning Ordinance and this Ordinance. Conservation open space may be accessible to the residents of the

development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

COUNTY - The County of Monroe, Commonwealth of Pennsylvania.

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

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

DEP - The Pennsylvania Department of Environmental Protection.

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

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

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

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

DWELLING (RESIDENCE, RESIDENTIAL STRUCTURE) - Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons as further defined below. The term *dwelling* shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence, as defined herein.

A. DWELLING, SINGLE-FAMILY - A detached building designed for and occupied exclusively by one family, except for a mobile home, as defined below.

B. DWELLING, TWO-FAMILY - A detached or semi-detached building containing two dwelling units.

1. DETACHED TWO-FAMILY DWELLING - A two-family building including a horizontal separation between the two (2) separate dwelling units.

2. SEMI-ATTACHED TWO-FAMILY DWELLING - A two-family building including a common vertical wall between the two (2) separate dwelling units.

C. DWELLING, MULTIFAMILY - A building containing three or more dwelling units.

1. APARTMENT - A multi-family building of three (3) or more dwelling units each with one (1) floor and access from a common hall.

2. GARDEN APARTMENT - A multi-family building of three (3) or more dwelling units and not exceeding three (3) stories in height, but not including townhouses. Access is usually from a

common hall although individual entrances can be provided. Dwelling units can be located back-to-back, adjacent or one on top of another.

3. QUADRAPLEX - A multi-family building of four (4) single-family attached dwelling units in which each unit has two (2) open-space exposures and shares one (1) or two (2) walls with an adjoining unit or units.

4. TOWNHOUSE - A multi-family building of three (3) or more single-family attached dwelling units in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) common wall.

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

E. DWELLING UNIT - One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes and containing a minimum of seven hundred (700) square feet or such other minimum habitable floor area as may be set forth in any building and/or housing code in force in the Township.

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

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

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

ENGINEER, TOWNSHIP - The Pocono Township Engineer or any consultant designated by the Board of Commissioners to review a subdivision plan and perform the duties of engineer on behalf of the Township.

FAMILY - One or more persons, related by blood, adoption or marriage, living and cooking together in a dwelling unit as a single housekeeping unit or a number of persons living and cooking together in a dwelling unit as a single housekeeping unit though not related by blood, adoption or marriage, provided that they live together in a manner similar to a traditional nuclear family.

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

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

FLOODWAY FRINGE - That portion of the one-hundred-year floodplain outside the floodway.

IMPERVIOUS SURFACE - Those surfaces which do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

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

INDUSTRIAL BUILDING - A building which houses an industrial use.

INDUSTRIAL USE - Any use engaged in:

A. GENERAL INDUSTRIAL USE - Manufacturing or storage uses which, because of their shipping, storage and other requirements are not compatible in close proximity to residential areas.

B. LIGHT INDUSTRIAL USE - Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which are compatible with neighboring residential uses.

INSTITUTIONAL BUILDING - A building which houses an institutional use.

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

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

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

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

The definition of land development shall not include the following:

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

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

C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply

to new areas proposed to be developed for amusement park purposes until initial plans for the expanded area have been approved by proper authorities.

LAND DEVELOPMENT, MINOR RESIDENTIAL – See Section 307.

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

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

LOT - A unit into which land is divided or other parcel of land intended as a unit for transfer of ownership, lease, rent, improvement or development.

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

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

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

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

LOT, THROUGH - A lot extending between and having frontage on two (2) roads.

LOT AREA - The computed area contained within the lot lines, excluding space within all road rights-of-way and within all permanent drainage easements, but including the areas of all slope and utility easements.

LOT DEPTH - The mean average horizontal distance between the front and the rear lot lines.

LOT LINES - The property lines bounding the lot.

A. LOT LINE, FRONT - The line separating the lot from an existing or proposed road right-of-way.

1. In the case of corner lots, the front lot line shall be that line separating the lot from the road right-of-way which has the greater width; the line separating the lot from the other road right-of-way is called the *side road lot line*.

2. In the case of corner lots, the yard adjacent to the side road lot line shall be the same as the yard adjacent to the front lot line.

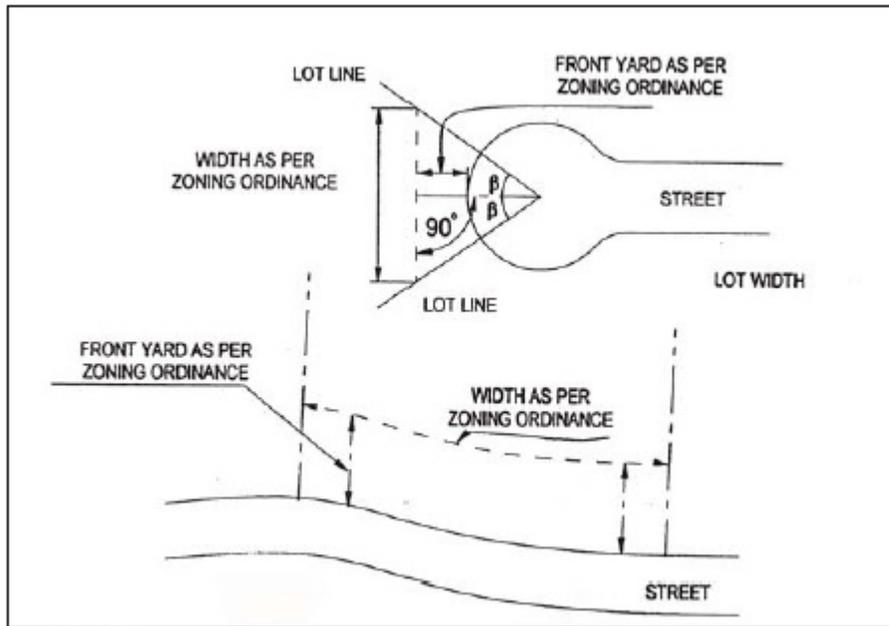
B. LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

C. LOT LINE, SIDE - Any lot line other than a front or rear lot line. A side lot line separating a lot from a road is called a *side road lot line*.

D. LOT LINE, ROAD OR ALLEY - A lot line separating the lot from a road or alley.

LOT WIDTH - The horizontal distance between the side lot lines measured parallel to the front lot line. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equidistant between

the side lot lines; said chord shall intersect the radial line at a point located at a distance from the road right-of-way line equal to the prescribed front yard distance.



Lot Width

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

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

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

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

MUNICIPALITY - Pocono Township, Monroe County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

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

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

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

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

A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the *Existing Resources and Site Analysis Map*.

B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed roads and lot layout and such other information as required by this Ordinance, such plan prepared by a qualified professional (see definition of *qualified professional*) with his/her professional seal affixed.

C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property lines, proposed roads and other improvements.

D. RECORD PLAN - The copy of the final plan which contains the original endorsements of the Township Planning Commission and the Township Board of Commissioners and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of Pocono Township, Monroe County, PA.

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

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

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

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

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

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to Section 503(1) of the Pennsylvania Municipalities Planning Code which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law" except that this requirement shall not preclude the preparation of a plat in accordance with*

the act of January 24, 1966 (P.L. 1527, No. 535), known as the “Landscape Architects Registration Law” when it is appropriate to prepare the plat using professional services set forth in the definition of the “practice of landscape architecture” under section 2 of that act.

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

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

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

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

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

E. **SELF-CONTAINED UNIT** - A unit which:

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

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

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

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

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

A. **ARTERIAL ROAD** - Designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions; and, are designated as *limited*, *controlled*, or *partial* access roads, and average daily traffic is 5,000 vehicles or more.

B. **CONNECTOR ROAD** - Collects traffic from local access and collector roads and also provides a connection to arterial roads and expressways and between connector roads and average daily traffic ranges from 1,000 to 4,999 vehicles.

C. **COLLECTOR ROAD** - Gathers traffic from local and marginal access roads and feeds this traffic to connector and arterial roads and expressways. Collector roads carry heavier traffic volumes than local roads although they also provide direct access to individual uses located along them. Average daily traffic on collector roads ranges from 501 to 999 vehicles.

D. LOCAL ROAD - Provides direct access to individual uses or gathers traffic from marginal access roads and feeds this traffic to collector roads. Average daily traffic on local roads does not exceed 500 vehicles.

1. CUL-DE-SAC ROAD - A local road permanently terminated at one end by a vehicular turnaround and intersects another road at the other end.

2. LOOP ROAD - A local road that intersects other roads on each end and may intersect a cul-de-sac road at some point between each end.

3. MARGINAL ACCESS ROAD - A local road parallel and adjacent to major traffic roads providing access to abutting properties and control of intersections with major traffic roads.

E. PRIVATE ACCESS ROAD - Provides access to residential lots from a public or approved road and the lots do not have direct access to a public or approved road.

ROAD LINE - The line of contact between the lot and road right-of-way. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such line shall be coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for road purposes.

SETBACK - The minimum distance measured horizontally and at 90° (perpendicular) from the edge of the right-of-way of the road to the outermost projection of a building or appurtenance to a structure permanently fixed on a building lot or real estate property. With respect to roads, highways or other public or private ways with undeterminable right-of-way, such setback shall be measured coincident with the line marking the outer portion of the traveled way or the outer portion of the berm, whichever shall provide the maximum width for street purposes.

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

SEWAGE COLLECTION AND CONVEYANCE SYSTEM - The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system.

Septic tanks and grinder pumps serving individual lots or dwelling units connected to an off-site sewage disposal system shall be considered part of the collection and conveyance system.

SEWAGE DISPOSAL, CENTRALIZED - A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. For purposes of determining lot size or lot density, a system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE DISPOSAL, ON-LOT - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE EFFLUENT DRIP IRRIGATION FIELD - Piping and the ground surface to the outside edges of the irrigated perimeter used for the application of sewage effluent.

SEWAGE EFFLUENT SPRAY FIELD - Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

SEWAGE FACILITY - A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. (See *sewage disposal, off-site* and *sewage disposal, on-site*.)

SEWAGE TREATMENT PLANT - Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including, but not limited to, screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, *soil absorption areas, spray fields*, drip irrigation fields and constructed wetlands.

SEWAGE TREATMENT PLANT, SMALL FLOW - An on-site or community sewage facility designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other methods approved by DEP.

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

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

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

SPRAY FIELD, SEWAGE EFFLUENT - Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

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

STREAM - A natural watercourse.

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

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

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

SUBDIVIDER - See *Developer*.

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

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

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

1. No new lots will be created beyond what was previously approved;
2. No additional road segments or significant changes in alignment are proposed other than what was previously approved;
3. No additional non-conformities will be created under the Township Zoning Ordinance; and,
4. No new land development will occur other than the land development that was previously approved.

C. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision or a lot line adjustment.

D. MINOR RESIDENTIAL LAND DEVELOPMENT -A development that does not involve more than three (3) dwelling units or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Residential Land Developments.

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

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

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

TOWNSHIP - Pocono Township, Monroe County, Pennsylvania.

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

WATER CONNECTION - The connection consisting of all pipes, fittings and appurtenances from the water pipe to the inlet pipe of the distribution system within the dwelling or nonresidential unit.

WATERCOURSE - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground

spring(s) and be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow.

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

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

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

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

A. YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Township Zoning Ordinance.

B. YARD, REAR - An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Township Zoning Ordinance.

C. YARD, SIDE - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in the Township Zoning Ordinance.

ARTICLE III

PLAN PROCESSING

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

301. General

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

301.1 Required Plans

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

301.2 Requirement for Plan Submission

A. All required plans, applications, fees and supporting data shall be presented by certified mail or delivered in person to the Administrator not less than ten (10) days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than ten (10) days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission; unless the Planning Commission, in its sole discretion, otherwise agrees due to exceptional or unusual circumstances.

B. The Administrator shall review the filing to make a preliminary determination whether the required documents have been filed in proper number and form. If complete, the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

301.3 Reserved

301.4 Attendance

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

301.5 Public Hearing

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

301.6 Action

All Minor, Preliminary and Final Plans and all Land Development Plans (but excluding Lot Line Adjustment Plans) shall be reviewed by the Planning Commission for compliance with this Ordinance. Plans and supportive data which are complete shall be recommended to the Board of Commissioners for approval, approval with conditions, or denial.

301.7 Recording Final Plans

A. Upon the approval of a final plan, the Applicant shall within ninety (90) days of such final approval, or ninety (90) days after the date of delivery of an approved Record Plan signed by the Board of Commissioners following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Monroe County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery. B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

C. In the case of lot joinder Plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township.

D. The Monroe County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Commissioners, and review by the Monroe County Planning Commission.

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

302. Sketch Plan

302.1 Optional - Sketch Plans

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

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

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, 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. Applicants are ENCOURAGED to prepare the Sketch Plan on translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

302.2 Contiguous Holdings

Where the owner of the site under consideration owns contiguous land suitable for development, the Sketch Plan shall consider the future development of all such contiguous lands in order to be coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations. This provision,

however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract.

302.3 Non-formal Filing

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

302.4 Major Subdivisions and Land Developments - Sketch Plan Process

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

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

B. Existing Resources and Site Analysis - Applicants should submit an Existing Resources and Site Analysis prepared in accord with the requirements of Section 402.3. The purpose of this key submission is to familiarize officials with existing conditions on the Applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).

C. Site Inspection - After preparing the Existing Resources and Site Analysis, Applicants should arrange for a site inspection of the property by the Planning Commission and other municipal officials, and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.

D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the Applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in Section 602 of this Ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

E. Sketch Plan Submission and Review

1. Submission - Copies of a Sketch Plan, meeting the requirements set forth in Section 401, shall be submitted to the Administrator during business hours for distribution to the Board, the Planning Commission, the Township Planner, the Township Engineer and applicable advisory boards at least ten (10) calendar days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a

conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan shall also be designed in accordance with the four-step design process described in Section 602 of this Ordinance, and with the design review standards listed in Section 603.

2. Informal Review - The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances of the municipality. The purpose of the review is to informally advise the Applicant of the extent to which the proposed subdivision or land development appears to conform to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review may include but is not limited to:

- a. the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis and on the Municipality's Map of Potential Conservation Lands;
- b. the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- c. the location of proposed access points along the existing road network;
- d. the proposed building density and impervious coverage;
- e. the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
- f. general consistency with the Township ordinances.

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

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

303. Preliminary Plans for Major Subdivisions and Land Developments

All applications for preliminary plans for major subdivisions and land developments shall be submitted to Pocono Township and be processed in accord with this Section 303. (See Section 306 for optional land development plan process.)

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

B. Site Inspection - A site inspection shall be arranged and conducted in accord with Section 302.4,C if required by the Planning Commission.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed with the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Administrator by the Applicant or his authorized representative at least

ten (10) calendar days prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Preliminary Plan Submission*.

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

- A. Nineteen (19) completed copies of the land development plan application.
- B. Fourteen (14) [Five (5) full size and nine (9) 11" x 17" size] paper prints of the Preliminary Plan and one (1) electronic copy with the Plan in PDF format.
- C. Four (4) copies of the required sewage planning module(s) and associated documentation as per DEP requirements
- D. Fourteen (14) copies of the wetland study or abbreviated study, if warranted.
- E. Three (3) copies of the Erosion and Sedimentation Narrative.
- F. Three (3) copies of the Stormwater Management (SWM) Report.
- G. Fourteen (14) copies of modification request application for all requested modifications.
- H. Four (4) copies of a Pennsylvania Department of Transportation Highway Occupancy Permit (HOP) or acknowledgment of project, if applicable.
- I. One (1) professional services agreement.
- J. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

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

A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.

B. The Applicant shall pay an initial escrow fee at the time of initial submission of the Application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT.

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

A. If the submission is verified, the Administrator shall accept the said plans and documentation, complete the submission verification on the status log and checklist, and provide a copy of the plan submission verification to the Applicant.

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

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

303.1.5 Official Date of the Preliminary Plan Submission - The official date of the Preliminary Plan submission shall be thirty (30) days from the submission or the date of the next Planning Commission meeting whichever occurs first.

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

B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the preliminary plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement or as provided in Section 303.1.5.C.

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

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

303.1.6 Distribution of the Preliminary Plan

A. Following the *Official Date of the Preliminary Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Planning Commission unless satisfactory evidence is provided that the Applicant has done so.

B. The Administrator shall then distribute the plans and documentation in accord with Township policy to:

1. The Planning Commission Solicitor;
2. The Township Zoning Officer;
3. The Township Sewage Enforcement Officer;
4. Any other engineer or consultant designated by the Township;
5. The Pocono Township Fire Company; and
6. The Public Works Department.

C. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Planning Commission, the Monroe County Conservation District, PennDOT, and all other governing agencies.

D. The Applicant is solely responsible for contacting utility companies, as appropriate, including the appropriate water authority, if applicable.

303.2 Preliminary Plan Review and Action

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

A. If approval is recommended, the signed and dated plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Commissioners.

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

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

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

303.2.3 Board of Commissioners Approval with Conditions

A. When a Preliminary Plan is approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in Section 303.2.2.

B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree to and accept the conditions will result in an automatic denial of the Preliminary Plan.

C. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within five (5) days of the date of transmittal of said written notice to the Applicant, the said conditional approval of the Preliminary Plan shall become an automatic denial and the said plan must then be resubmitted as required by 303 of this Ordinance, including a new filing fee.

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

303.3 Review Comments; Zoning Officer's Report

A. The Township may consider the comments and the recommendations provided pursuant to Section 303.1.6 and may request such additional information as deemed necessary.

B. The Board of Commissioners shall not grant approval to any Preliminary Plan until the Zoning Officer provides written confirmation that the proposed Preliminary Plan complies with the Township Zoning Ordinance.

303.4 Monroe County Planning Commission Comments

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

303.5 Sewage Facilities Planning Modules

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

303.6 Highway Occupancy Permit

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

303.7 Public Hearing

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

303.8 Time Extension

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

303.9 Inactive Plans

Any Preliminary Plan filed with the Township which has not been revised within two (2) years from the date of the last Township Engineer or Township Consultant review letter shall be deemed inactive and abandoned, and may be denied for failure to properly process the plan in accordance with Township Ordinances regardless of whether or not the Applicant has granted an extension of time to the Township to review the plan in accordance with the time constraints set forth in the Municipalities Planning Code, 53, P.S. § 10101 et seq.

304. Final Plans for Major Subdivisions and Land Developments

All Final Plans for major subdivisions and land developments shall be submitted and processed in accord with this Section 304. (See Section 306 for optional land development plan process.)

304.1 Final Plan Application

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

A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with Section 303 of this Ordinance or all conditions established by the Township for the Preliminary Plan approval have been fulfilled by the Applicant, excluding any outside agency approval or permits.

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

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

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

304.3 Sections

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

A. Each section in the subdivision, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Commissioners may approve a lesser percentage.

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

304.4 Official Submission of Final Plans

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

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

A. Nineteen (19) completed copies of the Final Plan review application. Nineteen (19) [Five (5) full size and fourteen (14) 11" x 17" size] paper prints and one (1) electronic copy with the Plan in PDF format, and three (3) mylar (or equal) prints of the Final Plan when complete for signature.

C. Four (4) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.

D. Four (4) copies of the applicable highway occupancy permit.

E. Nineteen (19) copies of the wetland study or abbreviated study, if warranted.

F. Three (3) copies of the Erosion and Sedimentation Narrative.

G. Three (3) copies of the Stormwater Management (SWM) Report.

H. Nineteen (19) copies of the modification request application for all requested modifications (if modifications were approved with the Preliminary Plan, then the Final Plan shall identify said modifications.)

I. One (1) professional services agreement.

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

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

A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.

B. The Applicant shall pay an initial escrow fee at the time of initial submission of the Application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT.

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

A. If the submission is verified, the Administrator shall accept the said plans and documentation, complete the submission verification on the status log and checklist, and provide a copy of the plan submission verification to the Applicant.

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

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

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

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

B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Final Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement or as provided in Section 304.4.5.C.

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

D. If the Application is being submitted after a final order of the court remanding the Application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the

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

304.4.6 Distribution of the Final Plan

A. Following the *Official Date of the Final Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Monroe County Planning Commission unless satisfactory evidence is provided that the Applicant has done so.

B. The Administrator shall then distribute the plans and documentation in accord with Township policy to:

1. The Planning Commission Solicitor;
2. The Township Zoning Officer;
3. The Township Sewage Enforcement Officer; and
4. Any other engineer or consultant designated by the Township.

C. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Planning Commission, the Monroe County Conservation District, PennDOT, and all other governing agencies.

D. The Applicant is solely responsible for contacting utility companies, as appropriate, including the appropriate water authority, if applicable.

304.5 Final Plan Review and Action

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

A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Commissioners.

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

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

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

304.5.3 Board of Commissioners Approval with Conditions

A. When a Final Plan is approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in Section 304.5.2.

B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial of the Final Plan.

C. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept the said conditions and/or modifications in writing within fifteen (15) days of the date of transmittal of said written notice to the Applicant, the said conditional approval of the Preliminary Plan shall become an automatic denial and the said plan must then be resubmitted as required by Section 304 of this Ordinance, including a new filing fee.

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

304.6 Reviewing Agency and Officials' Comments

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

304.7 Monroe County Planning Commission Comments

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

304.8 Public Hearing

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

304.9 Planned Improvements

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

304.10 Signature of Final Plan

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

304.11 Recording of the Final Plan

A. Upon the approval of a Final Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Commissioners following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Monroe County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.

B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.

C. In the case of lot joinder Plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.

D. The Monroe County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Commissioners.

304.12 As-Built Plans

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

304.13 Time Extension

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

305. Plans for Minor Subdivisions (Note: See Section 308 for Minor Plans for Lot Line Adjustments and Plan Revisions.)

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

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed with the Township - Copies of the Minor Subdivision Plan and all required supporting documentation shall be submitted to the Administrator by the Applicant or his authorized representative at least ten (10) calendar days prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Minor Subdivision Plan Submission*.

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

- A. Seventeen (17) completed copies of the Minor Subdivision Plan review application.
- B. Nineteen (19) [Five (5) full size and fourteen (14) 11" x 17" size] paper prints and one (1) electronic copy with the Plan in PDF format, and three (3) mylar (or equal) prints of the Minor Subdivision Plan when complete for signature.
- C. Four (4) copies of the sewage facilities planning modules and associated documentation.
- D. Nineteen (19) copies of the wetland study or abbreviated study if warranted.
- E. Nineteen (19) copies of modification request application for all requested modifications.
- F. Nineteen (19) copies of the tract history for verification of minor plan consideration.

G. Four (4) copies of a Pennsylvania Department of Transportation Highway Occupancy Permit (HOP) or acknowledgement of project, if applicable.

H. One (1) professional services agreement.

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

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

A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Minor Subdivision Plan.

B. The Applicant shall pay an initial escrow fee at the time of initial submission of the Application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR MINOR SUBDIVISION.

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

A. If the submission is verified, the Administrator shall accept the said plans and documentation, complete the submission verification on the status log and checklist, and provide a copy of the plan submission verification to the Applicant.

B. If the submission is not verified, the Administrator shall complete the plan submission verification, within five (5) days of receipt of the submission, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents and the fee to the Applicant.

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

305.1.5 Official Date of the Minor Subdivision Submission - The official date of the Minor Subdivision Plan submission shall be thirty (30) days from the submission or the next Planning Commission meeting, whichever occurs first.

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

B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement or as provided in Section 305.1.5.C.

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

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

305.1.6 Distribution of the Minor Subdivision Plan

A. Following the *Official Date of the Minor Subdivision Plan*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Planning Commission unless satisfactory evidence is provided that the Applicant has done so.

B. The Administrator shall then distribute the plans and documentation in accord with Township policy to:

1. The Planning Commission Solicitor;
2. The Township Zoning Officer;
3. The Township Sewage Enforcement Officer;
4. Any other engineer or consultant designated by the Township;
5. The Pocono Township Fire Company; and
6. The Public Works Department.

C. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Planning Commission, the Monroe County Conservation District, PennDOT, and all other governing agencies.

D. The Applicant is solely responsible for contacting utility companies, as appropriate, including the appropriate water authority if applicable.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Minor Subdivision Plan to determine compliance with this Ordinance and take action to recommend to the Board of Commissioners, denial, approval, or approval with conditions and modifications, of such plan as provided in this Section 305.2.

A. If approval is recommended, the signed and dated plans, along with the sewage planning documentation, shall be forwarded to the Board of Commissioners and the Applicant.

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

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

305.2.2 Board of Commissioners Review and Action Period - After the receipt of the Planning Commission's recommendation, the Board of Commissioners shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant in accord with the PA Municipalities Planning Code.

305.2.3 Board of Commissioners Approval with Conditions

A. When a Minor Subdivision Plan is approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in Section 305.2.2.

B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial.

C. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be resubmitted as required by Section 305 of this Ordinance, including a new filing fee.

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

305.3 Reviewing Agency and Official's Comments

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

305.4 Monroe County Planning Commission Comments

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

305.5 Sewage Facilities Planning Modules

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

305.6 Public Hearing

The Planning Commission and /or Board of Commissioners may, at their option, conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.7 Highway Occupancy Permit

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

305.8 Signature of Minor Subdivision Plan

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

305.9 Recording of the Minor Subdivision Plan

A. Upon the approval of a Minor Subdivision Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Commissioners, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Monroe County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery. B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.

C. In the case of lot joinder Plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan shall be made to the Township, including a new filing fee.

D. The Monroe County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Commissioners.

305.10 Time Extension

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

306. Optional Process for Plans for Land Developments

A. Applicability - All plans for land developments, except as noted in Subsection D below, may, at the Applicant's option, be submitted and processed in accord with this Section 306.

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

C. Conditional Use or Special Exception - No Land Development Plan shall be accepted for review until any required zoning conditional use and/or special exception approvals have been obtained for the uses proposed on the Plan.

D. Non-Qualifying Land Developments - Preliminary Plans and Final Plans Required - Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with Section 303 - Preliminary Plans and Section 304 - Final Plans of this Ordinance.

306.1 Land Development Plan Application

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

306.2 Official Submission of Land Development Plans

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

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

- A. Nineteen (19) completed copies of the Land Development Plan review application.
- B. Nineteen (19) [Five (5) full size and fourteen (14) 11" x 17" size] paper prints and one (1) electronic copy with the Plan in PDF format, and three (3) mylar (or equal) prints of the Land Development Plan when complete for signature.
- C. Four (4) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Four (4) copies of the applicable highway occupancy permit.
- E. Nineteen (19) copies of the wetland study or abbreviated study, if warranted.
- F. Three (3) copies of the Erosion and Sedimentation Narrative.
- G. Three (3) copies of the Stormwater Management (SEM) Report.
- H. Nineteen (19) copies of modification request application for all requested modifications.
- I. One (1) professional services agreement.
- J. Four (4) copies of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Administrator shall collect a Land Development Plan filing fee as established by resolution of the Board of Commissioners.

A. Fees shall be charged in order to cover the costs of examining plans (including, but not limited to, reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township) and other administrative expenses associated with the review of applications for Land Development.

B. The Applicant shall pay an initial escrow fee at the time of initial submission of the Application to the Administrator, and shall pay any fees in excess of the initial escrow within thirty (30) days of the date of transmittal of a bill to the Applicant for the same by the Township. Unless the bill is disputed in accordance with requirements of the PA Municipalities Planning Code, FAILURE TO PAY ANY

SUCH FEES WITHIN THE TIME REQUIRED SHALL BE SUFFICIENT BASIS FOR THE TOWNSHIP TO DENY THE APPLICATION FOR LAND DEVELOPMENT.

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

A. If the submission is verified, the Administrator shall accept the said plans and documentation, complete the submission verification, and provide a copy of the plan submission verification to the Applicant.

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

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

306.2.5 Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be thirty (30) days from the submission or the next Planning Commission meeting, whichever occurs first.

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

B. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete a Submission Receipt with the date of the said meeting as the official date of the Land Development Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the Submission Receipt unless extended by mutual agreement or as provided in Section 306.2.5.C.

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

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

306.2.6 Distribution of the Land Development Plan

A. Following the *Official Date of the Land Development Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Planning Commission unless satisfactory evidence is provided that the Applicant has done so.

B. The Administrator shall then distribute the plans and documentation in accord with Township policy to:

1. The Planning Commission Solicitor;

2. The Township Zoning Officer;
3. The Township Sewage Enforcement Officer;
4. Any other engineer or consultant designated by the Township;
5. The Pocono Township Fire Company; and
6. The Public Works Department.

C. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Planning Commission, the Monroe County Conservation District, PennDOT, and all other governing agencies.

D. The Applicant is solely responsible for contacting utility companies, as appropriate, including the appropriate water authority, if applicable.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Land Development Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Commissioners, denial, approval or approval with conditions and modifications of such plan as provided in this Section 306.3.

A. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Commissioners.

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

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

306.3.2 Board of Commissioners Review and Action Period

A. After the receipt of the Planning Commission's recommendation, the Board of Commissioners shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant in accord with the PA Municipalities Planning Code.

306.3.3 Board of Commissioners Approval with Conditions

A. When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Commissioners meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in Section 306.3.2.

B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial of the Land Development Plan.

C. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval

of the Minor Subdivision Plan shall become an automatic denial and said plan must then be resubmitted as required by Section 306 of this Ordinance, including a new filing fee.

306.3.4 Board of Commissioners Denials - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated in writing to the Applicant as provided in Section 306.3.2.

306.4 Review Comments; Zoning Officer's Report

A. The Township may consider the comments and the recommendations provided pursuant to Section 303.1.6 and may request such additional information as deemed necessary.

B. The Board of Commissioners shall not grant approval to any Land Development Plan until the Zoning Officer provides written confirmation that the proposed Land Development Plan complies with the Township Zoning Ordinance.

306.5 Monroe County Planning Commission Comments

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

306.6 Sewage Facilities Planning Modules

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

306.7 Highway Occupancy Permit

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

306.8 Public Hearing

The Planning Commission and/or the Board of Commissioners may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

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

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

306.10 Final Approval; Signature of Land Development Plan

The Board of Commissioners shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article

V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Board of Commissioners shall endorse the Land Development Plan for recording purposes.

306.11 Recording of the Land Development Plan

A. Upon the approval of a Land Development Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Commissioners, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Monroe County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery. B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township.

C. In the case of lot joinder Plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the Record Plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township.

D. The Monroe County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Commissioners, and review by the Monroe County Planning Commission.

306.12 Certificate of Compliance

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

306.13 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Township two (2) paper sets of plans and one (1) compact disk with the plans in PDF format certified by the Applicant's engineer showing all such improvements as installed to document conformance to the Record Plan. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance and may result in rescission of approval. (See Section 408 for As-Built Plan requirements.) As-Built Plan deviates in any material respect from the Record Plan, a revised Land Development Plan must be submitted for approval.

306.14 Time Extension

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

307. Plans for Minor Residential Land Developments

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

307.1 Minor Residential Land Development Criteria

A land development, as defined by Article II of this Ordinance, may be considered a *Minor Residential Land Development* for the purposes of this Ordinance provided said development does not involve more than three (3) dwelling units or is not by definition considered a major subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Residential Land Developments.

307.2 Procedure and Other Requirements

Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions in Section 305 of this Ordinance. All information and design requirements of this Ordinance applicable to land developments shall also apply to Minor Residential Land Development s except as provided in this Section 307. The Board of Commissioners may, based upon the character of the project and site conditions, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

307.3 Minor Land Development Determination

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

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

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

A. In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be submitted in accord with Section 307.4.

B. If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by Section 306 of this Ordinance and the information required for the application shall be submitted in accord with all the applicable sections of this Ordinance and all other applicable requirements.

307.4 Minor Residential Land Development Application Information

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

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

Any submission that qualifies as a lot line adjustment, of property held in single ownership, and/or any submission which the Board of Commissioners determines involves only revisions to a previously approved Final Plan with respect to changes in the supporting documentation or engineering details or to correct erroneous data or minor omissions shall be processed in accord with this Section 308.

308.1 Official Submission of Adjustment/Revision Plans

308.1.1 Plan to be Filed with the Township - Copies of the Adjustment/Revision Plan and all required supporting documentation shall be submitted to the Administrator by the Applicant or his authorized representative at least ten (10) calendar days prior to the Board of Commissioners meeting at which the Applicant applies for the *Official Date of Adjustment/Revision Plan Submission*.

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

- A. Nine (9) completed copies of the Adjustment/Revision Plan review application.
- B. Nine (9) paper prints and one (1) electronic copy with the Plan in PDF format, and three (3) mylar (or equal) prints of the Adjustment/Revision Plan when complete for signature.
- C. Four (4) copies of the sewage facilities planning modules and associated documentation.
- D. Nine (9) copies of the tract history for verification of minor plan consideration.
- E. Nine (9) copies of modification request application for all requested modifications.
- F. Nine (9) copies of the wetland study or abbreviated study, if warranted.
- G. Four (4) copies of a Pennsylvania Department of Transportation Highway Occupancy permit (HOP) or acknowledgment of project, if applicable.
- H. One (1) professional services agreement.
- I. Four (4) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

308.1.3 Adjustment/Revision Plan Filing Fee - The Administrator shall collect an Adjustment/Revision Plan filing fee as established by resolution of the Board of Commissioners.

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

C. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of the Adjustment/Revision Plan.

D. The Applicant shall pay the fee at the time of application for review of the Adjustment/Revision Plan.

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

A. If the submission is verified, the Administrator shall accept the said plans and documentation, complete the submission verification on the status log and checklist, and provide a copy of the plan submission verification to the Applicant.

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

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

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

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

B. If the submission is complete and acceptable, the Chairman of the Board of Commissioners shall complete a Submission Receipt with the date of the said meeting as the official date of the Adjustment/Revision Plan submission and forward a copy of said Submission Receipt to the Applicant. The ninety (90) day review period shall be measured from the date of the submission receipt unless extended by mutual agreement or as provided in Section 308.1.5.C.

C. If the first meeting of the Board of Commissioners following the date of submission verification occurs more than thirty (30) days following the date of submission verification established in accord with Section 308.1.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission verification.

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

308.1.6 Distribution of the Adjustment/Revision Plan

A. Following the *Official Date of the Adjustment/Revision Plan Submission*, the Administrator shall forward the Plan and all required supporting documentation to the Township Engineer and the Planning Commission unless satisfactory evidence is provided that the Applicant has done so.

B. The Administrator shall then distribute the plans and documentation in accord with Township policy to:

1. The Planning Commission Solicitor;
2. The Township Zoning Officer;
3. The Township Sewage Enforcement Officer; and
4. Any other engineer or consultant designated by the Township.

C. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Monroe County Conservation District, PennDOT, and all other governing agencies.

308.2 Adjustment/Revision Plan Review and Action

308.2.1 Board of Commissioners Review and Action Period - The Board of Commissioners shall make its decision regarding the Adjustment/Revision Plan and communicate in writing such decision to the Applicant in accord with the PA Municipalities Planning Code.

308.2.2 Board of Commissioners Approval with Conditions

A. When an Adjustment/Revision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Commissioners meeting at which the Adjustment/Revision Plan is considered and communicated in writing to the Applicant as provided in Section 308.2.1.

B. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions will result in an automatic denial of the Adjustment/Revision Plan.

C. When an Adjustment/Revision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept in writing the said conditions and/or modifications within fifteen (15) days of transmittal of said written notice to the Applicant, said conditional approval of the Minor Subdivision Plan shall become an automatic denial and said plan must then be resubmitted as required by Section 308 of this Ordinance, including a new filing fee.

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

308.3 Reviewing Agency and Officials' Comments

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

308.4 Reserved

308.5 Public Hearing

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

308.6 Signature of Adjustment/Revision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Commissioners shall endorse the

Adjustment/Revision Plan for recording purposes. The Board of Commissioners shall retain at least one (1) mylar and one (1) endorsed print.

308.7 Recording of the Adjustment/Revision Plan

A. Upon the approval of an Adjustment/Revision Plan, the Applicant shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of a Record Plan signed by the Board of Commissioners, following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the office of Monroe County Recorder of Deeds, and provide to the Township proof of recording within one hundred and five (105) days of the said approval/delivery.

B. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.

C. In the case of lot joinder Plans, the Applicant shall provide proof of recording the required deeds within ninety (90) days of recording the Record Plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required ninety (90) day period, the action of the Township shall be deemed null and void and a re-submission of the plan must then be made to the Township, including a new filing fee.

D. The Monroe County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Commissioners, and review by the Monroe County Planning Commission.

308.8 Time Extension

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

309. Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one (1) or more lots the survey of the entire parent parcel may be waived by the Board, provided the remaining parcel is greater than thirty (30) acres in size and the Applicant can demonstrate to the satisfaction of the Township that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided therefrom shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance.

310. Contiguous Municipalities

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

ARTICLE IV
PLAN REQUIREMENTS

401. Sketch Plans Overlay Sheet

As provided in Section 302.4.E.2 and Section 302.4.E.3 the Applicant has the option for an informal review or a detailed review and is **STRONGLY ENCOURAGED** to include sufficient detail on the Sketch Plan to make the review meaningful.

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

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

402. Preliminary Plan Requirements for Major Subdivisions (See Section 406 for Land Developments.)

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

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

402.1 Drafting Standards

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

402.2 Site Context Map

A map compiled from existing information showing the location of the proposed major subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the map shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

402.3 Existing Resources and Site Analysis

For all major subdivisions (except those in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred

(500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines of which shall generally be at two-foot intervals although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps. The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks the location and datum of which shall be shown on the Plan.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, 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 and wetland, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Watershed boundaries shall be identified.
- G. A viewshed analysis using GIS or other suitable methodology showing the location and extent of views into the property and along ridge lines from critical points along adjoining public roads and how the views will be affected by the proposed development and what design elements will be used to minimize the visual effects.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including but not limited to roads, 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 Monroe County, or which are visible on the ground even if not filed of record, shall be shown on the plan.
- M. For conservation design subdivisions - Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

402.4 Resource Impact and Conservation Analysis

- A. A Preliminary Resource Impact and Conservation Analysis shall be prepared for all major subdivision applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under Section 402.3). All proposed improvements, including but not necessarily limited to grading, fill, roads, buildings, utilities and stormwater detention facilities, as proposed in the other Proposed Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the Applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed major subdivision, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.
- C. In addition, the Applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - 1. Description of existing resources as documented in Section 402.3.
 - 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Analysis.
 - 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.
- D. This requirement for a Resource Impact and Conservation Analysis may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

402.5 Preliminary Improvements Plan

This plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- B. Existing and proposed lot lines, lot areas, full lot grading, driveway locations and elevations, and any existing easements and rights-of-way.

- C. Location, alignment, width, profile and proposed names of all proposed roads and road rights-of-way, including all road extensions or spurs that are reasonably necessary to provide adequate road connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed roads. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas.
- D. Information indicating available and safe sight stopping distances for all driveways, access drives, roads, etc., which must be in compliance with the most current PennDOT specifications.
- E. Location of proposed swales, drainage easements, stormwater and other management facilities. Also, see the Township's Stormwater Management Ordinance.
- F. Where community sewage service is proposed, the proposed layout of proposed sewage systems, including but not limited to the proposed locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
- G. Where central water service is proposed, the proposed layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- H. Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.
- I. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- J. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- K. If land to be subdivided lies partly in or abuts another municipality, the Applicant shall submit information concerning the location and proposed design of roads, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- L. Where the Applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- M. Utilities and Easements:
 - 1. Locations of existing and proposed utility easements.
 - 2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - (i) Stationing and offsets to be provided.
 - (ii) Elevation and top of structures to be provided.

3. The proposed location of on-site sewage and water facilities.
- N. Location of proposed shade trees, plus locations of existing vegetation to be retained.
 - O. A signature block in the lower right hand eighth of the Plan immediately above the title block for recommendation by the Planning Commission and for the approval of the Board of Commissioners shall be provided including a space for the date of recommendation/approval. Include provision for plan revisions including space for a brief description of the revision directly to the left of the title block.
 - P. Signature blocks for the Township Engineer and Monroe County Planning Commission.
 - Q. Zoning data (if a zoning ordinance is in effect), including all of the following, when applicable:
 1. Zoning district designations.
 2. Zoning district boundary lines traversing the proposed major subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed major subdivision and/or development, shown on location map.
 - R. A title block shall be included on the lower right corner.
 - S. Name and address of project.
 - T. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
 - U. Name and address of Developer if different from Landowner (if a corporation give name of each officer).
 - V. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
 - W. Date, including the month, day and year that the Preliminary Plan was initially prepared and the month, day and year for each Plan revision along with a description of the revision.
 - X. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all roads, roads, municipal boundaries, zoning districts (if zoning is in effect), water courses and any area subject to flooding.
 - Y. North arrow (true or magnetic).
 - Z. Graphic scale and written scale.
 - AA. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
 - BB. The road name and number (if applicable) where the property is located.

- CC. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Township, which shall be accurately completed, signed by the Owner of the property, dated and notarized.
- DD. Certificate of Accuracy and Compliance, in the form provided by the Township, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.
- EE. Excepted parcels or sections shall be marked *not included in this plat* with the boundary completely indicated by bearings and distances.
- FF. The following items shall be on all Preliminary Plans in the form of protective covenants and/or notes:
1. Building setbacks, easements, buffers, etc., that would limit building.
 2. Corner lot sight easements.
 3. Utility, drainage and slope easements.
 4. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*
 5. *Individual owners of lots must apply to the Township for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*
 6. *The Planning Commission and the Board of Commissioners have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*
 7. *The Applicant hereby certifies that every contract for the sale of a lot shown on this plan, and for which there is no currently existing community sewage system available, will contain a statement in the contract of sale advising the purchaser of his rights and obligations under Act Number 280 of 1976, amending the Pennsylvania Sewage Facilities Act.*
 8. *By approval of this Plan the Township has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan, and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*
 9. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Pocono Township Subdivision and Land Development Ordinance and the Pocono Township Zoning Ordinance, as both are amended.*
 10. *The applicable highway occupancy note(s) shall appear on the plan: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Pocono Township Road Encroachment Ordinance before driveway access to a Township road is permitted. The applicable note(s) shall also state: Access to the public road shall be only as authorized by a highway occupancy permit.*

11. In the event the Subdivision incorporates a Private Access Road as defined in this Ordinance, the following shall appear on the Plan: *The maintenance of the private access road and turnaround shall be the responsibility of the owner(s) of the lots served by the road. The private access road shall remain private and shall not be offered for dedication to the Township as a public road.*

12. In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: *Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Township approval.*

13. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by Pocono Township will become null and void with no further action on the part of the Township.*

14. A listing of any subdivision/land development waivers or modifications, zoning variances, special exceptions and/or conditional uses that have been granted, including the date of the order of the Pocono Township Zoning Hearing Board or Board of Commissioners granting the same.

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

GG. Design plans and calculations, signed and sealed by a Professional Engineer, for any remaining retaining walls over four (4') feet in height.

402.6 Supporting Documents and Information

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

A. Road information as follows:

1. Typical road cross-section drawings for all proposed roads showing the following:

- a. Typical cut sections.
- b. Typical fill sections.
- c. Superelevated sections.
- d. Typical parallel drainage.
- e. Underdrains, if applicable.

2. Profiles along the top of the cartway center-line showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals, with stationing.

3. W50 turning movement diagrams for the largest anticipated vehicle.

B. Exterior elevations of any proposed buildings if the property is to be developed for a use other than a single family detached dwelling.

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

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

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

F. Proof of legal interest in the property, a copy of the latest deed of record and current title search report.

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

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

2. Preliminary design of any central water supply system.

3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.

4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance. A Business Plan and Agreement shall be provided to ensure that the plant or system is self-sufficient, including security for capital components and maintenance.
 3. If service by the Township, a sewer authority or a public utility is proposed, a letter or other written certification from the Township, the authority or the public utility stating that it will provide the necessary sewer service and verifying that its system has adequate capacity to do so.
- I. A list of any public utility, environmental or other permits required and if none are required, a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- J. Confirmation that the soil erosion and sedimentation control plan has been accepted for review by the Monroe County Conservation District. (See also Section 610.)
- K. A drainage/stormwater management plan meeting the requirements of this Ordinance and any Stormwater Management Ordinance adopted by the Township.
- L. Preliminary bridge designs and a statement by the Applicants engineer regarding any approvals required by the state or federal government.
- M. A landscaping plan documenting compliance with Section 615.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such line stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- O. Confirmation that the highway occupancy permit application has been accepted for review by the Township or PennDOT as applicable.
- P. A written plan for the ownership of and maintenance of all improvements, common areas and open space as required by Section 506 and Section 507 of this Ordinance.
- Q. The required wetland studies.
- R. The required steep slope information.

S. Truck turning movement diagrams for at least a WB-50 truck.

T. Exterior elevations (including at least front and side elevations) of any proposed buildings if the property is to be developed for a use other than single family detached dwellings.

U. Copies of all other required permits or the applications made therefore.

V. Proposed grading plan.

402.7 Community/Financial Impact Analysis

A community impact analysis including the following information shall be required for residential subdivisions or land developments containing fifteen (15) or more dwelling units or residential lots in the aggregate; all non-residential developments (with the exception of agricultural development) with buildings containing in excess of twenty (20,000) thousand square feet of floor space in the aggregate; development of any kind impacting thirty (30) acres of land or more in the aggregate; or for any subdivision or land development application expected to generate more than 250 new trips per day.

A. Community Impact - The impact analysis shall indicate the existing facilities that meet the increased needs that the development will bring to the Township and the improvements, if any, which will have to be made to accommodate the increased needs, addressing, at a minimum, the following:

1. The number of residents and public school children generated by the proposed development.
2. Increases in vehicular traffic and the ability of the existing road system to accommodate traffic and increases.
3. The anticipated load on public utilities, police and fire protection.
4. Disturbance to the natural ecology, such as alluvial soil areas, loss of tree cover and land erosion.
5. Harmony with the character of surrounding development.
6. Feasibility of providing public transportation to the site.
7. Anticipated time period to sell\rent the proposed development.

B. Financial Analysis - The following information shall be provided:

1. Anticipated annual revenues to the Township and the school district for each of the first five (5) years of the development and at project build-out.
2. Anticipated Township and school district expenses associated with the development for each of the first five (5) years of the development and at project build-out.

C. Phase I Environmental Site Assessment (PESA) - The purpose of the PESA shall be to identify current and historical items associated with the property that may constitute a threat to the environment. The assessment, prepared in accord with ASTM E1527-05, as amended, may be required by the Township Planning Commission and/or Commissioners for all developments, regardless of the number of lots, size of the building or acreage disturbed, if the land proposed for development is known to contain or suspected of containing items which may constitute a threat to the environment.

By including the PESA requirement, Pocono Township makes no representation, expressed or implied, that the PESA, as defined above, will in any way, directly or indirectly, absolve or limit the developer/land owner from liability pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, or Superfund Act), the Superfund Amendment and the Reauthorization Act of 1986 (SARA), or any other applicable federal, state, county, and local statute, rule or regulation heretofore or hereafter promulgated.

The assessment must include, but shall not be limited to:

1. A detailed site visit conducted by personnel with proper OSHA Health and Safety Training, including site reconnaissance, interview with knowledgeable sources, and an investigation of surrounding properties, in order to identify the following:

- a. Storage, utilization of agricultural herbicides/pesticides or waste at the site or surrounding properties;
- b. Presence of underground or above ground storage tanks, or other containers, for fuel or agricultural chemical storage;
- c. The possible location and orientation of any underground petroleum pipelines which may come into contact with the site; and,
- d. The possible location of on-site fill areas which, because of the deposited material, may pose limitations for structural and/or non- structural development.

2. A Deeds of Record Search and review of Pocono Township records in order to identify previous land owners and site operations that could adversely affect the property. Historical aerial photographs should be considered in order to identify past on-site or off-site indicators of environmental impacts (e.g. lagoons, trash site, etc.). The review of tax records and maps in order to identify owners and respective land uses of surrounding properties.

3. A review of the Pennsylvania Department of Environmental Protection (PA DEP) files in order to ascertain whether or not any notices of violation have been issued to the site or nearby properties. In addition, the United States Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability System (CERCLA) list of potential hazardous waste sites in Pennsylvania and the National Priorities List must be reviewed in order to identify nearby existing or potential national Superfund sites.

402.8 Additional Information

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

402.9 Application Forms and Certifications

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

402.10 Preliminary Plan Engineering Certification

Prior to approval of the Preliminary Plan, the Applicant shall submit to the Township a *Preliminary Plan Engineering Certification* stating that the proposed layout of proposed roads, lots, and open lands complies with the Township's ordinances, particularly those sections governing the design of subdivision roads and stormwater management facilities, and that all improvements will be installed in accord with the specific

requirements of this Ordinance or any waivers or modifications granted by the Township. This certification requirement is meant to provide the Township with assurance that the proposed plan is able to be accomplished within the Township's current regulations.

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

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

403.1 Existing Resources and Site Analysis

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

403.2 Final Resource Impact and Conservation Analysis

- A. This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in Section 402.4, to show all proposed improvements described in the other Detailed Final Plan documents as required by this Section 403.
- B. In addition to the requirements of Section 402.4, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - 1. Description of existing resources (as documented in Section 402.3).
 - 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.
 - 3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
 - 4. The qualifications and experience of the preparer of the report.

403.3 Final Improvements Plan Information

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

403.4 Supporting Documents and Information

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

- A. Typical road cross-section drawings for all roads and/or roads showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical superelevated sections.
 - 4. Typical parallel drainage.

B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals.

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

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

E. Proof of legal interest in the property, a copy of the latest deed of record and a current title search report.

F. Water Supply and Sewage Disposal Information

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

2. All other documentation required to demonstrate compliance with Section 607 of this Ordinance.

G. All required state or federal environmental and other permits.

H. Highway occupancy permits.

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

J. Final drainage/stormwater management plan.

K. Final grading and finish contours.

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

M. Proof of execution of the plan for the ownership of and maintenance of all improvements, common areas and open space as required by Section 506 and Section 507 of this Ordinance.

N. Final utility plans (i.e. sewer, water, cable, electric, gas storm sewer).

403.5 Additional Information

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

403.6 Application Forms and Certifications

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

403.7 Maintenance of Development Improvements

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

404. Minor Subdivisions, Final Plan Requirements

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

404.1 Drafting Standards

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

404.2 Minor Plan Information

- A. Name of minor subdivision
- B. Name and address of owner of record (if a corporation give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- D. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the minor subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, road lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).

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

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

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

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

O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.

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

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

R. Water courses, lakes, streams, ponds with names, and other significant features, constructed or natural including utilities, wells and sewage systems.

S. Wetlands in accord with Section 618, if required.

T. A clear sight triangle shall be clearly shown for all road intersections.

U. Site data including, total acreage, number of lots, existing zoning district (if zoning is in effect) and tax map number.

V. Existing or proposed contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.

W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.

X. The location and extent of various soil types by NRCS classification for each type.

Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.

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

AA. A location map at a scale of 1" = 800' for the purpose of locating the property being subdivided.

BB. A signature block in the lower right hand eighth of the Plan immediately above the title block for recommendation by the Planning Commission and for the approval of the Board of Commissioners shall be provided including a space for the date of recommendation/approval.

Include provision for plan revisions including space for a brief description of the revision directly to the left of the title block.

CC. Signature blocks for the Township Engineer and Monroe County Planning Commission.

DD. A title block on the lower right corner.

EE. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Township, which shall be accurately completed, signed by the Owner of the property, dated and notarized.

FF. Certificate of Accuracy and Compliance, in the form provided by the Township, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.

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

1. Building setbacks, easements, buffers, etc., that would limit building.

2. Corner lot sight easements.

3. Utility, drainage and slope easements.

4. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*

5. *Individual owners of lots must apply to the Township for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*

6. *The Planning Commission and the Commissioners have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*

7. *The Applicant hereby certifies that every contract for the sale of a lot shown on this plan, and for which there is no currently existing community sewage system available, will contain a statement in the contract of sale advising the purchaser of his rights and obligations under Act Number 280 of 1976, amending the Pennsylvania Sewage Facilities Act.*

8. *By approval of this Plan the Township has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*

9. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Pocono Township Subdivision and Land Development Ordinance and the Pocono Township Zoning Ordinance, as both are amended.*

10. The applicable highway occupancy note(s) shall appear on the plan: *A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Pocono Township Road Encroachment Ordinance before driveway access to a Township road is permitted. The applicable note(s) shall also state: Access to the public road shall be only as authorized by a highway occupancy permit.*

11. In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: *Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Township approval.*

12. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by Pocono Township will become null and void with no further action on the part of the Township.*

13. A listing of any subdivision/land development waivers or modifications, zoning variances, special exceptions and/or conditional uses that have been granted, including the date of the order of the Pocono Township Zoning Hearing Board or Board of Commissioners granting the same.

14. If the Plans include any storm water management planning, controls or devices, the following covenant shall appear on the Plan: *The owners, their heirs, executors, administrators, successors and assigns, shall make provision and be responsible for the installation, maintenance, operation and repair of any and all stormwater management facilities and controls depicted on this plan and other plans and documents supporting the same, including, but not limited to, all infiltration devices, buffers, detention basins, inlets, swales, pipes, berms and spreaders. Pocono Township is hereby granted the right to inspect all permanent stormwater management facilities and controls at any reasonable time. If Pocono Township determines at any time that any of said stormwater management facilities or controls have been eliminated, altered or improperly maintained, the then owner shall be advised of the corrective measures required and be afforded a reasonable period of time to take the necessary corrective action. Pocono Township shall have the right, but not the obligation, of ingress, egress and regress to any and all of the stormwater management facilities and controls, as well as upon and within the utility and drainage easements as shown on this plan, for the purpose of installation, maintenance and/or repair due to the failure or neglect of the owner to perform the same within the time required, or for emergency remedies to the stormwater management facilities and controls if necessary, if Pocono Township elects to perform such installation, maintenance and/or repair. All costs and expenses incurred by Pocono Township in relation to any work performed by Pocono Township pursuant to the provisions of this covenant and/or the enforcement of the same, shall be the joint and several responsibility of the owner and any occupier of the property who violated the provisions of this covenant, payable by the owners and/or occupiers of the property, their heirs, administrators, executors, successors and assigns upon demand by Pocono Township, and shall constitute a lien against the property until paid in full. The remedies of Pocono Township pursuant to this covenant are in addition to all other rights and remedies available to Pocono Township, its successors and assigns, pursuant to any statute, ordinance, at law or in equity. All of*

the foregoing is more particularly and at large provided in that certain Stormwater Management Agreement and Declaration of Easement between the owner and the Township dated _____, 20___, the terms and provisions of which are incorporated herein by reference. This covenant shall run with the land.

404.3 Supporting Documents and Information

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

404.4 Additional Information

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

404.5 Application Forms and Certifications

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

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

Plans for Lot Line Adjustments and Revisions to Previously Approved Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law; and shall be submitted pursuant to the following:

405.1 Drafting Standards

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

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

- A. Name and address of owner of record (if a corporation give name of each officer).
- B. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the minor subdivision plan.

- C. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- D. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- E. North arrow (true or magnetic).
- F. Graphic scale and written scale.
- G. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, road or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of an arc.
- H. The original and proposed lot numbers shown on the appropriate lots.
- I. Building setback lines.
- J. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- K. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by Section 608 of this Ordinance.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Lot lines to be eliminated shown with a broken line and labeled *Lot line to be eliminated*.
- N. The name and number and pavement width and right-of-way lines of all existing public roads and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- O. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- P. The area of each lot, existing and proposed.
- Q. A reference to the recorded subdivision plan where the lots were originally subdivided including recording information.
- R. A location map at a scale of 1" = 800' for the purpose of locating the property being subdivided.
- T. Zoning district.
- U. A signature block in the lower right hand eighth of the Plan immediately above the title block for the approval of the Board of Commissioners including a space for the date approval.
- V. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Township, which shall be accurately completed, signed by the Owner of the property, dated and notarized.

W. Certificate of Accuracy and Compliance, in the form provided by the Township, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.

X. The following items and notes shall be on all Lot Line Adjustment/Revision Plans when applicable, in the form of protective and/or restrictive covenants:

1. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*

2. *Individual owners of lots must apply to the Township for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*

3. *The Planning Commission and the Commissioners have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*

4. *By approval of this Plan the Township has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*

5. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Pocono Township Subdivision and Land Development Ordinance and the Pocono Township Zoning Ordinance, as both are amended.*

6. *The applicable highway occupancy note(s) shall appear on the plan: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Pocono Township Road Encroachment Ordinance before driveway access to a Township road is permitted. The applicable note(s) shall also state: Access to the public road shall be only as authorized by a highway occupancy permit.*

7. *In the event the Subdivision incorporates a Private Access Road as defined in this Ordinance, the following shall appear on the Plan: The maintenance of the private access road and turnaround shall be the responsibility of the owner(s) of the lots served by the road. The private access road shall remain private and shall not be offered for dedication to the Township as a public road.*

8. *In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Township approval.*

9. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by Pocono Township will become null and void with no further action on the part of the Township.*

10. When easements are not delineated specifically, *the approval of this Plan by the Board of Commissioners does not have the effect of altering, re-defining or extinguishing any easements of record, existing on or over the subject property.*

11. *This plan supersedes the Plot Plan filed in the Monroe County Recorder of Deeds Office in Plot Book Volume _____, Page _____, but only to the extent depicted on this Plan. In all other respects, the said recorded plan shall remain in full force and effect.*

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

13. Specific additional restrictions or covenants that the Board of Commissioners deems appropriate.

405.3 Additional Information

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

405.4 Application Forms and Certifications

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

406. Plan Requirements for Land Developments

A. Applicability - All plans for land developments, except as noted in Subsection B below, shall be submitted in accord with this Section 406.

B. Non-Qualifying Land Developments - Preliminary Plans and Final Plans Required - Land developments which involve the transfer of any interest in real estate other than rental or short-term lease shall comply with Section 303 - Preliminary Plans and Section 304 - Final Plans of this Ordinance.

C. Plan Preparation - Land Development Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law.

D. Elements - The submission requirements for a Land Development Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:

1. Site Context Map;
2. Existing Resources and Site Analysis;
3. Resource Impact and Conservation Analysis; and
4. Improvements Plan.
5. Studies and Reports as set forth in other parts of this Ordinance.

406.1 Drafting Standards

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

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

C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet and shall include a boundary closure report.

D. The sheet size shall be no smaller than eleven by seventeen (11 x 17) twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

406.2 Site Context Map

A map compiled from existing information showing the location of the proposed land development within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more the map shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources

Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

406.3 Existing Resources and Site Analysis

For all land developments, an Existing Resources and Site Analysis shall be prepared to provide the Developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines of which shall generally be at two-foot intervals although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps. The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for land developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks the location and datum of which shall be shown on the plan.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, 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 and wetland, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in un-sewered areas, for septic suitability).
- F. Watershed boundaries shall be identified.
- G. A viewshed analysis using GIS or other suitable methodology showing the location and extent of views into the property and along ridge lines from critical points along adjoining public roads and how the views will be affected by the proposed development and what design elements will be used to minimize the visual effects.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the Applicant.

- I. All existing man-made features including but not limited to roads, 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 Monroe County shall be shown on the plan.

406.4 Resource Impact and Conservation Analysis

- A. A Resource Impact and Conservation Analysis shall be prepared for all 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 (as required under Section 406.3). All proposed improvements, including but not necessarily limited to grading, fill, roads, buildings, utilities and stormwater detention facilities, as proposed in the other Proposed Land Development Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories: (1) primary impact areas, i.e., areas directly impacted by the proposed land development, (2) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and (3) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.
- C. In addition, the Applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - 1. Description of existing resources as documented in Section 406.3.
 - 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Analysis.
 - 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.
- D. This requirement for a Resource Impact and Conservation Analysis may be waived by the Township if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Land Development Plan would be likely to cause no more than an insignificant impact upon the site's resources.

406.5 Improvements Plan

This Plan shall include the following items:

- A. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock out-croppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- B. Existing and proposed lot lines, lot areas, full lot grading, driveway locations and elevations, and any existing easements and rights-of-way.
- C. Location, alignment, width, profile and proposed names of all proposed roads and road rights-of-way, including all road extensions or spurs that are reasonably necessary to provide adequate road connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed roads.
- D. Information indicating available and safe sight stopping distances for all driveways, access drives, roads, etc., which must be in compliance with the most current version Pennsylvania Department of Transportation specifications.
- E. Location of proposed swales, drainage easements, stormwater and other management facilities.
- F. Where community sewage service is proposed, the proposed layout of proposed sewage systems, including but not limited to the proposed locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
- G. Where central water service is proposed, the proposed layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- H. Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.
- I. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- J. Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- K. If land to be subdivided lies partly in or abuts another municipality, the Applicant shall submit information concerning the location and proposed design of roads, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- L. Where the Applicant proposes to install the improvements in phases, he shall submit with the Land Development Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- M. Utilities and Easements
 - 1. Locations of existing and proposed utility easements.

2. Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 3. The proposed location of on-site sewage and water facilities.
- N. Location of proposed shade trees, plus locations of existing vegetation to be retained.
- O. A signature block in the lower right hand eighth of the Plan immediately above the title block for recommendation by the Planning Commission and for the approval of the Board of Commissioners shall be provided including a space for the date of recommendation/approval. Include provision for plan revisions including space for a brief description of the revision directly to the left of the title block.
- P. Signature blocks for the Township Engineer and Monroe County Planning Commission.
- Q. Zoning data (if a zoning ordinance is in effect), including all of the following, when applicable:
1. Zoning district designations.
 2. Zoning district boundary lines traversing the proposed land development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed land development, shown on location map.
- R. A title block shall be included on the lower right corner.
- S. Name and address of project.
- T. Name and address of the owner of record (if a corporation give name of each officer) and current deed book and page where the deed of record is recorded.
- U. Name and address of Developer if different from landowner (if a corporation give name of each officer).
- V. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- W. Date, including the month, day and year that the Land Development Plan was initially prepared and the month, day and year for each Plan revision along with a description of the revision.
- X. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all roads, roads, municipal boundaries, zoning districts (if zoning is in effect), water courses and any area subject to flooding.
- Y. North arrow (true or magnetic).
- Z. Graphic scale and written scale.

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

BB. The road name and number (if applicable) where the property is located.

CC. Certificate of Ownership and Acknowledgment of the Plan, in the form provided by the Township, which shall be accurately completed, signed by the Owner of the property, dated and notarized.

DD. Certificate of Accuracy and Compliance, in the form provided by the Township, dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.

EE. Excepted parcels or sections shall be marked *not included in this plat* with the boundary completely indicated by bearings and distances.

FF. The following items shall be on all Land Development Plans in the form of protective covenants and/or notes:

1. Building setbacks.

2. Corner lot sight easements.

3. Utility, drainage and slope easements.

4. *Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection.*

5. *Individual owners of lots must apply to the Township for, and obtain, a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system.*

6. *The Planning Commission and the Commissioners have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system.*

7. *The Applicant hereby certifies that every contract for the sale of a lot shown on this plan, and for which there is no currently existing community sewage system available, will contain a statement in the contract of sale advising the purchaser of his rights and obligations under Act Number 280 of 1976, amending the Pennsylvania Sewage Facilities Act.*

8. *By approval of this Plan the Township has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the Plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs, successors and assigns and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies.*

9. *This Plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in the Pocono Township Subdivision and Land Development Ordinance and the Pocono Township Zoning Ordinance, as both are amended.*

10. *The applicable highway occupancy note(s) shall appear on the plan: A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (PL 1242, NO. 428) known as the State Highway Law before driveway access to a state highway is permitted; and/or A highway occupancy permit is required pursuant to the Pocono Township Road Encroachment Ordinance before driveway access to a Township road is permitted. The applicable note(s) shall also state: Access to the public road shall be only as authorized by a highway occupancy permit.*

11. *In the event the Subdivision includes the joining or annexing of lots, parcels or tracts of land, the following shall appear on the Plan: Lot Number _____ shall be joined to and become an inseparable part of Lot Number _____ and cannot be subdivided or sold separately or apart therefrom without prior Township approval.*

12. *The Applicant, his heirs, successors or assigns will implement all requirements and obtain all permits and approvals as required by any and all local, state or federal agencies and authorities, and does hereby acknowledge and agree that if said permits and approvals are not obtained as required, then any and all approvals given by Pocono Township will become null and void with no further action on the part of the Township.*

13. *A listing of any subdivision/land development waivers or modifications, zoning variances, special exceptions and/or conditional uses that have been granted, including the date of the order of the Pocono Township Zoning Hearing Board or Board of Commissioners granting the same.*

14. *If the Plans include any storm water management planning, controls or devices, the following covenant shall appear on the Plan: The owners, their heirs, executors, administrators, successors and assigns, shall make provision and be responsible for the installation, maintenance, operation and repair of any and all stormwater management facilities and controls depicted on this plan and other plans and documents supporting the same, including, but not limited to, all infiltration devices, buffers, detention basins, inlets, swales, pipes, berms and spreaders. Pocono Township is hereby granted the right to inspect all permanent stormwater management facilities and controls at any reasonable time. If Pocono Township determines at any time that any of said stormwater management facilities or controls have been eliminated, altered or improperly maintained, the then owner shall be advised of the corrective measures required and be afforded a reasonable period of time to take the necessary corrective action. Pocono Township shall have the right, but not the obligation, of ingress, egress and regress to any and all of the stormwater management facilities and controls, as well as upon and within the utility and drainage easements as shown on this plan, for the purpose of installation, maintenance and/or repair due to the failure or neglect of the owner to perform the same within the time required, or for emergency remedies to the stormwater management facilities and controls if necessary, if Pocono Township elects to perform such installation, maintenance and/or repair. All costs and expenses incurred by Pocono Township in relation to any work performed by Pocono Township pursuant to the provisions of this covenant and/or the enforcement of the same, shall be the joint and several responsibility of the owner and any occupier of the property who violated the provisions of this covenant, payable by the owners and/or occupiers of the property, their heirs, administrators, executors, successors*

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

406.6 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Land Development Plans for all land developments:

A. Road, access way and parking area information as follows:

1. Typical cross-section drawings for all proposed roads showing the following:

- a. Typical cut sections.
- b. Typical fill sections.
- c. Superelevated sections.
- d. Typical parallel drainage.

2. Profiles along the top of the cartway center-line showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.

3. Truck turning movement diagrams for at least a WB-50 truck.

4. Road, access way and lighting and parking area lighting.

B. Exterior elevations of any proposed buildings including at least the front and side elevations.

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

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

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

F. Proof of legal interest in the property, a copy of the latest deed of record and a current title search report.

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

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

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

H. Sewage Disposal Information

1. Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 3. If service by the Township, a sewer authority or a public utility is proposed, a letter or other written certification from the Township, the authority or the public utility stating that it will provide the necessary sewer service and verifying that its system has adequate capacity to do so.
- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Township may require a Professional Engineer's certification of such list.
- J. Confirmation that the soil erosion and sedimentation control plan has been accepted for review by the Monroe County Conservation District. (See also Section 610.)
- K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township.
- L. Preliminary bridge designs and a statement by the Applicants Engineer regarding any approvals required by the state or federal government.
- M. A landscaping plan documenting compliance with Section 615.
- N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Land Development Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- O. Confirmation that the highway occupancy permit application has been accepted for review by the Township or PennDOT as applicable.
- P. A plan for the ownership of and maintenance of all improvements, common areas and open space as required by Section 506 and Section 507 of this Ordinance.
- Q. Wetland studies as required by Section 618 of this Ordinance.

R. Steep slope information as required to document compliance with this Ordinance.

S. Copies of all other required permits or the applications made therefore.

T. Design plans and calculations, signed and sealed by a professional engineer for any retaining walls over four feet (4') in height.

406.7 Community/Financial Impact Analysis

A community impact analysis including the following information shall be required for land developments containing fifteen (15) or more dwelling units or residential lots in the aggregate; all non-residential developments (with the exception of agricultural development) with buildings containing in excess of twenty (20,000) thousand square feet of floor space in the aggregate; or development of any kind impacting thirty (30) acres of land or more in the aggregate.

A. Community Impact - The impact analysis shall indicate the existing facilities that meet the increased needs that the development will bring to the Township and the improvements, if any, which will have to be made to accommodate the increased needs, addressing, at a minimum, the following:

1. The number of residents and public school children generated by the proposed development.
2. Increases in vehicular traffic and the ability of the existing road system to accommodate traffic and increases.
3. The anticipated load on public utilities, police and fire protection.
4. Disturbance to the natural ecology, such as alluvial soil areas, loss of tree cover and land erosion.
5. Harmony with the character of surrounding development.
6. Feasibility of providing public transportation to the site.
7. Anticipated time period to sell\rent the proposed development.

B. Financial Analysis - The following information shall be provided:

1. Anticipated annual revenues to the Township and the school district for each of the first five (5) years of the development and at project build-out.
2. Anticipated Township and school district expenses associated with the development for each of the first five (5) years of the development and at project build-out.

C. Phase I Environmental Site Assessment (PESA) - The purpose of the PESA shall be to identify current and historical items associated with the property that may constitute a threat to the environment. The assessment, prepared in accord with ASTM E1527-05, as amended, may be required by the Township Planning Commission and/or Board of Commissioners for all developments, regardless of the number of lots, size of the building or acreage disturbed, if the land proposed for development is known to contain or suspected of containing items which may constitute a threat to the environment.

By including the PESA requirement, Pocono Township makes no representation, expressed or implied, that the PESA, as defined above, will in any way, directly or indirectly, absolve or limit the developer/land owner from liability pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, or Superfund Act), the Superfund Amendment

and the Reauthorization Act of 1986 (SARA), or any other applicable federal, state, county, and local statute, rule or regulation heretofore or hereafter promulgated.

The assessment must include, but shall not be limited to:

1. A detailed site visit conducted by personnel with proper OSHA Health and Safety Training, including site reconnaissance, interview with knowledgeable sources, and an investigation of surrounding properties, in order to identify the following:
 - a. Storage, utilization of agricultural herbicides/pesticides or waste at the site or surrounding properties;
 - b. Presence of underground or above ground storage tanks, or other containers, for fuel or agricultural chemical storage;
 - c. The possible location and orientation of any underground petroleum pipelines which may come into contact with the site; and,
 - d. The possible location of on-site fill areas which, because of the deposited material, may pose limitations for structural and/or non- structural development.
2. A Deeds of Record Search and review of Pocono Township records in order to identify previous land owners and site operations that could adversely affect the property. Historical aerial photographs must be procured and reviewed in order to identify past on-site or off-site indicators of environmental impacts (e.g. lagoons, trash site, etc.). The review of tax records and maps in order to identify owners and respective land uses of surrounding properties.
3. A review of the Pennsylvania Department of Environmental Protection (PA DEP) files in order to ascertain whether or not any notices of violation have been issued to the site or nearby properties. In addition, the United States Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability System (CERCLA) list of potential hazardous waste sites in Pennsylvania and the National Priorities List must be reviewed in order to identify nearby existing or potential national Superfund sites.

406.8 Additional Information

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

406.9 Application Forms and Certifications

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

406.10 Land Development Plan Engineering Certification

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

407. Requirements for As-Built Plans

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

407.1 Submission

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

407.2 Format

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

407.3 Water and Sewer

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

407.4 Topography

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

407.5 Plan Information

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

- A. Storm sewer, including revised topography for basin/bmps (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- B. Light pole locations.
- C. Sidewalk locations (if different from design).
- D. Field changes not otherwise required by this section.
- E. Road and traffic signs
- F. Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance
- G. Parking spaces including handicapped spaces and access points.
- H. Retaining wall locations and elevations.
- I. Property corner monuments and markers with surveyor's certification.
- J. Building locations with tie distances to property lines.

- K. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- L. Other information as deemed necessary by the Township Engineer depending on site conditions.

408. Land Developments and Commercial and Industrial Subdivisions

All land developments and all commercial and industrial subdivisions shall comply with the applicable requirements of this Ordinance, including, but not limited to, Section 406, unless otherwise specified in this Section 408.

408.1 General Design and Site Standards for Land Development

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

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

408.2 Design of Commercial Establishments and Nonresident Uses

It is the intent of this Section 408.2 to provide standards for the design of commercial establishments and nonresidential uses (referred to as commercial establishments) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:

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

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

408.3 Design Considerations – The design shall to the greatest extent possible ensure:

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

408.4 Four-Step Design

All land developments on sites of three (3) acres or more and all commercial and industrial subdivisions shall be designed in accordance with the four-step design process in Section 602 with respect to conservation areas and development sites. The Applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- A. Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

408.5 Ownership

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

408.6 Commercial and Industrial Lots

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

408.7 Unified Development

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

408.8 Roads

Roads in commercial and industrial developments shall comply with the requirements of Section 607 shall be constructed to collector road standards as required by this Ordinance.

ARTICLE V
PERFORMANCE GUARANTEES
AND
OPEN LAND

500. General

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

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

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

B. Proposed developer's agreements and performance guarantee in accord with Section 503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, have been accepted by the Board of Commissioners.

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

501. PennDOT Required Improvements

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

502. Sections/Stages

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

503. Performance Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of Performance Guarantees:

503.1.1 Escrow Account - A deposit of cash either with the Board of Commissioners or in escrow with a federal or Pennsylvania chartered financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Board of Commissioners.

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

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

503.1.4 Additional Requirements - The following requirements shall apply to the Performance Guarantees set forth in this Section 503.1:

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

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

C. The applicable financial institution/surety shall guarantee the availability of funds in an amount equal to the established cost of completing all required improvements pursuant to Section 503.2.

D. The Performance Guarantee shall not be withdrawn, or reduced in amount, until released by the Board of Commissioners.

503.2 Amount of Performance Guarantee

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

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

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

C. Prevailing wage rates shall be used to determine the amount of the Performance Guarantee if the cost of the completion of the improvements exceeds the current public work prevailing wage monetary threshold established by the Prevailing Wage Act, as amended.

503.3 Terms of Guarantee

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

503.4 Release of Performance Guarantees

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

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

B. Inspection - Within forty-five (45) days of receipt of such request the Board of Commissioners shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Commissioners that the improvements have been completed.; and the Board of Commissioners shall authorize release of such portion of the Performance Guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Commissioners fails to act within said forty-five (45) day period, the Board of Commissioners shall be deemed to have approved the release of funds as requested. The Board of Commissioners may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

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

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

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

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

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

E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Commissioners, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this Section 503.4, shall be followed.

F. Remedies to Effect Completion of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Commissioners may enforce any Performance Guarantee by appropriate legal and equitable remedies. If proceeds of the Performance Guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the Performance Guarantee, the Board of Commissioners may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Guarantee or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the improvements covered by such Performance Guarantee and not for any other municipal purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

504. Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided. Improvements construction shall in all cases be coordinated with the Township Engineer.

504.1 Construction Plans and Drawings

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

504.2 Schedule

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

504.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Applicant shall coordinate with the Township Engineer and Monroe County Conservation District a pre-construction meeting to discuss inspection milestones and scheduling.

504.4 Notice

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

504.5 Cost

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

505. Improvement Construction Maintenance Guarantee

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

505.1 Form; Amount; Action

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

505.2 Release

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

506. Continued Ownership and Maintenance of Improvements

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

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

506.1 Plan Required

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

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

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

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

506.1.4 Transfer of Maintenance Funds - The plan shall include provisions for the transfer of any operation and maintenance funds required by this Ordinance to the Property Owners Association (POA), or Condominium

Association (CA), or other successors in ownership and include a requirement that such funds will be dedicated to the intended use.

506.2 Private Operation and Maintenance

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

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

506.2.3 Any Improvements Which Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with Section 503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Commissioners. The amount of said fund shall be fifteen (15) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be subject to the approval of the Board of Commissioners.

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

506.3 Dedication to Township

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

507. Open Space and Recreation Land -- Ownership and Maintenance

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

507.1 Purpose

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

507.2 Plan and Legal Documents

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

- A. The Plan shall define ownership and an acceptable process and time line shall be established for the transfer of the lands and maintenance responsibilities to the body or entity so designated, if transfer is proposed by the Plan.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Board of Commissioners may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.
- E. Any changes to the maintenance plan must first be approved by the Board of Commissioners.

507.3 Reserved

507.4 Development Plan Designations

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

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

- A. Ownership - Required common open space shall be offered for dedication to the Township, unless the Board of Commissioners agrees to a proposal to transfer to any of the following: Pocono Mountain

School District, Monroe County, PA Bureau of State Parks, PA Bureau of Forestry, the PA Fish and Boat Commission, the PA Game Commission, a homeowner association, a single property owner in the case of agricultural or forest land or an environmental organization or land trust acceptable to the Board of Commissioners.

B. Dedication - The Board of Commissioners is under no obligation to accept an offer of dedication to the Township, but shall have the authority to ensure that an appropriate long-term method will be in place to own and maintain common open space.

C. Deed Restrictions/Conservation Easements - Common open space shall be protected from future development and subdivision by a permanent conservation easement or deed restriction, acceptable to and enforceable by the Board of Commissioners. Such restriction may also be enforceable by other parties. Such restrictions shall prohibit the construction of any buildings, except buildings for non-commercial recreation or that are necessary to support maintenance of the open space.

D. Rental Development - In the case of a rental development, the Township may permit the common open space to be retained by the owner of the adjacent residential rental buildings.

E. Private Parcel - Where another form of ownership is not practical, the Board of Commissioners may permit the required open space to be added onto a privately owned parcel, provided a permanent conservation easement protects the open space from development.

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

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

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

507.5.1 Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium association (CA) including all lot and/or condominium owners in the development provided: (The provisions of Section 705(f) of the Pennsylvania Municipalities Planning Code should serve as a model, in concept, for the maintenance responsibilities /enforcement provisions of such agreement.)

A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.

B. Participation in the POA/CA is mandatory for all lot/unit owners.

C. Provision is made for the maintenance of common open space during the lot/unit sale period and the orderly transition of responsibility from the developer to the POA/CA.

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

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

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

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

B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, acceptable to the Board of Commissioners.

C. The conveyance of title contains the necessary provisions for proper transfer to another qualified organization should the organization be unable to continue to fulfill its responsibilities and obligations.

D. A maintenance agreement is entered into among the developer, the organization and the Township, in form and substance acceptable to the Board of Commissioners.

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

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

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

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

A. There is no consideration paid by the Township.

B. Such land is freely accessible to the public.

C. The Board of Commissioners agrees to and has access to maintain such lands.

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

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

508.1 Notice

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

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

508.3 Public Hearing

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

508.4 Failure to Correct

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

508.5 Reinstatement of Responsibility

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

508.6 Appeal

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

508.7 Public Costs

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

509. Subdivision and/or Land Development Improvements Agreement

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

509.1 Contents

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

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

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

509.2 Execution

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

510. Maintenance Agreement

510.1 All Applicants proposing any subdivision or land development which provides for the dedication of improvements required by this chapter or any improvements or amenities which appear on the plan shall be required to enter into a legally binding maintenance agreement with the Township prior to acceptance of dedication by the Township.

510.2 The dedication of any improvement shall not be accepted by the Township prior to the execution of a maintenance agreement and the delivery of the maintenance guarantee.

510.3 Form and Content

- A. The maintenance agreement shall be in the manner and form approved by the Township Solicitor.
- B. The maintenance agreement shall require the Applicant to make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Board of Commissioners as necessary by reason of faulty construction, workmanship, or materials prior to acceptance of such improvement by the Township.
- C. The maintenance agreement shall require the Applicant to maintain at his own cost all improvements stipulated in the maintenance agreement. This period shall not exceed eighteen (18) months from the date of acceptance or dedication by the Township, except for any special purpose escrow or maintenance agreement required by the Township.
- D. The maintenance agreement shall require the posting of financial security, in accordance with Section 505, to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
- E. Snowplowing. It shall be the responsibility of the Applicant to plow snow and maintain all streets until such time as the Township may accept such streets.
- F. Public utilities and authorities. If water mains or sanitary sewer liens, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, 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.

510.4 Execution

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

ARTICLE VI

DESIGN STANDARDS AND SPECIFICATIONS

601. General Design Standards; Township Zoning Requirements

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

601.1 Application

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

A. Planning

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

B. -Summary of Required Improvements

Table 6-1 summarizes the required improvements for various types of subdivisions and land developments. The remainder of this Article sets forth the construction standards for several of the required improvements. Other construction standards shall be evaluated and approved by the Township Engineer.

C. Improvements, Specifications

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

D. Hazard Areas

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

E. Development Design; Remnants; Neighboring Development

All portions of a tract being subdivided shall be taken up in lots, roads, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also

be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.

F. Natural Features

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

1. Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this Ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of roads, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater. (See Section 611.4.6 for the requirements for a Water Resources Impact Study.)
2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for subsurface sewage disposal systems. stormwater management shall be provided in accord with Township stormwater regulations and the following activities shall be minimized:
 - a. Disturbance to streams and drainage swales.
 - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
 - c. Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-lot sewage systems.
3. Woodlands - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:

- a. Healthy woodlands exceeding one acre shall be preserved and designated as conservation open space areas, to the maximum extent possible. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.
 - b. Developments shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory, and canopy vegetation.
 - c. Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Township 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) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.
4. Upland Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. Several elements of these working landscapes lend themselves to incorporation into the Township's conservation 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. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).
5. Steep Slopes - The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas.
- a. Definition of Steep Slope Areas
 - 1) Steep slope area is defined and established as those areas having an original, unaltered slope of twenty (20) percent or greater. The establishment of slopes shall be

made by a topographic survey performed by a registered surveyor, or other means acceptable to the Township.

2) Isolated pockets of steep slopes containing less than two thousand (2,000) square feet of surface area shall be exempt from the provisions of this section, unless they are a portion of all steep slope areas within the lot or property where the sum of all steep slope areas exceeds two thousand (2,000) square feet.

b. Restrictions and Requirements (See also Section 606.3.)

1) No more than thirty-five (35) percent of the original ground cover within any designated steep slope area on the property may be disturbed by grading, filling or other means. At least sixty-five (65) percent of the original ground cover must remain undisturbed during the establishment, alteration or maintenance the property.

2) No more than fifty (50) percent of the required minimum lot area of proposed lots, as established by the underlying zoning district regulations may be comprised of steep slope areas.

3) No grading, filling or other alteration of the original undisturbed slopes on a property may be performed with the intent to circumvent the provisions of this section. Unauthorized grading performed within a steep slope area in order to circumvent these regulations shall be considered a violation of this Ordinance.

4) All Subdivision and Land Development plans shall include a delineation of the steep slope areas, as defined herein. This information may be shown on a sheet not being recorded with the Final Plan.

5) The Final Plan shall be recorded with a steep slope easement. The easement shall be comprised of at least sixty-five (65) percent of the total existing area and located within the original boundaries of the steep slope area. Allocation of the easement should be made as evenly as possible throughout the lots to allow each lot adequate room for additional grading, accessory structures, etc.

6) The Final Plan shall note that no structures shall be located within the easement; and that no excavation, grading, filling or other disturbance of the existing ground cover is permitted within the easement.

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

G. Historic Structures and Sites

Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context.

Where, in the opinion of the Commission, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Commission by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Township participation, review and approval of the Applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

H. Scenic Viewsheds

The Township has identified a number of scenic viewsheds in the Regional Recreation and Open Space Plan. All applications for subdivision and land development shall attempt to preserve the viewsheds by incorporating them into conservation open space or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances where such designs fail to satisfactorily protect viewsheds, applicants will be required to provide landscape buffers to minimize their adverse visual impacts. The buffers shall be provided in accord with the Township Zoning Ordinance and Township landscaping requirements.

I. Trails

When pedestrian and/or equestrian trails are proposed as part of a subdivision or land development the following shall apply:

1. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board of Commissioners upon recommendation of the Township Solicitor.
2. The land area permanently designated for trails for public use may be credited toward the conservation open space requirement of the Zoning Ordinance.
3. An Applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the conservation open space requirement of the Zoning Ordinance.
4. Trails shall have a vertical clearance of no less than ten (10) feet.
5. 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.
6. No trail shall be designed with the intent to accommodate motorized vehicles.

J. Boundary Lines and Reserve Strips

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

K. Water Frontage and Surface Drainage

The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval

of the Township, and, where required by state statute, the PA DEP, or other applicable state agencies. stormwater management shall be provided in accord with Township stormwater regulations.

L. Community Facilities and Adopted Plan Requirements

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

M. Walkways

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

N. Storm Drainage

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

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

A. Where there are no applicable Township specifications, improvements shall, if approved by the Board of Commissioners, be constructed in accordance with specifications furnished by the Township Engineer, Monroe County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.

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

601.4 Other Ordinances

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

602. Four-Step Design Process for All Major Subdivisions and Land Developments

All Preliminary Plans for all major subdivisions, all commercial and industrial subdivisions, and all land developments on sites of three (3) acres or more shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, roads and lot lines, as described below.

602.1 Resource Inventory and Analysis

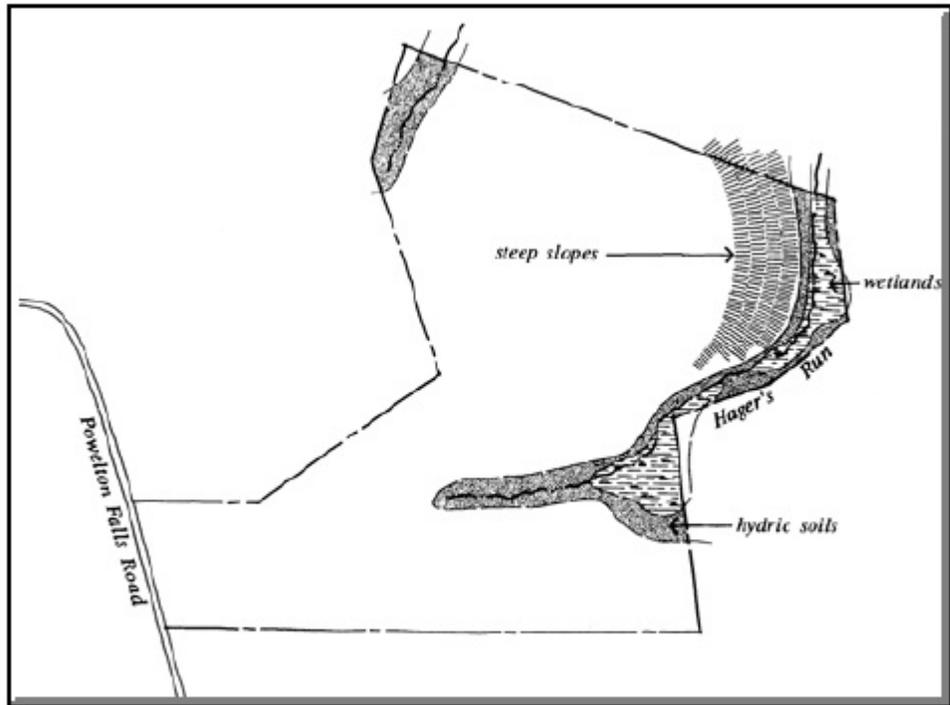
The tract's resources shall be delineated on an Existing Resources and Site Analysis as required in Section 402.3.

602.2 Four-Step Design Process

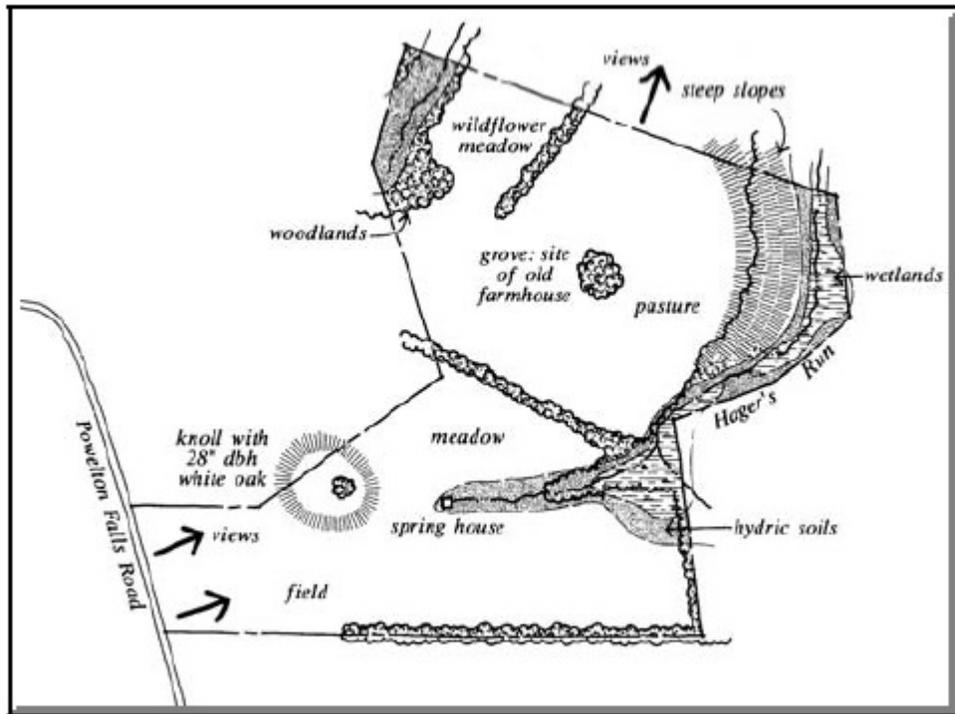
The Applicant shall document that the Four-Step process has been used as follows:

A. Step 1: Delineation of Conservation Open Space

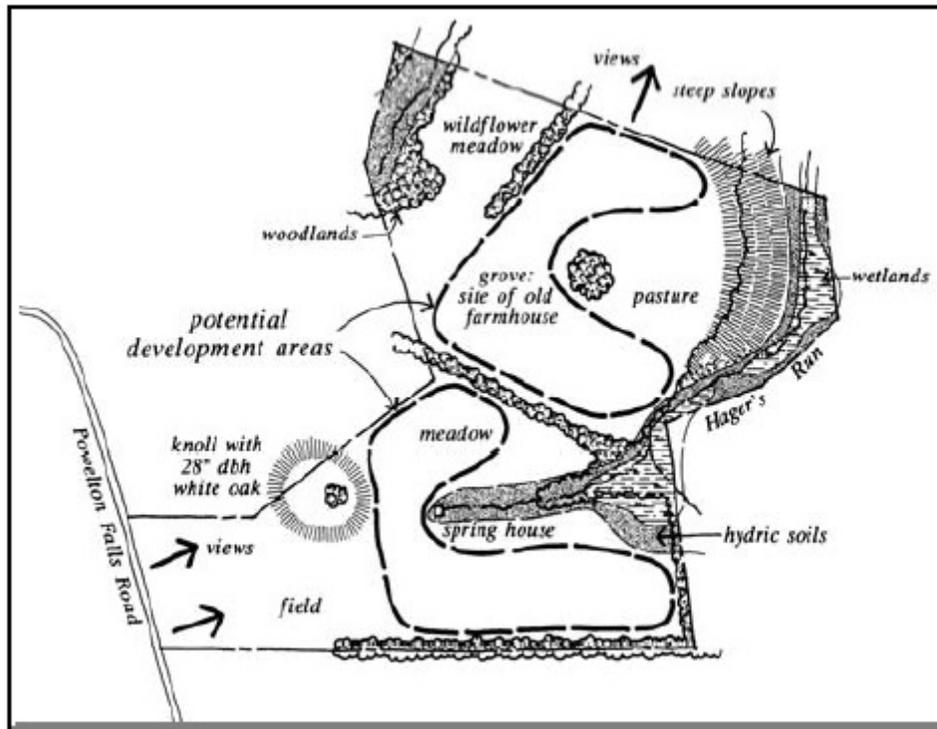
1. Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section 603.1 and Section 603.2.
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this Section 602 and Section 603, dealing with resource conservation and conservation open space delineation standards. The Township Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.
3. In delineating secondary conservation areas, the Applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accordance with Section 603.1 and Section 603.2.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the Applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.



Step 1, Part 1 – Identifying Primary Conservation Areas



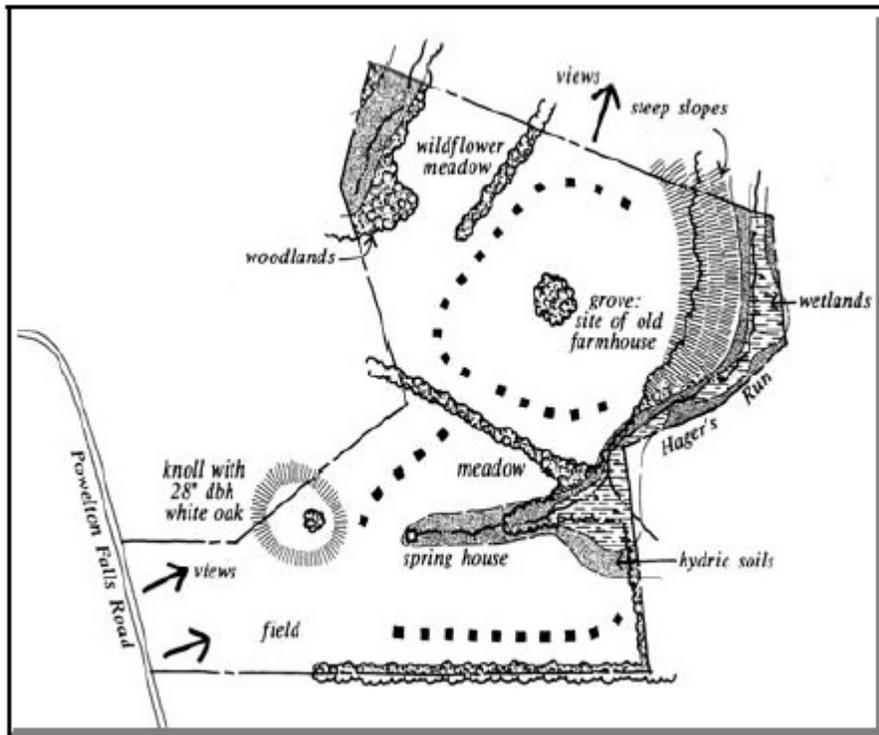
Step 1, Part 2 – Identifying Secondary Conservation Areas



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

B. Step 2: Location of House Sites

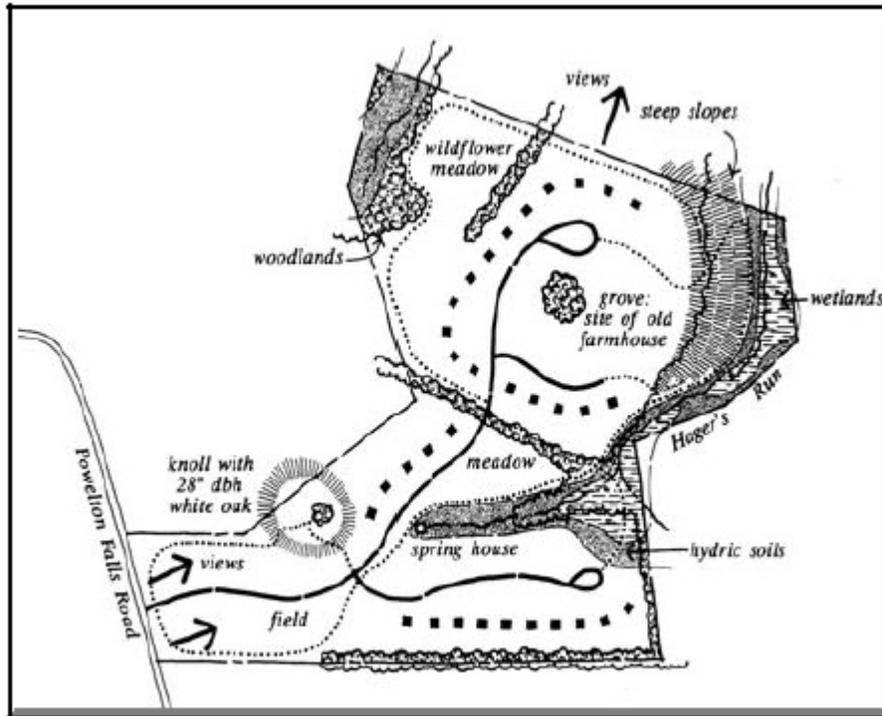
Potential house sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and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



Step 2 – Locating Potential House Sites

C. Step 3: Designing Infrastructure

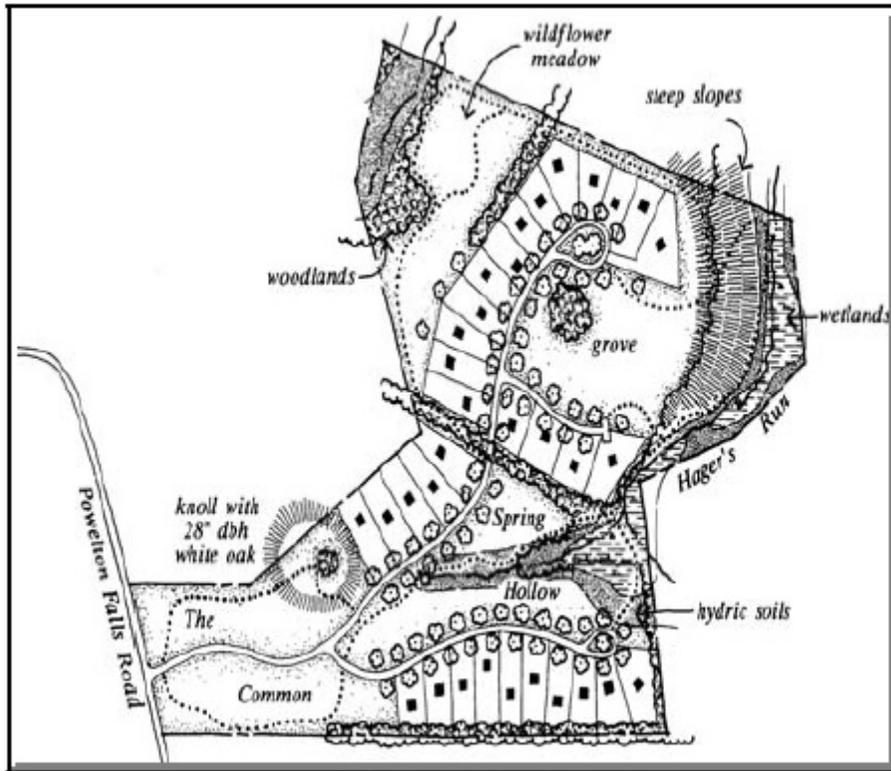
1. With house site locations identified, applicants shall delineate a road system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Roads shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new roads or driveways traversing slopes over 15 percent shall be avoided.
3. Road 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 proposed network of trails shall also be shown, connecting roads with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.
5. Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed open space and development areas are encouraged. 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.



Step 3 – *Designing Infrastructure*

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 roads in a logical and flexible manner.



Step 4 – Drawing in the Lot/Development Lines

603. Conservation Open Space Standards

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in Section 601 and the resources identified on the Township Map of Potential Conservation Lands and the development’s Existing Resources and Site Analysis.

603.1 Primary Conservation Areas

The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:

- A. Wetlands.
- B. Floodway.
- C. Floodplain.
- D. Slopes in excess of twenty-five (25) percent.

603.2 Prioritized List of Secondary Conservation Areas

The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (Listed in higher to lower order of significance):

- A. Wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.

- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Monroe County Natural Areas Inventory.
- C. Moderately steep slopes (15%-25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).

603.3 Other Design Considerations

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

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Board of Commissioners may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally, do not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to conservation open space.
 1. At least one (1) access shall be provided for every four (4) lots which do not adjoin common open space.
 2. Where a series of lots adjoins common open space, not more than four (4) lots shall be platted without an intervening access to the common open space.
 3. All required accesses shall be a minimum of fifty (50) feet and shall be free of primary conservation areas.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Board of Commissioners, without interfering with adjacent dwelling units, parking, driveways, and roads.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.

- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- H. Be undivided by public or private roads, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Monroe County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the common open space for such uses.
- K. Be consistent with the Township Comprehensive Plan and any other duly adopted Township plan.

604. Reserved

605. Resource Conservation Standards For Site Preparation and Cleanup

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

605.1 Protection of Vegetation from Mechanical Injury

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

605.2 Protection of Vegetation from Grading Change

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

605.3 Protection of Vegetation from Excavations

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

605.4 Protection of Topsoil

- A. Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.

- B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

606. Blocks and Lots

606.1 Configuration

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

606.2 Blocks

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

606.3 Lots

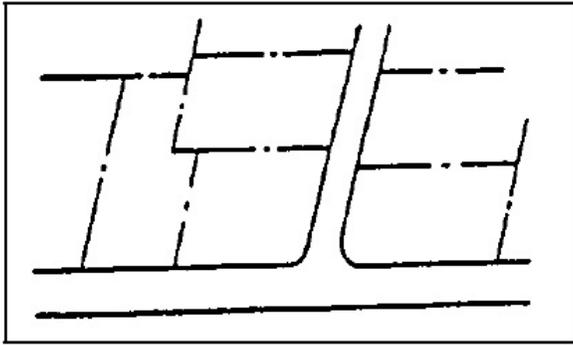
Minimum lot sizes and dimensions shall comply with the Zoning Ordinance and lots shall comply with the following:

- A. Each lot or area plotted for residential use shall provide, inside of the required yards, an area containing not less than one thousand (1,000) square feet for each dwelling unit. Such area shall have an average slope not greater than fifteen (15) percent and shall be accessible from the existing or proposed road by means of a driveway or private access road having a maximum grade of twelve (12) percent. In the case of lots using an on-site sewage disposal system, in addition to such area, there shall be sufficient area for the sewage disposal field in accord with Department of Environmental Protection regulations. (See Section 903 for commercial and industrial lots.)
- B. Lots divided by municipal boundaries shall be avoided. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.
- C. All lots shall front on an approved road or have direct access to an approved road.
- D. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines.
- E. Double frontage lots shall not be platted except as reverse frontage lots where access to the lots is restricted to the interior development roads.
- F. All lands in a subdivision shall be included in platted lots, roads, common areas, open space and other improvements; and, no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.

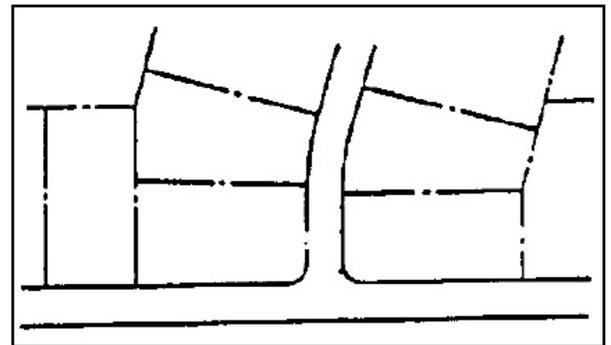
G. Lots shall be laid out to the edge of the required right-of-way of any proposed road; and, lot lines along existing public or private roads shall be maintained as they exist.

H. No corner lot shall have road frontage of less than one hundred (100) feet unless a greater frontage is required by another Township requirement.

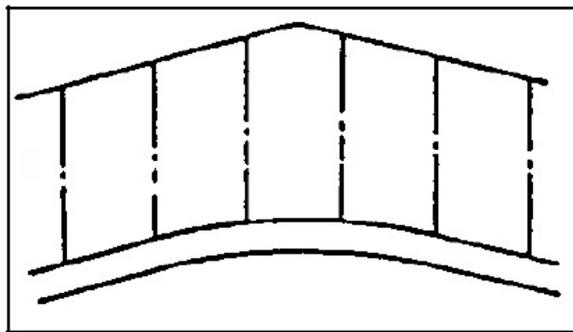
I. All corner lots shall have a curve with a minimum radius of fifteen (15) feet adjoining the intersecting road edge or right-of-way lines.



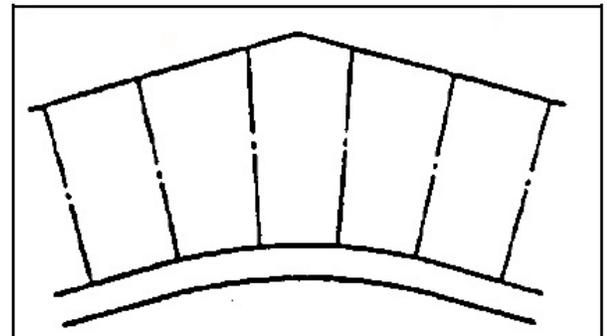
Unacceptable Lot Layout



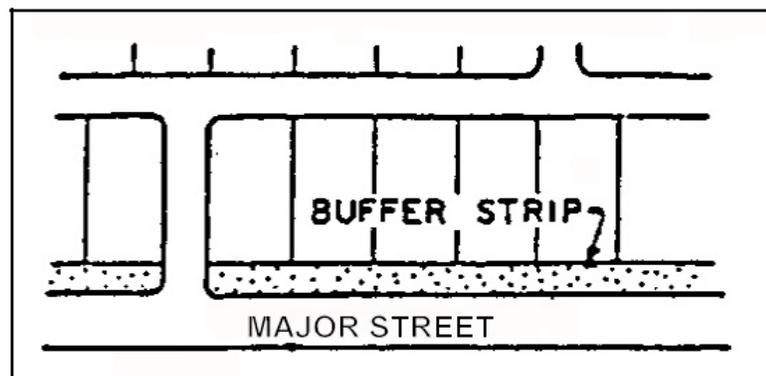
Acceptable Lot Layout



Unacceptable Lot Layout



Acceptable Lot Layout



Reverse Frontage Lots

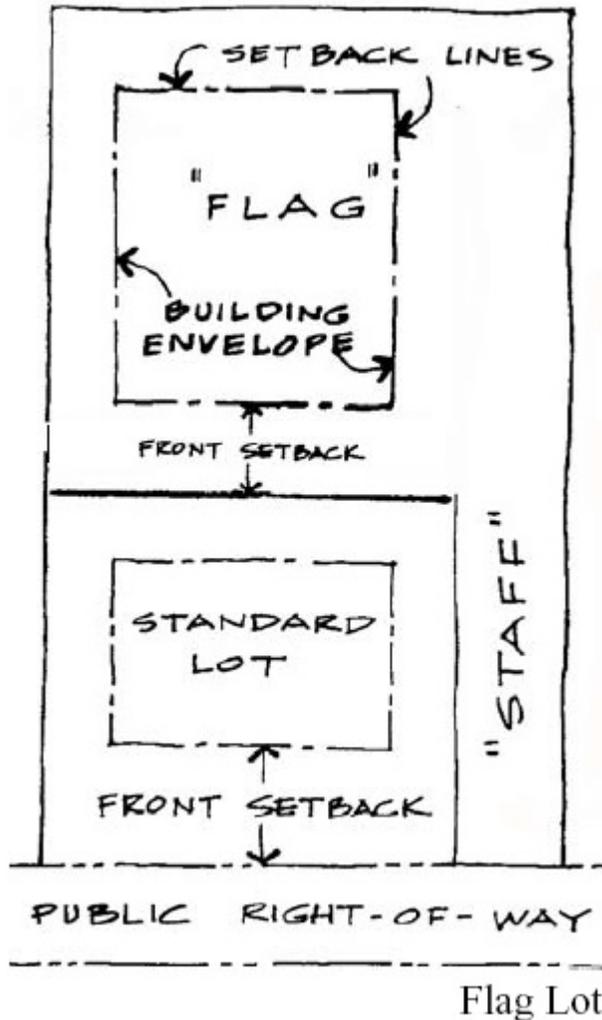
606.4 Lot Width Modifications

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

606.5 Flag Lots (See also Section 607.7 Private Access Roads.)

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

- A. The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.
- B. The flag lot shall not be permitted to have direct access to a Township or State road and shall share its driveway with an adjoining standard lot.
- C. The flag lot shall be restricted from further subdivision.
- D. Not more than ten (10) percent of the lots within a subdivision may be approved as flag lots.
- E. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the road and main portion of the lot, and shall not exceed four hundred fifty (450) feet in length, as measured from the road right-of-way.
- F. The access corridor (*staff*) shall, at a minimum, be twenty-five (25) feet in width.
- G. The proposed driveway shall not exceed a grade of twelve (12) percent and shall otherwise provide adequate access for emergency vehicles. The Township may require the installation of the driveway as part of final approval.
- H. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).
- I. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- J. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.
- K. No more than two (2) flag lots shall be permitted side-by-side, and shall not be stacked more than one (1) tier.



Flag Lot

607. Roads

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

607.1 Topography

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

607.2 Existing Access

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

607.3 Road Continuation; Further Subdivision

A. Rights-of-way of proposed roads shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a road, and the contiguous parcels must contain proper setbacks and sight distances.

B. The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Township and the owners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public road purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one (1) lot will, and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one (1) lot a fully constructed stub road and temporary cul-de-sac are required.

C. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for road purposes.

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

607.4 Existing Rights-of-Way

A. Wherever there exists a dedicated or platted portion of a road or alley along a boundary of the tract being subdivided or developed the remainder of said road or alley shall be platted to the width required by this Ordinance based on the classification of the road within the proposed development.

B. Where a subdivision or land development abuts or contains an existing municipal road of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting road. Additional setback and easement for right-of-way shall be provided in the case of land abutting private roads.

C. The extension of existing roads or alleys which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.

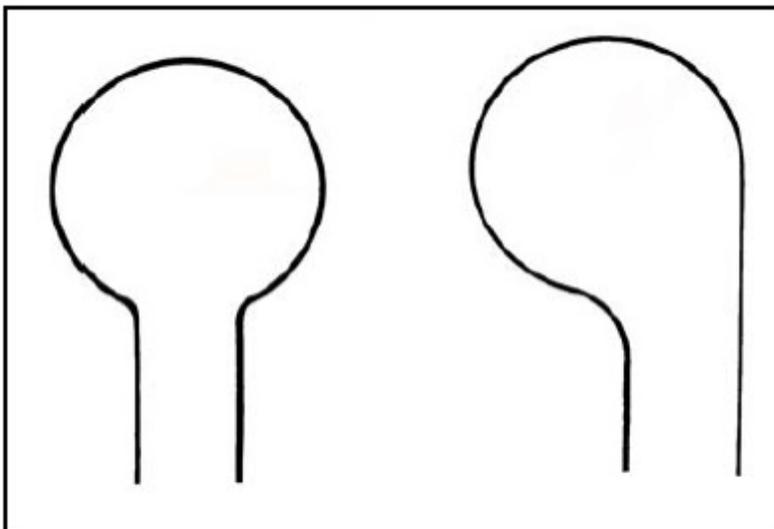
607.5 Subdivision Names and Road Names and Signs

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

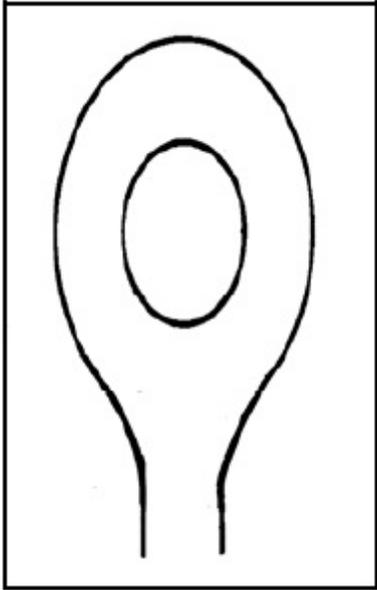
607.6 Cul-de-Sac Roads

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

- A. Any temporary dead end road, if designed to provide future access to adjoining properties, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of such turnaround shall be guaranteed to the public but shall be removed when the road is extended.
- B. Cul-de-sac roads, permanently designed as such, shall not serve more than eighteen (18) dwelling units nor exceed a length of one thousand two hundred (1,200) feet as measured from the right of way of the connecting road to the center of the cul-de-sac turnaround.
- C. All cul-de-sac roads, whether permanently or temporarily designed as such, shall terminate in a turnaround. A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of forty (40) feet, and improved to the required construction specifications shall be provided. A teardrop turnaround with a center island may be approved by the Board of Commissioners.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than thirty (30) feet.
- E. When the Township determines that a cul-de-sac road may be required to be converted to a through road to provide access to adjoining property, a right-of-way equal to the width of the cul-de-sac road shall be provided to the perimeter boundary of the development parcel.
- F. The minimum length of a cul-de-sac shall be two hundred-fifty feet (250’).



Cul-de-sac Turnarounds



607.7 Private Access Road

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

A. Number of Dwelling Units; Access - A private access road shall be used only to provide access to three (3) lots which cannot legally be further subdivided or improved with more than one (1) dwelling unit. All lots in the subdivision which adjoin the private access road shall use it for access to the adjoining public road.

B. Length and Width - The private access road shall not exceed seven hundred fifty (750) feet in length as measured from the edge of the right-of-way of the abutting road to the point of connection to the lot. The width of the private access road shall conform to Table VI-1. Any proposed road exceeding the 750-foot length shall comply with all normal standards which apply to road construction.

C. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and road standards applicable to a major subdivision shall apply. In the alternative, the lots may be restricted from further subdivision by deed restriction and inclusion of the following note on the plan: *Each lot served by the private access road shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*

D. Road Ownership - The private access road shall not under any circumstances be offered to the Township as a public road. A covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for the maintenance of the private access road and turnaround and establishing its future private ownership status: *The maintenance of the private access road and turnaround shall be the responsibility of the owner(s) of the lots served by the road. The*

private access road shall remain private and shall not be offered for dedication to the Township as a public road.

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

F. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with Section 609 and Section 610 of this Ordinance.

G. Through Road Grade - A private access road shall not be permitted to intersect the through road where the tangent grade of the through road at the point of intersection of the center-lines of the two roads exceeds eight (8) percent for the private access road intersection.

H. Paving - The private access road shall be paved from the connection with the adjoining road to fifty (50) feet beyond the adjoining road right-of-way. The paving material and cross section shall meet or exceed the specifications for local roads required by this Ordinance.

607.8 Intersections

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

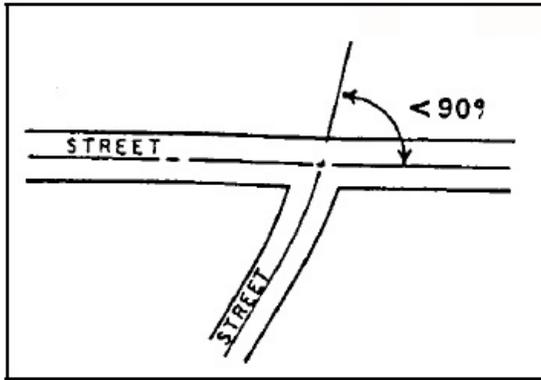
B. More Than Two Roads - Intersections of more than two (2) roads at one (1) point are not permitted.

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

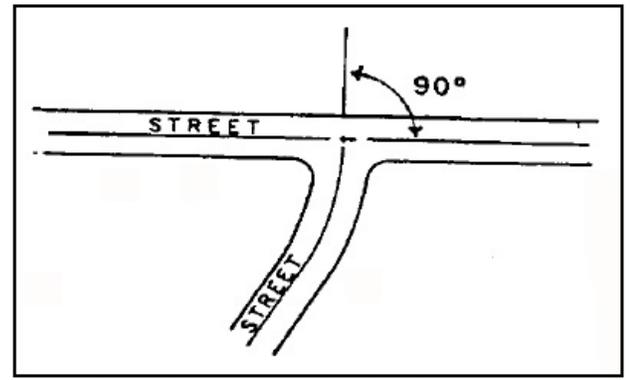
1. One hundred fifty (150) feet for local and private access roads.
2. Four hundred (400) feet for collector and higher class roads.

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

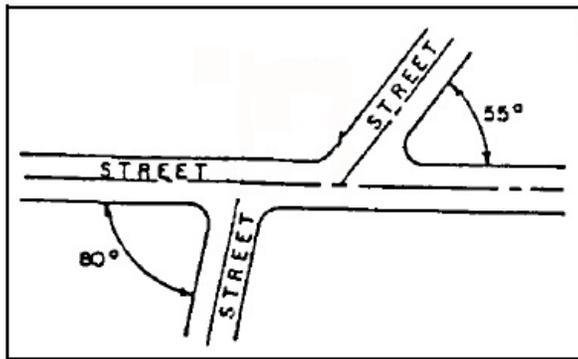
E. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accord with Section 607.28.



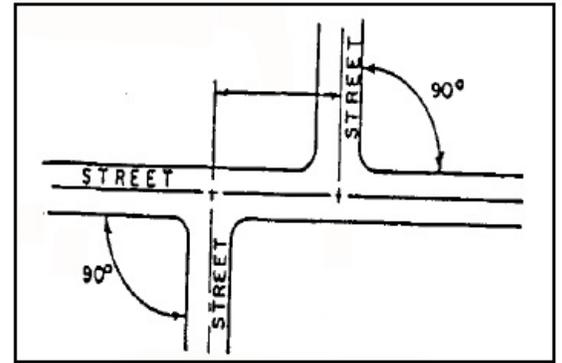
Unacceptable Road Intersection Design



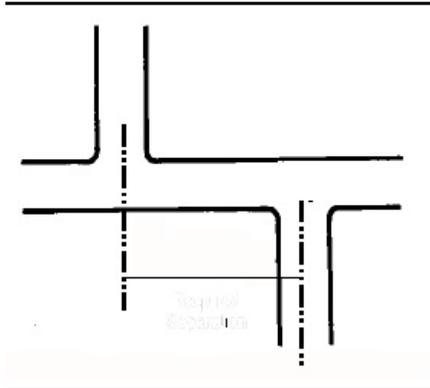
Acceptable Road Intersection Design



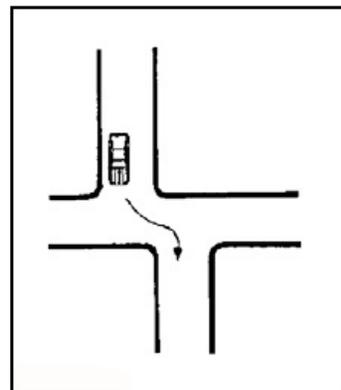
Unacceptable Road Intersection Design



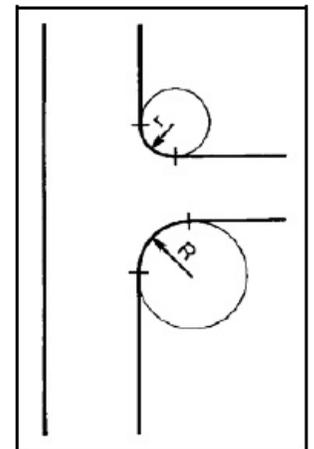
Acceptable Road Intersection Design



Required Centerline Separation



Corner Cutting



Cartway Edge Arc

607.9 Major Road Frontage

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

TABLE VI-1 MINIMUM DESIGN STANDARDS BY TYPE OF ROAD							
Design Specifications	TYPE OF ROAD						
	Arterial	Connector	Collector	Local	Marginal Access	Alley	Private Access
Average Daily Traffic	> 5,000	1,001 to 5,000	501 to 1,000	500	500	-	30
Posted Speed	65 mph	55 mph	45 mph	25 mph	25 mph	N/A	15 mph
Right of Way Width [b] [c]	80 feet	60 feet	60 feet	50 feet	50 feet	30 feet	25 feet
Cartway Width [c]							
-With shoulders	48 feet	44 feet	28 feet	26 feet	22 feet	20 feet	18 feet
-With curbs-no parking	48 feet	44 feet	24 feet	22 feet	22 feet	20 feet	18 feet
-With curbs-parking 1 side	N/A	N/A	30 feet	28 feet	N/A	N/A	N/A
-With curbs-parking 2 sides	N/A	N/A	36 feet	34 feet	N/A	N/A	N/A
Travelway Width [d]	24 feet	24 feet	20 feet	18 feet	18 feet	20 feet	18 feet
Shoulder Width							
Cut and fill areas	6 feet [c]	6 feet [c]	4 feet	4 feet	2 feet	N/A	N/A
Maximum Grade	6%	10%	10%	12%	12%	12%	12%
NOTES:							
[a] Posted speed shall not exceed the speed required to maintain safe and convenient circulation of vehicles and pedestrians							
[b] Plus slope, drainage and utility easements as required.							
[c] Additional standards may be per Pennsylvania Department of Transportation Specifications.							
[d] The travelway width shall be delineated with solid white lines conforming to PennDOT standards.							

TABLE VI-2 MINIMUM CONSTRUCTION STANDARDS BY TYPE OF ROAD						
TYPE OF ROAD						
Construction Specifications	Arterial	Connector	Collector	Local	Alley	Private Access
Base Material						
Material	AASHTO NO. 2 Crushed Stone					
Compacted Depth	8 Inches	8 inches	8 inches	6 inches	6 inches	6 inches
Surface Course						
Material	Superpave Volumetric Asphalt Design					
Compacted Depth	7.5 inches [a]	7.5 inches [a]	5.5 inches [b]	5.5 inches [b]	4.0 inches [c]	1.5 inches [d]
Shoulders						
Material	Superpave Volumetric Asphalt Design					
Compacted Depth	7.5 inches [a]	7.5 inches [a]	5.5 inches [b]	5.5 inches [b]	N/A	N/A
Notes:						
[a] 1.5 inches Wearing + 6.0 inches Binder						
[b] 1.5 inches Wearing + 4.0 inches Binder						
[c] 1.5 inches Wearing + 2.5 inches Binder						
[d] 1.5 inches Wearing (see Section 607.7.H)						

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

- A. Shoulder surfaces shall be graded at a slope of three-fourths (0.75) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated shall be crowned at one-quarter (0.25) inch per foot away from the center-line.
- C. Properly superelevated cross sections shall be required on collector roads in accord with most current “PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition” standards. The maximum permissible superelevation shall be 0.08 feet per foot.

607.11 Easements

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

A. Access Easements

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

B. Utility Easements

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

607.12 Road Alignment

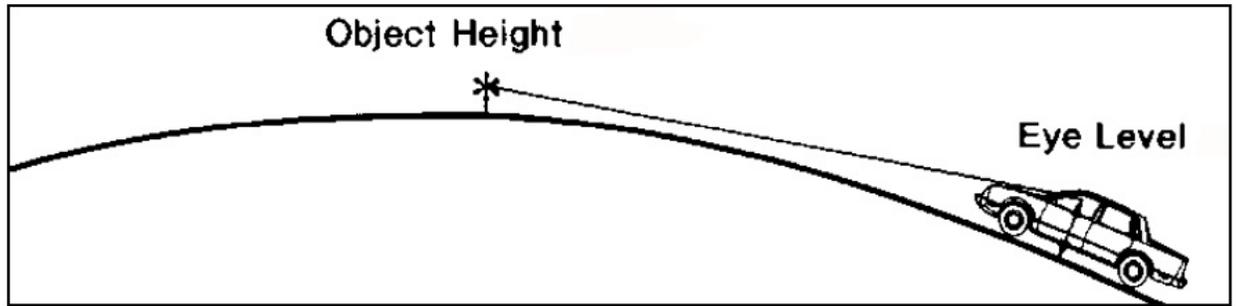
Road alignment shall be designed as follows:

- A. Deflection - Whenever road lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distances, Stopping Sight Distance, and Tangents - Sight distance, stopping sight distance, and tangents shall comply with "PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition" requirements based on average daily traffic for the road.

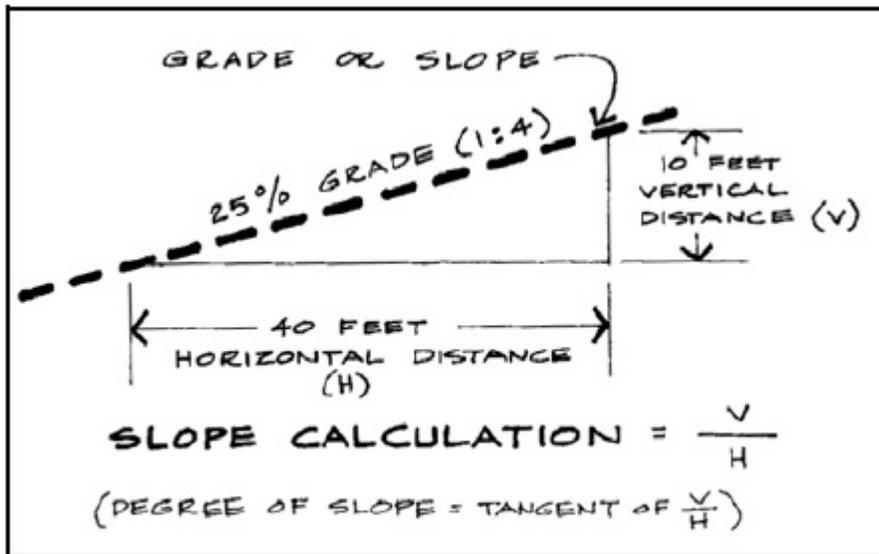
607.13 Road Grades

Road grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a cul-de-sac road shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any road gutter shall not be less than one (1%) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a road shall be not less than one and one-half (1.5%) percent.
- E. A leveling area for all road intersections shall be provided in accord with "PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition" requirements based on average daily traffic for the intersecting roads.



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



Sample Slope Calculation

607.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in accord with "PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition" requirements based on average daily traffic for the road. The following vertical curve information shall be shown on the road profiles:

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

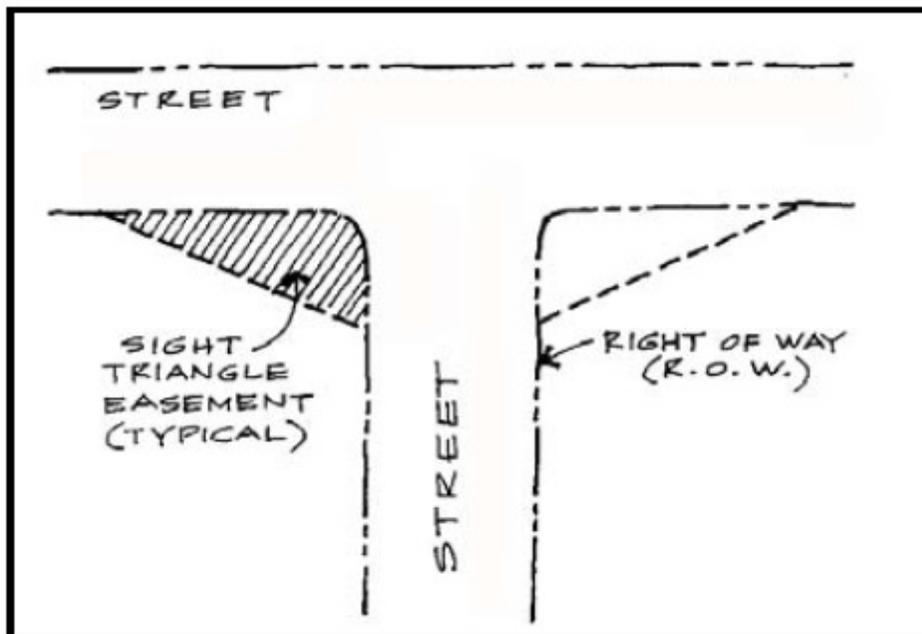
607.15 Clear Sight Triangles

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

A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of two (2) to ten (10) feet above the centerline grades of the intersecting roads.

B. Such triangular area shall be determined by the intersecting road centerlines and a diagonal connecting the two points, one point at each road centerline, each of which points is:

1. One hundred fifty (150) feet from the intersection of such road centerlines if either road is an arterial road.
2. One hundred (100) feet from the intersection of such road centerlines if either road is a collector or connector road.
3. Seventy-five (75) feet from the intersection of such road centerlines if both roads are local roads or private access roads.



Clear Sight Triangle

607.16 Driveways and Access Drives

A. All driveway and access drive related improvements shall be located and constructed in such manner as to provide safe access to Township and state roads and not to impair the drainage or normal maintenance within road rights-of-way, or to alter the stability of any roadway, subgrade, or roadway embankment, or to change the drainage of adjacent areas, nor to interfere with the traveling public. Sufficient area for and access to off-road parking shall be provided.

B. Sight distance requirements for all driveways and access drives intersecting a state, Township or private road shall be in accordance with the Pennsylvania Code, Title 57, Transportation, Chapter 441 "Access to and Occupancy of Highway by Driveways and Local Roads", last edition. All sight distance

obstructions, including, but not limited to, embankments and vegetation, shall be removed by the Applicant to provide the required sight distance.

C. Clear sight distance shall be verified in the field by the Applicant's professional and be found acceptable by the Township prior to preliminary plan or preliminary/final plan approval.

D. No more than three (3) lots shall be served by a private residential driveway in case of common ownership or shared use of a private residential driveway. As a condition to final plan approval, an agreement providing for the maintenance, repair, construction and reconstruction including drainage facility maintenance and snowplowing of the shared driveway, shall be submitted for review by the Township and, following approval, shall be recorded against the lots in question.

E. Private residential driveways, whether individual or shared, on corner lots shall be located at least seventy-five (75') feet for local roads and one hundred (100') feet for collector and one hundred-fifty (150') feet for arterial roads from the centerline of driveway to the point of intersection of the nearest road right-of-way line. Access drives shall be located at least 150', 200', and 300' feet respectively for local, collector and arterial roads from the centerline of the access drive to the point of intersection of the nearest road right-of-way.

F. Except for the return radius at the intersection with the road, no driveway shall be situated within ten (10') feet of a side or rear property line, except where shared driveways are utilized.

G. Where on-street parking is permitted, the layout of the curb cuts of the driveways shall be designed to maximize the number of on-street parking spaces.

H. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

I. Driveways and access drives shall intersect roads as nearly as possible at ninety (90) degrees, but in no case less than seventy-five (75) degrees or greater than one hundred-five (105) degrees.

J. Where access is to a State road, a valid State Highway Occupancy Permit shall be obtained prior to plan recording. Where PennDOT standards differ from those of the Township, the more restrictive regulations shall apply.

K. All access driveways shall be paved in their entirety in accordance with design specifications of Section 620.D.

L. Residential Driveways:

1. Driveways to corner lots or lots having access to more than one road shall gain access from the road of lower classification when a corner lot is bounded by roads of two different classifications.

2. Except for connections to local or private roads, driveway access from any given lot shall be limited to no more than one access point to a public road.

3. The driveway within the legal right-of-way of the public road, or for a distance of at least twenty (20') feet from the edge of the cartway, whichever is greater, shall not have a grade in excess of four (4%) percent. At no point shall the maximum grade of any driveway exceed twelve (12%) percent.

4. For driveways exceeding two hundred-fifty (250') feet in length and where the grade of a driveway, at any point, exceeds eight (8%) percent, a minimum of one (1) off-road parking space shall be required. The off-road parking space shall be located before the grade of the driveway, at any point, exceeds

eight (8%) percent and shall be outside the driveway access aisle and outside the public right-of-way. Such off-road parking spaces shall be a minimum of nine (9') feet by eighteen (18') feet.

5. For driveways serving single residential units, the minimum width shall be twelve (12') feet. Width of shared driveways shall be minimum of fifteen (15') feet. Pullover areas shall be required to provide safe passage of two (2) vehicles.

6. New driveways shall provide for a safe turnaround area outside of the road right-of-way so that vehicles will not be required to back into the adjoining road. Safe turnaround areas shall in all cases be required where driveways access arterial or major collector roads.

7. The driveway shall be constructed with a base of stone compacted to six (6") inches and a surface of a minimum of one and one-half (1 ½") inch superpave bituminous wearing course or approved equal. Driveway material standards shall apply to driveways for a minimum of twenty (20') feet from the edge of the cartway or curb. The use of pervious pavement is encouraged to minimize stormwater runoff.

M. Access Drive:

1. The access drive within the legal right-of-way of the public road, or for a distance of at least twenty (20') feet from the edge of the cartway, whichever is greater, shall not have a grade in excess of four (4%) percent. The grade of any access drive shall not exceed ten (10%) percent.

2. Access drive entrances into all non-residential and non-agricultural use properties shall be no less than twenty-four (24') feet in width, shall not exceed thirty-six (36') feet in width at the road line, unless provided with a median divider, and shall be clearly defined by curbing. The curbs of these driveway entrances shall be rounded with a minimum radius of twenty (20') feet from where they intersect a road.

3. Access drives shall be paved in their entirety. The specifications for such pavings shall be approved by the Township as applicable for the specific use proposed in accordance with Section 620.E. Alternate dust-free, all weather surfaces for access may be permitted by the Township where appropriate.

4. To the greatest extent practicable, access to new individual uses shall be by way of internal access drives. Access drives shall be limited to one (1) along the frontage of any single major collector or arterial road and two (2) along the frontage of any other single road. Where two access drives are permitted, their centerlines shall be spaced a minimum of two hundred-fifty (250') feet apart.

N. Concrete aprons shall be provided for all access drives with concrete sidewalks. Concrete aprons shall be a minimum of six (6") inches of Class AA concrete (a twenty-eight (28) day minimum compressive strength of 3,500 psi and six (6) percent air entrainment by volume) and shall be structurally reinforced with 6" x 6" gauge welded wire fabric on 4" of 2A aggregate.

607.17 Bridges and Stream Crossings

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

607.18 Clearing and Grubbing

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

A. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the road improvements shall be removed from the grading area and shall be properly disposed of.

B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.

C. Rocks greater than six (6) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.

D. All cleared and grubbed areas shall be inspected and approved by the Township Engineer prior to the subbase installation.

607.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

A. The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to three (3) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Board of Commissioners for special conditions.

B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.

C. All embankments shall be compacted to prevent erosion.

D. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.

E. Fills shall be placed in lifts and compacted in accord with specifications of PennDOT Publication 408, latest edition, to minimize sliding or erosion of the soil.

F. Fills shall not encroach on natural watercourses or constructed channels; and, fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

G. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.

H. During grading operations, necessary measures for dust control shall be exercised.

I. Grading equipment shall not be allowed to cross streams, wetlands or other waters of the Commonwealth except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

607.20 Sub-Grade, Base and Surface

A. Subgrade

1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.

2. No forest mat, roots or stones larger than six (6) inches shall be incorporated into the subgrade.

3. The subgrade shall be compacted to not less than ninety-seven (97) percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with PTM No. 106, Method B.

4. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.

5. Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Township Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations, and particularly, on soils identified in the Monroe County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

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

C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the PennDOT (Form 408) and the requirements of the Township.

D. Shoulders - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

E. Commercial/Industrial Areas - Any road serving a commercial or industrial area shall be designed and constructed to collector road standards.

F. Parking Lanes - Where curbs are required and/or provided for collector roads, if a parking lane (between the travelway and the curb) is approved by the Township, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the travelway. Such parking lane shall be not less than eight (8) feet wide for local roads; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.

G. Alternative Designs - Alternative road bed designs may be proposed and shall be considered in accord with Section 1003. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed on the basis of design recommendations of the Asphalt Institute.

607.21 Walls, Slopes, and Guide Rails

A. Where the grade of the road is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the road or the adjacent land, as the case may be.

B. Streets shall be designed to preclude or minimize the need for guide rail. Guide rails shall be required where the adjoining embankment has a slope exceeding three (3) feet horizontally to one (1) foot vertically and the grade of the road is two (2) feet or more above the grade of the adjacent land. However, the Township may require guide rail to be placed for protection on

embankments when a barrier is indicated by the most current PennDOT standards and the required guide rail shall be installed in accord with most current PennDOT standards.

607.22 Curbs, Gutters, and Swales

A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Board of Commissioners for public safety.

B. Minimum curb or pavement edge radii at road intersections shall equal that required for the cartway edge.

C. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.

D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.

E. Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans with Disabilities Act standards.

F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PennDOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.

G. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately.

607.23 Sidewalks; Crosswalks

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

607.24 Parking On Roads

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

607.25 Driveway and Cross Drainage

At each point where a road is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with Section 609 of this Ordinance. Such cross drains as may be necessary shall also be installed under the road in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less

than fifteen (15) inches in diameter with a minimum one-half (0.5) percent slope for cross drainage. (See Section 609 for additional requirements.)

607.26 Alleys

Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes are small, in order to improve the subdivision design and lot layout, reduce the number of driveways entering roads, and maintain a pedestrian-scaled community by providing for rear access to lots.

607.27 Reserved

607.28 Traffic Signs, Signals and Pavement Markings

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

607.29 Road Striping

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

608. Survey Monuments and Markers

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

A. Monuments

1. Monuments shall consist of either:
 - a. Solid steel rods a minimum of one-half (0.5) inches in diameter and twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and forty-eight (48") inches in depth, poured in place.
 - b. Steel pipes a minimum of three-quarters (3/4) inch in diameter and twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and forty-eight (48") inches in depth, poured in place.
 - c. Precast (i.e. manufactured) reinforced concrete monuments measuring a minimum of four (4) inches by four (4) inches by and forty-eight (48) inches in length.
 - d. Such other monuments as the Township may approve.
2. Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
3. Monuments shall not be placed until road grading has been completed.

4. Monuments shall be set at all outbound locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

B. Markers

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

609. Stormwater and Drainage Control

609.1 Purpose

A. Generally - The purpose of this section is to ensure consistency with the Pennsylvania Stormwater Management Act, Pennsylvania Stormwater Management Policy, the Stormwater Best Management Practices Manual and associated rules and regulations.

B. Goals - The goals of the Pennsylvania Stormwater Management Policy and this Ordinance are to:

1. Minimize the generation of stormwater runoff;
2. Provide groundwater recharge; and
3. Minimize the adverse effects of stormwater discharges on water resources.

C. Best Management Practices - Best management practices integrate existing planning and regulatory requirements for:

1. Reducing pollutant loads to streams;
2. Recharging aquifers;
3. Maintaining stream base flows;
4. Preventing stream bank erosion and stream bed scour; and
5. Protecting the environmental integrity of receiving waters.

609.2 Plan and Stormwater Management Ordinance Compliance

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

609.3 Compliance with State Regulations

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

609.4 Design Criteria for Detention and Retention Basins

A. Floodplain - Unless permitted as a special exception by the Zoning Hearing Board, detention basins shall not be located within floodplain nor within areas of floodplain soils, with the exception that areas of alluvial soils may be utilized if proof is accepted by the Board of Commissioners that the area is not subject to flooding.

B. Maintenance - Detention basins shall be designed to facilitate regular maintenance, mowing and periodic de-silting and re-seeding.

C. Side Slopes - Whenever possible, the side slopes and basin shape shall conform to the natural topography. When such design is impracticable, the construction of the basin shall utilize slopes as flat as possible to blend the structure into the terrain.

D. Water Depth - The maximum water depth, measured from the invert of the lowest outlet orifice to the peak one-hundred-year water surface elevation, shall not exceed five (5) feet.

E. Embankment Slope - The maximum slope of the earthen detention basin embankments shall be four horizontal to one vertical.

F. Setback - The top or toe of any slope shall be located a minimum of five (5) feet from any property line unless other ordinance provisions require a larger setback.

G. Top Width - The minimum top width of the detention basin berm shall be ten (10) feet.

H. Minimum - In order to ensure proper drainage on the basin bottom, a minimum grade of two (2) percent shall be maintained for areas of sheet flow. For channel flow, a minimum grade of one (1) percent shall be maintained.

I. Collecting Swale - A collecting swale shall be provided to drain basins.

J. Permanent Ponds - If permanent ponds are used, the developer shall demonstrate that such ponds are designed to protect the public health and safety. The following minimum design criteria shall be maintained:

1. An aquatic safety bench shall be provided around the perimeter of the permanent water surface. The depth of the bench shall be a maximum of one foot for a width of at least ten (10) feet.
2. An area at least fifteen (15) feet wide with slopes of three to one shall be provided from the edge of the safety bench toward the deep water portion of the pond.

3. Slopes in the remainder of the pond, below the permanent pool elevation, shall be a maximum of two to one (2:1).
4. Slopes above the permanent water surface shall be in accordance with the design criteria set forth for detention and retention basins within this ordinance.
5. Wet ponds shall have a deep water zone of at least eight feet deep measured from the bottom of the wet pond to the top of the aquatic safety bench in order to prevent stagnation.
6. Wet ponds shall be equipped with a manually operated drain that can be secured against unauthorized operation to allow the pond to be drained by gravity flow.
7. Wet ponds shall be provided with a water source so that the permanent water surface can be maintained, as necessary, between periods of rainfall.
8. Wet ponds shall be lined with an eight (8)-inch thickness of clay material in order to prevent excessive infiltration and to protect against saturation of, and seepage through, the berm.

K. Emergency Spillways

1. Emergency overflow facilities shall be provided for detention facilities to handle run-off in excess of design flows.
2. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground.
3. Emergency spillways shall be constructed of reinforced concrete or other material approved by the Township Engineer.
4. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion.
5. The minimum capacity of all emergency spillways shall be the peak flow rate from the one-hundred-year design storm after development.
6. The construction material of the emergency spillway shall extend along the upstream and downstream berm embankment slopes.
7. The upstream edge of the emergency spillway shall be a minimum of three feet below the spillway crest elevation.
8. The downstream slope of the spillway shall, as a minimum, extend to the toe of the berm embankment.
9. The emergency spillway shall not discharge over earthen fill and/or easily eroded material.
10. Dams -
 - a) All detention basins shall have a minimum top of embankment as follows:

Class of Dam	Drainage Area	Top of Embankment
a	<320 acres	1 foot above maximum water surface elevation for emergency spillway storm
a	> 320 acres	2 feet above maximum water surface elevation for emergency spillway storm
b	<150 acres	1 foot above maximum water surface elevation for emergency spillway storm
b	> 150 acres	2 feet above maximum water surface elevation for emergency spillway storm
c	<150 acres	2 feet above maximum water surface elevation
c	> 150 acres	Special treatment: Criteria established for each individual case

b) The classification of dams shall be in accordance with the Soil Conservation Service's criteria as found in Technical Release 60, as amended.

L. Anti-Seep Collars

1. Anti-seep collars shall be installed around the pipe barrel within the normal saturation zone of the detention basin berms.
2. The anti-seep collars and their connections to the pipe barrel shall be watertight.
3. The anti-seep collars shall extend a minimum of two feet beyond the outside of the principal pipe barrel.
4. The maximum spacing between collars shall be 14 times the minimum project of the collar measured perpendicular to the pipe.
5. A minimum of two anti-seep collars shall be installed on each outlet pipe.

M. Outlet Pipes

1. All outlet pipes through the basin berm shall be reinforced concrete pipe with watertight joints.
2. Energy-dissipating devices (rip-rap, end sills, etc.) shall be placed at all basin outlets.
3. Outlet pipes shall discharge to a defined watercourse having a capacity to carry proposed discharge flows without erosion.
4. Outlet pipes shall be sized to pass the one-hundred-year storm event.

N. Perforated Risers

1. A perforated riser shall be provided at each outlet of all detention basins during construction for sediment control.
2. The riser shall extend to a maximum elevation of two feet below the crest elevation of the emergency spillway.
3. The perforated riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser.
4. Circular perforations with a maximum diameter of one (1) inch shall be spaced eight (8) inches vertically and twelve (12) inches horizontally.
5. The perforations shall be cleanly cut and shall not be susceptible to enlargement.
6. All metal risers shall be suitably coated to prevent corrosion and wrapped with geotextile fabric to filter sediment.
7. A trash rack or similar appurtenances shall be provided to prevent debris from entering the riser.
8. All risers shall have a concrete base attached with a watertight connection.
9. The base shall be sufficient weight to prevent flotation of the riser.
10. An antivortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of the riser.

O. Embankment Placement - All detention/retention basin embankments shall be placed in a maximum of eight (8)-inch lifts compacted to a minimum of 95% of modified proctor density, as established by ASTM D-1557. Prior to proceeding to the next lift, the compaction shall be checked by the Township Engineer or a certified soils engineer. Compaction tests shall be run on the leading and trailing edge of the berm along with the top of berm.

P. Pond Length - The length of the pond between the inflow and outflow points shall be maximized to prevent short circuiting of the runoff flowing through the pond.

Q. Cutoff Trench - A cutoff trench (keyway) of impervious material shall be provided under all embankments that require fill material. The cutoff trench shall be a minimum of eight feet wide, two feet deep and have side slopes of one-to-one.

610. Soil Erosion and Sedimentation Controls

A. All soil erosion and sedimentation control plans shall meet the specifications of the Monroe County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.

B. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Monroe County Conservation District and/or PA DEP.

C. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Monroe County Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

611. Water Supply and Sewage Disposal

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

B. All suppliers of non-municipally owned, centralized water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.

C. Three (3) copies of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.

D. In the case of utilization of a publically owned or other existing centralized water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.

E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.

F. All water supply and sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

G. Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Article V of this Ordinance. All such testing shall be conducted in accord with the procedures specified by the Township Engineer.

H. All sewage disposal systems shall be consistent with the Township Sewage Facilities Plan.

611.1 Well Setbacks

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

611.2 On-Lot Water Supply

All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances. The requirement for the installation of on-

lot wells shall be noted on the development plan and shall be required by restrictive covenant to be approved by the Township prior to preliminary plan approval.

611.3 Shared Water Supply

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

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

611.3.2 Water Distribution System

A. The system design shall follow good engineering practice and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.

B. Pipe classes shall be consistent with design pressures.

C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.

D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

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

611.4 Centralized Water Supply

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

611.4.2 Reserved

611.4.3 Deep Well Source

A. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Hydrogeologist.

B. Wells shall be located away from potential source of pollution on a reserved area of not less than two thousand five hundred (2,500) square feet in size.

C. The capacity of the well(s), as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.

D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case shall a pumping rate greater than the recharge rate be allowed.

E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.

F. Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of groundwater warrants such documentation.

611.4.4 Water Supply and Fire Protection

A. Each townhouse, apartment, commercial or industrial building in all subdivisions hereafter granted approval shall have an adequate supply of potable water for domestic use and an adequate supply of water for fire protection.

B. Where the Applicant proposed that individual on-site water supply systems shall be utilized, the Applicant shall be responsible either to install such facilities or to guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities can be installed by the purchaser of such lot or parcel. The proposed locations of wells shall be shown on the preliminary plan for each lot; existing wells on the property or on adjoining properties must also be shown; Isolation distances (a circular area whose radius conforms to PA DEP regulations) from on-site sewage systems, where proposed, must also be indicate on the plan. Individual water supply systems shall be designed and installed in accordance with all applicable standards of the PA DEP, and the Township's regulations concerning installation of such systems.

C. Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the Applicant shall present evidence to the Township that the subdivision or land development is to be supplied by a certificated 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 evidence. Such evidence shall be provided prior to recording of the final plan.

D. The design and installation of any central (public or community) water supply system shall be subject to the approval of the Township, the PA DEP and other regulatory bodies having jurisdiction. Any such system shall be further subject to satisfactory provisions for the maintenance thereof. Standards and materials for the construction of any central water supply system shall meet or exceed those requirements described in the "Public Water Supply Manual of the Pennsylvania Department of Environmental Protection" and shall be subject to the approval of the Township.

E. In all subdivisions and land developments served by a central water system, the following water pressure and gallonage requirements shall apply:

1. Residential Use – minimum working pressure of 30 pounds per/square inch shall be provided at each house to be connected to the water supply main with sufficient capacity to supply a minimum of 300 gallons of water per residential unit per day.
2. Commercial or industrial use a minimum working pressure of 30 pounds per square inch shall be provided at each commercial or industrial building connected to the water supply main. Where a building wishes to connect to a central water system, a

study shall be made to determine if there is adequate water supply in the system to supply the building and use.

F. In all subdivisions and land developments served by a central water system, the following fire protection standards shall apply to the design and construction of the water system:

1. Fire hydrants suitable for the coupling of equipment serving the Township shall be installed as specified by the Insurance Services Office of Pennsylvania and shall comply with applicable fire company standards. Location of hydrants shall be approved by the Township.
2. All fire hydrants will be located on an eight (8") inch line or a looped six (6") inch line. Where a dead-end line contains a fire hydrant, the portion of the line between the main loop and the hydrant shall be eight (8") inches minimum diameter.
3. Fire hydrants shall be spaced so that all proposed building(s) will be not more than six hundred (600') feet from a hydrant measured along travel ways (driveway, roads, etc.).
4. All hydrant locations shall be marked by the installation of raised pavement markers, subjected to the approval of the Township. The raised pavement markers shall be installed after the final pavement wearing surface has been placed and shall be two-way, blue snow plowable markers.
5. Residential Use.
 - a. For purposes of fire protection of residential uses, the system shall be capable of providing fire-flow water for a minimum of two (2) hours or not less than one thousand (1,000) gallons per minute for one (1) or two (2) family dwellings having a fire-flow calculation area not in excess of three thousand six hundred (3,600) sq. ft. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of three thousand six hundred (3,600) sq. ft. shall not be less than that specified in the then-current edition of the Pennsylvania Uniform Construction Code.
 - b. A reduction in the required fire-flow of fifty (50%) percent may be permitted when all buildings within a development are required to be provided with approved automatic sprinkler systems in accordance with the International Fire Code as adopted by the Pennsylvania Uniform Construction Code, as amended from time to time.
6. Commercial or Industrial Use.
 - a. For purposes of fire protection in commercial and industrial uses, the system shall be capable of providing fire-flow and flow duration based on the type of use, hazard, and construction as specified in the Pennsylvania uniform Construction Code as amended from time to time; however, the fire-flow shall not be less than one thousand five hundred (1,500) gallons per minute.
 - b. A reduction in the required fire-flow by fifty (50%) percent may be permitted when all buildings within a development are provided with an approved automatic sprinkler system in accordance with the International Fire Code as adopted by the Pennsylvania Uniform Construction Code as amended.

G. Any Applicant proposing a central water supply system shall submit a Proposed Water Supply Study” evidencing sufficient water supply quality and quantity. This study shall include those specific items described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection. Where the water supply system occurs under the jurisdiction of the Pennsylvania Public Utility Commission, the water supply study also shall include those items of information required by the PUC.

1. The Applicant, landowner, or developer shall submit with the Preliminary Subdivision Plan, five (5) copies of documentation, which shall be designated as “proposed water supply study.”
2. The water supply study shall contain the name, address and telephone number of the proposed water supplier (the company, water company, public utility or association) proposed by the Applicant to supply water to the subdivision or land development. In addition, there shall be provided a complete description of the source of the water supply, the quantity of water available from the source or sources, the capacity of existing or proposed reservoirs and their locations, and other pertinent data.
3. If wells are to be utilized as a part of the proposed water supply system, the number of wells, the pumping capacity of each well, the number of hours per day that each well pump operates, the depth of each well, depth of water table in each well, diameter of well casing, draw down rated capacity of each well, the maximum sustained yield from the well test together with a copy of the well test data all shall be supplied with the proposed study.
4. The study shall outline the size of proposed water mains to be utilized for the subdivision and land development, and the number and location of proposed fire hydrants within or near the development. Further, the study shall contain the number of residential customers on the existing system (if any), the number of proposed new residential, commercial or industrial customers, and the estimated number of gallons required to service both existing (if any) and proposed system when the subdivision or land development is completed.
5. Within the study a description shall be provided outlining the service area of customers to be provided and if the utility is regulated by the Public Utility Commission of the Commonwealth of Pennsylvania. Notations shall be made as to whether the proposed subdivision or land development falls within the supplier’s approved franchised area. If it is necessary to obtain PUC approval to extend a franchise area to the site to be covered, such approval shall become a condition precedent to the recording of a final subdivision or land development plan.
6. The proposed public water supply study submitted by the Applicant shall be reviewed by the Township Engineer in conjunction with the subdivision or land development plan. The Township Engineer shall provide commentary to the Township with respect to the Applicant’s compliance with this section of this Ordinance. The Township reserves the right in its sole discretion to require a further independent engineering study as to the adequacy of the proposed water supply system in the event the Township Engineer does not approve the study submitted. The Applicant, landowner, or developer must bear the cost of such confirming independent engineering study. A Final Plan will not be approved unless all of the above requirements and the following requirement listed below are fully met.

7. With regard to minimum water supply requirements, each new residential dwelling shall be provided with a minimum domestic pressure of thirty (30) pounds per square inch at the house connection and each such dwelling shall be provided with a minimum of three hundred (300) gallons of water per residential unit per day. For any new commercial or industrial use, a minimum pressure of thirty (30) pounds per square inch shall be provided which shall meet all potable water supply requirements for the intended use in addition to providing fire-flow water requirements for a minimum duration of two (2) hours of not less than five-hundred (500) gallons per minute at residual pressures of thirty (30) pounds per square inch. Fire hydrants for either residential, commercial, or industrial development shall be spaced every six hundred (600') feet within the proposed development.
8. The water supply study shall demonstrate that all potable water required for the subject subdivisions and/or land developments shall meet the water quality standards as established by the U.S. Environmental Protection Agency, originally listed as the National Interim Primary Drinking Water Regulations, EPA Document No. 570/9-76-003, and as further amended in the Federal Register, Wednesday, December 24, 1975 through Wednesday, August 27, 1980 and including the National Secondary Drinking Water Regulations as listed in the Federal Register, Thursday, July 19, 1979. In addition, any known carcinogens which have been identified as of the date of this Ordinance and which might be identified after the date of this Ordinance, shall be identified in any and all testing procedures of the proposed public water supply and water supplies exceeding the established carcinogenic levels shall not be utilized for domestic purposes.

H. Any Applicant proposing a central water supply system shall further submit a "Business Plan" pursuant to applicable regulations, manuals or guidelines of the Pennsylvania Department of Environmental Protection. The Business Plan shall demonstrate that the fees assessed to the end users shall cover the operational maintenance and capital replacement costs affiliated with the operation of the entire system. Further, the fees assessed shall be reasonable compared to other central water supply systems. Further, the estimated monthly or quarterly fees shall be disclosed to all potential buyers within the area served by the central water supply system.

In addition, the Applicant shall, prior to recording of a Final Plan for subdivision or land development, post security in a form acceptable to the Township, in an amount sufficient to pay for a period of five (5) years the cost of operation, maintenance, repair and personnel necessary to operate the system in the event that the system owner fails to properly staff, maintain and operate the system within permit standards. Following completion of construction and expiration of applicable maintenance periods hereunder, when the system is turned over to the homeowners' association or lot owners for maintenance, the security shall be replaced with security provided by the homeowners' association and/or lot owners in a form acceptable to the Township, in an amount sufficient to pay for a period of five (5) years the cost of operation, maintenance repair and personnel necessary to operate the system in the event that the system owner fails to properly staff, maintain and operate the system within permit standards. The security shall remain in effect for the length of time the system remains in operation.

I. Construction Standards

1. Distribution mains of the overall system shall be connected into loops so that the supply may be brought to the consumer from more than one direction.
2. In balancing loops in the design, the Hardy-Cross, or an equivalent, method shall be used.

3. Dead-end lines shall be permitted within the design of a looped system provided that there is a maximum of twenty (20) dwelling units (or 50 dwelling units temporarily) on a dead-end line. When dead-end lines are used, they shall be provided with a hydrant or blow off at the terminus as a means of flushing. For dead-end lines to be approved on a temporary basis, the remainder of the looped system must be secured to the Township pursuant to Article V of this Ordinance.
4. Water mains shall be configured to form a loop system to enhance the continual supply of fresh water. When dead-ends occur on new mains, they shall all be closed with cast iron plugs and caps, with a blow-off valve, with a concrete anchor, or fire hydrant. Concrete anchors (thrust blocks) shall be provided at all vertical and horizontal bends. Water mains shall be installed ten (10') feet from the centerline of the cartway.
5. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable water supply.
6. Blow-offs shall not be connected to any sanitary sewer or be submerged in any manner that will permit back siphonage in the distribution system.
7. Valves, except on a permitted dead-end, shall be located on distribution mains so that no more than one hydrant would be out of service as a result of a single water main break. They shall be located in all small branches off larger mains and, where eight (8") inch or larger main lines intersect, a valve shall be located in each branch. At street intersections, valves shall be located near pipe intersections for ease in finding in the event of a water-main break.
8. In addition to the above requirements, water mains shall be valved so that not more than one-fifth (1/5) of a mile will be affected by a single water main break. Geared valves on sixteen (16") inch mains or larger shall be furnished.
9. Gate valves shall be cast-iron body with double-disc gates, bronze mounted conforming to AWWA C500 or resilient-seated wedge, non-rising stem mechanical joint conforming to AWWA 0509.
10. Butterfly valves shall conform to AWWA C504. The type of valve to be used shall be specified by the Township.
11. Valve interior openings shall be full size, and valves on sixteen (16") inch mains or larger shall be geared and have suitable bypasses.
12. Valve boxes shall be of the adjustable type with the cover marked (WATER) and the direction of the valve operation indicated.
13. No pipe shall be placed on private property unless the owner of the land is to own or operate the pipe, or an easement deeded to the Township is obtained by the Applicant and dedicated to the Township.
14. All easements shall be a minimum of ten (10') feet wide unless depths of pipe, soil conditions, or additional utilities require wider easements.

15. A building service connection shall consist of a corporation stop at the main, a curb stop, and a water meter.
16. When the meter is located outside a building, an additional shut-off valve shall be installed on the discharge side of the meter. When the meter is located inside a building, valving shall be in accordance with the Plumbing Subcode of the PA Uniform Construction Code.
17. Curb stops and water meters shall be located as specified by the public or private water supplier.
18. Common water service connections shall be permitted where allowed by the Plumbing Subcode of the Uniform Construction Code.
19. Where water system extensions are constructed by a developer and meter fees are not paid by the Developer, the water meter(s) shall be furnished by the Developer and shall be of a manufacture and type approved by the Township. The meter(s) shall read in volume units as determined by the Township. Where meter fees are paid by the developer, the meter(s) shall be furnished by the municipality or water authority.
20. Pipe size shall comply with the following requirements:
 - a. Water mains shall be a minimum diameter of eight (8") inches except at the end of a permanent cul-de-sac, unless another size is required for fire flow or other criteria. A six (6") inch main may be used when it serves not more than twenty (20) dwelling units and only one (1) fire hydrant.
 - b. Building service connection pipe shall have a minimum diameter of three-quarters (3/4") of an inch.
 - c. The design capacity of water mains shall be such as to maintain a minimum pressure of twenty (20) pounds per square inch (psi) at street level under all flow conditions.
21. Pipe material used in the construction of water mains shall be cement lined ductile iron pipe, prestressed concrete cylinder pipe, reinforced concrete pressure pipe, or PVC pipe. All pipe and appurtenances shall comply with the applicable AWWA standards in effect at the time of application.
 - a. Ductile iron pipe, appurtenances, and fittings shall comply with the following standards:
 - i. ANSI/AWWA C110/A21.10 (fittings)
 - ii. C111/A21.11 (gasket joints)
 - iii. C115/A21.15 (flanged joints)
 - iv. C151/A21.51 (pipe)
 - v. Thickness shall be designed in accordance with ANSI/AWWA C1150/A21.50.
 - vi. Ductile iron pipe shall be cement mortar-lined in accordance with ANSI/AWWA C104/A21.4

- vii. Joints shall be gasketed, push-on joints or mechanical iron pipe shall be covered with an asphaltic, epoxy-type coating. In aggressive soils, ductile iron pipe wrapped in polyethylene in accordance with ANSI/AWWA C105/A21.5 shall be used.
 - b. Prestressed concrete cylinder pipe with rubber and steel joints shall conform to ANSI/AWWA 0301.
 - i. Reinforced concrete pressure pipe (steel cylinder) type shall meet ANSI/AWWA C300.
 - ii. Concrete pressure pipe (bar-wrapped steel cylinder type) shall meet ANSI/AWWA C303.
 - c. PVC pipe, appurtenances, and fittings shall conform to ANSI/AWWA C900 or AWWA C909 for pipe sizes four (4") inches to twelve (12") inches and shall conform to AWWA C905 for sizes fourteen (14") inches through thirty-six (36") inches.
 - i. Joints shall be elastomeric-gasket couplings of a corresponding size. Laboratory performance requirements, as specified in ASTM D3139, shall be met. Solvent-cement coupling shall not be permitted.
 - ii. PVC pipe installations shall be provided with a metallic locator tape.
 - d. Where transitions to flanged fittings are made, adapters approved by the Township shall be used.
 - e. Building service connection pipe shall be type K copper or polyethylene (PE) pressure pipe that complies with ANSI/AWWA C901.
 - f. Ductile iron pipe shall be used at all locations where water lines cross sewer lines and are separated by less than twelve (12") inches vertically. At these locations a twenty (20') foot section of ductile iron pipe shall be installed centered on the sanitary sewer line.
 - g. Ductile iron pipe shall also be used any time a water line crosses a steam or active drainage-way. The ductile iron pipe should extend for a distance of twenty (20") feet on either side of the stream bank.
22. Pipe bedding and backfill shall be installed in accordance with the pipe manufacturer's recommendations.
23. To avoid settlement under paved roadways, Penn DOT 2A stone shall be used to backfill waterline trenches when they pass under paved roadways.
- J. Approvals/reviews. No construction of any water distribution system shall commence prior to written approvals and/or comments from the Department of Environmental Protection, the fire department and the Township.
- K. If the proposed subdivision or land development will utilize groundwater as the source of potable water, a Hydrogeology Study shall accompany the Preliminary Plan.

L. Testing and Inspections.

1. All newly installed water mains shall be inspected by Township personnel and be pressure tested and disinfected in accordance with AWWA Standards AWWA C600 and AWWA C651 respectively. Testing shall include programs for adequate flushing, disinfection and microbiological testing of all water mains. At least one satisfactory bacteriological sample must be obtained from the water main and analyzed by a certified laboratory, with acceptable test results, before the main is placed into service.
2. All testing, disinfection, and laboratory analysis required shall be arranged for and paid by the Applicant/Developer.
3. Any deficiencies encountered shall be corrected by the Applicant/Developer and any required follow up testing shall be conducted and found acceptable before the system is placed into service.

611.4.5 Flow Rates

Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least two and one half (2.5) times the projected average daily flow rate or a minimum flow rate in accordance with the standards of the National Fire Underwriters Association, whichever is greater.

611.4.6 Water Resources Impact Study

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

A. Purpose - These regulations are to ensure that expansion of production from existing wells or development of new wells in the Township are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.

B. Pumping Test and Water Quality Analysis - All elements of the pumping test well and water quality analysis shall be completed prior to submission of the Water Resource Impact Study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the Water Resource Impact Study.

C. Professional Preparation - The Water Resource Impact Study shall be prepared by a professional geologist and/or professional engineer, licensed in the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.

D. Certification - The Water Resource Impact Study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed subdivision and/or land development:

1. Calculations - Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references:
 - a. The adequacy of each residential water supply shall be determined based upon a peak water demand considered to be that specified for sewage system flows as stated in PA DEP Title 25, Chapter 73.31.

b. The adequacy of non-residential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For non-residential facilities other than those found in Table IV-1.2, the adequacy of non-residential supplies shall be based upon the flow assumptions published in PA Title 25 Chapter 73 Standards for Sewage Disposal Facilities, Section 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the adequacy of non-residential supplies by submitting copies of water and/or sewer bills for the similar facilities.

c. Guide for Determination of Required Fire Flow by the Insurance Services Office (ISO), as amended.

d. Standards and Manuals for the American Water Works Association, as amended.

e. In addition to the above, the projected water demand shall include any additional flow required to comply with National Fire Protection Association specifications for sprinkler systems.

2. Area Maps - A topographic and geologic map of the area within a one (1) mile radius of the site.

3. Regional Map Information - The following information shall be provided on a regional topographic map for the area within one-half (0.5) mile radius of all proposed wells. If any existing wells withdrawing over ten thousand (10,000) gpd are located within one (1) mile of the site, the mapping radius shall be extended to one (1) mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey.

a. The location of all existing and proposed wells; including the test well(s) and monitoring wells.

b. The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges.

c. The location of facilities storing or handling residual or hazardous wastes and substances, or petroleum products.

d. The location of all perennial and intermittent watercourses.

4. Site Plan - A site plan shall be provided, showing existing and proposed lot lines. The following features shall be presented on an up to date plan for the site and area within three hundred (300) feet beyond the site perimeter.

a. Flagged wetland boundaries.

b. All springs, seeps and ephemeral pools.

c. All watercourses with a statement as to whether they are perennial or intermittent.

d. Existing and proposed wells.

e. Existing and proposed septic systems.

f. Test well(s) and monitoring wells.

g. Topography.

h. Piezometer wells, if applicable.

5. Pumping Test Wells - The number of Test Wells is dependent upon the number of proposed dwelling units.

a. One (1) pumping test well shall represent spatially and by supply, groups of twenty-five (25) or less dwelling units. Thus, a pumping test well is required for increments of twenty-five (25) or less proposed dwelling units, and shall be located in the approximate center of the cluster of units and shall be pumped at a rate that must exceed one hundred fifty (150) percent of the anticipated peak water demands of those units. The test wells may be located so as to later be used as individual residential wells. Pumping of the test wells shall occur on separate weeks so as to avoid interaction.

b. For non-residential developments, the test well shall be the supply well anticipated for use by the facility. A back-up well is highly recommended and should be tested on a separate week than the primary well.

6. Monitoring Wells

a. At least six (6) monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than five hundred (500) feet from the test well. If such a well is not available a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final Report.

b. The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed eighteen (18) months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this Ordinance.

c. Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one (1) week prior to the pumping of the test well, the monitoring wells shall be measured on a least four (4) separate days. During the pumping test, monitoring wells shall be measured at no less than two (2) hour intervals during daylight periods. It is highly recommended that either night time measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor quality data may negate the test results. At least four (4) days of post well water level measurements shall be recorded over a period of a week.

d. Ground elevation adjacent to the well(s) in addition to the static water level shall be based on U.S.G.S. vertical datum.

7. Testing Locations and Details - Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plane coordinates for the Monitoring and Test Well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

8. Geologic Log - An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every twenty (20) feet during drilling, or at each change in rock type, whichever occurs first.

9. Pumping Tests - Forty-eight (48) hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than one hundred fifty (150) percent of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include the monitoring of background water levels in all wells for a period not less than one (1) week prior to start of pumping and one (1) week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least ninety-five (95) percent recovery of draw down is observed in the test well, or until forty-eight (48) hours after termination of pumping, whichever is first.

10. Pumping Rate - The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five (+/- 5) percent during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

11. Pumping Test Discharge - The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least one hundred (100) feet distant.

12. Required Data - The Report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

13. Water Quality - Water quality samples shall be obtained from the test well at termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

a. All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the Commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

b. Water quality testing shall include, at a minimum, the following parameters: Total and Fecal Coliform, Nitrate/Nitrite, pH, Iron, Manganese, Sulfate, Lead, Chloride, Hardness, Turbidity, Odor, Total Dissolved Solids, Surfactants (Detergents), Volatile Organic Compounds - Group 1 (VOC1) + 10 unknowns, MTBE, Herbicides - Group 1 (H1) and Pesticides - Group 3 (P3). A library search for Tentatively Identified Compounds (TICs). Additional analysis shall be required if TICs are discovered. Group 1 (VOC1), etc. refers to PA DEP categories of contaminants.

c. The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well(s), and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.

d. A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in the Report.

e. The laboratory report shall include and shall contain the name, license number and address of the state drinking water certified laboratory.

14. Aquifer Capacity - Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development. For residential dwelling units, minimum well yield shall be three (3) gallons per minute with sufficient depth below water table to allow for storage of at least one (1) day of peak water use within the borehole. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

15. Hydrologic Budget - A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one in ten-year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made. If on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of ninety (90) percent return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.

16. On-Lot Sewage System Effects - A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP mass balance policy guidelines which include average year recharge from the development site alone less impervious surface, sewer system design flow rates and a forty-five (45) mg/l effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply wells and springs to include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the ten (10) mg/l drinking water limit.

17. Effects on Waters of the Commonwealth - If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within three hundred (300) feet of the proposed and existing wells boundary, the Report shall address the potential to affect these features as a result of drilling and pumping of the proposed supply wells. Circumstantial evidence to support conclusions regarding this issue shall be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when said surface water features are deemed at potential risk. If staff gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.

18. Qualifications - The Report shall include a brief statement of the qualifications of the person(s) preparing the study.

611.5 On-Lot Sewage Disposal

A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Township Sewage Facilities Ordinance, and all other applicable standards.

B. Site Suitability

1. All residential lots in developments proposing the use of on-site sewage disposal shall contain at least one (1) area suitable for such a disposal system as tested by the Township SEO in accord with DEP requirements. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed and this shall be assured via a covenant placed on the plan.

2. Prior to any action on the Preliminary Plan by the Township, the Applicant must document that all lots in subdivisions proposing sewage disposal contain a suitable area as tested by the Township SEO in accord with DEP requirements and this Section 611.5, or are already served by an adequate, existing sewage disposal system.

3. Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

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

611.6 Centralized Sewage Disposal System

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

611.6.1 Sanitary Sewerage System Design Standards:

A. Plans and Specifications – Construction drawings, prepared by a licensed professional engineer, must be prepared for all facilities and shall include:

1. An overall plan view of the collection and conveyance system showing the location of all sewers and manholes together with manhole numbers, the identification of all pumping stations and related appurtenances, all existing and proposed buildings with elevations of finished floor and basement floor (if applicable) and all existing and proposed sewer laterals. All other utilities that may pose a potential conflict shall also be delineated on the overall plan.
2. Profile view of all existing and proposed sewer mains, including ground, rim and invert elevations, grade of all existing and proposed sewer mains and force mains, complete with pipe lengths, size, and type of material. All other utilities that may pose a potential conflict shall also be delineated on the profile plan(s).
3. All lots without basement service shall be clearly noted on the plan(s).
4. Drawings shall contain notes indicating that all construction of sanitary sewers shall be in accordance with the standards and specifications as amended and adopted by the Township.
5. All elevations shall be based on USGS datum with bench marks noted and described and shall be tied into any bench marks established by the Township.
6. Shop drawings of all material shall be submitted to the Township for review and approval prior to the start of construction.
7. Erosion and sedimentation control plans shall be submitted wherever sewers are being constructed through land not covered by the overall erosion and sedimentation plan.

B. Sewer Main Design Criteria.

1. Minimum sewer diameter shall be eight (8”) inches and the minimum slope shall be one-half (1/2%) percent.
2. Minimum cover over the top of the sewer shall be four and one-half (4 ½’) feet unless special construction precautions such as cast-iron pipe or concrete encasement are specified and approved.
3. Maximum depth of sewer shall be:

14’ for SDR-35
18’ for SDR-26
20’ for SDR-21
4. Sewer mains shall be placed on six (6”) inches #8 stone bedding (per “PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition”) and within all roads, backfilled completely with #8 stone (per “PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition”). In lawn areas, the main shall be backfilled with a minimum of

twelve (12”) inches of #8 stone (per “PennDOT Publication 13M, Design Manual Part 2, Highway Design, latest edition”) with the remaining fill material made up of clean fill with stones no greater than four (4”) inches in diameter.

5. When sewers are designed with a grade in excess of twenty (20%) percent, steep slope anchors shall be installed.
6. Sewer easements outside of public rights-of-way shall be a minimum of twenty (20’) feet with an additional temporary construction easement of ten (10’) feet.
7. When a sewer crosses a stream or ditch, the design shall be in accordance with PA DEP rules and regulations.
8. Sewers shall be located a minimum of ten (10’) feet horizontally from any obstruction such as a building. Sewers must be a minimum of ten (10’) feet from a water main or eighteen (18”) inches (measured from top of sewer to bottom of water main) under the same. When a sanitary sewer line crosses above or under any other pipeline with separation of less than eighteen (18”) inches, the sanitary line will be provided with concrete encasement that extends ten (10’) feet on either side of the pipe being crossed.
9. Material: All gravity sewer mains shall be:
 - i. Ductile iron pipe and shall conform to ASTM A764.
 - ii. Polyvinyl chloride (PVC) SRD 35 pipe for up to fourteen (14’) feet depth; SRD 26 for up to eighteen (18’) feet depth; SDR21 for up to twenty (20’) feet depth, and shall conform to ASTM D3034.

C. Sewer Manhole Design Criteria.

1. Manholes between gravity sewers shall be placed at all changes in grade, pipe size or alignment, and at intervals of not greater than three hundred fifty (350’) feet.
2. Manholes shall not be located in or near the gutter line of the road where they will be exposed to surface flooding.
3. Manholes shall have a drop of two-tenths (0.2) feet between the inlet and outlet.
4. Manhole cones shall be a minimum of three (3’) feet in height.
5. Watertight lids shall be used and noted on the plans when the manhole is within a one-hundred-year floodplain or has the potential to become submerged. Top of manholes shall be set 1 ½ feet above the base flood elevation where identified.
6. In all manholes, the pipes entering and leaving the structure shall be oriented so that the flow angle is not more less ninety (90°) degrees.
7. When connecting to an existing manhole which contains an existing pipe of larger diameter, the contractor shall match elevations of the tops of both pipes.
8. Material:

- a. Manholes shall consist of precast sections conforming to ASTM C-478, latest edition, and shall be of watertight construction. All internal and external surfaces shall be coated or lined.
- b. Precast base and barrel sections shall have tongue and groove joints with round rubber gaskets set in specially provided indentations conforming to ASTM C-433 or butyl base joint sealant that permits installation in temperatures from -20° F to 120° F, and complies with Federal Specification SS-S00210.
- c. Pipe to manhole joints shall be Lock-Joint flexible manhole sleeve, Kor-N-Seal joint sleeve, or equivalent.
- d. Damp proofing for concrete shall be semi-mastic type Horn "Dehydratine #4", "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600" by Sonneborn, or equivalent.
- e. Manhole rungs, when required, shall be of five-eighths (5/8") inch diameter, aluminum safety type steps. Rungs shall be placed twelve (12") inches on center in concrete and shall not be subjected to any loads for a minimum of seven (7) days. Copolymer polypropylene steps reinforced with three-eighths (3/8") inch Grade 60 steel rebar throughout may be used in place of aluminum.
- f. Concrete manholes shall be a channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top the shelf shall slope to drain towards the main channel.
- g. All manhole surfaces shall be damp-proofed and shall be clean, smooth, dry and free from loose material. Damp-proofing shall be brushed onto the outside concrete surface and shall fill all voids. Damp-proofing shall be applied by the manufacturer in two (2) coats and conform to the covering capacity of the material used in strict accordance with the manufacture's recommendations and directions. Where necessary to repair any damaged surfaces, an additional coat shall be applied by the Contractor in the field. Damp-proofing shall not be applied in freezing or wet weather.
- h. Iron casting for manhole frames and covers shall conform to ASTM A-48 and shall be Class 30.
- i. Manhole frames and covers shall be tough gray iron free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated so as to provide a tight, even fit.
- j. Manhole frames shall be six (6") inches to eight (8") inches high and shall be approximately thirty-five (35") inches in diameter with a minimum opening of twenty-two (22") inches and a maximum opening of forty-four (44") inches. Manhole covers shall be solid and shall have the words "SANITARY SEWER" in three (3") inch high letters cast on the top. The approximate total weight of frame and cover shall be three hundred ninety-five (395) pounds. Covers shall have two (2) concealed pickholes.

- k. Casting shall be given one (1) coat of coal-tar pitch varnish at the factory before equipment and said coating shall be smooth and tough and not brittle.
- l. Frames shall be set concentric with the top of the masonry and in a full bed of mortar so that the space between the top of the manhole masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

D. Sewer Lateral Design Criteria.

1. Lateral connections to each lot shown on the approved final plan shall be installed to the right-of-way line of the road prior to road paving. All laterals and cleanouts shall be capped and sealed to prevent the infiltration of any liquid. No underground water from springs or basements shall be permitted to enter any sanitary sewer line. Capped sewers shall be so installed as to avoid placing connections under any paved areas or driveways.
2. Each building shall have a separate connection (lateral) to the sewer main.
3. Existing lateral lines may be utilized for new connections provided that they pass necessary tests, as required by the Township.
4. Minimum lateral diameter shall be four (4") inches and minimum slope shall be two (2%) percent.
5. Maximum length of a lateral shall be one hundred and fifty (150') feet.
6. The minimum cover shall be four (4') feet to prevent crushing and freezing.
7. A straight horizontal alignment shall be maintained where feasible.
8. Clean-outs shall be provided at:
 - a. Intervals of not greater than fifty (50') feet for four (4") inch diameter laterals and one-hundred (100') feet for six (6") inch diameter laterals.
 - b. All horizontal bends for forty-five (45°) degrees or greater.
 - c. Within ten (10') feet of building foundations.
9. An interceptor trap shall be placed between the curb line and the building. The trap shall be cast iron or PVC single running trap with vent. The riser and vent shall be on the building side of the trap.
10. Material – All laterals shall be cast iron, ductile iron or PVC pipe. Under driveways, parking lots or where directed by the Township, cast iron, ductile iron, or Schedule 40 PVC pipe shall be used with pipe bedding and backfill as required within Township roads. PVC pipe in un-paved areas shall be SDR 35 (ASTM D3034) or Schedule 40 PVC (ASTM D1785) solid wall pipe.

E. Testing and Inspections.

1. All sewers, including mains, laterals and manholes, shall be subjected to inspections by the Township and tested for leakage in accordance with the requirements of the Township. The Applicant shall be responsible for furnishing all necessary material and equipment for testing.
2. Air-Testing of all sewers shall be in accordance with ASTM C828.
3. If determined necessary by the Township, a closed circuit television (CCTV) inspection shall be performed on the sections or portions of the sewer, as directed, Video tapes in DVD format and a written report of all television inspections shall be provided to the Township. The form of the report and type and format of the video tape shall be approved by the Township. Fees and costs connected with television inspections shall be paid for by the Developer or owner.
 - a. All dips, cracks, leaks, improperly sealed joints, and departures from approved grades and alignment shall be repaired by removing and replacing the involved sections of pipe.
 - b. All defects and corrective work require as the result of CCTV inspections shall be performed by the Developer without delay. Upon completion thereof, the sewer shall be retested and such further inspection made as warranted.

F. Pump Station Design Criteria.

1. Pump Station designs shall follow the “Ten State Standards”, published by Health Research, Inc., Health Education Services Division (most current edition), or as recommended by Domestic Wastewater Facilities Manual, published by PA DEP.
2. All public pump stations (to be dedicated to the Township) shall be reviewed and permitted by the Department of Environmental Protection.
3. Private pump stations shall be reviewed and approved by Township using the referenced cited in F.1 above.
4. Force main pipe criteria shall meet the standards established in Section F.1 above.

G. Low Pressure Sewer System Design Criteria.

1. Low pressure sewer system shall be designed in accordance with “Environmental One Low Pressure Sewer System’s Design Manual”.
2. All low pressure sewer systems shall incorporate a prevention preparedness and contingency plan (PPC).

H. As-Built Drawings. Prior to acceptance of the completed work, copies of as-built drawings shall be submitted by the contractor. As-built drawings are copies of the approved construction drawings. Existing design numbers (top and invert elevations, pipe lengths and slopes) shall be crossed out with one line so that the original numbers can still be determined. As-built numbers shall be indicated below the crossed out numbers. The plans shall be prepared by a licensed surveyor and show as-built locations of all lateral stubs. All easements shall be shown and shall be fully described by metes and bounds on plot plans

611.6.2 Available Sewage Disposal - If a centralized sewage disposal system is proposed as part of the subdivision, and an existing public sewage disposal system or an existing private sewage disposal system is

identified as a regional system by the Township Sewage Facilities Plan in the area of the proposed subdivision, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

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

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

612. Reserved

613. Utilities

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

614. Sidewalks

See Section 607.23.

615. Landscape Requirements; Trees and Vegetation

A landscape plan meeting the requirements of this section shall be prepared for all land developments and major subdivisions; and, no land development or major subdivision shall be finally approved until all landscaping has been installed or guaranteed in accord with this Ordinance.

615.1 Legislative Intent

It is the intent of these landscape planting requirements to conserve existing healthy plant communities, such as woodlands, and to require new landscape plantings in critical areas of new developments in order to:

- A. Reduce soil erosion and protect surface water quality by minimizing stripping of existing woodlands or tree masses.
- B. Reduce storm water runoff velocity and volume by providing planting areas where storm water can infiltrate.

- C. Improve air quality by conserving existing or creating new plantings, which produce oxygen and remove carbon dioxide from the atmosphere.
- D. Encourage tree planting and landscaping along public streets. (See definition of *improvement*.)
- E. Provide wind breaks, shade, and the other microclimate benefits of trees and landscape plantings.
- F. Conserve historically, culturally, or environmentally important landscapes such as wooded hillsides, scenic views, or aesthetic natural areas.
- G. Preserve and enhance property values through the implementation of good landscape architectural standards.
- H. Provide planted buffers between land developments, which act to visually integrate a development into the existing landscape.
- I. Provide planted and architectural visual screens around visually obtrusive site elements within development.
- J. Enhance the aesthetic appearance of the community and provide privacy and beauty.
- K. Improve traffic flow in parking lots by requiring planted parking islands and medians to separate traffic.
- L. Conserve energy by moderating solar radiation and providing shade.
- M. Improve the environment for pedestrians along streets, parking lots, and other pedestrian areas.
- N. Aesthetically improve storm water management facilities, such as detention basins, without impairing function.

615.2 Minimum Number of Trees; Preservation of Existing Vegetation

Unless other provisions of this Ordinance require more trees or vegetation, each development site shall include a minimum of twelve (12) deciduous or evergreen trees for each one (1) acre. Each deciduous tree shall be two and one-half (2.5) inch caliper or greater and each evergreen tree shall be six to seven (6 to 7) feet in height or greater. As an alternate, ten (10) trees for each one (1) acre shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are eight to ten (8 to 10) feet in height or greater. Five (5) shrubs two and one-half (2.5) feet in height or greater may be substituted for one tree of two and one-half (2.5) inch caliper for a maximum of twenty (20) percent of the tree requirement.

A. Preservation of Existing Vegetation - Each mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" and shall be shown on the plan in accord with the following criteria:

1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Mature trees (6" or greater DBH) shall be preserved insofar as possible; and, special consideration shall be given to major specimen trees (12" or greater DBH). The plan shall show the location of major specimen trees in areas of the site proposed for development, and the edge of existing woodlands.
2. The applicant shall document that vegetation removal is minimized. If challenged by the Township, the applicant shall produce evidence, such as written documents or plans certified

by a registered landscape architect or other person deemed qualified by the Township, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.

3. The following criteria shall be used by the Township to make the final determination of which mature trees, tree masses, or woodland shall be designated "TO REMAIN":

- a. The outermost branches of the tree(s) are at least five (5) feet from any proposed buildings or structures.
- b. The outermost branches of the tree(s) are at least five (5) feet from any proposed changes in grade, drainage structure, utility corridor, parking, or load/unloading area, sidewalk, on-site sewage system, or any other excavations.
- c. The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the public health, safety, or welfare. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.
- d. If these trees are diseased or are excessive in number and thinning will promote and enhance the healthy development of the remaining trees the Township may be require the removal of the trees.

4. Mature trees, tree masses, or woodland that are not designated "TO REMAIN" shall be designated "TO BE REMOVED". These trees shall be removed in the field during the construction process.

5. Specimen tree preservation or removal shall be considered on an individual basis and site conditions.

B. Protection of Existing Vegetation - Existing vegetation designated "TO REMAIN" in accord with Subsection A.3, above shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one (1) foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.

C. Credit for Existing Trees - If healthy, existing trees will be preserved which will generally meet the requirements of this section, the Township may, in its discretion, permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Township, in its discretion, may permit existing trees which would otherwise be required to be maintained by this Ordinance to be removed in exchange for the Developer planting replacement trees in accord with this section. To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of fifty (50) percent of the ground area under the tree's drip line shall be maintained in natural ground cover and at the existing natural ground level. The Applicant may provide a sample plot representative of the trees on the parcel to determine the credit. The following standards shall be used to determine the extent of credit:

DBH of Approved Preserved Tree	Number of Credited Trees
greater than 30 inches	4
15 to 29 inches	3
7 to 14 inches	2
2 to 6 inches	1

D. Hydrology - Alteration of existing drainage patterns and water supply for the protected vegetation shall be minimized.

E. Transplanting Existing Plants - Specimen trees or individual trees from woodlands or tree masses designated "TO BE REMOVED" are encouraged to be transplanted from one area of the site to another. Transplanted trees must conform to the requirements of Section 615.7 and Section 615.8.

F. Clear Sight Triangles - All landscaping shall comply with the sight distance requirements of this Ordinance, including intersections of public streets and access drives of commercial, industrial and multi-family developments. The Township may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

G. Topsoil Protection - Topsoil shall not be permanently removed from a lot except from areas that will be covered by buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.

H. Tree Removal - Trees within the street right-of-way and all other plantings required by this Section 615 shall not be removed without a permit from the Zoning Officer, except for trees removed by the Township or the State and for trees approved to be removed under this Section 615.

615.3 Parking Lot Landscaping

A. Landscaping Benefits - Parking lots shall be landscaped with trees and shrubs to reduce the impact of glare, headlights, and parking lot lights; to delineate driving lanes; define rows of parking; and facilitate pedestrian circulation. Furthermore, parking lots shall be landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

B. Lots with Ten or More Stalls - All parking lots with ten (10) or more stalls shall be landscaped in accord with the criteria in this section.

1. One (1) planting island shall be provided for every ten (10) parking stalls. There shall be no more than fifteen (15) contiguous parking stalls in a row without a planting island.

2. The ends of all parking rows shall be divided from drives by planting islands.

3. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than forty (40) stalls.
4. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than one hundred (100) stalls.
5. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet in dimension, underlain by soil (not base course material); mounded at no more than a three-to-one (3:1) slope, nor less than a five-to-one (5:1) slope; and shall be protected by curbing or bollards. Each planting island shall contain a minimum of one (1) shade tree plus shrubs and/or ground cover sufficient to cover the entire area.
6. All planting strips shall be a minimum of eight (8) feet wide. Strips shall run the length of the parking row, underlain by soil (not base course material), shall be designed to encourage the infiltration of storm water insofar as possible, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at maximum intervals of tree per thirty (30) feet, plus shrubs and/or ground cover, as approved by the Township, to cover the entire area.
7. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
8. Plants shall comply with the requirements of Section 615.7 of this Ordinance. The use of plants selected from the *List of Acceptable Plants* in Section 615.8 is required.
9. In the case where this or another Township ordinance requires a buffer or other landscaping at the end of a parking lot, such buffer or landscaping may take the place of the planting strip provided the buffer or landscaping meets the minimum requirements of this Section 615.3.

C. Buffers - All parking lots shall be buffered from public roads and from adjacent properties as required in Section 615.6.

D. Reserved Parking Areas - The number of trees in parking areas which have been reserved in accord with the Township Zoning Ordinance shall not be counted toward the minimum required by this Section 615. This area shall remain undisturbed or shall be landscaped in accord with the minimum requirements specified in Section 615.2.

615.4 Street Trees

A. Street Trees Required - Street trees shall be required:

1. Along all existing streets abutting or within the proposed subdivision or land development.
2. Along all proposed streets.
3. Along access driveways that serve five (5) or more residential dwelling units.
4. Along access driveways that serve two (2) or more nonresidential properties.
5. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Planning Commission.

B. Waiver for Existing Vegetation - The street tree requirement may be waived by the Township where existing vegetation is considered sufficient to provide effective screening and to maintain scenic views of open space, natural features, or other valued features.

C. Standards - Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:

1. Trees shall be planted a minimum distance of five (5) feet and a maximum distance of fifteen (15) feet outside the ultimate right-of-way line. However, in certain cases, as follows, the Township may permit trees to be planted within the ultimate right-of-way:

a. In areas, such as existing neighborhoods where front yards may be located within the ultimate right-of-way.

b. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

2. In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least ten (10) feet in width, planted in grass or ground cover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits within the sidewalk may be approved.

3. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three (3) feet from curbs and sidewalks, fifteen (15) feet from overhead utility poles with appropriate species selection for trees under utility wires, and six (6) feet from underground utilities.

4. Trees shall be planted at a ratio of at least one (1) tree per fifty (50) linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.

5. Trees shall comply with the requirements of Section 615.7. The use of tree species selected from the *List of Acceptable Plants* in Section 615.8 is required.

615.5 Storm Water Basins and Associated Facilities

Landscaping shall be required in and around all storm water management basins in accord with the most current PA DEP Best Management Practices Manual and the following:

A. Vegetative Cover Required - All areas of storm water management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with cover vegetation such as lawn grass or naturalized plants specifically suited for storm water basins. (See Section 615.8 for plants for storm water basins.)

1. Lawn grass areas shall be sodded or hydro-seeded to minimize erosion during the establishment period; and, once established, these areas shall be maintained at a height of not more than six (6) inches.

2. Naturalized cover plants, such as wild flowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of storm water basins, may be planted as an alternative to lawn grass provided:

a. The plantings provide continuous cover to all areas of the basin.

b. The plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.

3. Trees and shrubs shall be allowed in and around storm water basins provided no interference is caused to the proper function of the basin; and, trees or shrubs shall not be planted on an impoundment structure or dam.

B. Basin Shape - Basin shape shall incorporate curvilinear features to blend with the natural surrounding topography; and, the use of sharp geometric shapes shall be avoided.

C. Basin Grades - Minimum grades inside storm water basins shall be one (1) percent unless infiltration is an integral part of the design; and, maximum side slopes of the basin shall be thirty-three (33) percent (3:1 slope).

D. Buffers - Storm water basins shall be buffered with landscaping from adjacent properties in accord with Section 615.6.

615.6 Buffers and Screens

A. Property Lines and Site Elements - All subdivisions and land developments shall be landscaped with the following two (2) components:

1. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
2. Site element screens that act to minimize or eliminate views to certain other site elements.

B. Minimum Requirements - The requirements in this Section 615.6 are minimum standards; additional plants, berms, or architectural elements may be required by the Township as necessary to meet the intent of this Section 615 or may be included in the plan at the applicant's discretion.

C. Property Line and Road Right-of-Way Buffer Requirements

1. Property line and road right-of-way buffers shall be required for the following types of development:
 - a. All nonresidential development.
 - b. All multi-family development.
 - c. All single-family detached developments unless a better design is approved by the Township.
 - d. All mobile home parks.
2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, the case of several permitted uses on a site, the most restrictive requirements shall apply. The Township shall make the final determination of the designation of the existing or zoned land uses.
3. The width and quantity and type of plants required shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 615-1.

TABLE 615-1

PROPERTY LINE AND ROAD RIGHT-OF-WAY BUFFERS

(See Section 615.6.C for buffer intensity requirements.)

PROPERTY LINE BUFFERS applies to side and rear property lines				
PROPOSED USE	ADJACENT USE			
	Office/Institutional Public Recreation	Commercial/ Industrial	Multi-Family Mobile Home Park	Single- Family Two-Family
	BUFFER TYPE / WIDTH (feet)			
Office/Institutional	Low / 10	Low / 10	Medium / 15	High / 20
Commercial/Industrial	Medium / 15	Low / 10	High / 20	High / 20
Residential*	Low / 10	Medium / 15	Low / 10	Medium / 15
Active Recreation (play fields, golf courses, swim clubs, etc.)	Low / 10	None	Low / 10	Low / 10
*Buffers are required for all multi-family and mobile home parks.				
PARKING LOT BUFFERS ALONG ROAD RIGHTS-OF-WAY				
SIZE OF PARKING LOT	BUFFER TYPE / WIDTH (feet)			

10 spaces or less	Low / 10	
11 to 50 spaces	Medium / 20	
more than 50 spaces	High / 30	

4. Buffer Area Location and Dimensions

- a. The buffer area may be included within the front, side, or rear yard setback.
- b. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.
- c. Parking shall not be permitted in the buffer area.
- d. Site element screens shall be permitted in the buffer area.
- e. Storm water basins shall be permitted in the buffer area.

5. Plant Quantities and Types - In accord with Table 615-1, for every one hundred (100) linear feet of property line to be buffered, the following minimum quantities and types of plants shall be required:

BUFFER TYPE	PLANTS (per 100 linear feet)
Low	2 canopy trees; and 1 ornamental tree
Medium	2 canopy trees; 2 ornamental trees; and 2 evergreen trees (15 shrubs may be substituted for 1 ornamental tree)
High	5 evergreen trees; 2 ornamental trees; and 2 canopy trees (30 shrubs may be substituted for 1 ornamental tree)

6. Design Criteria:

- a. The required plants shall be distributed over the entire length and width of the buffer area.
- b. Buffer plants may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
- c. Plants shall be spaced to provide optimum growing conditions.
- d. A variety of tree species is required as follows:

NUMBER OF TREES	MINIMUM NUMBER OF TREE SPECIES	MAXIMUM PERCENT OF ANY ONE SPECIES
0-5	1	100
6-15	2	50
16-30	3	40
31-50	4	30
51+	6	20

- e. All plants shall meet the requirements of Section 615.7.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer as determined by the Township.

8. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers with the approval of the Township. The minimum visual effect shall be equal to or exceed that of the required buffer.

D. Site Element Screens

1. Site element screens shall be required in all proposed land developments around the following site elements, when these are located partially or fully within one hundred (100) feet of a property line or existing road right-of-way:

- a. Parking lots.

- b. Dumpsters, trash disposal, or recycling areas.
- c. Service or loading docks.
- d. Outdoor storage.
- e. Vehicle storage.
- f. Multifamily rear yards.
- g. Active recreation facilities.
- h. Detention basins.
- i. Sewage treatment plants and pump stations.

TABLE 615-2 SITE ELEMENT SCREENS (See Section 615.6.D.6 for screen types and design criteria.)				
PROPOSED USE	EXISTING ADJACENT LAND USE (OR ZONED USES WHEN UNDEVELOPED*)			
	Office or Institutional	All Other Nonresidential	Single-Family, Two- Family, Townhouses	All Roads
Dumpster, trash, or recycling area	4 or 8	3 or 4	4 or 8	4 or 8
Service or loading docks	2 or 5	--	2 or 5	2 or 5
Outdoor sales yard and vehicle storage (excluding vehicle sales areas)	1	1	1	1, 7 or 9
Multi-family rear yards	--	--	--	6
Active recreation facilities (tennis, basketball, court games, etc.)	--	--	7	--
Retention or detention basins	6	--	6	--

Sewage treatment plants and pump stations	1 or 8	--	1 or 8	1 or 8
*When residential and nonresidential uses are allowed by the zoning district on undeveloped adjacent land, the residential requirements shall apply.				

2. An on-site investigation by the applicant shall identify the adjacent land uses along each property boundary. In the case of vacant land, the uses permitted by the Zoning Ordinance shall be used. The existing or zoned uses shall be noted on the plan; and, in the case of several permitted uses on a site, the most restrictive requirements shall apply. The Township shall make the final determination of the designation of the existing or zoned land uses.
3. The type of site element screen required shall be determined by the site element and the adjacent existing land use or zoned use in the case of vacant land, according to Table 615-2.
4. Site elements not included in the above list that have similar visual impact shall be screened in accord with requirements for the most similar elements as determined by the Township.
5. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. Unless the screen is most effective at another location, it shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.
6. Screen Types and Design Criteria - The following types of screens shall be used where specified in Table 615-2.

SCREEN TYPE	DESIGN CRITERIA
Screen Type #1 <i>Evergreen or Deciduous Shrubs</i>	Shrubs shall be placed three feet on center in a minimum 5-foot-wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3.5 feet at maturity. Shrubs may be clipped to form a hedge or left in their natural habit.
Screen Type #2 <i>Double Row of Evergreen Trees.</i>	A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
Screen Type #3 <i>Opaque Fence</i>	A six-foot opaque fence surrounding the site element on at least three sides.

Screen Type #4 <i>Opaque Fence with Ornamental Trees and Shrubs</i>	A 6-foot opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to the fence.
Screen Type #5 <i>Architectural Extension of the Building</i>	An 8-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
Screen Type #6 <i>Berm with Ornamental Trees</i>	A 2-to-3-foot-high continuous curvilinear berm with ornamental trees at the rate of 1 tree for every 20 feet, clustered or arranged informally. The maximum slope of the berm shall be 3: 1.
Screen Type #7 <i>A 2-to-3-foot-high continuous curvilinear berm with grass alone.</i>	The maximum slope of the berm shall be 3: 1.
Screen Type #8 <i>Evergreen Hedge</i>	An evergreen hedge (such as arborvitae, chamaecyparis, etc.) with a minimum height at planting of 6-foot plants, 4 feet on center maximum.
Screen Type #9 <i>Low Wall</i>	A wall of brick or stone (not concrete block), at least 50 percent opaque, no less than 3 and no more than 4 feet in height.

7. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plants with the approval of the Township. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.

8. Existing topographic conditions, such as embankments or berms may be substituted for part or all of the required screen with the approval of the Township. The minimum visual effect shall be equal to or exceed that of the required screen.

9. The applicant may propose the use of alternative screen types or changes in plants or designs which fulfill the intent of this Ordinance, with the approval of the Township.

10. Plants shall meet the specifications of Section 615.7. Use of plants selected from the *List of Acceptable Plants* in Section 615.8 is recommended.

615.7 Materials Specifications, Maintenance, and Guarantee

The following standards shall apply to all plants or trees as required under this Ordinance:

A. General Requirements

1. The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and present and future environmental requirements, such as wind, soil, moisture, and sunlight.
2. Plants shall be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.
3. Plastic or other artificial materials shall not be used in place of plants.

B. Plant Specifications

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the latest edition of the American Association of Nurserymen (AAN) Standards.
2. All plants shall be selected for hardiness and shall be suitable for planting in the United States Department of Agriculture Hardiness Zone applicable to the Township, and to the specific localized microclimate and micro environment of the planting site.
3. Canopy trees, sometimes called shade trees, shall reach a minimum height or spread of thirty (30) feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and one-half (2.5) inches at planting.
4. Ornamental trees or large shrubs shall reach a typical minimum height of fifteen (15) feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of six (6) feet or one and a half inch caliper. New large shrubs shall have a minimum height of two and one-half (2.5) to three (3) feet at the time of planting.
5. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four (4) feet based on AAN Standards. New shrubs shall have a minimum height of eighteen (18) inches at the time of planting.
6. Evergreen trees shall reach a typical minimum height of twenty (20) feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six to seven (6 to 7) feet.

C. Maintenance

1. Required plants shall be maintained in a healthy, vigorous condition and be kept free of refuse and debris for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plants are properly maintained. Dead or diseased plants shall be removed or treated promptly by the property owner and replaced at the next growing season.
2. All sight triangles shall remain clear; and, any plants that could endanger safety such as unstable limbs shall be removed and the plants replaced if necessary. It shall be the responsibility of the property owner to maintain all plants and architectural elements to assure public safety.

3. Maintenance guidelines for the plants are encouraged to be published by the planting plan designer and be used by grounds maintenance personnel to ensure that the design's buffering and screening concepts are continued.

D. Landscape Replacement; Performance Guarantee

1. Any tree or shrub that dies within eighteen (18) months of planting shall be replaced by the current landowner or Developer. Any tree or shrub that within eighteen (18) months of planting or replanting is deemed, in the opinion of the Township, not to have survived or not to have grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may be made only when approved by the Township.

2. Landscaping shall be considered an improvement for the purposes of installation and the provision of a performance guarantee in accord with of this Ordinance. In addition, the Developer or landowner shall provide to the Township a performance guarantee equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of eighteen (18) months following the installation and approval of the landscaping.

615.8 List of Acceptable Plants

All plants used for landscaping and vegetative cover shall be selected from the *List of Acceptable Plants* attached hereto as Appendix A. The list is intended to offer a broad selection of plants suitable for the various required landscapes required by this Ordinance. Native plants are indicated for use in natural or naturalized settings. Plants not found on the list may be substituted, provided that the Township determines that the requirements of Section 615.7.B. are satisfied and the plants are suitable for the proposed purpose and location.

615.9 Plan Requirements

All areas of the site shall be included in the landscaping plan, and buffers, screening, and those areas immediately adjacent to buildings and walkways shall be given extra consideration. Landscape plans shall be submitted concurrently with all Preliminary and Final Plans. Landscape plans shall be prepared by a landscape architect licensed and registered to practice by the Commonwealth of Pennsylvania or other person deemed qualified by the Township. In addition to the information required by the other plan information provisions of this Ordinance, the following information shall be provided:

A. The preliminary landscape plan shall show the following:

1. Existing Features - The location and character of existing buildings; mature trees standing alone; location and elevation of major specimen trees (12" or greater DBH) in any area of the site proposed for development; outer limits of tree masses and other existing vegetation; and, the location of floodplain, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.

2. Proposed Landscaping

a. Approximate location of all proposed landscaping required by this Ordinance.

b. Demarcation of existing vegetation "TO REMAIN" or "TO BE REMOVED" and the means of protecting existing vegetation during construction.

c. Approximate location of proposed buildings, paving, utilities, or other improvements.

B. The final landscape plan shall show the following:

1. Location of all outside storage and trash receptacle areas.
2. Sidewalks, berms, fences, walls, free-standing signs, and site lighting.
3. All existing and proposed contours at an interval deemed adequate by the Township to determine the relationship of planting and grading areas with slopes in excess of 3:1.
4. Existing mature trees, woodland, and tree masses to remain.
5. Existing mature trees, woodland, and tree masses to be removed.
6. Location of all proposed landscaping, including required street trees, storm water basin landscaping, parking lot landscaping, property line buffers, and site element screen landscaping.
7. A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plants.
8. A schedule showing all landscape requirements and plants proposed for each category.
9. Planting details, including method of protecting existing vegetation, and landscape planting methods.
10. Information in the form of notes or specifications concerning seeding, sodding, ground cover, mulching, and the like, etc.
11. A detailed cost estimate shall be submitted, showing the value of all proposed landscaping, including all labor and materials.

616. Lighting

616.1 Outdoor Lighting

A. Intent.

1. The intent of this section is to require and set standards for temporary and permanent outdoor lighting in places where public health, safety and welfare are potential concerns. The outdoor lighting ordinance shall protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse and protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
2. The enforcement of this section is intended to be primarily, but not solely, on a complaint basis.

B. Applicability.

1. The requirements herein apply to outdoor lighting for uses including the following: business, personal service, multifamily residential, commercial, industrial, public recreational and institutional, except Subsections F and G, which apply to all uses.
2. The Township may require lighting to be incorporated for other uses or locations, as deemed necessary.

3. The requirement contained herein apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, and landscape lighting.
4. The requirements herein do not apply to streetlights and traffic lights located in the public right-of-way and owned by the Township.
5. Emergency lighting, as may be required by any public agency or utility company while engaged in the performance of their duties, is exempt from the requirements of this section.
6. Seasonal holiday lighting or illumination of the American and state flags shall be exempt from the requirements of this section, provided that such lighting does not produce glare on roadways and neighboring residential properties.

C. Definitions.

As used in this section, the following terms shall have the meanings indicated:

ARCHITECTURAL LIGHTING

A lighting arrangement primarily used to highlight a building, landscape feature, facade, or other feature, and is not used for pedestrian or vehicular traverse.

FOOTCANDLE

A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

GLARE

The sensation produced by lighting that causes annoyance, discomfort or loss in visual performance and visibility to the eye.

IESNA FULL CUTOFF

A lighting fixture standard whereby the fixture is shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated.

IESNA

Illuminating Engineering Society of North America.

ILLUMINANCE

The quantity of light measured in footcandles or lux. 1 LUX = 0.929030436 Foot Candles
1 NITS = 3.145 LUX

ILLUMINATION TRESPASS

Light emitted by a luminaire installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LUMENS

As used in the context of this section, the light-output rating of a lamp (light bulb) or light source.

LUMINAIRE

A complete lighting unit.

MOUNTING HEIGHT

The distance from the finished face of the surface being illuminated to the optical center of the luminaire.

OUTDOOR ATHLETIC FACILITY LIGHTING FIXTURE

A lighting fixture used to illuminate the air space and playing surface of a planned and engineered facility approved by the Township in which organized athletic events are performed in an open-air and outdoor field, court, rink, track, pool or other similar setting.

D. Plan Submission.

1. Lighting plans shall be submitted for reviews and approval of any installation of lighting in connection with a land development application for any use identified in Subsection (b) of this section. Lighting plans shall include the following:
 - a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type.
 - b. Description of the proposed equipment shall be included, including fixture catalog cuts, photometrics, glare-reduction devices, lamps and mounting heights.
 - c. When requested by appropriate officers or agents of the Township, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare, including but not limited to a plot plan with a matrix of the calculated footcandles with measurements ten (10') feet into the neighboring properties, including those on the opposite side of a public right-of-way or public roadway, at five (5') feet aboveground.
2. Notification must be sent to the Administrator before any post-approval alterations to lighting plans or intended substitutions from approved lighting equipment are made. Post-approval alterations or intended substitutions to the approved lighting plan must meet the requirements of the originally approved plan.

E. Design Standards.

1. All lighting fixtures for off-street parking areas, off-street loading areas, driveways and for safety of persons and property must meet IESNA full cutoff.
2. All fixtures for pedestrian areas and walkways must meet IESNA full cutoff.
3. The maximum height of light fixtures, including the mounting base, is as follows:
 - a. Full-cutoff fixtures with 44,000 lumen lamps maximum. In parking lots: 20 feet AFG (Above Finished Grade).
 - b. Full-cutoff fixtures with 115,000 lumen lamps maximum shall be permitted only in large (100 spaces or more) commercial, institutional and industrial parking lots, except when the facility is adjacent to a residential district or use or an environmentally sensitive area: not less than twenty-five (25') feet nor more than thirty (30') feet AFG.
 - c. Mounting heights of twenty-five (25') feet to thirty (30') feet shall not be permitted when located less than one hundred (100') feet from a residential district or use.

- d. Decorative, cutoff or fully shielded fixtures with 17,500 lumen lamps maximum: 16 feet AFG.
 - e. Fully shielded bollard fixtures with 6,200 lumen lamps maximum: 42 inches AFG.
4. Recreational light fixtures shall comply with the standards and regulations set forth by Subsection H of this section.

F. Performance Standards.

- 1. All lighting shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private property from direct glare that may create a safety hazard.
- 2. Illumination trespass standards from one property to another shall be as follows:
 - a. In no case shall illumination exceed 0.5 footcandle, when measured, line of sight, at the property line of an aggrieved property of nonresidential use.
 - b. In no case shall illumination exceed 0.3 footcandle, when measured, line of sight, at the property line of an aggrieved property of residential use, except between properties that share a lot line with no required setback, in which case it shall not exceed two (2) footcandles.
- 3. The use of floodlights and wall-mounted luminaries shall not be permitted to illuminate parking areas unless it can be proven to the satisfaction of the Township that the employment of no other means is possible.
- 4. Architectural lighting, as defined by this section, shall be aimed or directed so as to preclude light projection beyond the immediate object or objects intended to be illuminated. All such lighting shall be extinguished between the hours of 11:00 p.m. and 6:00 a.m.
- 5. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences, and similar screening methods be considered acceptable for reducing glare.
- 6. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, and fast-food/bank/drugstore drive-ups shall be accomplished using flat-lens full-cutoff luminaries aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaries shall be below the light source and its light-directing surfaces, at all lateral angles round the luminaries.

G. Enforcement and compliance.

- 1. The landowner is responsible if installed lighting is not compliant with the lighting plan approved by the Board of Commissioners. The Township may conduct a post-installation inspection to verify compliance with the approved plan. After installation, the Township by way of an authorized enforcement officer, may require the landowner, at the landowner's expense to make adjustments, remedial measures, or other means to comply with the approved lighting plan.
- 2. Notwithstanding the installation date or preexisting conditions of a lighting fixture or arrangement, if the Township determines that the standards set forth in Subsection F are not met, the Township, by way of an authorized enforcement officer, may require the landowner,

at the landowner's expense, to make adjustments, remedial measures, or other means to comply with the lighting standards.

3. Notwithstanding the above regulations of this section, if at any time the Township deems a lighting fixture or arrangement to be a potential safety hazard or nuisance, it may, at the landowner's expense, require the landowner to make adjustments, remedial measures, or other means to mitigate or prevent the potential hazard or nuisance. In determining a potential nuisance, the authorized officer of the Township must take the following into consideration:
 - a. The measurement of the amount of illuminance, in footcandles, at the spot where the lighting fixture or arrangement is causing the potential nuisance.
 - b. Whether the suspect lighting fixture or arrangement complies with the standards set forth in Subsection F.

H. Special regulations for outdoor athletic facilities.

1. Proposed outdoor athletic facility lighting fixtures, as defined by this section, are permitted as a conditional use in any zoning district, subject to the condition that the Applicant can demonstrate to the Board of Commissioners that the neighboring properties can be sufficiently protected from any adverse effects.
2. Whenever outdoor athletic facility lighting fixtures are proposed, the Board of Commissioners may require additional screening and buffering requirements to protect the neighboring properties from glare.
3. Outdoor athletic facility lighting fixtures approved by the Township are exempt from the design and performance restrictions of Subsections E and F of this section.
4. Outdoor athletic facility lighting fixtures may only be turned on for official games or practices of a duly registered team in an organized league recognized by the Township and only for the specific playing fields being used.
5. Outdoor athletic facility lighting fixtures shall be extinguished between the hours of 11:00 a.m. and 6:00 p.m.

616.2 Road, Parking Area and Building Lighting

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

617. Reserved

618. Wetlands

618.1 Identification

If a proposed subdivision or land development includes any area that is suspected of being a wetland, then a professional wetland delineation may be required. The Township may require that the applicant obtain a

Jurisdictional Determination from the U.S. Army Corps of Engineers. Until such time as the Board of Commissioners has approved application, the wetland limits shall be visibly identified in the field.

618.2 State and Federal Regulations

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

618.3 Buffers

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

618.4 Mitigation

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

618.5 Protection

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

619. Common Open Space, Recreation Areas and In-lieu Fees

A. Purposes

1. To provide adequate open spaces, recreational lands and recreational facilities to serve new inhabitants/occupants of new subdivisions/land developments, for both active and passive recreation, as is specifically authorized by Section 503(11) of the Pennsylvania Municipalities Planning Code (MPC); and,
2. To recognize and implement the Official Recreation Plan adopted by Pocono Township.

B. Applicability

1. This Section 619 shall apply to any subdivision for which a preliminary plan or a combined preliminary/final plan and any land development for which a plan is submitted after the effective date of this Section 619.
2. This section shall not, however, apply to plans that the Board of Commissioners determines only involve adjustments or corrections to an approved preliminary plan or a preliminary plan that was before the Township for consideration as of the date of the adoption of this section, provided the adjustments do not increase the number of proposed dwelling units.

C. Submission, Review and Information

1. The proposal for common open space, installation of recreation facilities and/or fees shall be offered for review by the Planning Commission and the Pocono Township Park and Recreation Committee.
2. The Board of Commissioners may require changes to the proposal for common open space, recreational facilities and/or fees in compliance with this Section 619. If an applicant does not prove compliance with this Section 619 or refuses to dedicate common open space where the Board of Commissioners does not agree to fees-in-lieu of land dedication, the Board of Commissioners shall have grounds to deny approval of the submission.
3. The applicant shall submit the following with the subdivision or land development plan:
 - a. A description of the anticipated population characteristics of the future occupants of the subdivision/land development, such as likely age groups.
 - b. The method by which the applicant wishes to comply with the requirements of this Section 619, such as payment of recreation fees, dedication of public recreation land, dedication of land to a homeowners association, construction of recreational facilities, or another method.
4. The preliminary and final plans shall contain a sheet depicting the land proposed for use in meeting common open space and recreational facilities requirements, or a note stating that the applicant proposes to pay fees-in-lieu of land. The plan shall also describe any improvements or facilities that the applicant proposes to make to the land.

D. Limitations on Use of Fees

1. Any fees collected under this Section 619 shall be placed in an interest-bearing account and shall be accounted for separately from other Township funds. Such account shall be controlled by Pocono Township, and any interest earned shall be added to and become a part of the funds in that account.
2. To ensure that the lands and facilities are accessible to the inhabitants of the subdivision/land development(s) that paid fees towards their cost, such fees shall only be used within a 5-mile radius of the boundaries of the subdivision or land development that paid the fees, unless the Board of Commissioners determines that a proposed improvement is regional in nature and would clearly serve the entire population of the Township. In addition, the Township may commit fees to public recreation areas in adjacent Townships or Boroughs that would be intended to serve the inhabitants of the subdivision/land development where the fees originated.
3. Such fees shall only be used for the following: acquisition of public open space, development of public active or passive recreation facilities, landscaping of public open space, and closely related engineering and design work.

E. Land Dedication - Any subdivision or land development regulated under this Section 619 shall be required to dedicate the specified amount of common open space, unless the Board of Commissioners and the applicant mutually agree to the payment of recreation fees-in-lieu of land, the construction of recreational facilities, the reservation/donation of common open space through an allowed alternative ownership method, or a combination of any of the foregoing.

1. Generally, it is the intent of this Section 619 that subdivisions/land developments of five (5) or fewer dwelling units or under five (5) acres of non-residential land, that do not include land that is adjacent to existing publicly owned land, should pay a recreation and open space fee in lieu of dedicating land and/or constructing recreational improvements. However, if the applicant does not agree to pay such fees, then land shall be required to be dedicated.

2. The land and fee requirements of this Section 619 shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after approval.

3. Prime Open Space - For the purposes of this Section 619, the term "Prime open space" shall mean land proposed to be dedicated as common open space that would meet all of the following standards:

- a. less than 6 percent slope,
- b. not a *wetland* under Federal and/or State regulations,
- c. be part of a contiguous tract of at least two (2) acres (which may include existing adjacent common open space), and
- d. not be within the 100-Year Floodway as defined by official floodplain maps of the Township, as prepared by the Federal Emergency Management Agency.

4. Amount of Residential Common Open Space - If a subdivision or land development is required to dedicate common open space, the following amounts for each permitted new dwelling unit shall apply, unless revised by resolution of the Board of Commissioners:

Percentage of the Total Required Common Open Space that Would Meet the Definition of <i>Prime Open Space</i>	Minimum Required <i>Common Open Space</i> Per Permitted Dwelling Unit
0 % to 25.0 %	5,200 square feet
25.1 % to 75.0 %	2,600 square feet
75.1 % to 100 %	1,300 square feet

5. Amount of Non-Residential Common Open Space - If a non-residential subdivision or land development is required to dedicate common open space, the following amounts of common open space shall be required, unless revised by resolution of the Board of Commissioners:

<p align="center">Percentage of the Total Required Common Open Space that Would Meet the Definition of <i>Prime Open Space</i></p>	<p align="center">Minimum Percentage of Development Tract Required to be Dedicated as <i>Common Open Space</i></p>
<p align="center">0 % to 25.0 %</p>	<p align="center">6 percent</p>
<p align="center">25.1 % to 75.0 %</p>	<p align="center">4 percent</p>
<p align="center">75.1 % to 100 %</p>	<p align="center">3 percent</p>

6. Other Ordinances - Any required land dedication or fees under this Section 619 shall be in addition to any land dedication or improvement requirements of any other Township ordinance.

F. Fees - If the Board of Commissioners and the applicant agree that a proposed subdivision or land development will pay fees-in-lieu of dedicating open space, this fee shall be as established by the Township Fee Schedule, which may be updated by resolution of the Board of Commissioners.

G. Decision on Land vs. Fees - It is desirable to reach a tentative agreement on whether land dedication or a permissible alternative is to be applicable at the sketch plan stage, although the formal decision shall be made during the review of the first official plan submission. The Township reserves the right to determine, on a case-by-case basis, whether dedication of land or the payment of an in-lieu fee is preferable. The Township should, at a minimum, consider the following in making this determination:

1. Whether the land in that location would serve a valid public purpose,
2. Whether there is potential to make a desirable addition to an existing public or School District open space and/or recreation area, and/or greenway corridor identified in the Official Recreation Plan.
3. Whether the proposed land would meet the objectives and requirements of this Section 619 and any relevant policies of the Township or Regional Comprehensive Plan and the Official Recreation Plan.
4. Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands,
5. Any recommendations that may be received from the Planning Commission, the Township Engineer, the Pocono Township Park Board, any other Township park and/or recreation commission, the Pocono Mountain School Board or School District staff.

H. Common Open Space and Recreation Land to be Dedicated - Common open space and recreation land shall be preserved, owned and maintained in accord with Section 507 of this Ordinance and the following:

1. Suitability

a. Land required to be dedicated shall be suitable for its intended purpose, in the determination of the Board of Commissioners, as park land, non-commercial active or passive recreation uses, preserved open space and/or the construction of permanent non-commercial recreational facilities. The Applicant shall state what improvements, if any, the applicant intends to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of dedication.

b. Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this Section 619, including, but not limited to:

1) Areas within a stormwater detention basin that are not suitable for recreation. Portions intended for active recreation shall be well drained, of less than four (4) percent average finished slope and not require filling in of a wetland for use.

2) Areas within existing or proposed street rights-of-way.

3) Areas needed to meet a requirement for an individual lot.

4) Areas within driveways providing access to other lots/lands.

5) Portions of land that have a width of less than fifty (50) feet.

2. Priority - Priority shall be given to dedication of land that:

a. Would be suitable for additions to existing public schools and public parks, or

b. Would preserve woods, steep slopes or other important natural features or land along a creek or river, or

c. Would be suitable for centralized active recreation, or

d. Would connect to open space areas through greenways, or

e. Would serve as passive recreation for hiking and related activities.

3. Access and Contiguosness - Common open space within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Commissioners, and shall have adequate access for maintenance and by pedestrians.

4. Lands Close to Buildings - For the purposes of this Section 619, no land shall be used to meet the minimum common open space requirements of this Section 619 if such land is within:

a. Twenty (20) feet of any building, other than a noncommercial recreation building or a building necessary to support maintenance of the open space, or

b. Fifteen (15) feet of any vehicle parking areas, other than parking areas specifically developed to only serve the common open space for non-commercial recreation.

5. Open Space Requirements in Other Ordinances - Any required land dedication or fees under this Section 619 shall be in addition to any land dedication or improvement requirements of any other Township ordinance.

6. Sewage Facilities in Common Open Space - Sewage facilities of adjoining lot/unit owners within that subdivision/land development may be located as an alternate location on the common open space when lot size does not allow an alternate sewage disposal site. Adequate easements shall be established to clarify rights and responsibilities. Community sewage facilities for that subdivision/land development may be located in the common open space subject to review by the Township Planning Commission and approval by the Township Board of Commissioners to determine if the proposed facilities are compatible to the proposed use of the open space. If buildings are associated with the sewage disposal, additional open space shall be provided in an amount equal to the space occupied by the building.

7. Wells - Wells of adjoining lot/unit owners within that subdivision/land development or community water supplies for that subdivision/land development may be located in common open space when using a conservation subdivision design. Adequate easements shall be established to clarify rights and responsibilities. If buildings are associated with the water supply, additional open space shall be provided in an amount equal to the space occupied by the building.

8. Residual Lands - If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.

9. Coordination with Future Adjacent Dedication - The Board of Commissioners may require that a required land dedication within a property currently being subdivided/developed be placed along an edge of the property so that it may, in the future, be combined with open space on the edge of an adjoining property when that adjoining property is subdivided or developed. The intent is to coordinate currently proposed open space with future development, over the long-term.

I. Combination of Land and Fees - Upon mutual agreement of the Board of Commissioners and the applicant, the Township may accept a combination of common open space and fees-in-lieu of land to meet the requirements of this Section 619 for a subdivision or land development. For a residential development, this combination shall be based upon the common open space requirement applying for a certain number of dwelling units and the fee-in-lieu of land requirement applying for the remaining number of dwelling units. Section 619.H shall be considered when applying this Section 619.I.

J. Timing of Residential Fees - Fees required by this Section 619 for all of the permissible dwelling units shall be paid prior to the recording of the final plan, except as follows:

1. If the required fee would be greater than \$2,000, and the applicant and the Board of Commissioners mutually agree in a binding development agreement to the payment of all such fees prior to the issuance of any building permits within each clearly defined phase or sub-phase of the development, then such fees are not required to be paid prior to recording of the final plan, but may instead be paid within the requirements of that development agreement.

2. If the applicant and the Board of Commissioners mutually agree to the payment of such fees in installments, then all such fees shall not be considered to be *paid* for the purposes of any applicable time limitations for use under the Municipalities Planning Code until all such fees are paid in full, including all installments and phases.

K. Timing of Non-Residential Fees - Fees required by this Section 619 for any non-residential subdivision or land development shall be paid prior to the recording of the final plan of a subdivision or land development, as applicable.

L. Facilities in Place of Land or Fees - If there is mutual agreement by the Board of Commissioners and the applicant, the requirements of this Section 619 may be met:

1. By the applicant constructing agreed upon permanent noncommercial recreation facilities within the proposed subdivision or land development or on nearby public open space, if the applicant clearly proves to the satisfaction of the Board of Commissioners that those facilities will be approximately equal in market value to the land or fees that would otherwise be required, and would reduce the future burden upon the Township in providing for recreational facilities. Such facilities do not necessarily need to be open to the public if they are not constructed on publicly owned land, but such facilities shall, at a minimum, be open to residents of the subdivision or land development in connection with the approval of which the facilities are constructed; or,

2. If the applicant donates appropriate public recreation land to the Township or the Pocono Mountain School District, which the Board of Commissioners determines to be suitable for public recreation. In such case, the applicant shall provide a written appraisal from a Pennsylvania licensed real estate appraiser that the fair market value of the donation is equal to or greater than the amount of the value of land that would otherwise be required to be dedicated or the amount of the fee-in-lieu of dedication.

620. Off-Street Parking & Loading.

A. General Requirements. The standards herein shall apply to any parking or loading area except where otherwise specifically provided.

1. The number of required parking and loading spaces shall be as set forth in the Pocono Township Zoning Ordinance.

2. Every parking or loading facility shall be designed so that its use does not constitute a nuisance, hazard or unreasonable impediment to traffic.

3. Every parking area shall be arranged for orderly, safe movement. Parking areas containing thirty (30) or more parking spaces shall have a curbed internal road system with a landscaped island or strip of a minimum width equal to one parking space separating the road system from the parking area to provide safe and orderly movement of traffic and discouragement of cross-aisle driving. The internal road system shall be designed to minimize the need for cross-pedestrian traffic.

4. In no case shall parking areas for four (4) or more vehicles or any loading area be designed to require or encourage cars to back into a public or private street in order to leave a lot.

5. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except on-site parking associated with a single family dwelling.

6. All parking areas for four (4) or more vehicles shall include clearly defined and marked traffic patterns, with the utmost care taken to provide for safe internal traffic movement and to avoid conflicts between vehicles and pedestrians.

7. All off-street parking spaces shall be marked to indicate their location and use.

8. Common parking lots serving multifamily dwellings, commercial and business uses, and other recreational uses shall provide parking for the physically disabled in accordance with the requirements of the Americans with Disabilities Act (Public Law 101-336), and local, State, and Federal Codes which implement the Act.

B. Parking Spaces and Aisles.

Parking space and aisle dimensions shall be no less than those listed in the following table:

<u>Angle of Parking</u>	<u>Parking Width</u>	<u>Stall (Space) Depth</u>	<u>Aisle Width</u>	
			<u>One Way</u>	<u>Two Way</u>
90	10'	18'	20'	24'
60	10'	21'	18'	not permitted
45	10'	20'	13'	not permitted
30	10'	18'	12'	not permitted
Parallel	8'	22'	12'	18'

C. Grading, Surface Drainage.

1. Except for areas that are landscaped and so maintained, all portions of required parking and loading facilities shall be graded, surfaced with asphalt and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.

2. Where the Township Engineer agrees appropriate, and where appropriate maintenance is guaranteed to the satisfaction of the Township Engineer and Solicitor, use of pervious paving or alternative paving structure, is encouraged.

D. Parking Lot Paving Standards.

Off-street parking areas and perimeter travel lanes shall be designed with pavement sections as specified below, as a function of anticipated traffic loads defined as follows:

1. **Light Load Lots.** Parking lots subject to 500 or less ESAL's (equivalent 18-kip single axle loads) during a 25-year design period. Small step delivery vehicles having 2 axles with single-axle loads up to 6,000 lbs. may have regular access to these lots. However, these lots are not approved for access by tri-axle delivery or other large service vehicles, including moving vans. Construction vehicles shall not access finished surfaces on lots intended for light loads.

2. **Moderate Load Lots.** Parking lots subject to 1500 or less ESAL's during a 25-year design period. Step delivery vehicles and service vehicles having 2 axles with single-axle loads up to 8,000 lbs. may have regular access to these lots. However, these lots are not approved for larger single-unit service vehicles and semi-tractor trailer trucks, including moving vans. Construction vehicles may be permitted to access the base course pavement in these lots, where permitted upon the recommendation of the Township Engineer.

3. **Moderately Heavy Load Lots.** Parking lots subject to 6,000 or less ESAL's during a 25-year design period. Step delivery vehicles and service vehicles having single-axle loads up to 16,000 lbs. may have regular access to these lots. However, these lots are not approved for regular access by semi-tractor trailer trucks, including moving vans. Construction vehicles may be permitted to access the base course pavement on these lots, where permitted upon the recommendation of the Township Engineer.

4. Heavy Load Lots and Access Drive; Parking lots subject to more than 6,000 ESAL's during a 25-year design period and access drives expected to handle regular access by semi-tractor trucks. Construction vehicles may access the base course pavement on these lots.

5. The Applicant shall provide computations documenting expected axle loads for parking areas to support the pavement section selected.

		Anticipated Load			
Layer Designation	Layer Designation	Light	Moderate	Moderate Heavy	Heavy
A-Wearing Course	Bituminous	2.5	1.5	1.5	1.5
B-Wearing Course	Bituminous or Concrete	none	3.0	3.5	4.5
C-Structural Base	Granular (stone)	4.0	4.0	6.0	6.0

E. Parking Lot Setbacks.

All parking spaces and public or private drives shall comply with the setback requirements of the Pocono Township Zoning Ordinance.

F. Parking Lot Landscaping.

Parking lot landscaping shall conform to the provisions of Section 615.

G. Lighting of Parking and Loading Areas.

Parking and loading areas shall conform to the outdoor lighting provisions of Section 616.

H. Off-Street Loading.

Off-street loading facilities shall be designed to conform to the following specifications:

1. Each off-street loading and unloading space shall be either (a) at least fourteen (14') feet in width by forty (40') feet in depth or (b) at least ten (10') feet in width by sixty (60') feet in depth.

2. Each space shall have sufficient maneuvering room separate from other parking and loading spaces to eliminate traffic conflicts within off-street and parking areas.

3. Each space shall be located entirely on the lot being served and be so located that each space and all maneuvering room is outside of the required buffer areas, yard areas and rights-of-way.

4. All off-street loading and unloading spaces, maneuvering areas, driveways and entranceways shall be graded, surfaced with asphalt and drained to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways and to protect adjoining property.

5. No such facilities shall be designed or used in any manner so as to constitute a nuisance, a hazard or an unreasonable impediment to traffic.

621. Reserved

622. Traffic Impact Study

A. Applicability. Traffic Impact Study shall be submitted to the Township, as part of a Preliminary Plan and Final Plan for any subdivision or land development application expected to generate more than 250 new trips per day; for residential subdivisions or land developments containing fifteen (15) or more dwelling units or residential lots in the aggregate; or all non-residential developments (with the exception of agricultural development) with buildings containing in excess of twenty (20,000) thousand square feet of floor space in the aggregate; development of any kind impacting thirty (30) acres of land or more in the aggregate.

B. Purpose. To identify any traffic problems likely to result from the proposed development in relation to ingress/egress, road capacities, off-site traffic flow, public transportation, and pedestrian and other non-vehicular circulation.

C. Contents.

1. A study area for the Traffic Impact Study shall be defined as mutually agreed upon by the Applicant and the Township Engineer, subject to the minimum requirements of Section 622.C.4 below.

2. The Traffic Impact Study shall enable the Township to assess the likely impacts of the proposed development on the existing transportation network of the Township and surrounding area.

3. The Traffic Impact Study shall be prepared by a civil engineer licensed to practice in Pennsylvania with experience preparing such studies in accordance with the Institute of Transportation Engineer's (ITE) Recommended Practice *Traffic Access and Impact Studies for Site Development*, current edition, and PennDOT Publications 201 and 282, current editions.

4. The Traffic Impact Study shall include, but not necessarily be limited to, an analysis of expected traffic generation to, from and upon surrounding roads within a radius of 2- miles from the proposed development site, particularly showing AM and PM peak hours of existing traffic flow during a normal business day, in comparison with what is anticipated after the proposed development is fully completed, and, if applicable, upon the completion of each stage. Estimated peak hour trip generation shall be based on procedures set forth in the most recent editions of the ITE Trip Generation Manual. Existing traffic flows shall be based on actual counts.

5. The Township shall review the methodology, assumptions, findings, and recommendations of the Traffic Impact Study and may require specific improvements necessary to accommodate the impacts of the propose development.

ARTICLE VII

MOBILE HOME PARKS

701. Application

701.1 Lots for Lease

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

701.2 Lots for Sale

Mobile home developments involving the transfer of lot ownership shall comply with all requirements applicable to single-family residential subdivisions.

702. Major Subdivision; Design

702.1 Major Subdivision

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

702.2 Design

Mobile home parks shall be designed in accord with the four-step design process of Section 602 of this Ordinance.

703. Minimum Park Size

A mobile home park shall have a total contiguous land area of not less than ten (10) acres.

704. Lot Size/Width; Density; Open Space

704.1 Lot Size/Width

A. Each mobile home lot shall have a minimum area of seven thousand two hundred (7,200) square feet for exclusive use of the occupants of the mobile home placed upon the lot.

B. Minimum lot widths shall be sixty (60) feet and seventy-five (75) feet for corner lots.

C. Each mobile home lot shall be defined by metes and bounds and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

704.2 Density

The total number of lots in any mobile home park shall not exceed a density of four (4) lots per acre of adjusted tract acreage. Density shall be calculated by calculating the adjusted tract acreage in accord with the requirements of residential conservation design in the Township Zoning Ordinance and dividing by four (4) lots per acre.

704.3 Open Space

The construction and maintenance of open space shall be the responsibility of the owner of the mobile home park.

A. Minimum Requirement - All mobile home parks shall provide not less than ten (10) percent of the total land area for open space purposes which shall be improved and be accessible for recreational purposes to all resident families. The one hundred (100)-foot buffer strip around the perimeter of the mobile home park may count as part of the open space.

B. Useable Space - Not less than one-half (½) of the required open space shall consist of areas free of health and safety hazards and shall be of adequate size, shape, slope, soil type and other physical characteristics suitable for outdoor recreational use or be improved to ensure suitability for such use.

705. Standards

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

705.1 Location

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

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

C. Drainage; Slopes - Mobile home sites shall be on well drained land and shall not be located where the average natural slope of the area of the site intended for development exceeds ten (10) percent.

705.2 Mobile Home Sites

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

A. Site Grading; Stability - Each mobile home lot shall be graded to provide a level, well drained site. The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

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

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

705.3 Soil and Ground Cover

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

705.4 Stormwater/Drainage

Mobile home parks shall comply with the stormwater management requirements in Section 609 and the Township Stormwater Regulations, and shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites.

705.5 Setbacks, Buffer Strips and Screening

A. Overall Property Line Setbacks - All mobile home sites shall be located not less than one hundred (100) feet from any existing public road right-of-way and other park property lines.

B. Interior Setbacks - All mobile homes shall be located not less than twenty-five (25) feet from the right-of-way of any park road, common parking area or other common area or structure, twenty (20) feet from the rear lot line, and fifteen (15) feet from any side lot line.

C. Accessory Structures - Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback areas, provided that no part of any accessory structure shall be located not less than ten (10) feet from any side lot line and front and rear setbacks are maintained as required for the mobile home.

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

705.6 Roads, Parking and Access

A. Roads - Mobile home park roads shall be provided, designed and constructed in accord with Section 607 based on the classification of the road and other applicable standards of this Ordinance. The Township shall not accept any mobile home park road for dedication.

B. Parking - To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. The spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. These spaces shall be improved to a grade not greater than eight percent (8) and shall be paved with a minimum of four (4) inches of stone base with two (2) inches of Superpave 9.5 millimeter HMA Wearing Course.

C. Access - There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive.

D. Lot Frontage - Mobile home sites and parking spaces shall only have direct access to and frontage on the interior park road system. Mobile home sites and parking spaces shall not front or have access

directly to public roads or to private roads passing through the mobile home park and providing access to other parcels or developments.

E. Illumination - A lighting plan and lighting shall be provided in accord with Section 616.

705.7 Utilities

A. Water Supply and Sewage Disposal - Mobile home parks shall be served by a central water supply and a central sewage disposal system as required by Section 611 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home lot.

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

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

705.8 Refuse Disposal

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

706. Non-Residential Uses

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

ARTICLE VIII

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

800. General Applicability

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

801. Campgrounds

801.1 Purpose

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

801.2 Occupancy

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

801.3 Ownership

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

802. Land Development; Procedures; Design

802.1 Land Development

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

802.2 Design

Campgrounds shall be designed in accord with the four-step design process of Section 602 of this Ordinance.

803. Minimum Parcel Size

A campground shall have a total contiguous land area of not less than twenty (20) acres.

804. Campsite Size, Density and Lot Width

804.1 Site Size

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

804.2 Density

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

804.3 Open Space

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

805. Design Standards

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

805.1 Location

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

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

C. Slopes - A campground shall not be located where the average natural slope of the area of the site intended for development exceeds ten (10) percent.

805.2 Soil and Ground Cover

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

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

805.3 Stormwater/Drainage

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

805.4 Setbacks, Buffer Strips and Screening

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

805.5 Roads, Access and Parking

A. Interior Roads

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

B. Parking

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

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

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

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

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

B. The campground shall be equipped with sewage dumping stations designed and constructed for easy access by campers in accord with the following:

1. The station shall not be located in any 100-year floodplain.
2. The dump station shall include an area for:
 - a. Disposal of stored sewage sized in accordance with Chapter 73 DEP regulations.
 - b. A source of water to flush out sewage holding tanks.
 - c. A separate source of potable water for filling vehicle storage tanks. The potable water source should be separated from the tank-flushing water source according to DEP requirements
3. Signs shall be provided to distinguish between water supplies.
4. The station shall be sited so that it is usable from the driver's side of the vehicle.
5. All controls that operate the station shall be between nine (9) and fifty-four (54) inches off the ground and be operable with one (1) hand with not more than five (5) pounds of force.
6. The immediate area surrounding the drains shall be:
 - a. Paved shall be paved with a minimum of four (4) inches of stone base with two (2) inches of Superpave 9.5 millimeter HMA Wearing Course.
 - b. Sloped two (2) percent toward the drain and a clear space of at least five (5) feet around the drain shall be maintained.

805.7 Refuse Disposal

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

Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

805.8 Landscaping

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

805.9 Illumination

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

805.10 Other Requirements

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

806. Non-Residential Uses

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

807. Other General Requirements

807.1 Fences

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

807.2 Nuisances

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

807.3 Animals

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

807.4 Garbage and Refuse Disposal

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

807.5 Camping Accessories

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

807.6 Appurtenances

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

808. Expansion of Existing Campgrounds

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

ARTICLE IX
ADMINISTRATION

901. Purpose

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

902. Amendment

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

903. Modifications

903.1 Intent

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

903.2 Procedure

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

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

903.3 Action

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

903.4 Conditions

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

903.5 Record

The Board of Commissioners shall keep a written record of all actions on all requests for modifications.

904. Preventive and Enforcement Remedies

904.1 Preventive Remedies

A. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner or record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

904.2 Enforcement Remedies

A. Any person, partnership, corporation, association or other legal entity who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district

justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation, association or other legal entity violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section, including but not limited to, injunctive relief.

904.3 Jurisdiction

The District Magisterial Judge shall have initial jurisdiction in proceedings brought under Section 904.2.

904.4 Transfer

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

904.5 Construction

A. In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance.

B. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with Section 306.7 of this Ordinance.

C. A preconstruction conference with the Township Engineer shall be required prior to the initiation of construction of any improvements.

D. No deeds shall be executed or recorded for the transfer of any lots or units before the Township has approved the Final Plan and such Plan is duly recorded with the Monroe County Recorder of Deeds.

905. Fees

905.1 Establishment of Fees

Fees to be paid by the Applicant shall be established by resolution of the Board of Commissioners to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by Section 503(1) and Section 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.

905.2 Application Fees

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

905.3 Review and Inspection Fees

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

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

905.4 Supplemental Fees and Adjustment

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

905.5 Recreation Fees

Any recreation fee which is due in accord with Section 619 of this Ordinance shall be paid.

905.6 Disputes

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

905.7 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

906. Records

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

ARTICLE X

ADOPTION

This Ordinance ordained and enacted this _____ day of _____, 2016, by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania.

Attest:

Board of Commissioners:

By: _____
Pamela Finkbeiner, Secretary

By: _____
Harold Werkheiser, President

APPENDIX A

SUBDIVISION AND LAND DEVELOPMENT ACCEPTABLE PLANT LIST

The Board of Commissioners may permit other species if they are suitable to the area, not subject to blight or disease and of the same general character and growth habit as those listed below. The following sizes listed for shade trees, evergreen trees, ornamental trees, deciduous shrubs, evergreen shrubs and ground cover are the minimum acceptable sizes at the time of installation.

- A. Shade trees: minimum two-and-five-tenths-inch caliper, 14 to 18 feet high, eight feet minimum spread, clear trunk to seven feet zero inches above the ground and full branching structure.

Acer rubrum – Red Maple
Acer saccharum – Sugar maple
Carya glabra – Pignut hickory*
Carya ovata – Shagbark hickory*
Fagus grandifolia – American beech*
Fraxinus Americana – White ash**
Fraxinus Pennsylvannica – Green ash **
Gleditsia triacanthos var. “inermis” – Thornless honeylocust**
Gymnocladus dioicus – Kentucky coffeetree*
Juglans cinerea – Butternut*
Liquidambar styraciflua – Sweetgum, including var. “Rotundiloba”
Liriodendron tulipifera – Tulip poplar
Nyssa sylvatica – Blackgum**
Platanus acerifolia – London planetree
Platanus occidentalis – American planetree
Quercus alba – White oak**
Quercus bicolor – Swamp white oak
Quercus borealis – Northern red oak
Quercus coccinea – Scarlet oak*
Quercus falcata – Southern red oak
Quercus imbricaria – Shingle oak**
Quercus laurifolia – Laurel oak
Quercus macrocarpa – Burr oak
Quercus palustris – Pin oak*
Quercus phellos – Willow oak
Quercus prinus – Chestnut oak
Quercus rubra – Red oak**
Quercus velutina – Black oak
Quercus stellata – Post oak
Tilia Americana – American linden
Ulmus Americana – American elm (Dutch elm resistant cultivars only)**

*NOTE: Not to be used as a street tree; shade tree only

**Species considered to be salt-tolerant.

- B. Evergreen trees: minimum eight feet high, four-foot minimum spread, **single leader, symmetrically branching to the ground.

Abies balsamea – Balsam fir
Ilex opaca – American holly

Juniperus virginiana – Eastern redcedar**
Picea glauca – White spruce
Azalea sp. – native species only
Calycanthus Florida – Sweetshrub
Ceanothus Americanus – New Jersey tea**
Cephalanthus occidentalis – Buttonbrush
Clethra Alnifolia – Summersweet clethra**
Cornus amomum – Silky Dogwood
Corylus Americana – American filbert
Euonymus Americana – Strawberrybush
Hydrangea quercifolia – Oakleaf hydrangea
Ilex verticillata – Winterberry holly**
Itea Virginica – Virginia sweetspire
Leucothoe racemose – Sweetbells leucothoe
Lindera benzoin – Spicebush
Myrica Pennsylvanica – Northern baybeery**
Rosa blanda – Meadow rose
Rosa Caroliniana – Carolina rose
Rosa palustris – Swamp rose
Rosa setigera – Prairie rose
Rosa Virginiana – Virginia rose**
Spiraea alba – Meadowsweet
Spiraea tomentosa – Steeplebush
Staphylea trifolia – American bladdernut
Symphoricarpos angustifolium – Lowbush blueberry**
Vaccinium corymbosum – Highbush blueberry
Viburnum acerifolium – Mapleleaf viburnum
Viburnum cassinoides – Witherod viburnum
Viburnum dentatum – Arrowwood viburnum**
Viburnum lentago – Nannyberry viburnum**
Viburnum nudum – Possumhaw viburnum
Viburnum prunifolium – Blackhaw viburnum
Viburnum trilobum – American cranberrybush viburnum

**Species considered being salt-tolerant.

- E. Evergreen shrubs: twenty-four-inch minimum height, eighteen-inch minimum spread, and symmetrically branched to the ground.

Azalea sp. – native species only
Ilex glabra – Inkberry holly
Juniperus communis – Common juniper**
Kalmia latifolia – Mountain laurel (including cultivars)
Rhododendron catawbiense – Catawba rhododendron
Rhododendron maximum – Rosebay rhododendron
Taxus Canadensis – Canadian yew*

*NOTE: Height and spread requirements may be reversed for spreading varieties of evergreen shrubs.

**Species considered being salt-tolerant.

- F. Ground cover plants:

Heavily rooted plants provided in four-inch pots and spaced a maximum of 12 inches on center or as noted below:

Hemerocallis hybrids – Daylilies (18 inches on center maximum)
Liriope spicata – Lily turf
Liriope muscari – Liriope
Pachysandra procumbens – Allegheny pachysandra

Heavily rooted woody plants with maximum fifteen-inch spread provided in two-gallon containers and planted a maximum of 36 inches on center:

Juniperus horizontalis – Creeping juniper
Xanthorhiza simplicissima – Yellowroot

Ferns in four-inch pots and spaced a maximum of 18 inches on center:

Adiantum pedatum – Maidenhair fern
Athyrium filix femina – Lady fern
Dennstaedtia punctilobula – Hay scented fern
Dryopteris Carthusiana – Spinulose wood fern
Dryopteris celsa – Log fern
Dryopteris filix-mas – Male fern
Dryopteris goldiana – Goldie's wood fern
Dryopteris marginalis – Marginal wood fern
Matteuccia struthiopteris – Ostrich fern
Onoclea sensibilis – Sensitive fern
Osmunda cinnamomea – Cinnamon fern
Osmunda claytoniana – Interrupted fern
Osmunda regalis – Royal fern
Polystichum acrostchoides – Christmas fern
Thelypteris noveboracensis – New York fern