

**SUBDIVISION  
AND  
LAND DEVELOPMENT ORDINANCE**

**ORDINANCE NO. 77**

**POCONO TOWNSHIP, MONROE COUNTY  
PENNSYLVANIA**

Enacted December 29, 1997

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# **ARTICLE 1**

## **GENERAL PROVISIONS**

### **1.000 TITLE**

An ordinance amending the 1980 SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF POCONO TOWNSHIP, and all subsequent amendments thereto, and reestablishing rules, regulations and standards governing the subdivision, development and alteration of land, within the corporate limits of Pocono Township, Monroe County, Pennsylvania, setting forth procedures to be followed by the Township Planning Commission and the Board of Supervisors in administering and applying these rules, regulations and standards and prescribing penalties for the violation thereof.

### **1.100 LEGISLATIVE AUTHORITY**

This Ordinance is enacted pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

### **1.200 APPLICABILITY**

All Subdivisions and Land Developments Included - This Ordinance shall apply to all Subdivisions and Land Developments located within the Township limits which are subdivided, developed and/or submitted after the effective date of this Ordinance and also to all Subdivisions and Land Developments previously approved by, and/or pending before, the Township or county when the required improvements and other approved or required aspects of the Subdivision and/or Land Development in accordance with the terms of such approval have not been substantially completed on the effective date of this Ordinance, subject to the provisions of Section 508 of the Pennsylvania Municipalities Planning Code.

No Subdivision or Land Development of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use and travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

### **1.300 PURPOSE**

This Ordinance has been adopted for the purpose of providing for conditions favorable to the health, safety, morals, general welfare, convenience, economy and preservation of the environment for the citizens of the Township through regulations that will insure the harmonious development of the community. Township growth should be orderly and consistent with the overall Pocono Township Comprehensive Plan. Foreseeable maintenance and improvement problems should be minimized.

## **1.400 SHORT TITLE**

This Ordinance shall be known and may be cited as the “Subdivision and Land Development Ordinance of Pocono Township.”

## **ARTICLE 2**

### **PLAN SUBMISSION, REVIEW AND ADMINISTRATION**

The following procedures shall be observed by all Applicants:

#### **2.100 GENERAL PROCEDURE FOR SUBMISSION OF ALL PLANS**

- 2.101 Required Plans** - Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments of land lying within Township limits shall be submitted by the Applicant for review. A Sketch Plan, as described in Section 2.201, shall not be considered a required plan. Nor shall a Preliminary Plan be required for Minor Subdivisions.
- 2.102 Submission Requirement** - 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 submitted to the Planning Commission. The Administrator will issue a receipt indicating the date the filing was received by the Administrator. The Administrator shall review the filing prior to the Planning Commission meeting at which the same is to be submitted, to make a preliminary determination whether the filing is generally in compliance with the submission requirements of this Ordinance, and shall report his or her findings to the Planning Commission at its next regularly scheduled meeting. 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.
- 2.103 County and Other Agency Reviews** - The Planning Commission shall review the filing at its next regularly scheduled meeting at which a quorum is present to determine if the submission is complete. If the submission is incomplete, the Planning Commission shall reject the submission indicating the deficiencies. If the submission is complete, the Planning Commission shall issue a receipt to the Applicant or his representative stating that the submission has been accepted for review. The date the submission receipt is issued ( the “Submission Receipt Date”) constitutes the official date of submission for purposes of plan review. If the next regularly scheduled meeting of the Planning Commission at which a quorum is present occurs more than thirty

(30) days from the filing of a complete application with the Administrator, the Submission Receipt Date shall be the date which is thirty (30) days following the date the complete application is filed with the Administrator. Once the submittal has been accepted for review the Administrator shall transmit copies of the application and plan to the appropriate agencies and other individuals as provided in Section 2.202-B and C for review and recommendation, unless the Applicant has already done so directly.

- 2.104 Attendance** - The Applicant or his duly authorized representative should endeavor to attend the Planning Commission and Board of Supervisors meetings to discuss the Preliminary Plan and the final Plan. The Commission or Board may request such attendance and failure to appear at such Commission or Board meeting where the plan is being reviewed will be sufficient cause for plan disapproval if an extension in time is not agreed to by the Applicant.
- 2.105 Public Hearing** - Before acting on any Preliminary or Final Plan, the Board of Supervisors may hold a public hearing thereon after public notice.
- 2.106 Preliminary Plan** - Except for any Sketch Plan, which is submitted, the initial plan submitted to the Commission for review shall be considered the official Preliminary Plan. Said Preliminary Plan shall be reviewed to determine compliance with these regulations. Preliminary Plans and supportive data which are complete shall be recommended to the Board of Supervisors for approval, approval with conditions, or for disapproval, and the Board of Supervisors and the Applicant notified accordingly. Preliminary approval shall not be considered complete and shall not be effective until the Board of Supervisors has approved the Preliminary Plan. However, the Commission and Board of Supervisors may proceed to final action at the first consideration of a plan for a Minor Subdivision, in accordance with the procedures set forth in Section 2.203. In no event shall a Major Subdivision be exempt from the requirement of filing a Preliminary Plan.
- 2.107 Final Plan** - After approval of the Preliminary Plan, the Final Plan for the entire Subdivision or Land Development or a Final Plan for a section or stage of development which has been prepared in accordance with the approved Preliminary Plan shall be submitted by the Applicant to the Commission. If the Final Plan is submitted in sections or stages, each section or stage shall relate logically to provide continuity of access, extension of utilities and availability of amenities. The Final Plan shall be reviewed to determine compliance with these regulations. Final Plans and supportive data, which are incomplete, shall be rejected. Final plans and supportive data, which are complete, shall be recommended for approval, approval with conditions, or for disapproval and the Applicant notified accordingly. Final approval shall not be considered complete and shall not be effective until the Board of Supervisors has also approved the Final Plan.

**2.108 Recording Final Plans** - After the effective date of Final Plan approval, the Applicant shall record such plan within a period of 90 days in the Office of the Monroe County Recorder of Deeds. Refer to Section 2.500.

**2.109 Conditional Approvals** - Any Preliminary or Final Plan may be approved subject to such conditions as are acceptable to the Applicant, which conditions shall be acknowledged and accepted by the Applicant in writing, in form acceptable to the Township, which written acceptance shall be delivered to the Township within ten (10) days of the recommendation for conditional approval by the Planning Commission or the conditional approval granted by the Supervisors, whichever is applicable. Failure of the Applicant to accept all such conditions in such manner within said ten- (10) day time frame, shall automatically result in the conditional approval being rescinded, without any further action by either the Township Planning Commission or the Township Supervisors of any nature whatsoever.

**2.200 SPECIFIC PROCEDURE FOR PLAN SUBMISSION AND APPROVAL**

**2.201 Sketch Plan** - The Developer may, at Developer's option, submit a Sketch Plan before submitting Preliminary or Final Plans. The purpose of a Sketch Plan is to afford the Developer an opportunity to discuss in advance with the Commission his overall objectives; the extent to which the plan conforms with this Ordinance and any pending changes to this Ordinance; and to determine whether his plan will qualify as a Minor or Major Subdivision or as a Land Development under this Ordinance. The Sketch Plan procedure is intended to be a fast and inexpensive method for the Developer to make preliminary determinations on the feasibility of his plan in terms of this Ordinance. There is no charge for the Commission's review of a Sketch Plan. The Commission will normally comment on the Sketch Plan during the meeting at which it is presented. The Commission's comments on a Sketch Plan will be meaningful to the Developer and Commission only to the extent that the Sketch Plan submission complies with Section 2.301 below.

**2.202 Preliminary Plan** - Applicants shall submit three (3) signed copies of a completed form provided by the Administrator entitled "Pocono Township Land Development Application" accompanied by eight (8) copies of the Preliminary Plan, five (5) copies of the preliminary street profiles and cross-sections and six (6) copies of any other pertinent supporting data. Said application shall include therewith the appropriate application fee as may from time to time be adopted by the Supervisors.

All Applications shall be submitted to the Administrator by certified mail or personally delivered at least ten (10) days prior to the regularly scheduled meeting of the Planning Commission.

A. Submission Receipt - After the Commission has determined that the Preliminary Plan submission includes all of the required material as specified by this Ordinance, the Commission shall issue a receipt for the Preliminary Plan at a regular meeting. The date the submission receipt is issued ( the "Submission Receipt Date") constitutes the official date of submission for purposes of plan review. Preliminary Plans and supportive data, which are incomplete, shall be rejected and the Applicant shall be notified of the nature and extent of the omissions.

B. Referrals

1. Within five (5) days of the Submission Receipt Date, unless the Applicant has already done so, the Administrator shall refer the plan and appropriate supportive data as follows:

Agency or Individual	Number of Copies of Plan	Number of Copies of Supporting Documents
County Planning Commission	1	1
Engineer	1	1
Sewage Enforcement Officer	1	1

2. Within five (5) days of the Submission Receipt Date, unless the Applicant has already done so, the Administrator may refer the plan and appropriate supportive data as follows:

Agency or Individual	Plan	Supporting Documents
PA Dept. of Environmental Protection	1	1
Soil Conservation Service	1	1
Solicitor	1	1

C. Action on Preliminary Plan - The Commission will review the Preliminary Plan within sixty (60) days of the Submission Receipt Date. Comments from the above reviewers will also be considered if such comments are received within thirty (30) days from the date the

plan was forwarded to such agency or individual, including the County Planning Commission.

After such review, the Commission shall determine the extent to which the plan complies with this Ordinance and shall recommend to the Board of Supervisors that the plan be approved entirely, that it be conditionally approved, or disapproved. The Board of Supervisors shall then take final action on the plan within ninety (90) days of the Submission Receipt Date. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant shall be deemed an approval of the Application as presented unless the Applicant has agreed in writing to an extension of time or change of the prescribed manner of notification.

- The decision of the Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant at his last known address not later than fifteen (15) days following the decision. When the Application is not approved in terms as filed, the decision shall specify the defects found in the Application and describe the requirements which have not been met, and shall, in each case, cite to the provisions of the statute or Ordinance relied on. In the event the date of the regular meeting of the Planning Commission next following the date of a complete submission to the Administrator exceeds thirty days, the aforesaid sixty (60) day and ninety (90) day periods shall be measured from the thirtieth (30<sup>th</sup>) day following the date of submission to the Administrator.

Any approval of the Preliminary Plan shall be subject to the following:

1. Submission of a Final Plan in accordance with the requirements of this Ordinance; and
2. Completion of the required improvements or guarantee of completion thereof in accordance with Section 2.400 of this Ordinance.

If requested by the Applicant, the Board of Supervisors, at their discretion, may permit the undertaking of the required improvements and the preparation of the Final Plan in a series of sections or stages, each covering a portion of the proposed subdivision as shown on the Preliminary Plan. If the Final plan is submitted in sections or stages, each section or stage shall relate logically to provide continuity of access, extension of utilities and availability of amenities, and except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the Preliminary Plan (unless a lesser percentage is approved by the Board of Supervisors in its discretion).

The Board of Supervisors shall approve both the boundaries and configuration of stages or sections of a development. The Applicant shall file a schedule with the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan 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 Plan approval, until Final Plan approval of the final section has been granted. Any modifications in the aforesaid schedule shall be subject to approval of the Board of Supervisors, in its discretion.

The Commission or its designee shall normally conduct a site inspection of the proposed Subdivision prior to taking action upon the Preliminary Plan application, but in any case prior to taking action on the Final Plan Application. If weather conditions prevent a proper adequate inspection, the Commission may take conditional action subject to a subsequent inspection.

**2.203 Final Plan** - After the Applicant has received official notification from the Board of Supervisors that the Preliminary Plan has been approved, the Applicant must submit a Final Plan in accordance with the provisions of Section 508 of the Municipalities Planning Code. Any extension required shall be requested in writing to the Administrator and on recommendation of the Commission, the Board of Supervisors may grant such extension.

- A. Submission - The Final Plan shall be submitted after the approval of the Preliminary Plan and the satisfaction of all conditions applicable thereto. If the Final Plan is for a Minor Subdivision for which no Preliminary Plan was submitted, it shall be accompanied by three (3) copies of the Pocono Township Land Development Application. It shall be accompanied by payment of the appropriate fee in accordance with the fee schedule as may from time to time be adopted by the Supervisors. Developers of land classified as a Minor Subdivision or Land Development which elect to omit Preliminary Plans and proceed with a Final Plan shall submit only the appropriate fees pertaining to the Final Plan. The Final Plan Application shall set forth the date of approval of the Preliminary Plan when a Preliminary Plan submission has been made. Three (3) reproducible prints on stable base mylar or approved equal material and eight (8) blue or black line prints together with appropriate supportive data shall be submitted by certified mail or delivered in person to the Administrator.

In the event the Board of Supervisors has elected to accept roads and other lands offered for dedication, the submission shall be accompanied by duly executed appropriate instruments of conveyance, in proper form for recording, to convey good and marketable title to the Township, together with a title insurance binder issued by a reputable

title insurance company doing business in Monroe County, Pennsylvania insuring the title to be good and marketable, which title insurance binder shall name Pocono Township as the insured. The cost of the title insurance shall be the sole responsibility of the Applicant and a receipt evidencing payment of the same in full shall be provided to the Board of Supervisors prior to acceptance of any proposed dedication. The Applicant shall at the same time tender the applicable fees and recording costs for such dedication. The Final Plan as approved will be used for official recording of the Subdivision and/or Land Development.

- B. Submission Receipt - After the Commission has determined that the Final Plan submission includes the required material as specified by the Ordinance, the Commission shall issue a submission receipt for the Final Plan at a regular meeting. The date the submission receipt is issued (the "Submission Receipt Date") constitutes the official date of submission for purposes of plan review. Final Plans and supportive data that are incomplete shall be rejected and the Applicant shall be notified of the nature and extent of the omissions.
- C. Referrals - Within five (5) days of the Submission Receipt Date, unless the Applicant has already done so, the Administrator shall refer the plan and appropriate supportive data in a manner similar to referrals of Preliminary Plans as provided in Section 2.202B.
- D. Action On Final Plan - The Commission and/or the Engineer will examine the plan to ascertain (1) the compliance of the Final Plan with the Approved Preliminary Plan, (2) that the technical details of the plan itself have been checked and found satisfactory, and (3) that all required improvements have been satisfactorily completed or adequate security for completion of the work as specified in this Ordinance has been submitted.

If the Final Plan departs substantially from the approved Preliminary Plan the Commission may classify the same as a revised Preliminary Plan and process the Application as provided for Preliminary Plans in Section 2.202.

After the copy of the Final Plan has been checked the Commission shall, within sixty (60) days of the Submission Receipt Date, recommend to the Board of Supervisors that the Final Plan be approved entirely, conditionally approved or disapproved. The Board of Supervisors shall then take final action on the plan within ninety (90) days of the Submission Receipt Date. The Board of Supervisors shall enter any approval in writing upon the Final Plan along with the signatures of at least two (2) Board members, the Secretary, the seal and the date. The approval of the Final Plan by the Board of

Supervisors shall not constitute an acceptance of the dedication of any street or other proposed public way, space or areas shown on said Final Plan.

The Board of Supervisors shall communicate their decision in writing to the Applicant not later than fifteen (15) days following the decision. When the Application is not approved, the decision shall specify the defects found in the Application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or Ordinance relied on.

In the event the date of the next meeting of the Planning Commission following the date of submission to the Administrator exceeds thirty (30) days, the aforesaid sixty (60) and ninety (90) day periods shall be measured from the thirtieth (30<sup>th</sup>) day following the date of submission to the Administrator.

Failure of the Board to render a decision within the time set forth above and in the manner specified shall be deemed an approval of the Final Plan as presented unless the Applicant has agreed in writing to an extension of time or change of the prescribed manner of notification.

## **2.300 PLAN REQUIREMENTS**

Preliminary and Final Plans submitted for approval shall meet the requirements outlined in the following sections. (NOTE: Sketch Plans are optional. They do not have to be prepared by an engineer. The following criteria are suggested to make the Sketch Plan review meaningful.)

### **2.301 Submission of Sketch Plans**

- A. The Sketch Plan may show:
1. Proposed Subdivision name, location, land owner and Developer's name and address. Names and address of corporate officers if the Owner or Developer is a corporation. Designation of zoning districts. Location map at scale of 1" = 2,000'. Major roads, points of interest and Township boundaries within 1,000 feet.
  2. North arrow (indicate true or magnetic), graphic scale (1" = 50' or 1" = 100' preferred) and date.
  3. Names of adjoining property owners including those across adjacent roads.

4. Proposed and existing streets and lot layout on immediately adjoining tracks, including name and right-of-way widths that fall within 300 feet distance from the project boundary lines.
  5. Water course, lake, swamp and wetland locations and names (if any), rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature.
  6. Location of permanent and seasonal high water table areas and 100 year flood zones.
  7. Lot layout and existing topography (general). Lot width, depth and area (typical). Lot layout, lot width, depth and area and lot identification by number system. Street lines and names, lot lines, rights-of-way, easements, community or Public Areas and areas to be dedicated.
  8. Site data: Acreage, number of lots, average lot size, lineal feet of new roads.
- B. The following supportive information should be submitted with the Sketch Plan:
1. The latest U.S.G.S. Quadrangle map or portion thereof with the perimeter of the development accurately plotted thereon.
  2. A map of the entire contiguous holdings of the Owner or Developer showing sketch plan for roads.
  3. Information indicating the manner in which the Environmental Protection Requirements described in Section 3.202 is to be met.

### **2.302 Submission of Preliminary Plan**

- A. Preliminary Plans for Major Subdivisions and Land Developments shall be drawn at a scale not to exceed one inch equals 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of 12 inch by 18 inch, 18 inch by 24 inch or 24 inch by 36 inch.
- B. Preliminary Plans shall show:
1. Proposed subdivision/land development name, location, land owner and Developer's name and address. Name and addresses of corporation officers if Owner or Developer is a corporation. Designation of zoning district. Location map at scale of 1" =

2,000'. Show major roads, points of interest and Township boundaries within 1,000 feet. Give name under which the Subdivision/Land Development is to be recorded.

2. North arrow (indicate true or magnet), graphic scale and date.
3. Names of adjoining property owners including those across adjacent roads.
4. Proposed and existing streets and Lot layout on immediately adjoining tracks, including name and rights-of-way widths that fall within 300 feet distance from the project boundary lines.
5. Water course, lake, swamp and wetland locations and names (if any), rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature.
6. Location of 100-year flood zones as per most recent Flood Insurance Rate Map.
7. Lot layout and existing topography (general). Lot width, depth and area (typical). Lot layout, lot width, depth and area and Lot identification by number system. Street lines and names, Lot Lines, rights-of-way, easements, community or Public Areas and areas to be dedicated.
8. Site data: acreage, number of lots, lot area and lineal feet of new roads.
9. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths. These boundaries shall be determined by accurate field survey, closed with an error not to exceed one in five thousand and balanced.
10. Location and extent of various soil types, location log of soil test pits with the Pennsylvania Department of Environmental Protection Group classification of each soil type.
11. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose, nature and width of proposed easements, utilities and improvements.
12. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths of lines, radii, arc lengths, Street

widths, rights-of-way, easements and community or Public Areas, to accurately and completely reproduce each and every course on the ground.

13. Proposed Street names, road profiles, including grades, points of vertical curvature and tangency and length of vertical curve; typical cross-sections and specifications for Streets. Final designs, details, specifications, etc., for all sanitary, water and storm sewage system improvements. This information shall be of the quality required for the construction of all such facilities.
14. Proposed areas for location of wells and subsurface disposal fields (if appropriate).
15. Building setback lines.
16. 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 Supervisors 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.
17. Contour lines established by aerial photogrammetric methods or actual land survey at an interval of not less than two (2') feet for slopes with a grade of fifteen (15%) percent or less and at intervals of five (5') feet for slopes with a grade in excess of fifteen (15%) percent. In the event contour lines at a closer interval are available, such contours shall be shown. Contours shall be accompanied by the location of the bench mark and a notation indicating the datum used. Superimposition from the latest U.S.G.S. Quadrangle map shall only be permitted for Minor Subdivisions.
18. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
19. Certificate of Ownership and Acknowledgment of Plan, in the form set forth in Appendix "C", which shall be accurately completed, signed by the Owner of the property, dated and notarized.
20. Certificate of Accuracy and Compliance, in the form set forth in Appendix "D", dated and signed by the Registered Professional

Land Surveyor responsible for the plan and embossed with his or her seal.

21. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the Subdivision or Land Development, the Applicant shall also present evidence to the Planning Commission and the Board of Supervisors that the Subdivision or Land Development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
  22. Information indicating available and safe site stopping distances for all driveways, access drives, streets, etc., which must be in compliance with the most current version Pennsylvania Department of Transportation specifications.
  23. Wetland information required by Section 3.210 of this Ordinance.
- C. The following items shall be on all Preliminary 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." (if appropriate)

5. "Individual owners of lots must apply to the Township for a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system." (if applicable)
6. "The Planning Commission and the Supervisors 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." (if applicable)
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. In the event the Plan will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the following 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." The Plan shall be further marked to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit.

11. In the event the Subdivision incorporates a Private Access Street as defined in this Ordinance, the following shall appear on the Plan: "The improvement and maintenance of the Private Access Street shall be the sole responsibility of those persons benefiting by the use thereof."
  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 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 Supervisors granting the same.
- D. The following supportive documents and information shall be submitted with Preliminary Plans for Land Developments or Major Subdivisions.
1. Copies of the proposed deed restrictions and protective and restrictive covenants referenced to the Plan.
  2. Proposed offers of dedication and reservations of rights-of way and land areas with conditions attached.
  3. If the Developer proposes to install private amenities or facilities (for example, private roads, recreation facilities, open spaces, etc.) the Developer must submit a narrative description of how responsibility for maintenance and care of those amenities or facilities will be transferred to the persons or organization that will own them. If the Developer proposes to dedicate all or some portion of the amenities or facilities to the Township at some future date, the Developer must submit a narrative

description of how responsibility for maintenance and care of those amenities or facilities will be handled during the period before the offer of dedication to the Township. In no event will the Township accept a dedication of such amenities or facilities if, at the time of the proposed dedication, they do not meet the then existing standards of the Township.

4. Certification of central water supply system:

a. Public - When the Subdivision or Land Development is to be served with water by an existing water company or authority, the Developer shall submit two (2) copies of a letter from the water company or authority which states that the company or authority can adequately serve the subdivision.

b. Private - When the Subdivision or Land Development is to be served by a private central water supply system:

i. The Developer shall submit a preliminary plan of the proposed system showing all pertinent features.

ii. The approval of the Subdivision or Land Development shall be conditioned upon the receipt by the Township of the approval of the system by the appropriate agencies prior to Final Plan submission.

iii. Failure to submit the approval of the system by the appropriate agencies shall render any conditional Preliminary Plan approval null and void.

iv. The Commission and Supervisors shall have the right to review any such preliminary and final plans to determine the overall adequacy of the proposed system.

5. Certification of a central sewage disposal system:

a. Public - when the Subdivision or Land Development is to be served by an existing sewer company or authority the Developer shall:

i. Submit a preliminary plan of the proposed sewerage system showing all pertinent features.

- ii. Submit two (2) copies of a letter from the company or authority that states that the company or authority can adequately serve the Subdivision or Land Development, including any conditions and/or costs imposed by the sewer company or authority.
  - iii. The Commission and Supervisors shall have the right to review any such preliminary and final plans to determine compliance and compatibility of the same with any Township plans or studies and the overall adequacy of the proposed system.
  - iv. Submit proof of the approval of the design of the system by the appropriate agency prior to the Final Plan submission. Preliminary Plan approval will be conditional until this requirement is met.
- b. Private - When the Subdivision or Land Development is to be served by a private central sewage disposal system:
- i. The Developer shall submit a preliminary plan of the sewerage and treatment systems showing all pertinent features.
  - ii. The Developer shall submit four (4) copies of a completed Planning Module for Land Development concurrent with the Preliminary Plan or prior to Final Plan submission.
  - iii. The approval of the Subdivision or Land Development shall be conditioned upon the receipt by the Township of the approval of the sewerage and treatment system by the appropriate agencies prior to Final Plan submission.
  - iv. Failure to submit the approvals of the Land Planning Modules and of the sewerage and treatment systems shall render any conditional Preliminary Plan approval null and void.
  - v. The Commission and Supervisors shall have the right to review any such preliminary and final plans to determine compliance and compatibility of the same with any Township plans or studies and the overall adequacy of the proposed system.

6. Certification of on-lot sewage system:

When the Subdivision or Land Development is to be served by individual on-lot sewage disposal systems:

- a. The Developer shall submit four (4) copies of a completed Planning Module for Land Development concurrent with the Preliminary Plan or prior to the Final Plan submission.
  - b. The approval of the Subdivision or Land Development shall be conditioned upon the receipt by the Township of the approval of the Land Planning Module by the appropriate agencies.
  - c. Failure to submit the approvals of the Land Planning Modules by the appropriate agencies shall render any conditional Preliminary Plan approval null and void.
7. The Planning Commission or Board of Supervisors may at their discretion, require that evidence be presented indicating the manner in which the Environmental Protection Requirements described in Section 3.202 are to be met. Prior to the start of any construction, all required soil erosion and sedimentation control plans shall be prepared and submitted.
  8. Map of entire contiguous holdings and all other holdings of the Owner within 2,000 feet, including areas of proposed Subdivision. A sketch plan of the proposed road system will be required for any contiguous area not included in the Preliminary Plan.
  9. A preliminary drainage plan consisting of location, type and character of storm sewers, culverts, natural water courses, drainage easements, impoundment areas, and existing and proposed topographic contours.
  10. If landscaping is required by ordinance or proposed by the Applicant, a landscape plan setting forth in detail what is proposed and the location of same.
  11. A plan showing the extent of existing wooded areas and the extent of woodlands proposed to be removed.



12. Verification of approval or consent by the Pennsylvania Department of Transportation for all proposed improvements (excluding residential driveway access) within a right-of-way under that agency's jurisdiction.
13. Wetland studies as per Section 3.210 of this Ordinance.
14. Steep slope information as required by Section 3.209 of this Ordinance.
15. A community impact analysis including the following information shall be required for rural residential developments or subdivisions 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. Impact Analysis

1. An impact analysis will be prepared which shows the probable effects of the proposed development with respect to the following:
  - a. The number of residents and public school children generated by the proposed development.
  - b. Increases in vehicular traffic and the ability of the existing road system to accommodate traffic and increases.
  - c. The anticipated load on public utilities, police and fire protection.
  - d. Disturbance to the natural ecology, such as alluvial soil areas, loss of tree cover and land erosion.
  - e. Harmony with the character of surrounding development.
  - f. Feasibility of providing public transportation to the site.
  - g. Anticipated time period to sell/rent the proposed development.

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.

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.
2. Anticipated Township and school district expenses associated with the development for each of the first five (5) years of the development.

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 must include, but need 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 (PADEP) 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 (CERCLIS) 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.

The assessment may be required by the Township Planning Commission and/or Supervisors on 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.

### 2.303 Submission of Final Plans

- A. Submitted Final Plans for Major Subdivisions and Land Developments shall be drawn at a scale not to exceed one inch equals 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of 12"x 18", 18"x 24' or 24"x 36" except when the Commission approves other size plans. The plan for recording shall be a clear, legible, reproducible original or print on linen, "mylar", or comparable quality material.
- B. The Final Plan for Major Subdivisions and Land Developments shall show:
1. Proposed Subdivision/Land Development name, location, land owner and Developer's name and address. Names and addresses of corporation officers if Owner or Developer is a corporation. Designation of zoning district. Location map at scale of 1" = 2,000'. Major roads, points of interest and Township boundaries within 1,000 feet. Name under which the Subdivision/Land Development is to be recorded.
  2. North arrow (indicate true or magnetic), graphic scale and date.
  3. Name of adjoining property owners including those across adjacent roads.
  4. Proposed and existing streets and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 300 feet distance from the project boundary lines.
  5. Water course, lake, swamp and wetland locations and names (if any), rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature.
  6. Location of 100 year flood zones as per the most recent Flood Insurance Rate Map.
  7. Lot layout and existing topography (general). Lot width, depth and area (typical). Lot layout, lot width, depth and area and lot identification by number system. Street lines and names, lot

lines, rights-of-way, easements, community or Public Areas and areas to be dedicated shall be graphically shown.

8. Site data: Acreage, number of lots, average lot size, Lot Area and lineal feet of new roads.
9. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths. These boundaries shall be determined by accurate field survey, closed with an error not to exceed one in five thousand and balanced.
10. Location and extent of various soil types. If on site sewage systems are proposed for the subdivision or land development, the location log of soil test pits with the Pennsylvania Department of Environmental Protection Group classification of each soil type; proof of satisfactory percolation tests and soil tests on each lot to enable the same to be utilized for on site sewage disposal systems in accordance with Pennsylvania law and regulations; and proof of suitable area on each lot for the installation of a drain field for an on site sewage disposal system.
11. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose, nature and width of proposed easements, utilities and improvements shall be graphically shown.
12. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths of lines, radii, arc lengths, Street widths, rights-of-way, easements and community or Public Areas, to accurately and completely reproduce each and every course on the ground.
13. Proposed street names, road profiles, including grades, points of vertical curvature and tangency and length of vertical curve; typical cross-sections and specifications for Streets. Sanitary, water and storm sewage system improvements.
14. Proposed areas for location of wells and subsurface disposal fields (if appropriate).
15. Building setback lines.

16. A signature block on the Plan for recommendation by the Planning Commission and for the approval of the Board of Supervisors including a space for the date of recommendation/ approval and the signature of the Secretary of the Board shall be provided in the lower right-hand corner of the plan, directly above the title block. Include provision for plan revisions directly to the left of the title block.
17. Contour lines established by aerial photogrammetric methods or actual land survey at an interval of not less than two (2') feet for slopes with a grade of fifteen (15%) percent or less and at intervals of five (5') feet for slopes with a grade in excess of fifteen (15%) percent. In the event contour lines at a closer interval are available, such contours shall be shown. Superimposition from the latest U.S.G.S. Quadrangle map shall only be permitted for Minor Subdivisions.
18. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
19. All dimensions in feet and hundredths of a foot.
20. All bearings to the nearest one second of arc.
21. Lot numbers.
22. Location and type of permanent monuments and markers which have been set in place.
23. Lot size - size of each Lot in square feet or acres.
24. The Deed Book Volume and Page number, as entered by the County Recorder, reference to the latest source of title to the land being subdivided or developed.
25. Embossed seal of the Professional Engineer and Registered Surveyor responsible for preparation of the plan.
26. Certificate of Ownership and Acknowledgment of plan, in the form set forth in Appendix "C", which shall be accurately completed, signed by the Owner of the property, dated and notarized.

27. Certificate of Accuracy and Compliance, in the form set forth in Appendix "D", dated and signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.
  28. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the Subdivision or Land Development, the Applicant shall also present evidence to the Planning Commission and the Board of Supervisors that the Subdivision or Land Development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
  29. Information indicating available and safe site stopping distances for all driveways, access drives, streets, etc., which must be in compliance with the most current version Pennsylvania Department of Transportation specifications.
  30. Wetland information required pursuant Section 3.210 of this Ordinance.
  31. Steep slope area information as required by Section 3.209 of this Ordinance.
- C. The following items shall be on all Final 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." (if appropriate)

5. "Individual owners of lots must apply to the Township for a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system." (if applicable)
6. "The Planning Commission and the Supervisors 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." (if applicable)
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 The Pennsylvania Sewage Facilities Act, as amended."
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. In the event the Plan will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the following 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." The Plan shall be further marked to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit.

11. In the event the Subdivision incorporates a Private Access Street as defined in this Ordinance, the following shall appear on the Plan: "The improvement and maintenance of the Private Access Street shall be the sole responsibility of those persons benefiting by the use thereof."
  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 shall become null and void with no further action on the part of the Township."
  14. A listing of any 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 Supervisors granting the same.
- D. All roads proposed for a Subdivision shall be built to the requirements of applicable ordinances of Pocono Township whether they are to remain private or are planned for dedication to Pocono Township.
- E. The following information shall supplement the Final Plan:
1. Final Profiles, cross-sections and specifications for Street improvements.
  2. Final Plans of drainage, storm water, sanitary sewer and water distribution systems.
  3. Final grading and finish contours for proposed commercial or industrial development which grading shall be consistent with Sections 3.201-B and 3.202-A.

4. Approval by the appropriate agencies for the water supply, sewage, storm water runoff, and soil and erosion control plans.
5. Proof of the formation of any property owners association, or similar organization, which is to assume responsibility for maintenance and care of the amenities and facilities. Also, a narrative description of how control of the property owners association, or similar organization, will pass to the Lot purchasers.
6. If landscaping is required by ordinance or proposed by the Applicant, a landscape plan setting forth in detail what is proposed and the location of same.
7. A plan showing the extent of existing wooded areas and the extent of woodlands proposed to be removed.
8. Verification of approval or consent by the Pennsylvania Department of Transportation for all proposed improvements (excluding residential driveway access) within a right-of-way under that agency's jurisdiction.
9. Wetland studies required by Section 3.210 of this Ordinance.

**2.304 Submission of Final Plan for Minor Subdivision**

- A. Final Plans for Minor Subdivisions shall be drawn at a scale not to exceed one inch equals 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Final Plans for Minor Subdivisions shall be in conformance with requirements for Final Plans for Major Subdivisions as set forth in Section 2.303- A.
- B. The plan shall show at least the following:
  1. Proposed name of the development owner and Developer's name and address.
  2. North arrow (indicate true or magnetic), graphic scale, date.
  2. A plat of the area proposed to be subdivided, including tract boundaries, and if appropriate, Street lines and names, Lot Lines, rights-of-way or easements (existing or proposed, if any),

- watercourses, lakes, swamp and wetland locations and names (if any), rock out crops and stone fields, and location and description of any certified historic site or structure or certified natural feature.
4. Sufficient data, acceptable to the Engineer to determine readily the location, bearing and length of every boundary, Street and Lot Line (based upon an accurate field survey, closed with an error not to exceed one in five thousand and balanced). All dimensions shall be shown in feet and hundredths of a foot with all bearings shown to the nearest one second of arc. The area of each Lot or parcel.
  5. Lots numbered in consecutive order and names and source of title of adjoining property owners, including those across adjacent roads.
  6. Reference monuments and/or lot markers shall be shown on the Plan and shall be placed in accordance with Section 3.603.
  7. Building Setbacks. Any existing Buildings located on the tract being subdivided shall be platted, to demonstrate compliance with setback requirements.
  8. The location of any 100 year flood zone as per most recent Flood Insurance Rate Map.
  9. A signature block on the plan for recommendation by the Planning Commission and for the approval of the Board of Supervisors, including a space for the date of recommendation\ approval and the signature of the Secretary of the Board.  
Include provision for plan revision.
  10. Certificate of Ownership and Acknowledgment of plan in the form set forth in Appendix "C", which shall be accurately completed, signed by the Owner of the property, dated and notarized.
  11. Certificate of Accuracy and Compliance, in the form set forth in Appendix "D", dated, signed by the Registered Professional Land Surveyor responsible for the plan and embossed with his or her seal.

12. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, in addition to the requirements hereinafter set forth, the Applicant shall also present evidence to the Planning Commission and the Board of Supervisors that the Subdivision or Land Development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
  13. For Minor Subdivisions qualifying under Subparagraphs i, ii, iii, iv, v, vi and vii of the definition of Minor Subdivision (Section 6.255-A) in this Ordinance there shall be prepared and submitted a completed Minor Subdivision Land Planning Module and the Plan shall show:
    - a. Contour Lines at an interval of not greater than twenty (20) feet as transposed from the U.S.G.S. Quadrangle or from field survey.
    - b. The location and extent of various soil types together with the Pennsylvania Department of Environmental Protection Group Classification for each type.
    - c. The location of any soil test pits. The log of the test pit evaluation shall accompany the plan.
    - d. The location of any percolation test holes. The results of the percolation tests shall accompany the plan.
    - e. The recommended areas for well locations (if any) and for subsurface disposal (if any).
    - f. Water courses, streams, ponds, lakes, wetlands and swamps, with names, if any.
  14. The location and width of any Street or other public way or parcel shown upon any adopted Township or County plan of development, if such exists for the area to be subdivided.
  15. Zoning District.
- C. The plan shall show or be accompanied by the following:

1. The latest U.S.G.S. Quadrangle map or portion thereof with the perimeter of the development plotted thereon to scale.
  2. A sketch to an appropriate scale, on one sheet, covering the entire tract showing the location of the area to be subdivided together with a sketch of any proposed roads to demonstrate that the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect the residual lands.
  3. A Development Agreement and Performance Guarantee, if the required or promised improvements have not been completed before submission of the Final Plan.
- D. The following shall be on the plan, in the form of protective covenants and/or notes:
1. "This plan is under and subject to all of the rules, regulations, requirements and restrictions as set forth in both the Pocono Township Subdivision and Land Development Ordinance and the Pocono Township Zoning Ordinance, as amended."
  2. In the event the Subdivision incorporates a Private Access Street as defined in this Ordinance, the following shall appear on the Plan: "The improvement and maintenance of the Private Access Street shall be the sole responsibility of those persons benefiting by the use thereof."
  3. In the event the Subdivision qualifies under Subparagraph iv of the definition "Minor Subdivision" in this Ordinance, the following: "Lot number \_\_\_\_\_ shall be joined to and become an inseparable part of lands of \_\_\_\_\_ as described in Record/Deed Book Volume \_\_\_\_\_, page \_\_\_\_\_, in the Office of the Monroe County Recorder of Deeds, and cannot be subdivided or sold separately or apart therefrom without prior Township approval."
  4. "Well and sewage disposal systems shall be constructed in accordance with recommended standards of the Pennsylvania Department of Environmental Protection." (if appropriate)

5. "Individual owners of lots must apply to the Township for a Sewage Permit prior to undertaking the construction of an on-lot sewage disposal system." (if applicable)
6. "The Planning Commission and the Supervisors 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." (if applicable)
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. In the event the Plan will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the following 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." The Plan shall be further marked to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit.
10. "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 shall become null and void with no further action on the part of the Township.”

11. Specific additional restrictions or covenants that the Board of Supervisors deems fit and appropriate.
- E. In the event the Subdivision incorporates a Private Access Street, as defined in this Ordinance, which serves as access to a parcel which could legally be further subdivided or improved with more than two dwelling units, then the design of such street shall conform to the requirements set forth in Table 3-1 and Table 3-4. Typical cross-sections shall be submitted for all Private Access Streets, the design of which shall be adequate for the anticipated traffic. Center-line profiles, together with all vertical curve data, shall be submitted.
- F. Following the initial review and site inspection of the area to be subdivided, the Commission/Board of Supervisors may require the Applicant to submit any such additional information as may be required for a Major Subdivision, as the Commission/Board of Supervisors deems fit and appropriate.

## **2.400 PROCEDURE FOR INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS**

- 2.401 Improvements to be Provided by Applicant** - In all cases the Applicant shall be responsible for the installation of all required and Promised Improvements in the manner specified below.

The Engineer or the Township’s designee shall make such inspections of the required improvements, at such intervals, as may be reasonably necessary to assure compliance with the provisions of this Ordinance. The reasonable cost of such inspections shall be borne by the Applicant. The required improvements and the design standards for constructing them are set forth in Section 3.100, et. seq., of this Ordinance.

“Promised improvements” are those which are not required under this Ordinance but which are shown, or by reasonable inference appear, on the Final Plan.

- 2.402 Method of Providing Improvement** - No final Major Subdivision Plan or Land Development plan will be approved by the Board of Supervisors unless the streets shown on the plan have been improved to a mud-free and permanently passable condition. As used herein, the phrase “mud-free and

permanently passable condition” shall refer to the street design standards of Section 3.208, Table 3-1, Section 3.304 (Cul-de-sac Streets) and the street construction standards of Section 3.604, including the Figures and Table 3-4 referred to therein (exclusive of finish paving); provided, however, that phrase shall not refer to the obligation under Section 3.604 B. 4. © to install surface course road paving.

No Final Plan of a Minor Subdivision will be approved unless the streets shown on the plan have been improved to a “mud-free and permanently passable condition”, as that phrase is used above, or unless the Applicant by contract and plan notation agrees not to sell, transfer or convey any lot or plot nor seek any building permit until the roads are improved in accordance with the applicable provisions of this Ordinance. In the event a Minor Subdivision Applicant seeks Final Plan approval without having begun the road improvements, the Applicant shall thereafter submit to the Township detailed plans and specifications for the construction of roads and drainage thereof before commencing any road work.

Nor shall any Final Plan (Land Development, Major or Minor Subdivision) be approved unless all other required improvements (including the surface course road paving) and Promised Improvements have been installed to the satisfaction of the Supervisors or their authorized designee; provided, however, in lieu of completion of the improvements mentioned in the preceding clause of this sentence, the Supervisors will accept an irrevocable letter of credit from a Federal or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania or other financial security acceptable to the Supervisors (hereafter referred to as Performance Guarantee) accompanied by a signed Development Agreement in form satisfactory to the Supervisors.

Where submission of a Final Plan by sections or stages has been approved, the Supervisors may require construction of, or guarantee of, improvements in future sections or stages before granting final approval to the plan under consideration, if such future improvements are essential for the protection of the stage or section under consideration.

A. Performance Guarantee - The Performance Guarantee for completion of required improvements and Promised Improvements shall meet the following requirements:

1. The amount of the financial security to be posted for the completion of all required and Promised Improvements shall be equal to 110% of the cost of completion estimated as of 90 days

following the date scheduled for completion by the Applicant. Annually, the Township may adjust the amount of the financial security by comparing 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 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment; the Township may require the Applicant to post additional security in order to assure that the financial security equals said 110%. The amount of financial security required shall be based upon an estimate of the cost of completion of the required and Promised Improvements, submitted by the Applicant and prepared by a professional engineer licensed as such in the Commonwealth, and certified by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the Board of Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Board of Supervisors and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant; and

2. It shall provide for, and secure to the public, the completion of the improvements within one year of the date fixed on the Final Plan for completion of such improvements; and
3. The obligation shall be in favor of, and enforceable by, the Board of Supervisors of Pocono Township and the ultimate grantees, lessees or licensees of the Applicant or Developer; and
4. The guarantee shall be secured by the credit of any of the following: the irrevocable letter of credit of a Federally or Commonwealth chartered lending institution authorized to do business in the Commonwealth of Pennsylvania; a lending or escrow account in such a lending institution; or other financial security acceptable to the Board of Supervisors.

The precise form of the security acceptable as a Performance Guarantee will depend upon what improvements have not been completed when the Final Plan is submitted; their anticipated cost; whether they are required or Promised Improvements; and the Supervisors evaluation of the financial risk of non-performance.

B. Development Agreement - All Applicants proposing any Subdivision or Land Development requiring the installation of improvements as required herein or Promised, shall be required to enter into a legally binding Development Agreement with the Township of Pocono guaranteeing the installation of the improvements in accordance with all Township requirements prior to Final Plan approval. The Development Agreement (a form of which is attached as Appendix E) shall be in a form suitable for execution by the Board of Supervisors and it shall consist of the following, where applicable:

1. The construction depicted upon the plan in itemized format.
2. Construction of streets with related curbs, street signs, drainage facilities and related improvements.
3. Installation of utility lines.
4. Dedication of streets, transfer of water and sewer lines and easements. In the event public water or sewer lines are offered for transfer to the Township or a municipal authority, there shall be no charge, cost, or payment of any nature imposed upon the Township or municipal authority. In the event streets are offered for dedication to the Township, the Applicant shall bear all costs of the Township's inspections before acceptance of the offer of dedication and all costs of document preparation and recording. The Township will only consider offers of dedication of streets or roads during the period of April 15<sup>th</sup> to October 15<sup>th</sup> of each calendar year.
5. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
6. Developer's responsibilities for damage to other property.

7. A work schedule setting forth the beginning and ending date, and such other details as the Township deems fit and appropriate for the improvements covered by the Development Agreement.
8. The estimated cost of the improvements not yet completed, including a detailed breakdown in a form acceptable to the Board of Supervisors, and the amount of the Performance Guarantee.
9. In the event of the dedication of any improvements, security, in the form of a maintenance bond or escrow deposit, for the repair or reconstruction of improvements which are found by the Engineer to be defective within eighteen (18) months from the date of acceptance of dedication, shall be included together with provisions for disbursement thereof. (See Section 2.404.)
10. Where improvements are intended to be offered for dedication to the Township, prior to the final release of any performance guarantee the Applicant shall provide the Township with one (1) mylar and two (2) prints of "AS BUILT" plans prepared and certified by a professional engineer showing the following:
  - a. Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above reference points.
  - b. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
  - c. Actual cul-de-sac radius.
  - d. Actual location of cartway centerline versus right-of-way centerline.
  - e. Actual location of floodplain by elevation and dimension from property line.
  - f. Actual location and cross section of swales and accompanying easements.
  - g. Actual horizontal and vertical location of stormwater management facilities, including type and size of storm drainage pipes, and water and sanitary sewer distribution facilities.

11. Remedy provisions for violation of the Development Agreement.
12. Provisions requiring that Developer shall secure or maintain public liability insurance for the duration of the installation/construction of the improvements. A copy or other evidence of coverage acceptable to the Township shall be submitted to the Township.
13. An indemnification and hold harmless provision to protect the Township from liability.
14. Following construction the Applicant shall provide the Township with a certified statement prepared by a professional engineer licensed in the Commonwealth of Pennsylvania to the effect that the sanitary sewers, sewage treatment facilities, storm water management facilities and water supply and distributing facilities comply with the approved plans and have been constructed in accordance with all applicable rules and regulations.
15. The Applicant shall be responsible for all reasonable engineering and legal costs and expenses for inspections, consultations, and preparation of agreements, to the extent that such costs and expenses exceed the monies paid by the Applicant in accordance with the Pocono Township standard fee schedule.

The Final Plan shall not be approved by the Board of Supervisors prior to the execution of the Development Agreement, and the delivery of the Performance Guarantee.

#### **2.403 Method of Approving Required Improvements**

- A. The Applicant shall notify the Township Board of Supervisors in writing, with a copy thereof to the Engineer, by certified or registered mail, that the required improvements have been made. Within ten (10) days of receiving this notice, the Board of Supervisors shall direct the Engineer to inspect all of the aforesaid improvements. The Engineer shall make his inspection and file a report with the Board of Supervisors and mail a copy of the same by certified or registered mail to the Applicant within thirty (30) days after receipt by the Engineer of the aforesaid direction to the Engineer from the Board of Supervisors; said report shall be detailed and shall indicate 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 by the Engineer, said report shall contain a statement of the reasons for such non-approval or rejection.
- B. Where appropriate, the Township may require that periodic inspections be made of the aforesaid improvements, in which case the Developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The Developer shall notify the Township of the progress of construction to enable the Engineer to make such inspections.
- C. The Board of Supervisors shall consider the Engineer's report and notify the Applicant within fifteen (15) days of receipt of said Engineer's report, in writing, by certified or registered mail, of the action of the Board of Supervisors with relation thereto. If any portion of said improvements shall not be approved or shall be rejected by the Board of Supervisors, the Applicant shall proceed to complete the same, and, upon completion, the same procedure of notification, as outlined herein, shall be followed. Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Engineer.
- D. The Applicant shall reimburse the Township for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution of the Board of Supervisors.
1. In the event the Applicant disputes the amount of any such expense in connection with the inspection of improvements, the Applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a Subdivision or Land Development Application or any approval or permit related to development due to the Applicant's request over disputed engineer expenses.

2. If, within twenty (20) days from the date of billing, the Township and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.
4. In the event that the Township and the Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Monroe County, Pennsylvania, shall appoint such engineer, who, in that case, shall be neither the Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the Applicant within the preceding five (5) years.
5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by One Thousand and 00/100 (\$1,000.00) Dollars or more, the Township shall pay the fee of the professional engineer, but otherwise, the Township and the Applicant shall each pay one-half of the fee of the appointed professional engineer.

**2.404 Maintenance Bond** - Where the Supervisors accept dedication of all or some of the required or Promised improvements following completion, the Supervisors may require the posting of financial security 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. Said financial security shall be of the same type as otherwise required in this Ordinance with regard to installation of such improvements,

and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

- 2.405 Remedies to Effect Completion of Improvements** - In the event that any improvements have not been installed as provided in this Ordinance, or in accord with the approved Final Plan, the Board of Supervisors may enforce any security by appropriate legal and equitable remedies. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the Subdivision or Land 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 security or from any legal or equitable action brought against the Applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

## **2.500 RECORDING OF FINAL PLAN**

Upon the approval of a Final Plan the Applicant shall, within ninety (90) days of such final approval, record the Final Plan in the Office of the Recorder of Deeds of Monroe County. The Applicant is hereby put on notice that the Monroe County Recorder of Deeds will not accept any plot or plan for recording unless such plot or plan officially notes not only the approval of the Board of Supervisors, but also the review by the Monroe County Planning Commission. Any approved Subdivision or Land Development plans not filed in accordance with the provisions stated herein shall automatically become null and void.

## **2.600 RECORDS, REVISIONS, AND RESUBDIVISIONS**

- 2.601 Revisions and Resubdivisions** - Any resubdivision or replatting of an approved Final Plan which changes or proposes to change property lines and/or public rights-of-way shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.
- 2.602 Township Records** - The Planning Commission shall make a record of the findings, decisions, and recommendations relative to all Subdivision and Land Development plans recommended for action to the Township Board of Supervisors. Such records shall be open to the public for review.

The Secretary of the Board of Supervisors shall also keep a record of the findings, decisions and recommendations relative to all Subdivision and Land Development plans filed for action by the Board of Supervisors.

## 2.700 MODIFICATIONS AND AMENDMENTS

### 2.701 Modifications

- A. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- B. All requests for a modification shall be in writing in substantially the form attached hereto as Appendix "G" and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary. The request shall be signed by the Applicant.
- C. The request for modification shall be considered initially by the Planning Commission who shall make an advisory recommendation to the Board of Supervisors.
- D. The Board of Supervisors shall maintain a written record of all action on all requests for modifications. Any modifications which are granted or approved shall be set forth on the Final Plan.
- E. All requests for modifications shall be submitted on the required form included as Appendix G.

**2.702 Revision and Amendment** - The Supervisors may, from time to time, amend this Ordinance by appropriate action taken after a Public Hearing held pursuant to Public Notice in the manner prescribed by law. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the Public Hearing on such proposed amendment. In addition, the Board of Supervisors shall also submit any proposed amendments to the Monroe County Planning Commission at least thirty (30) days prior to the Public Hearing for its recommendations. Within thirty (30) days after adoption of any amendment, the Board of Supervisors shall forward a certified copy of the amendment to the Monroe County Planning Commission.

## 2.800 REMEDIES

- A. Preventive Remedies - 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 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 shall apply to any of the following Applicants or Developers:
- (1) the owner of record at the time of such violation;
  - (2) the vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
  - (3) the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation;
  - (4) the vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- As an additional condition for the issuance of a permit or the granting of any 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.
- B. Enforcement Remedies - Any person, partnership, corporation or other entity who or which has violated any provision of this Ordinance, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's 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 who has jurisdiction over the action. 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 or other 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. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to the Township for its general use.

## **2.900 CONFLICT, SEVERABILITY AND REPEALER**

- 2.901 Conflict with Other Ordinances** - Whenever there is a difference between minimum standards or dimensions specified herein and those contained in the Zoning Ordinance or other official regulations, the highest (most strict) standards shall apply.
- 2.902 Severability** - If any section, clause, provision or portion of this Ordinance shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect any other section, clause, provision or portion of this Ordinance.
- 2.903 Repealer** - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

## **ARTICLE 3**

### **DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

#### **3.100 APPLICATION**

The design standards and requirements outlined in this Article shall be applied by the Commission and the Board of Supervisors in evaluating plans for all proposed Subdivision and Land Developments. Table 3-3 at the end of this Article indicates that various improvements are required according to the type of Subdivision or Land Development. Construction and location standards follow the required improvement table.

- 3.101 Planned Unit Development** - The Commission and the Board of Supervisors shall have flexibility in applying these design standards with regard to planned residential or planned unit developments if these developments establish design criteria which will preserve the environment, protect the health, welfare, and safety of the public and which will not unduly tax the Township's fiscal - service obligations, which developments shall comply with all requirements of the Zoning Ordinance.

### **3.200 DESIGN STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT**

**3.201 Land Requirements** - Land shall be suited to the purpose for which it is to be subdivided or developed. Land subjected to hazards against life, health, or property shall not be subdivided or developed unless adequate safeguards are provided and approved by the Board of Supervisors.

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

**3.202 Natural and Historic Feature Preservation** - The Planning Commission and the Board of Supervisors shall, at their discretion, require that the design and development of all Subdivisions and Land Developments shall preserve insofar as possible, all natural, scenic and historic features, which will add attractiveness by providing parks, adequate open space for recreation, light and air by proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the Township. Some of these features are the natural terrain and natural drainage, large trees or groves, water courses and falls, historic areas and structures, exceptional scenic views and landmarks,

and other community assets. Land subject to hazardous conditions such as open quarries, unconsolidated fill, floods, excessive erosion, precipices, and water supply which does not meet adequacy requirements or U.S. Public Health Service Standards, shall not be subdivided or developed until the hazards have been eliminated or overcome by the subdivision and proposed development.

- A. Soil Protection - If required by regulations of the Department of Environmental Protection, an Applicant shall submit with the Preliminary Plan an "Erosion and Sedimentation Control Plan" prepared by a person trained and experienced in erosion and sedimentation control methods and techniques as provided for under Title 25 Rules and Regulations, Chapter 102, issued by the Department of Environmental Protection. Such plans shall be submitted by the Applicant to the Monroe County Soil and Water Conservation District for review and recommendation of the District directors. Two copies of the "Erosion and Sedimentation Control Plan" with any required approval or permit by the appropriate agency shall be submitted to the Township Planning Commission with the Final Plan. Regardless of the requirements of the Department of Environmental Protection, if the Subdivision or Land Development will require excavation or fill, the Applicant shall be required to submit an Erosion and Sedimentation Control Plan prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

**3.203 Location of Site** - The design of a proposed Subdivision or Land Development shall be viewed with regard to the following:

- A. Comprehensive Plan and Official Map Requirements - The Subdivision/Land Development must conform to any applicable provisions of the Township Comprehensive Plan which is used as the basis for zoning or other related regulations. It must also conform to any official Township map.
- B. Zoning - The use of land in the Subdivision/Land Development must conform to any Zoning Ordinance adopted by the Township.
- C. Nearby Development - A Subdivision/Land Development and its street pattern must be coordinated with existing nearby developments or neighborhoods so that the area as a whole may be developed harmoniously.

**3.204 Water Supply and Sewage Disposal Requirements** - All Subdivisions and Land Developments shall be served with an adequate water supply and sewage

system, either on-lot, public, or private central systems. All such systems shall be acceptable to the Pennsylvania Department of Environmental Protection and the Board of Supervisors. All residential Lots shall contain a suitable area for an on-lot sewage disposal system or be served by an approved central sewage disposal system.

All suppliers of non-municipally owned water and/or sewer services shall be organized in such fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission or the Applicant shall provide for operation and continuity of services in a manner which is acceptable to the Board of Supervisors. In the event any such central water and/or central sewer system is transferred to the Township or a municipal authority, neither the Applicant nor the Applicant's assignee shall be entitled to receive compensation or payment therefor, and in no event shall the Township or municipal authority be obligated to accept such system by virtue of the terms of this Ordinance.

One copy of all correspondence, supporting documentation, applications for permits, and certificates for operation submitted to the Department of Environmental Protection and/or Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One copy of the permit and/or certificate of convenience issued by DEP and the PUC authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.

Plans and specifications for central water and/or sewage systems (i.e. extension of an existing or new proposed utility) shall be prepared by a registered professional engineer well versed in the design of such systems and duly licensed to practice within the Commonwealth of Pennsylvania. A minimum of four (4) complete sets of preliminary plans for such systems shall be submitted to the Planning Commission with the Application for review of the Preliminary Plan. A minimum of four (4) complete sets of approved plans and specifications shall be submitted to the Planning Commission with the Application for review of the Final Plan.

Four (4) copies of a completed Planning Module for Land Development shall be submitted concurrent with the Preliminary Plan or prior to Final Plan submission. Following Preliminary Plan approval the Board of Supervisors will submit copies of the module and necessary documentation to the Pennsylvania Department of Environmental Protection for review. DEP approval of the module and any required Township Official Sewerage Facilities Plan revision or supplement will be required prior to Final Plan approval.

- A. Public or Private Central Water System - Developers shall provide connection to a public water system where such system is available.

Proposed central water systems shall meet the development procedures and requirements of Section 3.614 and Appendix A of this Ordinance prior to approval of any Final Plan relying upon such system.

- B. Central Sewers - Developers shall provide sewer connections to a public sewer system if such system is available within one hundred (100') feet of the property/developments borders.

If a county plan, regional plan, municipal plan or subdivision requirement indicates that construction of sanitary sewers will serve the site within approximately five (5) years, then capped sewers shall be required. When public sanitary sewer systems may not be available within ten (10) years, then a central sewage treatment and disposal system (commonly called a package treatment plant) or a central subsurface disposal system shall be installed by the Developer.

Central sewers are required for all residential lots and non-residential developments where the Board of Supervisors determines upon review of competent data and information that on-site soil conditions are unsuitable for on-lot subsurface disposal systems.

Design standards, materials, and specifications shall be as outlined in the current Pennsylvania Department of Environmental Protection Sewerage Manual, Publication No. 1, supplements thereto and all other requirements either Federal or State necessary to secure the requisite permit from such agencies.

**3.205 On-Lot Water and Sewer System** - Where neither connection to a centralized water or sewer system is required, on-lot systems shall be constructed in accordance with criteria set forth by the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer's site and soils investigation and favorable report is required prior to unconditional Preliminary Plan approval. An adequate number of test pits and soil percolation tests, as determined by the Sewage Enforcement Officer, shall be undertaken to determine the general suitability of soils throughout the Subdivision or Land Development for on-lot subsurface sewage disposal.

**3.206 Storm Water Drainage** - The Applicant shall furnish six (6) copies of a Storm Water Drainage Plan and associated calculations to the Commission for review and analysis. Said plan shall comply with the Pocono Township

Stormwater Management and Earth Disturbance Ordinance and shall also meet the Commonwealth of Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for an Erosion and Sedimentation Control Plan. The Commission shall submit one copy of the Storm Water Drainage Plan to the Engineer for review and comment. Following are additional storm water drainage planning requirements.

- A. Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed Building Areas. Natural drainage courses shall be maintained. (See Figures 3-1, 3-2, 3-3 and 3-4). The drainage easements may be incorporated into a Lot or established separately and apart therefrom. To minimize sheet flow of storm water across Lots located on the lower side of roads or Streets, and to divert flow away from Building Areas, the cross section of the Street as constructed shall provide for parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements.
- B. The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.
- C. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the Developer for properly handling such conditions, including water runoff impoundments, if necessary.
- D. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the runoff that occurs from all the property at a higher elevation in the same watershed in its current state of development.
- E. Where a Subdivision or Land Development is traversed by a watercourse there shall be provided a drainage easement conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.

- F. Drainage structures that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township Planning Commission prior to final approval.
- G. All Streets shall be so designed as to provide for the discharge of surface water from their right-of-way.
- H. All proposed surface drainage structures shall be indicated on the preliminary drainage plan.
- I. Interceptors for storm water runoff along Streets shall be so spaced and so designed to intercept eighty percent (80%) of the peak runoff from the design storm.
- J. Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- K. Whenever storm drains are required by the Commission and Board of Supervisors, such storm sewer system shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Planning Commission and Board of Supervisors determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.

**3.207 Drainage Easements** - Drainage easements shall be provided as follows:

- A. Drainage easements shall be provided adjacent to street rights-of-way as indicated and required by the drainage plans.
- B. Drainage easements a minimum of ten (10) feet in width shall be provided along Side and Rear Lot Lines. Such easements shall immediately adjoin such Lot Lines.

**3.208 Streets**

- A. Access to Proposed Subdivisions and Land Developments - All proposed Subdivisions and Land Developments shall have adequate access to the public highway system. Existing private roads providing access to proposed Subdivisions and Land Developments shall have adequate right-of-way width and be adequately designed and constructed to provide safe and convenient access to the proposed

Subdivision or Land Development. The Board of Supervisors, upon review and report of the Engineer and recommendation of the Planning Commission, shall determine the adequacy of such existing private access roads and may require such improvements as they find necessary to provide safe and convenient access to the proposed Subdivision or Land Development prior to Final Plan approval, or may disapprove the submitted plans if such existing private roads cannot be improved to provide safe and convenient access.

B. Streets and Topography - Proposed Streets shall be adjusted to the contour of the land so as to produce useable and accessible Lots and Streets of reasonable gradient. Proposed Streets serving Subdivisions utilizing central sewage facilities or in areas of the Township in which public sewerage systems are proposed shall, to the greatest extent possible, be located such that gravity sewers can be utilized and the necessity of pumping stations minimized.

C. Street Continuations

1. Rights-of-way of proposed Streets shall be extended to exterior property lines to ultimately provide access to adjoining lands. They shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
2. 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 land owners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one (1) lot 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 street and temporary cul-de-sac are required.
3. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement

of such future right-of-way for street purposes.

4. Wherever there exists a dedicated or platted portion of a Street or Alley along a boundary of the tract being subdivided or developed the remainder of said Street or Alley to the required width shall be platted within the proposed development where this would not adversely affect the proposed Subdivision or Land Development. Where a Subdivision or Land Development abuts or contains an existing municipal or private street of inadequate right-of-way width, additional right-of-way width in conformance with Table 3-1, "Design Standards for Streets", shall be required in the case of land abutting a municipal street, or additional setback and easement for right-of-way shall be provided in the case of land abutting private streets. The extension of existing streets 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.
- D. Alleys - Alleys shall not be provided in residential districts but may be included in commercial or industrial areas where needed for loading and unloading or access purposes.
  - E. Private Access Streets - Private Access Streets may be utilized to provide access to residential lots in a Minor Subdivision which does not abut or have frontage on a public or approved private road. Private Access Streets may serve a maximum of two (2) Dwelling Units. Private Access Streets shall have a minimum right-of-way width of twenty (20) feet. A Private Access Street shall not exceed seven hundred fifty (750) feet in length. Use of Private Access Streets shall be avoided wherever possible in Major Subdivisions and only upon grant of a waiver by the Township upon written request by the Applicant. (See Sections 2.304-D-2; 2.304-E; and 6.236-G).
  - F. Intersections - The center-lines of Streets shall intersect as nearly at right angles as possible. Intersections of more than two Streets at one point shall be prohibited. Where Streets intersect other Streets, offsets shall not be created. The minimum offset or distance between center-lines of parallel or approximately parallel Streets intersecting a cross Street from opposite directions shall be 150 feet for Minor and Local Access Streets, 400 feet for Collector and Connector Streets and 800 feet for Arterial Streets. (See Figures 3-5, 3-6, 3-7 and 3-8).

At intersections of Streets and/or Alleys the property line shall be rounded by arcs with radii of not less than 25 feet. For Streets other than Minor and Local Access Streets, the Township may require a larger radius.

Minimum safe site distance in accordance with Table 3-5 shall be provided at all intersections.

- G. Arterial and Connector Street Frontage - Where a Subdivision or Land Development abuts or contains an existing or proposed major traffic Street or a railroad, the Commission and the Board of Supervisors may require Marginal Access Streets, rear service Alleys, Reverse Frontage Lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major Street, and separation of local and through traffic. (See Figures 3-9 and 3-10.) The required buffer strips may be provided by establishing an easement on Lots or may be established separately and apart therefrom.
- H. Street Right-of-way and Travelway Widths - Minimum Street right-of-way widths, measured from the Lot Lines and minimum pavement widths shall be as shown on Table 3-1.
- I. Easements - Easements shall be provided adjacent to Street rights-of-way as follows:
  - 1. Drainage easements shall be provided as indicated and required by the drainage plans.
  - 2. Slope easements shall be provided as indicated by the required cuts and fills.
  - 3. Utility easements a minimum of ten (10) feet in width shall be provided.
- J. Curbs, Gutters and/or Drainage Swales - Curbs and gutters and/or drainage swales shall be provided when they are needed to facilitate proper drainage. Curbs and gutters shall be required throughout commercial and industrial developments.
- K. Street Alignment
  - 1. Streets shall be so laid out that there will be unobstructed sight distances along the center-lines thereof. Minimum horizontal

sight distances shall be as set forth in Table 3-5 measured from a point 3.75 feet above the road surface to a point six (6) inches above the road surface.

2. Between reversed curves on Arterial Streets, a tangent of not less than two hundred (200) feet shall be provided; on Connector and Collector Streets such a tangent shall be not less than one hundred (100) feet.

L. Street Grades

1. Center-line grades shall not exceed the grades set forth in Table 3-1.
2. Vertical curves shall be used at changes of grade exceeding one (1%) percent and shall be designed in accordance with American Association of State Highway Transportation Officials (AASHTO), as revised.
3. A leveling area for all Street intersections shall be provided as follows:
  - a. The tangent grade of the through Street at the point of intersection of the center-lines of the two Streets shall not exceed eight (8%) percent. Crest and sag vertical curves shall be provided in accordance with Section 2 of this subparagraph. The point of vertical curvature or tangency shall not be within the connecting Street right-of-way.
  - b. The tangent grade of the connecting Street(s) shall not exceed four (4%) percent within the right-of-way lines of the through Street. Crest or sag vertical curves shall be provided in accordance with Section 2 of this subparagraph. The point of vertical curvature or tangency shall not be within the through Street right-of-way.
4. The maximum grade across the turnaround in a cul-de-sac shall not exceed four (4%) percent.
5. To provide for adequate drainage, the minimum grade of any paved Street gutter shall be not less than one-half (1/2) of one (1%) percent and one (1%) percent being the acceptable minimum centerline grade of any Street.

- M. Clear Sight Triangle - At an intersection, a triangle area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two to ten feet above the center-line grades of the intersecting Streets. Furthermore, by deed restriction, by lease restriction, or by plan covenant or amendment, 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 from two to ten feet above the center-line grades of the intersecting Streets. Such triangular area shall be determined by the intersecting Street center-lines and a diagonal connecting two points, one at each Street center-line, each of which points is:
1. One hundred fifty (150) feet from the intersection of such Street center-lines if either Street is an Arterial Street.
  2. One hundred (100) feet from the intersection of such Street center-lines if either Street is a Collector or Connector Street.
  3. Seventy-five (75) feet from the intersection of such Street center-lines if both Streets are Minor or Local Access Streets.
- N. The Supervisors recognize that the preceding subparagraphs of this Section are not applicable in all circumstances because of unusual topography or lot layout and will consider deviations or variations therefrom on an individual basis (such as divided Cartways or one-way Loop Streets) provided the basic purpose and intent set forth in subparagraph A is complied with. In granting a request for such a modification the Supervisors may impose such requirements and conditions as they deem fit and proper.
- O. Guide Rails - Streets shall be designed to preclude or minimize the need for guide rail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Pennsylvania Department of Transportation Design Manual Part 2 Highway Design January 1990 edition, as amended. The design and selection of guide rail shall generally be in accordance with the standards in Design Manual Part 2 Highway Design, January 1990 edition, as amended, however, the Township shall approve all guide rail systems.
- P. Street name signs shall be supplied and installed by the Developer at all intersections and their design shall be approved by the Township. All signing shall identify both intersecting streets. Regulatory signs shall

be supplied and installed by the Developer at all locations identified by a traffic circulation study prepared by the Developer. Standard traffic signs shall be approved by the Township, and shall be supplied and installed by the Developer in accordance with Township regulations; Pennsylvania Department of Transportation Publication 68, Official Traffic Devices; and the MUTCD, Manual on Uniform Traffic Control Devices, FHWA.

**3.209** **Steep Slope Areas** - 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 Area

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 exceed two thousand (2,000) square feet.

B. Restrictions and Requirements

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.
7. All deeds for lots created by subdivision and all land developments to which the provisions of this Section 3.209 are applicable shall contain language detailing the easements' location and the restrictions imposed.

### **3.210 Wetlands**

- A. The Applicant shall submit a wetland study in duplicate with the submittal of all Subdivision and Land Development plans. The purpose of the study shall be to determine the presence and extent of wetlands of the site.
- B. The study shall be performed by a qualified wetland scientist or other individual whose work is accepted by appropriate federal and state agencies. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences.

- C. Wetlands delineations should follow the procedures outlined in the then applicable Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments or superseding documents.
- D. For sites on which no wetlands occur, an abbreviated report may be submitted. The abbreviated report should contain the introductory material, the methods section and a discussion of the result of the study.
- E. All Subdivision Plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states federal and state laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.
- F. Compensatory mitigation projects required as part of federal or state permits shall be shown on the Subdivision and Land Development 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 to the Township.
- G. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off 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 twenty (20) feet of the outer limit of the wetland boundary. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

**3.211 Flag Lots** - Flag lots shall not be created when lots can be designed that directly access a public or private street. The Board of Supervisors, in its sole discretion, may approve the creation of a limited number of flag lots when:

- A. The flag lots are being used for in-fill situations in which a “court” is being created by placement of two “flagpoles” side-by-side and up to four homes are oriented to a common street easement running over the “flagpoles”.
- B. The flag lot is being created to serve a home site in the back of an existing tract of land where there is no potential of street access to the proposed lot.
- C. The flag lot is the result of the division of agricultural land to create an additional building site on the least suitable portion of the property for continued agricultural use.
- D. No more than two contiguous flag lots shall be permitted.
- E. The “flagpole” or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once. The area of the “flagpole” shall not be included with the area of the “flag” or the body of the lot in satisfying Township zoning standards for minimum lot size.
- F. The Board of Supervisors may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

### **3.300 RESIDENTIAL DESIGN STANDARDS**

**3.301 Application** - All Subdivisions and Land Developments proposed for residential use, shall conform with the provisions of this Section.

#### **3.302 Blocks**

- A. Residential Blocks shall not normally exceed two thousand (2,000') feet in length.
- C. Blocks normally shall be of sufficient width to permit two tiers of Lots except where access is limited by virtue of adjoining Arterial or Connector Streets or by virtue of topographic limitations.

**3.303** **Lots** - The minimum Lot sizes, Lot Widths and Yard requirements shall be as set forth in the Pocono Township Zoning Ordinance, as amended, and further shall conform to the following:

- A. All Lots shall front on a public Street or an approved private Street, constructed in accordance with the standards of this Ordinance, except:
  - 1. As provided for Private Access Streets for Minor Subdivisions (see Section 3.208-E).
  - 2. As provided for Private Access Streets in a Major Subdivision upon the granting of a waiver by the Township in response to the written request of the Applicant.
- B. Side lines of Lots shall be at right angles to straight Streets and on radial lines to curved Streets. At the discretion of the Board of Supervisors some variation from this rule will be permitted but pointed or very irregular Lots shall be avoided. (See Figures 3-11, 3-12, 3-13 and 3-14.)
- C. Double frontage Lots shall ordinarily not be platted except as specifically provided herein. In the event such Lots are platted as provided the Lot shall be increased twenty (20) feet in depth to provide for a planting strip along the back of the Lot. (See Figure 3-10.)
- D. If remnants of land, other than rights-of-way or buffer strips, exist after subdividing, they shall be incorporated in existing or proposed Lots.

**3.304** **Cul-De-Sac Streets**

- A. Cul-de-sac Streets, permanently designed as such, shall not exceed eight hundred (800') feet in length nor be less than two hundred fifty (250') feet in length, and shall furnish access to not more than eighteen (18) Dwelling Units. The length of a Cul-de-sac Street shall be measured from the point of centerline intersection with an approved through Street that has an alternate access to an existing public road, to the centerline point of radius of the cul-de-sac curve.
- B. Cul-de-sac Streets shall terminate in a circular right-of-way with a minimum diameter of one hundred (100') feet, and eighty (80') feet diameter to the outer pavement edge or curb line.

- C. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an easement arc having a radius of not less than thirty (30') feet.
- D. The circular paving of the cul-de-sac shall be connected to the approach paving by an easement arc having a radius of not less than forty (40') feet. (See Figures 3-15 and 3-16).
- E. The Board of Supervisors recognize that geometric configurations other than that set forth in subsections A, B, C and D above may function satisfactorily and, upon recommendation of the Planning Commission, will consider a request for a modification of the requirements under appropriate circumstances.
- F. Temporary cul-de-sac streets shall not exceed one thousand (1000) feet in length.
- G. Any street which is terminated for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround paved in accordance with Township specifications. The use of such turnaround shall be guaranteed until such time as the street is extended. The Developer who extends a street which has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area of temporary turnaround.

**3.305 Off-Street Parking** - Every type of residential Land Development or Subdivision shall provide off-Street parking space for at least two vehicles for each proposed Dwelling Unit. Such off-Street parking spaces may be in an individual garage, carport, or driveway or in a common parking area convenient to the Dwelling Units to be served and shall be installed concurrently with the construction of the Dwelling Units. Refer to Pocono Township Zoning Ordinance, as amended, for additional requirements.

**3.306 Driveways** - Driveways shall not be permitted to have direct access to Arterial, Connector or Collector Streets unless authorized by the Township and/or the Pennsylvania Department of Transportation through issuance of a highway occupancy permit. Access should be provided to the street of lesser classification when there is more than one street classification involved. Driveways shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance or drainage of the street. Driveway locations shall be delineated on all Land Development plans; however, except as otherwise specifically provided by Township Ordinances, Subdivision plans may delineate location or provide a notice of conformity to this specification.

Future Driveways which are to be constructed adjacent to a Street intersection shall be indicated on the Preliminary and Final Plans. The minimum distance between a Driveway or point of access to a Street shall be as follows:

**Distance Between Centerline**

Type of Subdivision or Land Development	Driveway and Nearest Intersecting Road by Type of Intersecting Road		
	Arterial	Collector & Collector	Minor
Residential	150 ft.	100 ft.	100 ft.
Non-Residential	300 ft.	200 ft.	150 ft.

Note: Nearest intersecting Street shall be construed as being on the same or the opposite side of the Street on which the Lot is located.

- A. Single-family residential driveways shall be a minimum of three (3) feet from any property line. The minimum width at the street right-of-way shall be ten (10) feet and the maximum width at the street right-of-way shall be twenty (20) feet. The number of driveway entrances per dwelling shall be one. The Board of Supervisors may grant additional driveway entrances if severe topographic conditions exist and the width of the lot exceeds one hundred fifty (150) feet at the street right-of-way. Driveways constructed in areas where sidewalks are provided shall have a concrete apron between the curb and edge of the sidewalk toward the dwelling. This apron shall be constructed in accordance with any applicable Township specifications and shall consist of six (6) inches of concrete on a four (4) inch stone base.
- B. Non-residential and multi-family use driveways shall be a minimum width of twelve (12) feet and maximum width of twenty-four (24) feet at the street right-of-way line. The driveways shall be a minimum of ten (10) feet from the property line. One driveway shall be permitted and the Board of Supervisors may grant additional driveways if the width of the lot at the street right-of-way exceeds one hundred fifty (150) feet in width. Notwithstanding the foregoing, an additional means of access shall be permitted as an emergency access if required by Section 3.307 of this Ordinance.
- C. Common driveways are prohibited unless a waiver of this Section is granted by the Board of Supervisors. When common driveways are permitted an access and maintenance agreement shall be provided in the

deeds of the lots having use of the driveway. The agreement shall be in a form acceptable to the Township Solicitor.

**3.307 Emergency Access Requirements** - All Subdivisions or Land Developments containing fifty (50) or more dwelling units, or non-residential buildings containing twenty thousand (20,000) or greater square feet of gross floor area, shall be provided with at least two (2) separate and distinct means of access to the Subdivision or Land Development.

- A. Access may be provided through the location of two (2) or more public or private streets, each of which intersects with an existing public street. Such public or private street shall meet all the requirements of this Ordinance concerning design and construction.
- B. Access for a Land Development may be provided through two (2) or more driveways into the Land Development. Such driveways shall be separated by a distance of at least one hundred fifty (150) feet and shall comply with all requirements of this Ordinance.
- C. If the Applicant is unable to provide access to the Subdivision or Land Development through two (2) or more public or private streets each of which intersect with an existing public street or two (2) or more driveways which intersect with one or more existing public streets, an emergency access shall be provided.
  - 1. The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans. Paving of all emergency accesses is not necessarily required, but may be required by the Board of Supervisors based upon recommendations of the providers of emergency services within the Township.
  - 2. The emergency access shall be acceptable to the providers of emergency services within the Township. Applicants proposing to provide emergency access shall submit evidence of such approval.
  - 3. The emergency access may be located so that access to the Subdivision or Land Development is gained from a public street at a location unsuitable for regular access with an existing public street.

4. The emergency access may be located so that access is gained from an adjacent tract. For example, a Subdivision or Land Development adjoining a parking lot of another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.
5. No emergency access shall have a gate, chain or other obstructing object or device at the entrance to the same unless the gate, chain or other obstructing object or device has been approved by the Board of Supervisors.

### **3.400 MULTI-FAMILY DWELLING DEVELOPMENT DESIGN STANDARDS**

The general design standards, the residential standards, and the following additional standards shall apply to Multi-Family Dwelling Subdivisions and Land Developments. Refer to Pocono Township Zoning Ordinance for additional requirements for Multi-Family Dwelling developments.

- 3.401 Sewage and Water Systems** - All sewage disposal and water supply systems proposed to serve said developments shall comply with the Pennsylvania Department of Environmental Protection requirements or the requirements set forth in Appendix A and Appendix B of this Ordinance, whichever is more restrictive.
- 3.402 Setback** - Space between Buildings shall be no less than the height of the tallest Building involved. All Buildings shall have a minimum setback distance of twenty feet from parking areas. This section does not apply to driveways serving and limited to specific individual units.
- 3.403 Number of Units** - There shall normally be a maximum number of 12 Dwelling Units per Building for multi-family Buildings. The maximum height of these Buildings shall be in accordance with the Requirements of the Pocono Township Zoning Ordinance. Pennsylvania Department of Labor and Industry certificate shall be delivered where required.
- 3.404 Lot Area Sizes** - Lot Area requirements for Multi-Family Dwelling developments shall conform to the requirements of the Pocono Township Zoning Ordinance.

**3.405 Access Points** - The Plan shall indicate ingress and egress points to existing public roads in conformance with Pennsylvania Department of Transportation regulations and standards.

### **3.500 COMMERCIAL AND INDUSTRIAL SUBDIVISION STANDARDS**

**3.501 Application** - All commercial and industrial Subdivisions shall conform with the Schedule of Required Improvements, Table 3-2, and the requirements of the Pocono Township Zoning Ordinance, as amended.

**3.502 Size** - Approval of Lot or parcel size will be determined by the following factors:

- A. Requirements of the Pocono Township Zoning Ordinance.
- B. The total area shall be sufficient to provide adequate space for off-Street parking and loading, landscaping and other facilities.
- C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. Narrow, highway ribbon developments should be avoided.

#### **3.503 Street System**

- A. Traffic movements in and out of commercial and industrial areas shall not interfere with external traffic, nor shall it create hazards for adjacent residential areas. The plan shall indicate ingress and egress points to existing public roads in conformance with Pennsylvania Department of Transportation regulations and standards.
- B. The design of Streets, service drives, and pedestrian ways, shall provide for safe and hazard free internal circulation.

**3.504 Block Layout** - Block layout shall conform with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall Block length be less than 800 feet.

**3.505 Off-Street Parking** - Off-Street parking shall be provided in conformance with the Pocono Township Zoning Ordinance.

**3.506 Drainage** - Storm water management and disposal facilities shall be designed and constructed as required by the Pocono Township Stormwater Management and Earth Disturbance Ordinance.

### **3.600 REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS**

**3.601 Application** - The minimum improvements required for all Subdivisions and Land Developments (including commercial and industrial) shall be provided by the Applicant as set forth in this Section. Additional or higher type improvements may be required in specific cases where, in the opinion of the Commission and the Board of Supervisors, they are necessary to create conditions essential to the health, safety, morals, and general welfare of the citizens of Pocono Township and to protect the environment of the Township.

**3.602 Summary of Required Improvements** - Table 3-2 summarizes the required improvements for various types of Subdivisions and Land Developments. The remainder of the Article sets forth the construction standards for several of the required improvements. Other construction standards shall be evaluated and approved by the Engineer.

**3.603 Monuments and Markers** - Monuments and markers shall be placed so that the center or a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

A. Monuments shall consist of either:

1. Solid steel rods not less than one-half (1/2) inch in diameter or less than twenty-four (24") inches in length, centered in a cylinder of concrete, not less than nine (9") inches in diameter nor less than forty-eight (48") inches in depth, poured in place; or
2. Steel pipes not less than three-quarters (3/4) inch in diameter or less than twenty-four (24") inches in length, centered in a cylinder of concrete not less than nine (9") inches in diameter nor less than forty-eight (48") inches in depth, poured in place; or
3. Precast (i.e. manufactured) reinforced concrete monuments measuring not less the four (4") inches by four (4") inches by forty-eight (48") inches in length; or
4. Such other monuments as the Engineer may approve.

- B. Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.
- C. Monuments shall not be placed until road grading has been completed.
- D. Monuments shall be set as follows:
  - 1. One (1) in each quadrant of a Street intersection. In the instance of a "T" intersection, one (1) shall also be placed at the Lot Corner most clearly opposite the intersecting Street.
  - 2. One (1) at a Lot Corner on each side of the Street approximately mid-way through the Block when the distance between intersecting Streets exceeds eight hundred (800') feet.
  - 3. One (1) at the intersection of Street right-of-way lines with exterior property lines.
  - 4. At all exterior property corners where permanent corners did not exist at the time of the perimeter survey. (Existing corners shall not be removed.)
- E. Markers shall consist of either;
  - 1. Solid steel rods not less than one-half (1/2) inch in diameter nor less than twenty-four (24") inches in length; or
  - 2. Steel pipes not less than three-quarters (3/4) inch in diameter nor less than twenty-four (24") inches in length; or
  - 3. Such other marker as the Engineer may approve.
- F. Markers normally shall be set two (2") inches above the surrounding grade.
- G. Markers shall be set as follows:
  - 1. At all points where Lot lines intersect Street right-of-way lines, except for Monument locations.
  - 3. At all interior Lot Corners.

3. At such other Lot Corners as the Engineer may direct.

### 3.604 Streets

- A. General - Streets (and Alleys where provided) shall be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the Applicant and approved by the Board of Supervisors.
- B. Design and Construction Standards
  1. Clearing and Grading - The right-of-way shall be graded to the extent shown on the approved cross-section. All trees, stumps, roots and any material deemed unsuitable by the Engineer shall be removed from the subgrade and right-of-way and thereafter the subway and right-of-way shall be backfilled and compacted to the satisfaction of the Engineer.
  2. Cut and Fill - The maximum slope of any earth embankment or excavation shall not exceed one (1') foot vertical to two (2') feet horizontal. The maximum slope of any rock excavation shall not exceed four (4') feet vertical to one (1') foot horizontal. The slope easement as required by Section 3.208-I shall have sufficient width to contain the entire required slope.
  3. Drainage - Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed Streets. Drainage facilities shall be designed in accordance with the requirements of the Pocono Township Stormwater Management and Earth Disturbance Ordinance. Proper design and construction in accordance with those requirements may require the use of curb and gutter or paved drainage swales to prevent erosion. The minimum diameter of any cross drainage or culvert pipe shall be fifteen (15") inches.

Consideration shall be given for subgrade drainage of those soils subject to frost heave (as itemized in subparagraph 4a of this Section). Design of the road bed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Commission and the Board of Supervisors may require that such drainage facilities be provided.

The design of such subgrade drainage facilities shall be subject to the review and approval of the Engineer.

4. Subgrade, Base Course, Surface Course and Shoulders

- a. The design and construction of the road bed shall take cognizance of the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads.

The Soil Conservation Service has reported the following soils as having moderate or high potential for frost heave: ALBIA, ALBRIGHTS, ALDENS, BARTLE, BOYNTON, BRACEVILLE, FREDON, MARDIN, MIDDLEBURY, MORRIS, PEKIN, TROY, VOLUSIA, WATSON and WELLSBORO.

- b. Base Course - Base course aggregate material shall conform in type and be compacted to the depths shown in Table 3-3 in accordance with the latest specifications of PennDOT (Form 408).
- c. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table 3-3, and be placed in accordance with the latest specifications of PennDOT (Form 408).
- d. Shoulders - Where curbs are not required or provided, shoulders shall be provided (see Section 3.208). Shoulders shall be constructed of the material and compacted to the depth shown in Table 3-3.
- e. Alternative Designs - Alternative road bed designs may be prepared and will be considered. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.
- f. Commercial/Industrial Areas - Any Street serving a commercial or industrial area shall be designed on the basis of the requirements for a Collector Street.
- g. Parking Lanes - Where curbs are required and/or provided for Arterial, Connector or Collector Streets the parking lane (between the travelway and the curb) shall be not less than ten (10') feet wide and shall be

constructed to the same standards as the travelway. Where curbs are required and/or provided for all other classes of Streets the parking lane shall be not less than eight (8') feet wide for Minor Streets and six (6') feet wide for Local and Marginal Access Streets and shall be constructed of the same material and to the same depth as required for shoulders and stabilized by the application of bituminous product.

5. Cross Section

- a. Travelway and shoulder widths shall conform to the requirements set forth in Table 3-1.
- b. Shoulder surfaces shall be graded at a slope of three-quarters (3/4) of an inch per foot away from the paved travelway.
- c. The finished paved travelway surface of tangent sections, and curve sections not required to be superelevated, shall be crowned at one-quarter (1/4) inch per foot away from the center-line. Properly superelevated cross-sections shall be required on Arterial, Connector and Collector Streets when the curve radii are less than 500 feet. The maximum permissible superelevation shall be 0.08 feet per foot.
- d. See Figure 3-17 for typical road cross-section.

6. Bridges and Stream Crossings - Bridges and other stream crossing structures which are part of the proposed Street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Waterways of the Pennsylvania Department of Environmental Protection and any other applicable governmental agencies or authorities, shall be provided, if applicable.

**3.605 Curbs and Gutters** - Minimum curb construction standards are as follows:

- A. Plain cement concrete in accordance with Pennsylvania Department of Transportation standards.
- B. Rolled bituminous in accordance with Pennsylvania Department of Transportation standards.”

- C. The Engineer and/or the Board of Supervisors may require steel reinforcing of cement concrete curbs.
- D. Gutter requirements shall be in conformance with good engineering practice and subject to the approval of the Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and shall be paved if runoff velocities exceed 6.0 fps when calculated in accordance with PennDOT Manual Part 2. Velocity calculations shall be placed on the centerline profile drawings or shall be submitted separately with the profiles.

**3.606 Driveway Entrances** - Any Driveway Entrance shall make adequate provisions for parallel drainage facilities.

**3.607 Private Access Street** - Private Access Street entrances or aprons within the Street right-of-way shall be installed by the Developer as required for Driveway entrances in Section 3.606. Construction of the remaining length of the Private Access Street shall be the responsibility of the Developer and/or Lot purchaser and will not be accepted by the Township as a municipal Street. A covenant shall be placed on the Final Plan clearly assigning responsibility for construction and maintenance (both cosmetic and structural) of the Private Access Street and its future private ownership status.

The Private Access Street shall be improved to the cross-sections approved by the Commission and the Board of Supervisors.

**3.608 Sidewalks** - Sidewalks, where required, shall be located within the Street right-of-way immediately adjacent to the curbs except as provided in Section 3.612-B.

- A. Sidewalks in single family residential Subdivisions shall have a minimum width of four (4') feet. Street crosswalks shall have a minimum width of four (4') feet.
- B. Sidewalks in multi-family, mobile home parks, and non-residential Subdivisions or Land Developments shall have a minimum width of four (4') feet. Street crosswalks shall have a minimum width of four (4') feet.
- C. The type of construction permitted is as follows: Sidewalks and crosswalks shall be portland cement concrete of at least four (4") inches thick underlain by four (4") inches of compacted cinder, gravel, or crushed stone. Sidewalks at driveway crossings shall be at least six

(6") inches thick reinforced and underlain by four (4") inches of compacted cinder, gravel, or crushed stone.

- 3.609 Street Name Signs** - The Developer shall provide the Subdivision or Land Development with adequate Street signs at the intersections of all Streets. Sign style and characteristics, i.e. color and lettering, shall be acceptable to the Board of Supervisors.
- 3.610 Street Lighting** - Street lights may be required when the Commission and the Board of Supervisors deem them necessary to provide safe traffic circulation. Such lights shall meet design standards established by the Board of Supervisors.
- 3.611 Traffic Signals and Signs** - Traffic signals and signs shall be required to provide safe traffic circulation. Such traffic signals and signs shall meet design standards as established by the Pennsylvania Department of Transportation in PennDOT Bulletin No. 67.
- 3.612 Landscaping** - In an attempt to preserve and enhance the beauty of the natural forestation of Pocono Township, all new construction should be carried out in a manner that will prevent complete clearing and grubbing of the natural growth of the construction site. Where a residential Subdivision or residential Land Development would be cleared and made substantially devoid of trees, the Developer may be required to plant shade trees adjacent to all Street rights-of-way. Where a commercial Subdivision or commercial Land Development is proposed, the Board of Supervisors may require landscaping in accordance with the applicable standards below.
- A. Type of Trees - Trees shall be of nursery stock quality of a species approved by the Township and grown under the same climactic conditions as the area of proposed use. Topography, natural and historical features shall be considered by the Developer and the Township in selecting and approving species.
- B. Location - In all Subdivisions and Land Developments, trees may be planted along the Street right-of-way at some nominal interval between forty (40') and one hundred (100') feet. The location of shade trees will be subject to the approval of the Township. If applicable, trees may be planted between the sidewalk and building line at least three feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of five (5') feet in width.

- C. Planting - Besides conforming to all parts of this Section, all planting shall be done in accordance with good nursery and landscape practice.
- D. Commercial - A commercial Subdivision or Land Development shall be required to conform to the following standards in addition to those set forth above:
  - 1. Tree fences, or other approved landscaping features, shall be provided for screening purposes along any boundary of the commercial Lot which abuts an existing Lot used solely for residential purposes. A minimum full growth height of 10 feet shall be provided. A minimum starting height of 4 feet shall be provided. The buffer plantings may vary with deciduous and evergreen plantings to provide the required screening year-round. The buffer strip shall be a minimum of ten feet in width.
  - 2. Trees or other approved natural landscaping features, such as shrubbery, grass areas, ornamental bushes or flower beds, may be required in nonpaved areas between the front Building Line and the front property line. All such plantings shall be located on the site in a manner that will not interfere with traffic and safe vision at ingress and egress points of the Lot and adjoining properties.

**3.613 Ground Cover Requirements** - Exposed ground surface in all parts of the Subdivision or Land Development shall be paved or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The vegetative cover shall not be poisonous in nature.

**3.614 Sewers and Water Facilities**

- A. Where applicable, sanitary sewers shall be installed to adequately serve all Lots with connections to any public or private central system which might exist, and shall be subject to inspection by the Engineer and approval by the Board of Supervisors. See Section 3.204, Design Standards, and Appendix B.

- B. Where the Developer provides the Subdivision with a complete water main supply system, the Developer may be required to include fire hydrants, and be subject to inspections by the Engineer and approval by the Board of Supervisors. See Section 3.204, Design Standards, and Appendix A.
- C. Adequate storm water drainage facilities shall be installed consistent with designs prepared in accordance with the requirements of the Pocono Township Stormwater Management and Earth Disturbance Ordinance. Where the conveyance of storm water and/or the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities an adequate storm sewer system consisting of inlets and other underground drainage structures with approved outlets shall be constructed.

## **ARTICLE 4**

### **MOBILE HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS**

#### **4.100 APPLICATION**

The design standards and required improvements set forth in this Article will be applied by the Commission and the Board of Supervisors in evaluating applications for Mobile Home Parks that are in single ownership and provide Mobile Home Dwelling Sites on a lease or rental basis only.

#### **4.200 GENERAL STANDARDS AND REQUIREMENTS**

- 4.201** All Mobile Home Parks shall have a total land area of not less than ten (10) acres.
- 4.202** All Mobile Home Parks shall be located on well drained land; the average natural slope of the area of the site intended for development shall not exceed ten percent (10%).
- 4.203** The location and layout of the proposed Mobile Home Park shall be consistent with the Township Comprehensive Plan.
- 4.204** The site of the proposed Mobile Home Park shall not be within the 100 year floodplain.

**4.205** The proposed Mobile Home Park shall have access to paved public Streets.

#### **4.300 SUBMISSION, APPLICATION AND COMPLIANCE**

**4.301** All provisions of Section 2.100 and 2.200 shall apply with respect to plan submission, application and approval, and fees shall be charged in accordance with the Township's fee schedule.

**4.302** The design of the Mobile Home Park shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Trailer Parks, whichever is greater or more restrictive. [The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Commission and the Board of Supervisors.]

**4.303** The plans of the proposed Mobile Home Park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this Ordinance.

#### **4.400 DESIGN STANDARDS**

**4.401** Each Mobile Home Dwelling Lot shall have a minimum width of sixty (60') feet and shall have a minimum area of seven thousand two hundred (7,200') square feet. Corner Lots shall have a minimum width of seventy-five (75') feet.

**4.402** No structure on any Mobile Home Dwelling Lot may be located closer than twenty-five (25') feet to any Street right-of-way line or closer than twenty (20') feet to any Rear Lot Line. Side Yard distances shall be a minimum of fifteen (15') feet.

**4.403** No Mobile Home Dwelling Lot Line may be located closer than one hundred (100') feet to any exterior property line of the Mobile Home Park. The land between the Mobile Home Dwelling Lots and the exterior property line shall have sufficient existing or planted trees and/or shrubbery to screen the Mobile Home Park from adjacent lands, to serve as a buffer.

**4.404** 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 families residing within the said Mobile Home Park. Not less than one-half of the required open space shall

consist of areas free of health and safety hazards and of adequate size, shape, slope, soil type and other physical characteristics suitable for outdoor recreational use or be improved to insure suitability for such use. Such area provided for open space shall be in addition to the one hundred (100') foot buffer strip around the perimeter of the Mobile Home Park. The construction and maintenance of said open space shall be the responsibility of the owner of the Mobile Home Park.

- 4.405** All Streets within the Mobile Home Park shall conform to the requirements for Streets as set forth in Sections 3.208 and 3.604 of this Ordinance. Right-of-way width shall be a minimum of fifty (50') feet. The Township will not consider dedication of any streets within the Mobile Home Park unless all applicable provisions of this Ordinance for residential development are complied with.
- 4.406** All Mobile Home Dwelling Lots in the Mobile Home Park shall be provided with a connection to an adequate supply of potable water and a connection to a centralized sewage system. Each Lot shall be provided with underground electric, telephone and T.V. Cable (if available) service.
- 4.407** Each Mobile Home Dwelling Lot shall be provided with a minimum of two off-Street parking spaces with a minimum width of nine (9') feet and a minimum length of eighteen (18') feet.
- 4.408** Each Mobile Home Dwelling Lot shall be graded to provide a level, well drained stand for the Mobile Home Dwelling. The Commission and the Board of Supervisors may require that the stand be paved.
- 4.409** Mobile Home Park Developers shall require that all Mobile Home Dwellings in the Mobile Home Park be enclosed from the bottom of the Mobile Home Dwelling to the ground or stand using industry approved fire resistant skirting material.
- 4.410** Any central fuel supply systems and/or storage facilities shall be installed underground in accordance with all applicable laws, ordinances and regulations.
- 4.411** Each Mobile Home Park shall also provide garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection; an adequate lighting system; maintenance of all areas and such other improvements and/or services as the Board of Supervisors may require in the best interests of the public's health, safety and general welfare.

#### **4.500 EXCEPTIONS**

- 4.501** None of the provisions of this Ordinance shall be applicable to the business of mobile home sales, provided that the Mobile Home Dwelling on such Lots shall not be occupied.
- 4.502** None of the provisions of this Ordinance shall be applicable to the storage or garaging of mobile homes not being used for living or sleeping purposes within a Building or Structure or to the storage of one unoccupied mobile home less than nineteen (19') feet in length or less than 4,500 pounds in weight on the premises occupied as the principal residence of the owner of such mobile home, provided however, that such unoccupied mobile home shall not be parked between the Street line and the front Building Line of such premises, but shall be parked within the Lot, within the same setbacks as required for accessory buildings in the Zoning Ordinance.
- 4.503** None of the provisions of this Ordinance shall be applicable to a mobile home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home is removed from said site within thirty (30) days after the completion of such project.

### **ARTICLE 5**

#### **CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS**

##### **5.100 APPLICATION**

The design standards and required improvements set forth in this Article will be applied by the Commission and the Board of Supervisors in evaluating applications for Campgrounds that are in single ownership and provide camp sites on a lease, license or rental basis only. Camp sites are permitted in approved Campgrounds only.

##### **5.200 GENERAL STANDARDS AND REQUIREMENTS**

- 5.201** All Campground subdivisions or developments shall have a total land area of not less than twenty (20) acres.
- 5.202** All Campgrounds shall be located on well drained land; the average natural slope of the area to be improved for camp sites shall not exceed ten (10%) percent.

- 5.203** The location and layout of the proposed Campground shall be consistent with the Township Comprehensive Plan.
- 5.204** No permanent Campground structures or buildings or sewage collection or disposal facilities shall be located within any defined 100 year flood plain area.
- 5.205** The proposed Campground shall have direct access to an existing public Street, which existing public Street shall intersect one of the Arterial Streets as set forth in the Township Comprehensive Plan. The existing public Street which provides direct access to the proposed Campground shall be free of traffic hazards and shall meet the geometric, grade and sight requirements for Arterial, Connector or Collector Streets as set forth in this Ordinance.
- 5.206** The area improved for camping sites shall not exceed fifty (50%) percent of the total gross area of the tract being developed as a Campground.
- 5.207** No camping site may be occupied on a permanent basis.

### **5.300 SUBMISSION, APPLICATION AND COMPLIANCE**

- 5.301** All provisions of Sections 2.100 and 2.200 shall apply with respect to plan submission, application and approval, and fees shall be in accordance with the Township fee schedule.
- 5.302** The design of the Campground shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. [The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Commission and the Board of Supervisors.]

### **5.400 DESIGN STANDARDS**

- 5.401** Each camping site shall have a minimum area of twenty-five hundred (2,500') square feet exclusive of Street rights-of-way and walkways.
- 5.402** The maximum gross density of development in the area improved for camp sites shall not exceed ten (10) sites per acre.

- 5.403** To the extent possible, existing trees and shrubbery shall be retained by the Campground developer.
- 5.404** No individual campsite may be located closer than one hundred (100') feet to any exterior property line of the Campground. The land between the camp sites and exterior property line of the Campground shall have sufficient existing or planted trees and/or shrubbery to screen the Campground from the adjacent lands and to serve as a buffer.
- 5.405** Electric service shall be provided to at least seventy-five percent (75%) of the camp sites.. Such electric service shall be installed underground.
- 5.406** At least fifty percent (50%) of the camp sites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.
- 5.407** All camp sites which are not provided with a connection to a centralized sewage system shall be located within three hundred (300') feet of a bath house/toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations. Camp sites which are provided with a connection to a centralized sewage system shall be located within seven hundred fifty (750') feet of such facilities. There shall be at least one shower head for each sex for each twenty (20) camp sites.
- 5.408** All camp sites designed for recreational vehicles shall have off-Street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6") inches of compacted crushed stone, bank run gravel or shale.
- 5.409** All campsites designed for tenting may be provided with on-site parking spaces in accordance with Section 5.408 or may have a common parking area not over three hundred (300') feet from the most distant camp site. Common parking areas shall provide at least 1.5 spaces per camp site. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.
- 5.410** The centralized water and centralized sewerage systems shall be designed in accordance with the requirements of the Department of Environmental Protection and approved by the Department.

**5.411** The Campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

**5.412** Streets within the Campground shall conform to the following:

- A. All Campground Streets shall conform to the requirements for Private Access Streets as set forth in Table 3-4, including double surface treatment.
- B. One-way Streets shall have a minimum right-of-way width of twenty (20') feet and shall be improved with a travelway not less than fifteen (15') feet in width.
- C. Two-way Streets shall have a minimum right-of-way width of thirty (30') feet and shall be improved with a travelway not less than twenty (20') feet in width.
- D. The minimum center-line radius of any interior Campground Street shall not be less than fifty (50') feet.
- E. The maximum grade of any Campground Street shall not exceed twelve (12%) percent.
- F. Drainage facilities shall be designed and constructed in accordance with the requirements of the Pocono Township Stormwater and Earth Disturbance Ordinance.
- G. No Campground Street may be offered for dedication to Pocono Township. Construction and maintenance of Campground Streets shall be the sole responsibility of the Developer or operator of the Campground.

**5.413** At least 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, community Buildings and similar facilities. The Commission and the Board of Supervisors will determine the adequacy of the proposed facilities for the number of camp sites and may require additional facilities before granting approval. The improvement and maintenance of such active recreation areas shall be the responsibility of the Campground owner.

- 5.414 The access road(s) serving the Campground shall be designed and constructed in accordance with the standards set forth for Collector Streets in Table 3-1, and Table 3-4 of this Ordinance.
- 5.415 Each Campground shall have such other improvements as the Board of Supervisors may require in the best interest of the public's health, safety and general welfare, including but not limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection; adequate park lighting system; and maintenance of all areas.

## **ARTICLE 6**

### **DEFINITIONS**

#### **6.100 GENERAL**

For the purpose of this Ordinance, words used in the present tense may include future tense; the term "shall" is always mandatory; the masculine gender shall include the feminine; other terms or words used herein shall be interpreted or defined as follows:

#### **6.200 SPECIFIC TERMS**

- 6.201 **Adjacent** - A state of being side by side, next to, adjoining, contiguous, or abutting one to another.
- 6.202 **Administrator** - Person who receives plans or otherwise acts in a clerical capacity for and on behalf of the Planning Commission.
- 6.203 **Alley** - A public or private way affording only secondary means of access to abutting property.
- 6.204 **Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
- 6.205 **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.

- 6.206 **Block** - Property bounded on one side by a Street, and the other three sides by a Street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.
- 6.207 **Board of Supervisors** - The Board of Supervisors of Pocono Township, Monroe County, Pennsylvania.
- 6.208 **Building** - Any type of structure having a roof designed or 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 (1) party wall in common with an adjacent building.
- C. Attached - A structure with enclosing walls as well as two (2) party walls in common with adjacent buildings.
- 6.209 **Building Principal** - A building in which is conducted the main or principal use of the Lot on which it is situated.
- 6.210 **Building Area** - That portion of a Lot, excluding required setback area and side yard, upon which a structure can be erected.
- 6.211 **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).
- 6.212 **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.
- 6.213 **Building Line** - The line parallel to the Street 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.
- 6.215 **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.

- 6.216 Cartway** - The designated travel surface of a road, lane, Street, alley or other public way. Wherever curbs are installed or designated, the curb line shall be considered the cartway line. When designated by ordinance, any Street or roadway width definition shall include the cartway width along with the right-of-way width dimension.
- 6.217 Commission or Planning Commission** - The Pocono Township Planning Commission.
- 6.218 Common Open Space** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development or planned unit development or planned residential development. It does not include Streets, off-Street parking areas and areas set aside for public facilities. Common Open Space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved by the governing body and as are appropriate for recreational use by the residents.
- 6.219 Comprehensive Plan** - The Township document setting forth policies for future growth and development of the Township prepared by the Township Planning Commission pursuant to the Pennsylvania Municipalities Planning Code, and adopted by the governing body.
- 6.220 County** - Monroe County, Pennsylvania.
- 6.221 Crosswalk or Walkway** - A strip of land including a right-of-way dedicated to public use in order to facilitate pedestrian access through or into a block.
- 6.222 Cul-de-sac** - A local access Street having one end open to traffic and being permanently terminated by a vehicular turnaround.
- 6.223 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.
- 6.224 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.
- 6.225 Dwelling** - 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.

- 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 where not more than two individual family dwelling units are entirely separated by vertical walls and/or horizontal floors unpierced except for access to the outside or to a common cellar.
- C. Dwelling, Mobile Home - A transportable, single-family structure, intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit, capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- D. Dwelling, Multi-Family - A building containing three or more dwelling units per building and being designed for occupancy of families living independently of each other.
- 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.

**6.226 Easement** - A grant by the property owner of the use of a strip of land by the public, a corporation, or persons for specified purposes.

**6.227 Engineer** - The registered professional engineer designated by the Township Supervisors and Planning Commission to perform all duties required of the Engineer by the provisions of this Ordinance.

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

- 6.229 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 a 100 year magnitude. The floodway must be kept free of encroachment in order that the 100 year flood be carried without substantial increases in flood heights as defined and regulated by the Pennsylvania Department of Environmental Protection.
- 6.230 Floodway Fringe** - That portion of the 100 year Floodplain outside the Floodway.
- 6.231 Group Residences** - All structures, except rooming houses, used primarily as a residence for multiple persons not related by blood or marriage, shall be considered group residences. Such group residences shall include but not be limited to: dormitories, fraternities and sororities, and also all other structures occupied by groups of persons unrelated by blood or marriage sharing a dwelling as their primary permanent residence.
- 6.232 Land Development** - Land Development includes any of the following activities:
- A. The improvement of one Lot or two or more contiguous Lots, tracts, or parcels of land for any purpose involving (1) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a Lot or Lots regardless of the number of occupants or tenure; or (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, Streets common areas, leaseholds, condominiums, building groups or other features.
  - B. A subdivision of land.
  - C. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code.
- 6.233 Land Owner** - 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 land.
- 6.234**
- A. **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.

**B. Lot, Corner** - A Lot situated at and abutting the intersection of two Streets having an interior angle of intersection not greater the one hundred thirty-five (135) degrees.

**C. Lot Depth** - The mean average horizontal distance between the front and the rear Lot lines.

**D. Lot Lines** - The property lines bounding the Lot.

1. Lot Line, Front - The line separating the Lot from an existing or proposed Street right-of-way.

In the case of corner Lots, the front Lot line shall be that line separating the Lot from the Street right-of-way which has the greater width; the line separating the Lot from the other Street right-of-way is called the side Street Lot line.

In the case of corner Lots, the yard adjacent to the side Street Lot line shall be the same as the yard adjacent to the front Lot line.

2. Lot Line, Rear - The Lot line opposite and most distant from the front Lot line.
3. Lot Line, Side - Any Lot line other than a front or rear Lot line. A side Lot line separating a Lot from a Street is called a side Street Lot line.
4. Lot Line, Street or Alley - A Lot line separating the Lot from a Street or alley.

**E. Lot Width** - The horizontal distance between the side Lot lines measured parallel to the front Lot line and as follows:

- i. 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, the said chord shall intersect the radial line at a point located at a distance from the right-of-way line equal to the prescribed building setback line set forth in Table 3-2 from the right-of-way line.
- ii. See Figure 6-1 and 6-2.

- F. **Lot Area** - The computed area contained within the Lot lines, excluding the area within all Street and public rights-of-way and within all permanent drainage easements, but including the areas of all other easements as required by Table 3-1, Footnote C of this Ordinance.
- 6.235 **Mobile Home Park** - A parcel of land under single ownership which has been planned and improved for the rental, licensing or lease only of sites for the placement of mobile homes for non-transient use.
- 6.236 **Municipal** - An adjective describing a type of facility or activity owned and/or operated by a municipality or municipal authority.
- 6.237 **Municipality** - Pocono Township, Monroe County, Pennsylvania.
- 6.238 **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, including corporate bonds, escrow or trust agreements, and other similar collateral or surety agreements.
- 6.239 **Plan or Plat** - The map or plan of a Subdivision or Land Development, whether Sketch, Preliminary or Final.
- 6.240 **Pocono Township Floodplain Management Ordinance** - Ordinance No. 40, as adopted by the Pocono Township Board of Supervisors on the first day of July, 1986, as amended.
- 6.241 **Pocono Township Stormwater Management and Earth Disturbance Ordinance** - Ordinance No. 65, adopted by the Pocono Township Board of Supervisors on November 21, 1994, as amended.
- 6.242 **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.
- 6.243 **Public Hearing** - A formal hearing held pursuant to Public Notice by the Board of Supervisors or Planning Commission, intending to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Municipalities Planning Code.
- 6.244 **Public Meeting** - A forum held pursuant to notice under the Act of July 3, 1986 (PL 388, No. 84) known as the "Sunshine Act".

- 6.245 Public Notice** - Notice published in accordance with applicable Pennsylvania law.
- 6.246 Official Map** - A map adopted by an Ordinance of Pocono Township showing exact locations of existing and proposed lines for public Streets, water courses and public grounds, including widenings, narrowings, extensions, diminutions, opening or closing of same for the entire Township.
- 6.247 Relative, Immediate** - Immediate relatives for the purposes of this Ordinance shall be considered to include: grandparents, parents, children, grandchildren, aunts, and uncles.
- 6.248 Reverse Frontage Lots** - Lots which front on one public Street and back on another with vehicular access solely from one Street. (See Figure 3-11.)
- 6.249 Setback** - The minimum distance measured horizontally and at ninety degrees (90°) (perpendicular) from the edge of the cartway of the road or public way to the outermost projection of a building or appurtenance to a structure permanently fixed on a building Lot or real estate property.
- 6.250 Sewer Connection** - The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of a dwelling or building to the inlet of the Street or main collector sewer pipe of the sewerage system serving the subdivision or development.
- 6.251 Sewage Disposal System, Centralized** - A public and/or private utility system designed to collect, centrally treat and dispose of sewage from users in compliance with Pennsylvania Department of Environmental Protection regulations (pursuant to Act No. 394, the Clean Streams Act as amended, and Act No. 537, the Pennsylvania Sewage Facilities Act) or regulations of the Township, whichever may be more stringent.
- 6.252 Street** - A strip of land including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.
- A. Arterial Street - Arterial Streets are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are designated as “limited”, “controlled”, or “partial” access Streets. Arterial Streets serve an unlimited number of dwelling units and unlimited average daily traffic.
- B. Connector Street - Connector Streets collect traffic from minor, local access and collector Streets and also provide a connection to arterial

- Streets and expressways and between connector Streets serve an unlimited average daily traffic.
- C. Collector Street - Collector Streets gather traffic from minor and local access Streets and they feed this traffic to connector and arterial Streets and expressways. Collector Streets carry heavier traffic volumes than local Streets although they also provide direct access to individual uses located along them. Collector Streets serve up to an ultimate five hundred (500) dwelling units or up to an ultimate average daily traffic count of four thousand (4,000) vehicles.
- D. Minor Street - Minor Streets provide direct access to individual uses or gather traffic from local access Streets and feed this traffic to collector Streets. Minor Streets serve up to ultimate one hundred fifty (150) dwelling units or up to an average daily traffic count of twelve hundred fifty (1,250) vehicles.
- E. Local Access Street - Local access Streets primarily provide direct access to individual uses. They serve to provide the connecting link between the beginning or end point of a trip and the higher categories of Streets. Local access Streets are further classified as:
1. Cul-de-sac Street - A cul-de-sac Street is permanently terminated at one end by a vehicular turnaround and intersects another Street at the other end. Cul-de-sac Streets shall not exceed eight hundred (800) feet in length and shall not furnish access to more than eighteen (18) dwelling units; and if the cul-de-sac is intended to service commercial properties it shall not be permitted if the reasonable anticipated traffic count is in excess of two hundred (200) vehicles daily. See Figure 6-3.
  2. Loop Street - A loop Street intersects other Streets on each end and may intersect a cul-de-sac Street at some point between each end. A loop shall not ultimately furnish access to more than seventy-five (75) dwelling units or ultimately have an average daily traffic count in excess of six hundred (600) vehicles. (See Figure 6-4.)
- F. Marginal Access Street - Marginal access Streets are minor Streets parallel and adjacent to major traffic Streets. They provide access to abutting properties and control of intersections with major traffic Streets. (See Figure 3-10.)

G. Private Access Street - A private access Street provides access to residential Lots, from a public or approved Street where the residential Lot does not have frontage on a public or approved Street. The private access Street shall have a minimum right-of-way of twenty (20') feet, shall not exceed seven hundred fifty (750') feet in length and may serve a maximum of two (2) Dwelling Units. Construction and maintenance of private access Streets shall be the sole responsibility of owners benefiting by the use thereof and shall never be offered or accepted by the municipality for public maintenance.

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

6.254 **Subdivider** - See "Developer".

6.255 **Subdivision** - A division or redivision of a Lot, tract or parcel of land by any means into two or more Lots, tracts, parcels or other divisions of land including changes in existing Lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or Lot development.

A. Subdivision, Minor - Division of land under any one of the following seven classifications:

1. A division of any part, parcel or area of land which (a) involves no new road or Street or extension or improvement of an existing road or Street other than a private access Street as defined by this Ordinance, provided such private access Street has a minimum right-of-way width of fifteen (15') feet; and (b) prohibits any further subdivision of the Lots except as provided in Subparagraph v. of this Section.
2. A division of any part, parcel or area of land into Lots fronting on existing public Streets.
3. A division of any part, parcel or area of land for agricultural, lumbering, hunting or fishing purposes which (a) involves no new road or Street or extension or improvement of an existing road or Street other than a private access Street as defined by this Ordinance, provided such private access Street has a minimum right-of-way width of fifty (50') feet; and (b) provides that the installation of any sewage facilities shall conform to the requirements of the Sewage Disposal Ordinance; and © provides

that the use of any Lot is limited to agricultural, lumbering, hunting or fishing purposes unless approval of the Supervisors is first obtained; and (d) prohibits any further subdivision of the Lots unless approval of the Supervisors is first obtained.

4. A division of any part, parcel or area of land for the purpose of joining or annexing a Lot to an existing Lot, parcel or tract of land providing a covenant running with the parcel to be conveyed joins it with and makes it an inseparable part of the parcel to which it is joined.
5. A division of any part, parcel or area of land into parcels of not less than five acres in area, on or off a public road, and which provides a minimum fifty (50') feet right-of-way to each parcel, adjacent properties, and to existing or proposed roads; and also provided that further subdivision of the Lots is prohibited unless approval of the supervisors is first obtained.
6. A subdivision of Lots, for transfer to an immediate relative of the owner or owners, provided further subdivision of the land is prohibited unless approval of the Planning Commission is first obtained and provided further that where only one Lot is to be transferred, it is serviced by a Private Access Street as provided hereinabove and where more than one Lot is to be transferred, it is serviced by a "right-of-way" with a minimum width of fifty (50') feet.
7. A division of any part, parcel or area of land into six (6) residential Lots or less, if the part, parcel or area of land being subdivided is not part of an existing subdivision and if the Developer proposes to utilize on-Lot sewage disposal systems and provided further that the residual land owned by the Developer is not intended for subdivision.
8. Provided however that any such minor subdivision (including the residual) and use thereof:
  - a. is consistent with the Township Comprehensive Plan or Official map;
  - b. is consistent with the Township Zoning Ordinance;
  - c. is consistent with all provisions of this Ordinance;
  - d. provides for and does not adversely affect development of the remainder of the tract;
  - e. involves no extension of municipal facilities.

B. Subdivision Major - Any division of land, not exempted from the provisions of this Ordinance, which does not qualify as a Minor Subdivision.

**6.256 Township** - Pocono Township, Monroe County, Pennsylvania.

**6.257 Township Supervisors** - The Board of Supervisors of Pocono Township, Monroe County, Pennsylvania.

**6.258 Travel Trailer Parks** - See Campgrounds.

**6.259 Vehicle, Recreational** - A vehicle designed for recreational use, used for temporary living or sleeping purposes which is self-propelled or is designed to be towed by a light duty vehicle.

**6.260 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 non-residential unit.

**6.261 Watercourse** - A discernable, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A water course 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.

**6.262 Water Supply System, Central** - A public and/or private utility system designed to transmit water from a common source to users in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township or Public Utility Commission (if applicable) whichever may be more stringent.

**6.263 Wetland Buffer** - an area extending twenty (20) feet from the outer limit of a wetland, within which area no land shall be disturbed.

**6.264 Yard** - An open space, as may be required by this Ordinance, on the same Lot with a building or a group of buildings, which open space lies between any building or group of buildings and the nearest Lot line and is unoccupied and unobstructed from the ground upward except as permitted by the Zoning Ordinance.

- A. Yard, Front - An open space extending the full width of the Lot between a building and the front Lot line or side Street Lot line, unoccupied and unobstructed from the ground upward except as specified in the 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 in the 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 in the Zoning Ordinance.

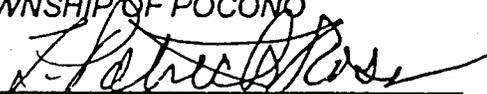
**ARTICLE 7 EFFECTIVE DATE**

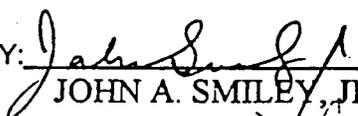
**7.100 EFFECTIVE DATE**

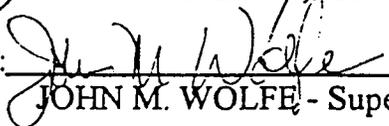
This Ordinance shall become effective five (5) days after enactment thereof.

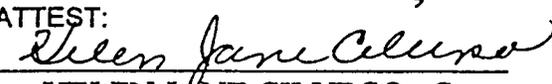
ORDAINED AND ENACTED into an Ordinance this 29<sup>th</sup> day of December, 1997.

TOWNSHIP OF POCONO

BY:   
L. PATRICK ROSS - Chairman

BY:   
JOHN A. SMILEY, JR. - Supervisor

BY:   
JOHN M. WOLFE - Supervisor

ATTEST:  
  
HELEN JANE CILURSO - Secretary

## APPENDIX A

### CENTRAL WATER SYSTEM DEVELOPMENT PROCEDURES AND REQUIREMENTS

#### A. CENTRAL WATER SUPPLY

A Central Water Supply System shall meet the requirements stated herein prior to the final approval of a Subdivision or Land Development plan which proposes to use such Central Water System

1. Existing Utility - The utility shall submit plans for extensions of its present distribution system to the Pocono Township Planning Commission and the Engineer. The utility shall also secure such permits and certificate of convenience to furnish such services from the appropriate governmental agencies where required by this Ordinance.

The utility shall demonstrate adequacy of supply to serve the proposed Subdivision or Land Development.

2. Proposed Utility - Any proposed new utility shall be engineered or designed by a registered professional engineer and/or professional ground water geologist well versed and knowledgeable in the field of water supply engineering and/or design.

#### B. DEEP WELL SOURCE REQUIREMENTS

1. Wells shall be sited, drilled, and tested under the direct supervision of a qualified registered professional engineer or a professional ground water geologist.
2. The projected capacity of the well or wells shall be sufficient to produce at least 110 gallons per capita per day and/or 400 gallons per day for each residential Dwelling unit to be serviced. Service to Industrial or Commercial establishments shall show adequacy of supply to meet such needs as established by the American Water Works Association.
3. The wells shall be pump tested utilizing a controlled step-drawdown test to establish the specific capacity of each

well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.

4. Well construction shall be consistent with good practice and the guidelines of the Pennsylvania Department of Environmental Resources.
5. Wells shall be so located away from potential sources of pollution. The well shall be located on a reserved one acre parcel.
6. The effect of a real drawdown shall be carefully evaluated and reported.

C. WATER DISTRIBUTION SYSTEM REQUIREMENTS

1. The system design shall follow good engineering practice and the guidelines of the Pennsylvania Department of Environmental Resources and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of 25 psi at curb stops.
2. Pipe classes shall be consistent with design pressures.
3. Service connections shall be a minimum 3/4 inch. Corporation stops, service connections and curb stops shall be installed concurrent with the installation of the water main.
4. Before being placed into service the system must be tested and chlorinated by procedures established by the Engineer.
5. The proposed utility shall maintain adequate storage for the Subdivision or Land Development supplied. At any given period of development, such storage normally shall be not less than one day's supply.
6. Flow rates:
  - i) Systems serving residential developments shall

provide for a minimum flow rate of at least five gallons per minute for each Lot or proposed Dwelling unit for domestic purposes only.

- ii) Systems serving commercial or industrial developments shall provide for a minimum rate of flow per minute not less than twenty-five times the projection from the average daily rate of flow.
- iii) Systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of National Fire Underwriters.

## APPENDIX B

### CENTRALIZED SEWAGE DISPOSAL SYSTEM PROCEDURES AND REQUIREMENTS

#### A. GENERAL

All centralized sewage disposal system designs, plans and/or construction shall:

1. Be compatible with sewage feasibility studies and plans of the Township.
2. Comply with all requirements of the Department of Environmental Resources and/or of the Township or Township Authority, whichever may be more stringent.
3. Be approved by the appropriate agencies prior to Final Plan submission.

#### B. COLLECTION

All sanitary sewers and appurtenances shall be designed and constructed in accordance with regulations and requirements of the Department of Environmental Resources (as set forth in the Sewage Manual prepared by the Bureau of Water Quality Management) and/or the Township or Township Authority. In the case of relatively small Community Sewage Systems the Applicant may submit a written request for a variance from such requirements together with justification therefor. All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus such additional flow as may be projected to be generated by adjacent or nearby properties within a period of twenty years.

The plans shall provide that all individual lateral connections be installed to the curb or right-of-way line at the time of initial installation.

1. Existing Facility - Plans for the extension of existing sanitary sewers shall be prepared by or on behalf of the utility and approved by it. Such plans shall be submitted to the Township Planning Commission and the Engineer. The Utility shall also secure such approvals, permits and certificates of convenience to furnish such services from the appropriate State agencies as required.
2. Proposed Facility - Plans for proposed sanitary sewers shall be prepared by a registered professional engineer well versed and knowledgeable in the field. Such plans shall be submitted to the

Township Planning Commission and the Engineer. The Applicant shall also secure such approvals, permits and certificates of convenience as required.

C. COMMUNITY SEWAGE SYSTEMS

All systems utilizing subsurface disposal of sewage effluent (Community Sewage Systems as defined by the Department of Environmental Resources Regulations) shall be designed and constructed in accordance with requirements of the Township or Township Authority.

The registered professional engineer employed by the Applicant shall certify that the existing or proposed facility has adequate capacity to satisfactorily treat the total projected sewage flow.

D. SEWAGE SERVICES

All systems classified as Sewage Services (as defined by the Department of Environmental Resources Regulations) shall be designed and constructed in accordance with regulations and requirements set forth in the Sewerage Manual prepared by the Bureau of Water Quality Management.

1. Existing Facility - The utility shall demonstrate the adequacy of treatment capacity to serve the proposed Subdivision or Land Development.
2. Proposed Facility - Plans for proposed treatment and discharge facilities shall be prepared by a registered professional engineer well versed and knowledgeable in the field. Such plans shall be submitted to the Township Planning Commission and the Engineer. The Applicant shall also secure such approvals, permits and certificates of convenience as required.

E. TOWNSHIP OFFICIAL PLAN The Applicant shall demonstrate compliance with or cause to be prepared such revisions as may be required for the Official Township Sewage Plan and/or Township Sewage Feasibility Study.

APPENDIX C

CERTIFICATION OF OWNERSHIP AND ACKNOWLEDGMENT OF PLAN

\*\*\*\*\*  
COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF MONROE

On this the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_,  
before me, the undersigned officer, personally appeared

\_\_\_\_\_

who being duly sworn, according to law, doth depose and say that

(3)\_\_\_\_\_ (is, are) the owner(s) of the property  
shown and depicted on this plan, that this (1)\_\_\_\_\_ Plan  
was made at (2)\_\_\_\_\_ direction, and that

(3)\_\_\_\_\_ acknowledge the same and desire(s) the same to  
be recorded according to law.

(4)\_\_\_\_\_ .  
Print name and title.

(5)

(6)

(7)\_\_\_\_\_  
(print name and title)

(1) Insert type of plan: Land Development -- Subdivision -- Planned  
Residential Development -- Mobile Home Park -- Campground

(2) Insert: his, her, their or its (as applicable)

(3) Insert: he, she, they or it (as applicable)

(4) Signatures of: individual(s) -- partners -- corporate officers.

(5) Affix corporate seal (when applicable)

(6) Seal of the notary public.

(7) Signature of the notary public.

APPENDIX D

CERTIFICATE OF ACCURACY AND COMPLIANCE

\*\*\*\*\*

CERTIFICATE OF ACCURACY AND COMPLIANCE:

I hereby certify that the Plan shown and described hereon, as well as all related drawings and documents submitted herewith, are true and correct to the accuracy required by, and are in complete compliance with, the POCONO TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE and the POCONO TOWNSHIP ZONING ORDINANCE, and were prepared by me or under my direct supervision and for which I accept full and complete responsibility.

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

(1) Name, address and license number of the REGISTERED PROFESSIONAL L.

(2) Apply seal of the REGISTERED PROFESSIONAL LAND SURVEYOR OR REGISTERED PROFESSIONAL ENGINEER responsible for the plan.

(ALL PLANS AND DOCUMENTS SUBMITTED FOR RECOMMENDATION AND/OR APPROVAL BY THE TOWNSHIP PLANNING COMMISSION AND/OR THE TOWNSHIP BOARD OF SUPERVISORS SHALL BEAR THE EMBOSSED PROFESSIONAL SEAL OF THE PROFESSIONAL LAND SURVEYOR AND/OR PROFESSIONAL ENGINEER RESPONSIBLE FOR THE PLAN)

(3) Signature of the REGISTERED PROFESSIONAL LAND SURVEYOR or REGISTERED PROFESSIONAL ENGINEER responsible for the plan.

APPENDIX E

DEVELOPMENT AGREEMENT

AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by  
and between the Supervisors of Pocono Township, Monroe County, Pennsylvania,  
(hereinafter referred to as "Supervisors"), and \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_  
(hereinafter referred to as "Developer").

The background to this Agreement is that Developer is the owner of  
a certain tract or parcel of land situate in Pocono Township, Monroe County,  
as shown on a certain plot or plan entitled \_\_\_\_\_  
(hereafter sometimes called "the Final Plan") which has been submitted to the  
Supervisors for final approval in accordance with the applicable ordinances  
of Pocono Township. In addition, the Developer has submitted supporting data  
and information as a supplement to the Final Plan.

Attached as Exhibit A to this Agreement is a narrative description  
of the improvements required under the ordinances of Pocono Township  
(sometimes referred to as "Required Improvements") which have not yet been  
completed at the time the Final Plan was submitted for approval. And  
attached as Exhibit B is a narrative description of certain other  
improvements which the Developer has depicted upon the plan (sometimes  
referred to as "Promised Improvements") and which have not yet been  
completed. The Required Improvements and Promised Improvements are sometimes

collectively referred to herein as the "Improvements.")

The Developer seeks approval of the Final Plan before completing the Improvements described in Exhibits A and B. The Supervisors, on the other hand, seek to assure that the Improvements will be made. Accordingly, the Developer and Supervisors have agreed as follows:

NOW THEREFORE, in consideration of the premises, and of the mutual promises, covenants and conditions set forth below, the parties agree as follows:

1. Supervisors To Approve Plan: The Supervisors will approve the Final plan submitted by Developer and Developer shall record the said Final Plan within ninety (90) days of this date in the Monroe County Office for the Recording of Deeds. The Supervisors' execution of the Final Plan constitutes their acknowledgement that the Final Plan and supporting data comply with applicable ordinances and regulations of Pocono Township. Developer agrees to the strict and timely performance of the conditions of this Agreement and the posting by Developer of a Performance Guarantee as required by the Subdivision and Land Development Ordinance of Pocono Township.

2. Completion of Improvements: The Developer agrees to complete the improvements in a good and workmanlike manner and in accordance with the design criteria of applicable Pocono Township ordinances or in accordance with the plans and specifications submitted by the Developer to the Supervisors, whichever standard is the more stringent. The Required

Improvements and the Promised Improvements shall be completed no later than \_\_\_\_\_ . Time shall be of the essence of Developer's agreement to construct or install the Improvements by the date(s) specified; and the failure or forbearance of the Supervisors, or a third party, in not acting upon Developer's failure to complete the Improvements as promised shall not be deemed a waiver of their right to insist upon such performance. No extension of the time limits set forth above shall be binding unless it is in writing and signed by the Supervisors.

3. Security of Performance Guarantee: The parties acknowledge that the Supervisors have accepted as security for the performance of Developer's promises under this Agreement the following:

(A Letter of Credit in the amount of \$\_\_\_\_\_ commencing on the date of this Agreement and terminating no earlier than the first anniversary of the date of this Agreement, a true and correct copy of which is attached hereto as Exhibit C and incorporated herein by reference.)

The aforesaid security is referred to in this agreement as the "Performance Guarantee". The Performance Guarantee shall be collateral security for Developer's performance obligations under this Agreement. The parties further agree that the fair and reasonable estimate of the current cost to complete the Required Improvements described in Exhibit A is \$\_\_\_\_\_, and the fair and reasonable cost of completing the promised Improvements described in Exhibit B is \$\_\_\_\_\_. The amount

of the Performance Guarantee shall be \$\_\_\_\_\_. Upon a default by the Developer, the Supervisors shall have the right to pursue their remedies under the Performance Guarantee, and in addition, to bring action under this Agreement if the fund available from the Performance Guarantee reasonably appears to be insufficient to pay for completion of the Improvements.

4. Method of Approving Installation of Improvements and Cost Thereof: The Developer shall notify the Supervisors, with a copy to the Township Engineer, by United States certified or registered mail, postage prepaid, when any Improvement has been completed. Within ten (10) days after receipt of this notice, the Supervisors shall direct the Engineer to inspect the Improvement. The Engineer shall make this inspection and file a report to the Supervisors and the Developer within thirty (30) days of the date on which the Developer's notification was received by the Supervisors. If the Engineer finds any or all Improvements to be not as required or promised, he shall include a statement of reasons for their rejection in his report to the Supervisors and to the Developer.

Where appropriate, the Township may require that periodic inspections be made of the Improvements, in which case the Developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The Developer shall notify the Township of the progress of construction to enable the Township Engineer to make such inspections. The Supervisors shall consider the Engineer's report and render a decision to the Developer by United States certified or registered mail within forty (40)

days after the Developer's official letter of notification to the Board of completion of the Improvements. Upon approval of all the Improvements, the Developer's collateral under the Performance Guarantee shall be released to Developer and the Performance Guarantee shall be released to Developer and the Performance Guarantee shall be of no further force or effect.

The Developer agrees to pay the fair and reasonable cost of inspections and reports performed or made by the Township Engineer or other designee.

Notwithstanding any other provision of this Agreement, Developer agrees that no blacktopping or asphalt material shall be applied to a Required Improvement unless prior notice is given to the Supervisors, or their authorized representative, and approval is obtained.

5. Non-Assignment: The Developer shall not assign, transfer, sublease, pledge, hypothecate, surrender or otherwise dispose of this Agreement or of any rights created by the Agreement, or permit any other person or persons, company, partnership, corporation, association, or other legal entity to assume Developer's obligations hereunder without the prior written consent of the Supervisors of Pocono Township.

6. Developer to Provide As-Built Drawings: Upon request of the Supervisors, the Developer shall, upon completion of installation of an Improvement, submit "as built" drawings of the Improvement for the records of Pocono Township.

7. Developer To Indemnify, etc.: Developer hereby agrees to indemnify, defend and hold harmless the Board of Supervisors of Pocono Township, their successors and assigns, and their agents, servants, professional consultants, representatives, and employees from any and all damages, losses, costs, expenses (including but not limited to attorney fees), actions, claims or demands, arising from, out of or by virtue of this Agreement and/or the installation of Required or Promised Improvements as provided herein.

8. Additional Assurances of Completion: The Developer, upon request of the Supervisors, shall provide such additional security or such additional documentation as the Supervisors may from time to time reasonably require in order to effectuate the terms and intent of this Agreement. In the event the Supervisors reasonably request additional security under the Performance Guarantee, the Developer's failure to provide additional security shall be deemed a breach of this Agreement.

9. Maintenance Bond: In the event the Developer offers to dedicate all or part of the Improvements and the Township accepts such dedication, Developer shall post with the Supervisors a Letter of Credit or other acceptable financial security to secure the cost of repair or replacement of any required Improvement for a period of eighteen (18) months after the date of completion of such Improvements, in an amount equal to fifteen percent (15%) of the actual cost of installation of said Improvements.

10. No Offer Of Dedication: Nothing in this Agreement shall be construed as an offer by the Developer to dedicate any Improvements to the Board of Supervisors of Pocono Township and nothing herein shall be deemed to be an acceptance of an offer of dedication. In the event the Developer, or Developer's heirs, administrators, successors or assigns, offers to dedicate an Improvement to Pocono Township, there shall be no payment or compensation of any kind paid to Developer or Developer's heirs, administrators, successors or assigns, and this Agreement shall constitute a full and complete release from any such claim or demand for payment. Developer shall bear all of the Township's costs and expenses incidental to the dedication of any improvements.

11. Default: If Developer fails or neglects to do or perform or observe any of the obligations or covenants contained herein, and such failure or neglect continues for a period of thirty (30) days after the Supervisors have notified Developer in writing of Developer's default hereunder, and Developer has failed to correct such default within said thirty (30) days, or if Developer shall be declared to be bankrupt or insolvent according to law, or if any assignment of Developer's property shall be made for the benefit of creditors, then in any such case or event, the Supervisors may, at their option, immediately or at any time thereafter without demand or notice, declare this Agreement to have been breached and exercise their rights and remedies, at law or in equity, and simultaneously therewith exercise their rights under the Performance Guarantee to complete

such work or as much thereof as may be completed from the available resources of the Performance Guarantee. The Supervisors' exercise of their rights under the Performance Guarantee shall not bar them from pursuing their rights under this Agreement, it being agreed that those rights are cumulative and not exclusive.

12. Attorney Fees: - In the event any action is taken, or any suit or proceeding is brought by the Supervisors against the Developer for Developer's failure to observe any of the covenants of this Agreement, Developer agrees to pay to the Board of Supervisors all reasonable attorney fees, costs, and expenses incurred by Pocono Township in any way related to the same.

13. Third Parties To Benefit: This Agreement shall inure to the benefit of the grantees, lessees, and licensees of the Developer; provided, however, in no event may such third party beneficiary, alone or together, bring an action for breach of this Agreement without the prior written approval of the Supervisors.

14. Insurance: Developer shall secure and maintain public liability insurance for the duration of the construction of the Improvements and evidence of such coverage shall be submitted to the Township.

15. Adequacy of Plans: Nothing in this Agreement shall be construed as approval by the Supervisors or their agents, servants, representatives, professional consultants, independent contractors, or employees, of the adequacy or fitness of purpose or intended use of the Improvements depicted upon the plans and supporting documentation submitted to the Township, it being agreed that the Supervisors' approval constitutes no more than their acknowledgment that minimum standards of Township ordinances have been met.

16. Governing Law: This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Pennsylvania.

17. Binding Effect: Subject to the restriction on assignment by Developer above set forth, this Agreement shall be binding upon, and shall insure to the benefit of, the parties hereto, as well as their respective heirs, executors, administrators, successors and assigns.

18. Entire Agreement: This constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. This Agreement shall not be altered or modified except by an instrument in writing executed by the parties hereto.

IN WITNESS WHEREOF, the parties, for themselves, their heirs, administrators, successors and assigns, have hereunto set forth their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ intending thereby to be legally bound.

ATTEST:

(Developer's Name)

BY: \_\_\_\_\_

ATTEST:

SUPERVISORS OF POCONO TOWNSHIP

\_\_\_\_\_  
TOWNSHIP SECRETARY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

APPENDIX F

AFFIDAVIT OF PLAN SUBMISSION

\*\*\*\*\*

AFFIDAVIT OF PLAN SUBMISSION:

This (1) \_\_\_\_\_ Plan was submitted to the

MONROE COUNTY PLANNING COMMISSION for review on

2) \_\_\_\_\_ by 3) \_\_\_\_\_  
(PRINT NAME)

4) \_\_\_\_\_

\*\*\*\*\*

- (1) Insert either: Subdivision or Land Development
- (2) Insert date the plan was submitted to the Monroe County Planning Commission for review and comment.
- (3) Insert name of person who made the submission.
- (4) Signature of the Applicant or the Registered Professional Land Surveyor or Registered Professional Engineer responsible for the plan.

**APPENDIX G**

**REQUEST FOR MODIFICATION**

Name of Applicant: \_\_\_\_\_

Name of Subdivision or Land Development: \_\_\_\_\_

Section of Subdivision and Land Development Ordinance: \_\_\_\_\_

Justification for Relief: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the hardship self-imposed? \_\_\_\_ Yes \_\_\_\_ No

Is the hardship related to financial issues? \_\_\_\_ Yes \_\_\_\_ No

Will relief from the referenced section of the Subdivision and Land Development Ordinance alter the intent of the Ordinance?

Yes No Explain:

DESIGN STANDARDS FOR STREETS (a)									
DESIGN SPECIFICATIONS	ARTERIAL	CONNECTOR	COLLECTOR	MINOR	LOCAL ACCESS	MARGINAL ACCESS	ALLEY	PRIVATE ACCESS	
Design Speed (MPH)	70	60	60 (c)	50	35	30	N/A	20	
Right-of-Way Width (ft.)	80 (c)	60 (c)	60 (c)	50 (c)	50 (c)	50 (c)	N/A	20	
Carrieway Widths									
-with shoulders	24	24	24	24	24	22	22	20	
-with curbs, no parking	28	28	28	28	28	24	22	20	
-with curbs, parking 1 side	N/A	N/A	36	36	36	N/A	N/A	N/A	
-with curbs, parking 2 sides	N/A	N/A	44	44	44	N/A	N/A	N/A	
Shoulder Widths - 1 side	5	5	4	4	3	2	N/A	N/A	
Minimum Centerline									
Radius (ft.)	1900	1200	1200	775	325	250	100	100	
Maximum Grade	6	8	10	10	10	12	12	12	

- Notes:
- a) Refer to Table 3-3 for required improvements and construction standards
  - b) Arterial expressways require 200 + for right-of-way width. Additional standards are as per PennDOT and FHWA.
  - c) Plus slope, drainage and utility easements as required by this ordinance.

TABLE 3-1

**TABLE 3-2**  
**SCHEDULE OF REQUIRED IMPROVEMENTS**  
 SEE SECTION 3.602

**MINIMUM IMPROVEMENTS REQUIRED BY TYPE OF  
 SUBDIVISION OF LAND DEVELOPMENT**

TYPE OF IMPROVEMENT	RESIDENTIAL SINGLE FAMILY AND TWO FAMILY	MULTI-FAMILY	MOBILE HOME PARKS	CAMP-GROUNDS	COMMER-CIAL	INDUS-TRIAL
STREETS	X	X	X	X	X	X
ALLEYS					A	A
CURBS	C	C	C	C	X	X
GUTTERS	C	C	C	C	X	X
STREET SIGNS	X	X	X	C	X	X
TRAFFIC LIGHTS AND SIGNS	C	C	C	C	C	C
OFF-STREET PARKING	D	X	X	X	X	X
LOADING					X	X
CENTRAL WATER	C	B	B	B	B	B
CENTRAL SEWER	C	B	B	B	B	B
STORM SEWER	C	C	C	C	X	X
UNDERGROUND UTILITIES-ELECTRIC, TELEPHONE, & TV CABLE	Y	Y	Y	Y	Y	Y
LANDSCAPING	C	C	C	C	C	C
MONUMENTS/MARKERS	X	X	X	X	X	X

**NOTE:** X - INDICATES A REQUIREMENT FOR THAT PARTICULAR TYPE OF SUBDIVISION OR LAND DEVELOPMENT.

Y - REQUIRED WHEREVER PRACTICAL AND REQUIRED BY PUC.

A - PERMITTED TO PROVIDE SERVICE AS NEEDED.

B - REQUIRED ACCORDING TO THE NUMBER OF UNITS AND SIZE OF NON-RESIDENTIAL DEVELOPMENT PLANNED FOR THE DEVELOPMENT.

C - THE TOWNSHIP PLANNING COMMISSION AND THE BOARD OF SUPERVISORS MAY REQUIRE ACCORDING TO INDIVIDUAL SIZE CHARACTERISTICS.

D - BY LOT OWNER AT TIME OF CONSTRUCTION OF DWELLING UNIT(S).

TABLE 3-3  
REQUIRED ROAD IMPROVEMENTS

CLASS OF STREET	BASE COURSE		SURFACE COURSE		SHOULDERS	
	MATERIAL	COMPACT DEPTH IN INCHES (1)	MATERIAL	COMPACTED DEPTH (INCHES)	MATERIAL	COMPACTED DEPTH (INCHES) (1)
ARTERIAL	CRUSHED LIMESTONE, SANDSTONE OR SLAG	12	ID-2A <sup>(2)</sup>	3	CRUSHED LIMESTONE, OR SANDSTONE	8
CONNECTOR	CRUSHED LIMESTONE, SANDSTONE OR SLAG	12	ID-2A <sup>(2)</sup>	3	CRUSHED LIMESTONE, OR SANDSTONE	8
COLLECTOR	CRUSHED LIMESTONE, SANDSTONE OR SLAG	10	ID-2A <sup>(3)</sup>	3	CRUSHED LIMESTONE, OR SANDSTONE	6
MINOR	CRUSHED STONE, SHALE, BANK RUN GRAVEL	10	ID-2A <sup>(3)</sup>	2 - 1/2-	CRUSHED STONE, SHALE, BANK RUN GRAVEL	6
LOCAL ACCESS	CRUSHED STONE, SHALE, BANK RUN GRAVEL	10	ID-2A <sup>(3)</sup>	2 - 1/2-	CRUSHED STONE, SHALE, BANK RUN GRAVEL	6
MARGINAL ACCESS	CRUSHED STONE, SHALE, BANK RUN GRAVEL	10	ID-2A <sup>(3)</sup>	2 - 1/2-	CRUSHED STONE, SHALE, BANK RUN GRAVEL	6
ALLEY	CRUSHED STONE, SHALE, BANK RUN GRAVEL	8	ID-2A <sup>(3)</sup>	2 - 1/2-	CRUSHED STONE, SHALE, BANK RUN GRAVEL	6
PRIVATE ACCESS	CRUSHED STONE, SHALE, BANK RUN GRAVEL	6	DOUBLE SURFACE TREATMENT *	1 - 1/2-	CRUSHED STONE, SHALE, BANK RUN GRAVEL	NA

\* BITUMINOUS SURFACE NOT REQUIRED FOR PRIVATE ACCESS STREET TO A SINGLE FAMILY DWELLING UNIT.  
NA NOT APPLICABLE.

(1) EXCEPT AS MAY BE APPROVED PURSUANT TO SECTION 3.604 B 4 c.

(2) 2 INCHES ID-2A BINDER COURSE - 1 INCH ID-2A SURFACE COURSE.

(3) 1-1/2 INCHES ID-2A BINDER COURSE - 1 INCH ID-2A SURFACE COURSE.

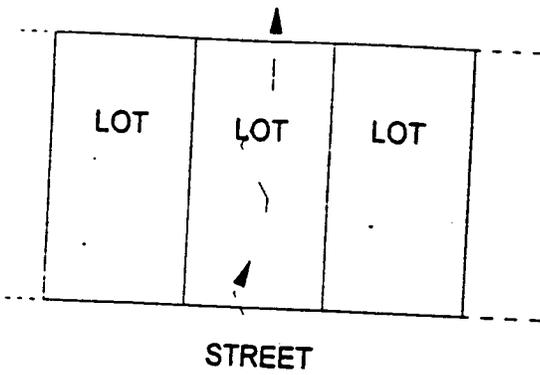
**MINIMUM PAVING DEPTHS<sup>(1)</sup>**

Course	Arterials	Connectors and Collectors	All Minor except Private Access <sup>(1)</sup>
2A Subbase	8"	6"	6"
Bituminous Concrete Base Course	4"	4"	3"
Bituminous Surface	3.5" <sup>(2)</sup>	1.5"	1.5"
Skid Resistance Level (SRL) <sup>(3)</sup>	H	M	L

- Notes: 1) Minor roads shall include Minor, Local Access, Marginal Access and Alleys. Private Access shall include subbase requirements only.
- 2) Surface depth shall be composed of 2" of ID-2 Binder Course and 1.5" of ID-2 Wearing Course.
- 3) Skid Resistance Levels may vary in accordance with PennDOT Publication 242 Roadway Management Manual.
- 4) Paving depths may be varied upon approval of the Township Planning Commission and Engineer.

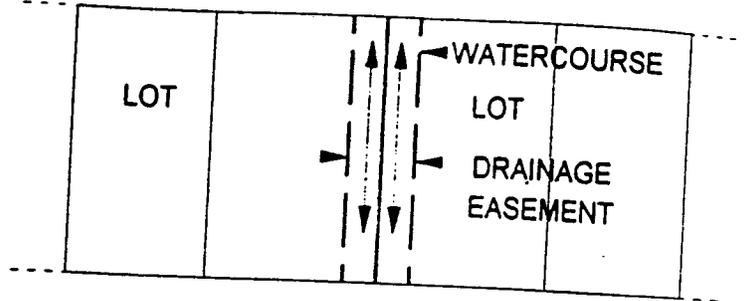
**TABLE 3-4**





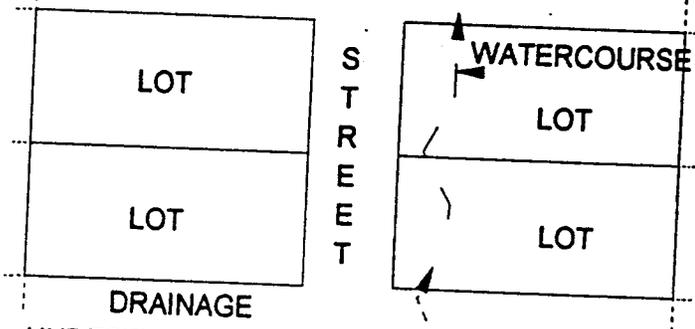
STREET

DRAINAGE  
UNDESIRABLE DESIGN  
FIGURE 3-1



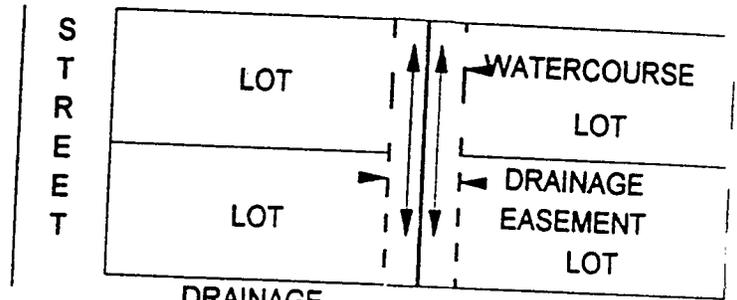
STREET

DRAINAGE  
DESIRABLE DESIGN  
FIGURE 3-2



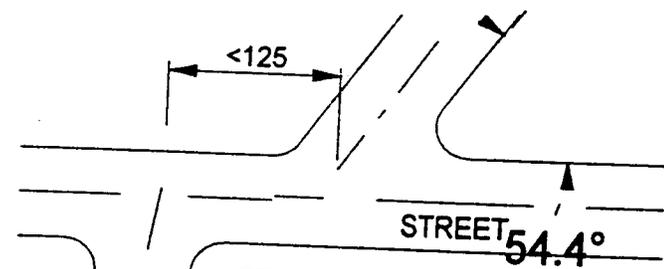
S  
T  
R  
E  
E  
T

DRAINAGE  
UNDESIRABLE DESIGN  
FIGURE 3-3



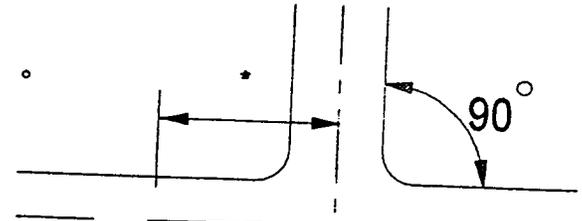
S  
T  
R  
E  
E  
T

DRAINAGE  
DESIRABLE DESIGN  
FIGURE 3-4



STREET

STREET INTERSECTION  
UNACCEPTABLE DESIGN  
FIGURE 3-5



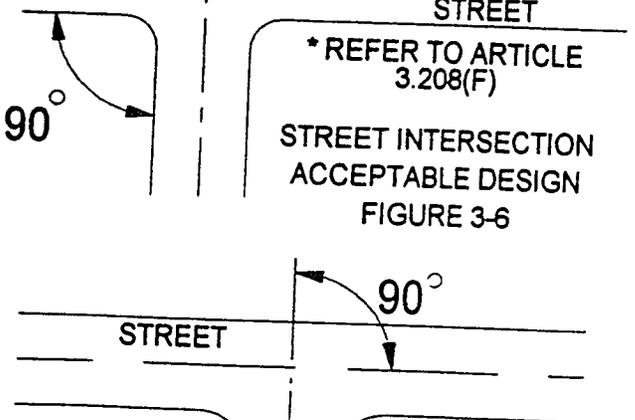
STREET

\* REFER TO ARTICLE  
3.208(F)  
STREET INTERSECTION  
ACCEPTABLE DESIGN  
FIGURE 3-6



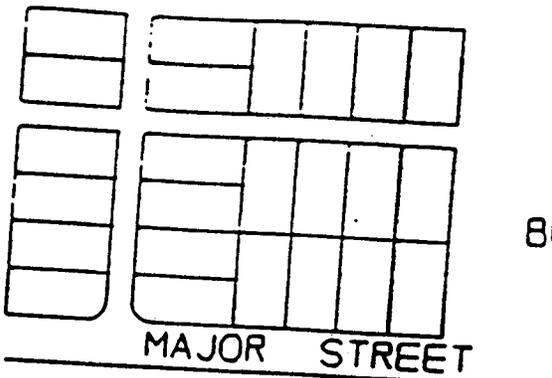
STREET

STREET INTERSECTION  
UNDESIRABLE DESIGN  
FIGURE 3-7

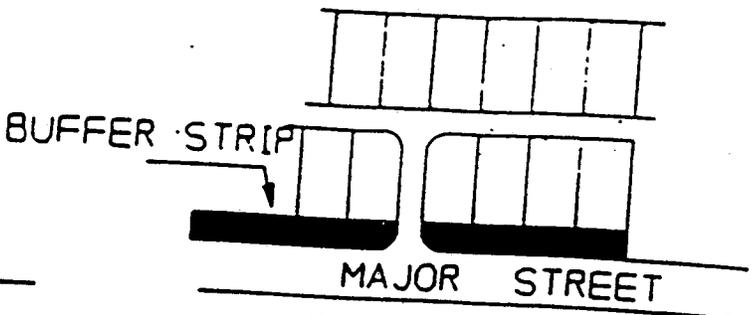


STREET

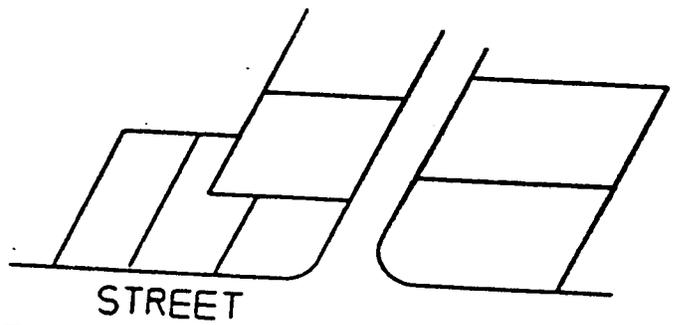
STREET INTERSECTION  
DESIRABLE DESIGN  
FIGURE 3-8



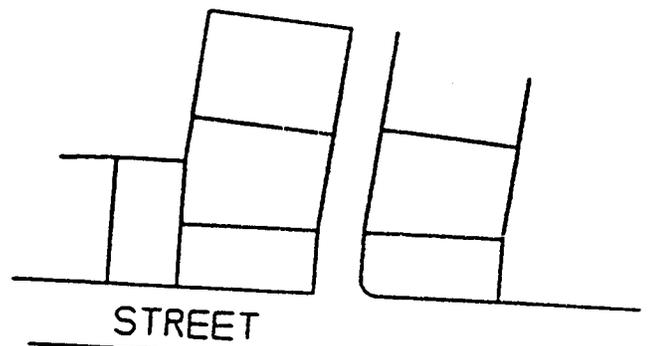
UNDESIRABLE DESIGN  
FIGURE 3-9



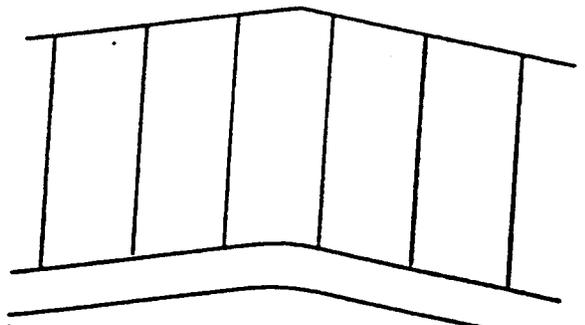
DESIRABLE DESIGN  
FIGURE 3-10



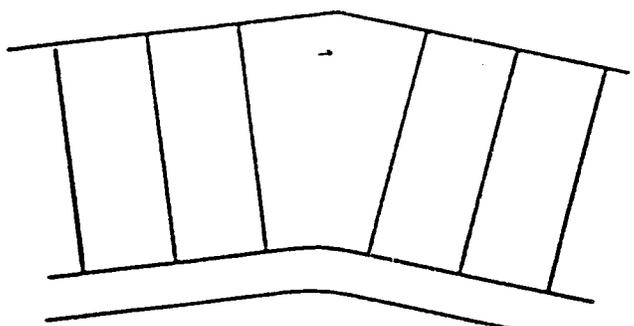
UNACCEPTABLE LOT LAYOUT  
FIGURE 3-11



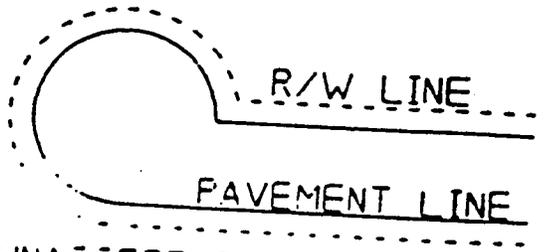
ACCEPTABLE LOT LAYOUT  
FIGURE 3-12



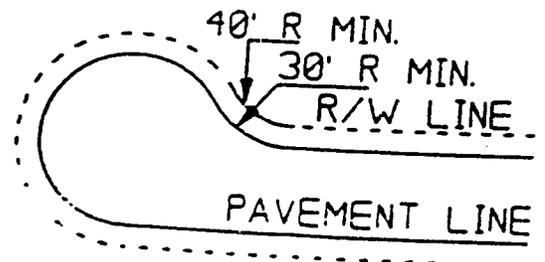
UNACCEPTABLE LOT LAYOUT  
FIGURE 3-13



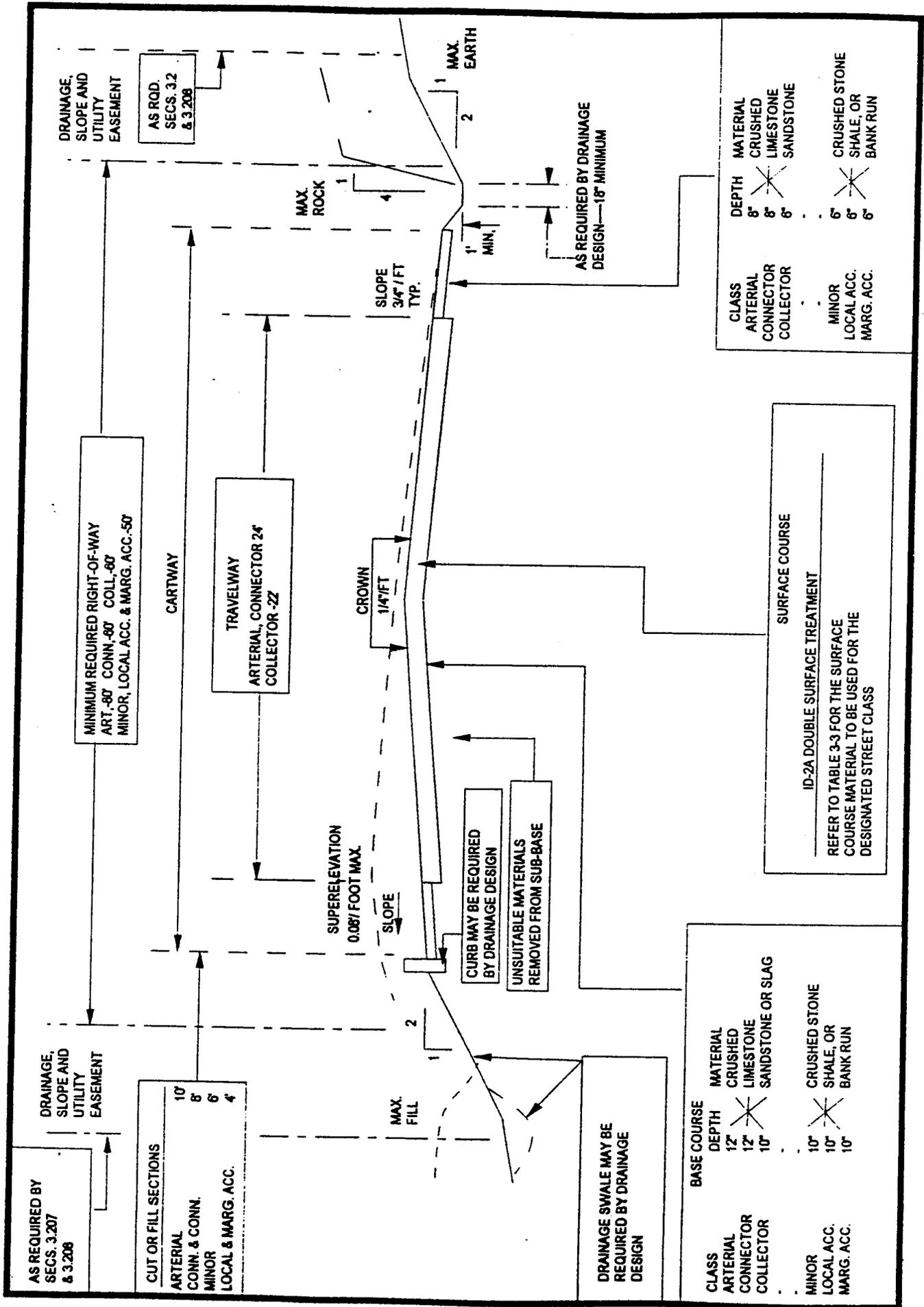
ACCEPTABLE LOT LAYOUT  
FIGURE 3-14



UNACCEPTABLE TURNAROUND  
FIGURE 3-15



ACCEPTABLE TURNAROUND  
FIGURE 3-16



TYPICAL ROAD CROSS SECTION  
Figure 3-17

