

LACKAWAXEN TOWNSHIP PIKE COUNTY, PENNSYLVANIA
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Adopted on JULY 15, 1992

PREPARED BY

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LACKAWAXEN TOWNSHIP, PIKE COUNTY

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101 Adoption - Authority - Title

THE BOARD OF SUPERVISORS OF LACKAWAXEN TOWNSHIP, PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED, 53 P.S. 10101 ET SEQ., HEREBY ENACTS AND ORDAINS THE FOLLOWING ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF LACKAWAXEN TOWNSHIP. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS "THE LACKAWAXEN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

102 Jurisdiction

102.1 Application

This Ordinance shall apply to all subdivisions and land developments in Lackawaxen Township proposed after the effective date of this Ordinance. No subdivision of any lot, tract, or parcel of land nor any land development shall be affected, no street, sewer system, storm sewer, water system, or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon, no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 Prior Approvals

If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of his application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five year period shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

102-3 Previously Filed Maps

In cases where a map was filed and put on record prior to the enactment of this Ordinance or other prior regulations and any improvements shown on said map have not been installed or completed, said improvements shall be designed and installed in accord with Articles V through VIII of this Ordinance. (See also Section 508).

103 Purpose

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Lackawaxen Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities.

Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Lackawaxen Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the natural features of the Township.

No provision of this Ordinance shall be construed to deny the right of any property owner to use and develop his land as may be permitted under this Ordinance, but rather the purpose of this Ordinance is to insure such land uses will cause minimal disturbances to natural features and to the environment and that reasonable measures are taken to mitigate any adverse impacts of such uses.

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201 Tense, Gender and Number

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

202 General Terms

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

203 Terms Or Words Not Defined

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

204 Specific Terms

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

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

APPLICATION - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to, an

application for a building permit, for approval of a subdivision plat or plan or for approval of a development plan.

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

BOARD OF SUPERVISORS - The Board of Supervisors of Lackawaxen Township, Pike County, Pennsylvania.

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

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

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK - See Recreational Subdivision or Land Development.

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

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

COMMISSION OR PLANNING COMMISSION - The Lackawaxen Township Planning Commission.

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

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

COUNTY - The County of Pike, Commonwealth of Pennsylvania.

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

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

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

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

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

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

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

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

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

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

HOTEL - A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities .

IMPROVEMENTS - Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

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

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

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;

LAND DEVELOPMENT, MAJOR - Any land development which is not a minor land development. All mobile home parks, recreational vehicle parks, and campgrounds shall be considered major land developments.

LAND DEVELOPMENT, MINOR - See Section 308.

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

LOT - A designated parcel, tract or area of land, regardless of size, established by a plot or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

LOT AREA - The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

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

LOT IMPROVEMENT SUBDIVISION - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and the Lackawaxen Township Zoning Ordinance AND no new lots are created,; or the combination or reallocation of small lots into a larger lot or lots.

LOT LINE, FRONT - The property line separating the lot from a street.

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

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

LOT WIDTH - The average of the width of a lot at the building setback line and the rear lot line.

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

MOBILE HOME LOT - Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by diversion from other lots in the mobile home park.

MOBILE HOME PARK - A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes.

MOTEL - A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

MUNICIPALITY - Lackawaxen Township, Pike County, Pennsylvania.

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

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

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing

features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township.

- B. PRELIMINARY PLAN - A complete plan prepared by a registered professional engineer and/or by a registered professional land surveyor, identified as such with the wording Preliminary Plan in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.

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

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

PLANNING COMMISSION - The Planning Commission of Lackawaxen Township, Pike County, Pennsylvania.

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

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

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

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT; The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

RECREATIONAL SUBDIVISIONS OR LAND DEVELOPMENT, TRANSIENT: Publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

RECREATIONAL SUBDIVISIONS OR LAND DEVELOPMENT, NON-TRANSIENT: Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

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

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

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

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

SEWAGE DISPOSAL, CENTRAL - A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment plant or subsurface or other type disposal area in compliance with the Pennsylvania Department of Environmental Resources regulations.

SEWAGE DISPOSAL, ON-SITE - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot from one individual dwelling or other type unit.

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

STREET - A strip of land, including the entire right-of-way, whether public or private designed to provide access, by vehicular traffic or pedestrians, to more than one (1) lot.

- A. COLLECTOR STREET - Provides access to abutting properties, intercept minor streets and provide routes for considerable volume of traffic to community facilities and major streets and serves one-hundred (100) dwelling units or more.
- B. MINOR STREET - Provides access to abutting properties and serves less than one-hundred (100) dwelling units.
- C. PRIVATE ACCESS STREET - See Section 603.7.

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

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

SUBDIVIDER - See "Developer".

SUBDIVISION - The division of 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 any purpose, further classified and defined as follows:

- A. MINOR SUBDIVISION - A subdivision that creates ten (10) lots or less, or the cumulative development on a lot by lot basis for a total of ten (10) lots or less of any original tract of record

(i.e. not subdivided or developed subsequent to the effective date of this Ordinance, December 27, 1980; and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets.

B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision -

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

SUPERVISORS - The Lackawaxen Township Board of Supervisors.

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

TOURIST LODGING FACILITY UNIT - One (1) or more rooms in a motel, hotel or other lodging facility, including sleeping facilities, and which may also include bath and toilet and kitchen facilities used for temporary lodging accommodations.

TOURIST RECREATION AND LODGING FACILITY - A recreational facility designed to provide overnight accommodations in permanently constructed dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds or RV parks.

TOWNSHIP - Lackawaxen Township, Pike County, Pennsylvania.

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

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

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

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

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

ZONING ORDINANCE - The Lackawaxen Township Zoning Ordinance.

ARTICLE III PLAN PROCESSING
PROCEDURES

301 General

All plans for the subdivision and/or development of land within the corporate limits of Lackawaxen Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Governing Body in accordance with the procedures specified in this Article.

302 Sketch Plan

302.1 Sketch Plans

Applicants are encouraged, but not required, to submit a sketch plan to the Planning Commission prior to the submission of a Preliminary Plan or Minor Plan. The purpose of the Sketch Plan is to establish:

- A. The overall objectives of the applicant.
- B. The extent to which the proposed plan conforms with the provisions of this Ordinance.
- C. If the said plan shall qualify as a major or a minor subdivision and/or land development.

302.2 Non-formal Filing

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

302-3 Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission. In such cases six (6) copies of the Sketch Plan and supporting documents shall be submitted to the Township Secretary at least five (5) days prior to the Planning Commission meeting at which the plan is to be discussed.

302.3.1 Sketch Plan Distribution - The Township Secretary shall, as directed by the Planning Commission, distribute the plans and supporting documentation as follows.

- A. Two (2) copies to the Lackawaxen Township Board of Supervisors.
- B. One (1) copy to the Township Engineer.
- C. One (1) copy to the Township Zoning Officer.
- D. One (1) copy to any other such Engineer or Consultant as the Commission may designate.

302.3.2 Written Comments - Comments of the Township Engineer, Township Zoning Officer and other Township consultants shall be made in writing and submitted to the Township Secretary prior to the meeting at which the Sketch Plan will be discussed.

302.3-3 Review by the Township Planning Commission - When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the Township Planning Commission at the next regularly scheduled meeting. During the review of the Sketch Plan, the Township Planning Commission shall consider the written reports of the Township Engineer, the Township Zoning Officer and other Consultants before making its comments.

303 Preliminary Plans for Major Subdivisions and Major Land Developments

All applications for major subdivisions and land developments shall be submitted to Lackawaxen Township and processed in accord with this Section 303.

303.1 Official Submission of Preliminary Plans

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

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

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverse the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Preliminary Plan. Twelve (12) prints are required if a state road abuts or transverse the subdivision.
- C. Six (6) copies of the zoning compliance report.
- D. Six (6) copies of the required sewage planning module(s) and associated documentation.
- E. Five (5) copies of all other required supporting data and information as required in Article IV of this Ordinance.

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

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

B- The applicant shall pay the fee at the time of initial submittal of the application to the Township Secretary.

303.1.4 Preliminary Plan Submission Verification - Upon receipt of the Preliminary Plan and supporting data the Township Secretary

shall check the submission for the required number of copies of all documents.

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

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

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

303.1.5 - Official Date of the Preliminary Plan Submission - The official date of the preliminary plan submission shall be determined as follows:

A. At the first regularly scheduled meeting of the Planning Commission following the provision to the Township Secretary of the required number of copies of all documents for the preliminary plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.

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

2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the preliminary plan submission and forward said receipt to the Applicant.

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

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

A. The Pike County Planning Commission

B. The Township Engineer

C. The Township Zoning Officer

- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Pike County Conservation District
- G. The PA Department of Transportation when applicable.
- H. Any other Engineer or Consultant designated by the Township.

303.2 Preliminary Plan Review and Action

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

If approval is recommended, the plans and written notice of said recommendation along with the sewage planning and other documentation shall be forwarded to the Board of Supervisors. If approval with conditions is recommended such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

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

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

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

303.3 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to Section 303.1.6 and may request such additional information as deemed necessary.

303.4 Pike County Planning Commission Comments

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

303.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to revise the Township's Official Sewage Facilities Plan, and if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Preliminary Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

303.6 Highway Occupancy Permit

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

303.7 Public Hearing

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

304 Final Plans for Major Subdivisions and Major Land Developments

All final plans for major subdivisions and land developments shall be submitted and processed in accord with this Section 304.

304.1 Final Plan Application

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

- A. The subdivision or land development has previously been granted an unconditional Preliminary Plan approval in accord with Section 303 of this Ordinance or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Township shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to Section 303.

304.3 Sections

Final Plans may be submitted in sections, each covering a portion of the entire proposed subdivision and/or land development as shown on the Preliminary Plan.

- A. Each section in the subdivision and/or land development, except the last section, shall contain a minimum of twenty-five (25%) percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage based upon a request for waiver.
- B. When a final plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries and the order of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - In order to initiate the determination of completeness, copies of the Final Plan and all required supporting documentation shall be submitted to the Township Secretary by the Subdivider or his authorized representative at least ten (10) working days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

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

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverses the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Final Plan. Twelve (12) prints are required if a state road abuts or transverses the subdivision.
 - 1. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, five (5) blue-line prints shall be submitted for final signature.
- C. Six (6) copies of the zoning compliance report -
- D. Six (6) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Resources.
- E. Five (5) copies of all other required supporting data and information as required in Article IV of this Ordinance.

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

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

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

A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the submittal verification noting same and provide a copy of the plan submission verification to the Applicant.

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

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

304.4.5 - Official Date of the Final Plan Submission - The official date of the final plan submission shall be determined as follows:

A. At the first regularly scheduled meeting of the Planning Commission following the provision to the Township Secretary of the required number of copies of all documents for the final plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.

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

2. If the submittal is complete and acceptable, the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the final plan submission and forward said receipt to the Applicant.

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

304.4-6 Distribution of the Final Plan - The Township Secretary shall, immediately after the official date of submission and as directed by the Planning Commission, forward the final plan and supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of

Supervisors:

- A. The Pike County Planning Commission
- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Pike County Conservation District
- G- The PA Department of Transportation when applicable.
- H. Any other Engineer or Consultant designated by the Township.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this Section 304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

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

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

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

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

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

304-8 Public Searing; - The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304-9 Planned Improvements - The Board of Supervisors shall not approve or sign the Final Plan until such time as all the improvements shown on the Final Plan have been installed by the developer, and have been certified as complete by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304-10 Signature of Final Plan - When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

304.11 Recording of the Final Plan - The Subdivider shall file the final record plan with the Pike County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The Recorder's certificate of receipt that the approved and endorsed final record plan has indeed been recorded with the plat book and page numbers indicated shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the final record plan in the Recorder's office and send the said receipt certificate to the Township within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

305 Minor Subdivisions

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

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the Minor Subdivision Plan and all required supporting documentation may be submitted to the Township Secretary by the Applicant or his authorized representative prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Minor Subdivision Plan Submission", or the application may be submitted directly to the Planning Commission at any regularly scheduled meeting.

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include the following:

- A. Eleven (11) completed copies of the minor subdivision plan review application. Twelve (12) copies are required if a State road abuts or transverses the subdivision.
- B. Eleven (11) legible blue line prints of the Minor Subdivision Plan. Twelve (12) copies are required if a State road abuts or transverses the subdivision.
 - 1. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Minor Subdivision Plan, five (5) blue-line prints shall be submitted for final signature.
- C. Five (5) copies of the Zoning compliance report.

D. Five (5) copies of the sewage planning modules and associated documentation.

E. Five (5) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

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

A- Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.

B. The applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Minor Plan Submission Verification - If the Minor Plan and supporting data is submitted to the Township Secretary, the Secretary shall check the submission for the required number of copies of all documents.

A. If the submission is complete, the Secretary shall accept the said plans and documentation, complete the submittal verification noting same and provide a copy of the plan submission verification to the Applicant.

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

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

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

A. The Planning Commission shall examine the Minor Subdivision submittal to determine that all documents are complete and in proper form.

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

2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as

the official date of the Minor Subdivision Plan submission and forward it to the Applicant -

- B. If the first meeting of the Planning Commission following the date of minor plan submittal occurs more than thirty (30) days following the said submittal date, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of plan submittal.

305.1.6 Distribution of the Minor Subdivision Plan - The Township Secretary shall, immediately after the official date of submission and as directed by the Planning Commission, forward the Minor Plan and supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Pike County Planning Commission
 - B. The Township Engineer
 - C. The Township Zoning Officer
 - D. The Township Solicitor
 - E. The Township Sewage Enforcement Officer
 - F. The Pike County Conservation District
 - G. The PA Department of Transportation when applicable.
 - H. Any other Engineer or Consultant designated by the Township.
- 305.2 Minor Subdivision Plan Review and Action

3 05.2.1 Planning Commission Review and Action Period - The Planning Commission may make its decision at the meeting when the Minor Subdivisions Plans are submitted and found to be complete; or at its discretion, make its decision at a subsequent meeting so that the comments provided pursuant to Section 305.1.6 may be considered. In any case, the Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the recommendation is made.

If approval is recommended, the plans and written notice of said recommendations along with the sewage planning documentation, shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

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

(90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to 305.1.5.

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

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

305.3 Reviewing; Agency and Officials Comments

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

305.4 Pike County Planning Commission Comments

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

305.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to amend the Township's Official Sewage Facilities Plan and if approval is granted the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

305.6 Highway Occupancy Permit

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

305.7 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.8 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Minor Subdivision Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

305.9 Recording of the Minor Subdivision Plan

The Subdivider shall file the Minor Subdivision record plan with the Pike County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The Recorder's certificate of receipt that the approved and endorsed Minor Subdivision record plan has indeed been recorded with the plat book and page numbers indicated shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the Minor Subdivision record plan in the Recorder's office and send the said receipt certificate to the Township within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

306 Lot Improvement Subdivisions

Lot improvement subdivisions which involve the combination of lots of record which are shown on a map on file at the office of the Pike County Recorder of Deeds, and which do not involve the creation of any new lot lines, may be submitted directly to the Board of Supervisors. The applicant shall provide evidence satisfactory to the Board that the subject map is on record. A new map for such lot improvements shall not be required; however, the combination shall be effected by filing with the Pike County Recorder of Deeds a new deed including a "Declaration of Restrictive Covenants" combining the lots. The "Declaration" shall be in such form as required by the Board of Supervisors upon the recommendation of the Township Solicitor; and shall include a reference to the lot numbers of the subject lots and the Plat Book and Page Number where the map is recorded.

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

All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Board of Supervisors with the recommendation of the Township Solicitor; and said documents shall be turned over to the Township Solicitor who shall record same, unless the Board authorizes another party to do so. The fee for lot improvement subdivisions shall be established by Resolution of the Board of Supervisors in accord with Section 704 of this Ordinance and shall include the costs of recording, as applicable.

307 Subdivision from Large Parcel

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

satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. Each development shall in all other respects be processed as a minor subdivision.

308 Minor Land Development

The intent of this Section is to facilitate the review and approval of small scale land development projects which are adequately regulated by other Township Ordinances and regulations including the Zoning Ordinance, Building Code, and Flood Plain Regulations, and by State or Federal regulations.

308.1 Minor Land Development Criteria

A land development, as defined by Article II of this Ordinance, may be considered a "minor land development" for the purposes of this Ordinance provided said development does not exceed any of the following development characteristics, or is not by definition considered a major subdivision.

A. Non-residential Land Developments (except hotels, motels, and tourist recreation and lodging facilities)

1. The gross floor area of all principal structures proposed or existing on the project property does not exceed four-thousand (4,000) square feet.
2. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).

B. Residential Land Developments

1. The total number of existing or proposed principal structures on the project parcel does not exceed four (4).
2. The total number of existing or proposed dwelling units on the project parcel does not exceed ten (10).

C. Hotels, Motels, and Tourist Lodging Facilities

1. The total number of individual tourist lodging units does not exceed twelve (12) in all structures.

308.2 Procedure and Other Requirements

All procedures and requirements of this Ordinance applicable to Major Subdivisions and Major Land Developments shall also apply to Minor Land Developments except as provided in this Section 308.2. The Township Board of Supervisors may, based upon the recommendation of the Planning Commission, waive the applicability of any or all of the Major Subdivision and Land Development requirements including the requirement for a survey of the project parcel.

308.3 Minor Land Development Determination

308.3.1 Application to be Filed With The Township - The application for Minor Land Development determination may be submitted to the Township Secretary prior to any Board of Supervisors meeting or may be submitted directly to the Board of Supervisors at any regularly scheduled meeting. The application shall contain such information as may be necessary for the Township to determine the "minor land development" status of the proposed project in accord with this Section 308. The Board of Supervisors shall have the right to require any additional information deemed necessary.

308.3.2 Status of Application for Minor Land Development Determination - The application for Minor Land Development determination shall not constitute a formal land development submittal and shall not initiate the ninety (90) day review period normally required for Major Land Developments or Section 303 of this Ordinance.

308.3.3 Determination of Minor Land Development - The Board of Supervisors shall determine the Minor Land Development status of the application in accord with the criteria in this Section 308 and report their determination regarding same to the Applicant, the Planning Commission and the Township Zoning Officer.

A. In cases where the Board of Supervisors determines that the proposed development does meet the requirements for a Minor Land Development, application for approval of said project shall proceed in accord with the process required for Minor Subdivisions in Section 305 and other applicable zoning and other Township Ordinance requirements.

B. If the Board of Supervisors determines that the subject development does not meet the criteria for a Minor Land Development, said development shall be considered a Major Land Development and shall be processed in accord with all the applicable sections of this Ordinance and all other applicable requirements.

C. In the case of land developments which are defined as conditional uses by the Township Zoning Ordinance the Minor Land Development determination may be made concurrently with the processing of the conditional use application by the Planning Commission.

308.4 Minor Land Development Application Information

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

ARTICLE IV
PLAN
REQUIREMENTS

400 Level of Detail

In order to assure the proper design and installation of development improvements, final design and construction documents shall be submitted as indicated below: (See also Section 504)

- A. At the time of Preliminary Plan application:
 - 1. Roads, guiderails, stream crossings and other associated improvements
 - 2. Stormwater management facilities
 - 3. Soil erosion and sedimentation controls
- B. At the time of Final Plan application:
 - 1. Sewage disposal facilities
 - 2. Water supply facilities

401 Sketch Plan Requirements for Formal Review

A Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimension.

- A. Name of the subdivision and/or development.
- B. Name and address of land owner and/or land developer. (if corporation give name of officers.)
- C. Location map.
- D. North arrow.
- E. Graphic scale.
- F. Written scale.
- G. Date sketch plan was completed.
- H. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
- I. Proposed and existing street and lot layout on immediately adjacent tracts including street and subdivision names and right-of-way widths.
- J. Existing man-made and/or natural features:
 - 1. Water courses, lakes and wetlands (with names).
 - 2. Rock outcrops and stone fields.

3. Buildings and structures.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage system(s).
 6. Any and all other significant features.
- K. Location of permanent and seasonal high water table areas and 100 year flood zones.
- L. Tract boundaries accurately labeled.
- M. General street and lot layout showing approximate widths, depths and areas.
- N. Location and extent of various soil types by Soil Conservation Service classification.
- O. Location and type of rights-of-way or other restrictive covenants which might affect the subdivision and/or development.
- P. The following site data shall be labeled on the plan:
1. Total acreage of the subdivision and/or development.
 2. Total number of lots proposed.
 3. Total lineal feet of new roads.
 4. County property tax assessment number.
 5. Zoning district of the subdivision and/or development.
 6. Any and all other significant information.
- Q. A map of the entire contiguous holding of the owner and/or developer showing the plan for any future development.
- R. A statement of the type of water supply and sewage disposal proposed.

4 02 Preliminary Plan Requirements for Major Subdivisions and Land Developments

Preliminary Plans shall be prepared by a Professional Engineer and/or a Registered Land Surveyor as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and approximate dimensions in feet for lot lines.

- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or the Registered Professional Land Surveyor (as applicable) responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:

- 1- Water courses, ponds and lakes, with name of each.
2. Rock outcrops and stone fields.
3. Buildings and other structures.
4. Approximate location of tree masses.
5. Utilities, wells and sewage systems.
6. Location and description of any certified historic site or structure.
- 7- Location .and size of culverts with the direction of water flow.
8. Wetlands as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service- If the Planning Commission or the Supervisors shall determine that the extent of the wetlands is significant, or that wetlands exist where said maps do not show wetlands, or that any wetland may be adversely affected by the proposed development, a detailed, site specific wetland delineation shall be submitted by the applicant. The Township shall have the right to approve the qualifications of the person making the delineation and/or to require certification of the delineation by the appropriate state or federal agency.
9. All other significant man-inade or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on the most recent FIA/FEMA mapping.
- M. Location and extent of various soil types by SCS classification and the location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- p. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
- Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest U.S.G.S. Quadrangle map. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements.
- R. The full plan of the proposed subdivision and/or development, including:
 1. Location and widths of all streets, suggested types (major, collector, minor) and all rights-of-way with a statement of any conditions governing their use.
 2. Proposed street names.
 3. Building setback lines.

4. Lot lines with dimensions.
 5. Lot and/or parcel sizes.
 6. Lot numbers.
 7. A statement of number of lots and/or parcels.
 8. A statement of the intended use of all non-residential lots and/or parcels.
 9. A statement of the total acreage in the proposed subdivision and/or development.
10. County tax assessment property number.
11. Any and all other significant information.
- S. Zoning data, including all of the following, when applicable:
1. Zoning district designations, bulk and density standards.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development, shown on location map.
- T. A title block shall be included on the lower right corner of all Preliminary Plans.
- U. Signature blocks.
- V. In the case of land developments, the location and configuration of project buildings, parking areas, streets, access drives, driveways and all other planned facilities.

402.3 Supporting Documents and Information

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

- A. Typical street cross-section drawings for all proposed streets showing the following:
1. Typical cut sections.
 2. Typical fill sections.
 3. Superelevated sections.
 4. Typical parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and

proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.

- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property-
- G. Water Supply Information
 - 1. A statement from a Professional Engineer of the type and adequacy of the water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.
 - 3. Publicly owned central system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 - 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - 5. A copy of any application for any permit, license or certificate required by DER or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DER or PA PUC.
- H. Sewage Disposal Information
 - 1. Completed sewage planning module {s} for land development and other required sewage planning documents as required by the PA Sewage Facilities Act, Act 537 as amended.
 - 2. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A statement from a Professional Engineer relative to any public utility, environmental or other permits (e.g. wetlands, streams encroachment, certificate of public convenience) required and if none are required a statement to that effect.
- J. Soil erosion and sedimentation control plan approved by the Pike County Conservation District.
- K. Drainage/stormwater management plan approved by the Pike County Conservation District.
- L. Bridge designs and a statement by the applicants engineer regarding any state or federal approvals required.

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

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

402.4 Additional Information

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

402.5 Application Forms and Certifications

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

4 03 Final Plan Requirements for Major Subdivisions and Land Development s

Final Plans shall be prepared by a Professional Engineer and/or a Registered Land Surveyor as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

403.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. All dimensions shall be in feet and decimals to nearest 100th; bearings shall be in degrees, minutes and seconds.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more

3 8 -COMMUNITY PLANNING AND TRANSPORTATION ASSOCIATES, CARSON HELFRICH, PAUPACK, PA 18451 - sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

403.2 Final Plan Information

The Final Plan shall contain the following information:

A. Name of project.

- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or the Registered Professional Land Surveyor (as applicable) responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:
1. Water courses, ponds and lakes, with name of each.
 2. Rock outcrops and stone fields.
 3. Buildings and other structures.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage systems.
 6. Location and description of any certified historic site or structure, and stone walls.
 7. Location and size of culverts with the direction of water flow.
 8. Wetlands as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. If the Planning Commission or the Supervisors shall determine that the extent of the wetlands is significant, or that wetlands exist where said maps do not show wetlands, or that any wetland

may be adversely affected by the proposed development, a detailed, site specific wetland delineation shall be submitted by the applicant. The Township shall have the right to approve the qualifications of the person making the delineation and/or to require certification of the delineation by the appropriate state or federal agency.

9. All other significant man-made or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.

L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.

M. Location and extent of various soil types, SCS classification for each and location of soil test pits and percolation test locations.

N. Location, width and purpose of any existing rights-of-way or other easements.

O. Location, width and purpose of any proposed rights-of-way or other easements.

P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.

Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest USGS Quadrangle map.

Contour lines at a closer interval may be required if more detail is deemed necessary by the Township. If deemed appropriate by the Township, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.

R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described.

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

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

1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
2. All dimensions in feet and hundredths of a foot.
3. All bearings to the nearest one second of the arc.
4. Street names.
5. Street widths and right-of-way and easement widths.
6. A clear sight triangle shall be shown for all street intersections.

7. Block and lot numbers.
8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
9. Location and type of permanent monuments and markers which have been set in place.
10. Building setback lines for each lot or the proposed placement of each building.
11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book, and page.
13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
14. Pike County tax map number.

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

1. Zoning district designations, bulk and density standards.
2. Zoning district boundary lines transversing the proposed subdivision and/or development.
3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development. (Show on location map)

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

1. Building setbacks.
2. Corner lot sight easements.
3. Corner lot driveway locations.
4. Utility and drainage easements including ownership and maintenance responsibility.
5. "All lots shown on this plan are subject to the rules and regulation contained in the Lackawaxen Township Zoning Ordinance."
6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Resources and Lackawaxen Township."
7. "Individual owners of lots must apply to the Township for a sewage permit and well permit prior to the construction of any on-lot sewage disposal system or well".

W. A title block shall be included on the lower right corner of all Final Plans.

X. Approval/Signature blocks for the Board of Supervisors.

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

1. When all roads and/or streets are to remain private, "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to Lackawaxen Township by the Developer, his heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Township Road Dedication Ordinance or any amendment thereto."

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

3. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel_ as recorded in Deed Book Volume_ , page__ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."

4. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to roads under the jurisdiction of Lackawaxen Township pursuant to Lackawaxen Township Road Encroachment Ordinance."

5. In the case where wetlands are present or if otherwise required by the Township, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands, and, the Developer represents and warrants that the wetlands have been accurately and properly identified and delineated.

"This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s). "

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

7. In cases where the requirement for sewage planning is waived by the Township "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the Township.

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

403-3 Supporting Documents and Information

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

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical superelevated sections.
 - 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property.
- F. Water Supply and Sewage Disposal Information
 - 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 - 2. All other documentation required to demonstrate compliance with Section 607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Pike County Conservation District.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum

building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

N. Improvements construction documentation required by Article V.

403.4 Additional Information

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

403.5 Application Forms and Certifications

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

403.6 Maintenance of Development Improvements

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

404 Minor Subdivisions, Final Plan Requirements

Plans for minor subdivision shall be prepared by a Professional Engineer and/or Registered Land Surveyor as applicable and required by State law; and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. All dimensions shall be in feet and decimals to the nearest 100th; bearings shall be in degrees, minutes and seconds.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eight and one-half by eleven (8 1/2 x 11) inches and no larger than twenty-four by thirty-six (24 x 36) inches.
- E. Plans shall be legible in every detail.

404-2 Minor Plan Information

- A. Name of subdivision
- B. Name and address of owner of record. (if a corporation give name of each officer).
- C. Name and address of Developer if different from land owner. (if a corporation give name of each officer).

- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Registered Land Surveyor (as applicable) responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shows in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and width of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, man-made or natural including utilities, wells and sewage systems.
- S. Wetlands as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. If the Planning Commission or the Supervisors shall determine that the extent of the wetlands is significant, or that wetlands exist where said maps do not show wetlands, or that any wetland may be adversely affected by the

proposed development, a detailed, site specific wetland delineation shall be submitted by the applicant. The Township shall have the right to approve the qualifications of the person making the delineation and/or to require certification of the delineation by the appropriate state or federal agency.

- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, existing zoning district and tax map number.
- V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- X. The location and extent of various soil types by SCS classification for each type, and locations of soil test pits and wells.
- Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan -
- Z. The proposed areas for location of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Approval/signature blocks for the Board of Supervisors. CC. A title block on the lower

right corner. 404.3 General Notes

The following general notes shall be on all final plans, if applicable:

- A. In the event the subdivision incorporates a private access street pursuant to Section 603.7, the following: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof."
- B. In the event of a "lot improvement" proposal, "Lot/parcel shall be joined to and become an inseparable part of lot /parcel as recorded in Deed Book Volume_ , page__ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to road under the jurisdiction of Lackawaxen Township pursuant to Lackawaxen Township Road Encroachment Ordinance."
- D. In the case where wetlands are present or if otherwise required by the Township, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands, and, the

Developer represents and warrants that the wetlands have been accurately and properly identified and delineated -

"This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser (s)."

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

F. In cases where the requirement for sewage planning is waived by the Township, "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the Township.

"The approval of this subdivision by the Township Supervisors shall not in any manner be construed to be or to constitute an approval of compliance by the Developer with statutes or regulations promulgated by any State or Federal agencies relating to wetlands existing on the within subdivision. The Township shall have no liability or responsibility to the purchaser(s) or to any other regulations with respect to the within subdivision or any lands contained therein."

404.4 Supporting Documents and Information

A. The required Sewage Planning Module(s) for Land Development along with the site investigation reports.

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

404.5 Additional Information

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

404.6 Application Forms and Certifications

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

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in Section 404 of this Ordinance for Minor Subdivisions shall also apply to Lot Improvement Subdivisions which require survey map submission. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans.

ARTICLE V IMPROVEMENT CONSTRUCTION
GUARANTEES

501 General

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

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

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

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

502 Sections/Stages

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

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

- A. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Township. The bond shall be payable to the Township.
- B. Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Township.
- C. Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Township.
- D. The following requirements shall apply to the financial guarantees set forth in this Section 503.1:

1. The funds of any guarantee shall be held in trust until released by the Township and may not be used or pledged by the Developer as security in any other matter during that period.
2. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
3. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to Section 503.2.
4. The guarantee shall not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security

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

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this Section 503.2.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Township to assure that all improvements shall be completed within a fixed period of time as established by the Board of Supervisors, but not to exceed five (5) years from the date of Preliminary Plan approval. The term of the guarantee shall run for at least one (1) year beyond the date established for improvements completion.

503.4 Release of Improvement Construction Guarantees

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

1. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
2. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify to the Board of Supervisors their completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements.

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

1. Notification - Such notification shall be in writing, by-certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
2. Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
3. Report - The Township Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
4. Action - The Board of Supervisors shall, at the next meeting of the Board, act upon the Engineer's report and shall notify the Developer in writing by certified or registered mail of their action.
5. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this Section 503.4, shall be followed.
6. Enforcement Remedies - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may, at its option, install part of such improvements in all or part

of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes.

504 Improvements Construction

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

504.1 Construction Plans and Drawings

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Township for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.2 Schedule

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

504.3 Inspections

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

504.4 Notice

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

504.5 Cost

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

505 Improvement Maintenance Guarantee

505-1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount not less than fifteen (15%) percent of the cost of all required improvements as estimated by the applicant's engineer and approved by the Township Engineer.

- A. Such maintenance guarantee shall be in such form and terms as prescribed in Section 503.1 and 503.3 and shall guarantee that the Developer shall maintain all improvements in good condition

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

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

506 Continued Ownership and Maintenance of Improvements

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

506.1 Dedication to Township

The Township shall not accept any development improvements except as provided for streets and associated drainage facilities in the Township Road Dedication Ordinance, as amended.

506.2 Land Developments

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

506.3 Residential Developments

In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association to assume the ultimate ownership of all development improvements and common areas and responsibility for maintenance of such improvements and common areas. Membership in the Property Owners Association shall be mandatory for all property owners in the development.

506.4 Continued Operation and Maintenance

The Township may require the developer to provide for the establishment of an escrow fund in accord with Section 503.1,B to guarantee the continued operation and maintenance of any improvements. Said fund shall be established on a permanent basis for the express purpose of operation and maintenance of any improvements and shall be in an amount of not less than fifteen (15) percent of the cost of system construction as required by the Township.

507 Subdivision and/or Land Development Improvements Agreement

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

507.1 Contents

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

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- L. A save harmless clause to protect the Township from any and all liability.
- M- The Developer's responsibility for all reasonable engineering and legal costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.

- N. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- O. Provisions for violations of the development agreement.
- p. Provisions for severability of any article.
- Q. Provisions for any additional agreements deemed necessary.

507.2 Execution

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

508 Development Improvements In Prior Subdivisions and Land Developments

508.1 Applicability

This section shall apply to the erection, construction, and completion of any development improvements planned or commenced or constructed or completed after the enactment of this Ordinance in any subdivision or land development within the Township, which subdivision or land development was filed of record and/or approved, and/or laid out and/or completed prior to the enactment of this Ordinance.

508.2 Purpose

This section is enacted to provide safeguards for the Township and its citizens to assure the proper and full erection, construction, and completion of any development improvements in prior subdivisions or land developments in the Township.

508.3 Definitions

- A. Prior Subdivision or Land Development: Any subdivision or land development which map was filed of record, or which was approved, constructed, partially or otherwise, laid out, or completed prior to the enactment of this Ordinance.
- B. Person: The natural person or persons, or corporation, or partnership, who owns or has an equitable interest in the land or lands within the Township where the erection, construction or completion of development improvements is to occur or is planned to occur.

508.4 Plan and Document Submission

Prior to the commencement of any work done in connection with or contemplated with the erection, construction or completion of any development improvements in a prior subdivision or land development, after the enactment of this Ordinance, the person or persons planning such erection, construction or completion thereof, shall submit to the Township, seven (7) sets of plans and documents for such development improvements, which plans and documents shall be prepared by a Professional Engineer or Land Surveyor, as applicable, and shall include, at the minimum, the following:

- A. A scaled and as built plan showing the proposed location of the development improvements to be erected, constructed or completed within the Township, or previously completed improvements, as the case may be; and in the case of a road, a survey showing the

precise location of the centerline of the road, the location of its travelway, shoulder, and other parts of the proposed right-of-way as required in Table VI-2.

- B. Detailed construction plans, including specifications in regard to the materials to be used and the equipment to be used for such erection, construction and completion of improvements, and in case of a road, detailed cross-sections, road profiles and topographic maps- All improvements must conform to the design standards/improvements, and specifications contained in Article VI of this Ordinance.
- C. Itemized cost estimates for the erection, construction and completion of the development improvements with a notarized certification from the engineer of the person erecting, construction or completing such improvement that in his professional opinion the development improvements planned, to be erected on, constructed or completed, can be built for such estimated costs in the Northeastern Pennsylvania trade area.
- D. An Agreement to be signed by such person or persons within the Township, in a form and content satisfactory to the Township Supervisors, which includes the provisions which are similar in form and content to those required in the subdivision and/or land development improvements agreement set forth in Section 507 of this Ordinance, which agreement shall include, but not be limited to, a full description of the work to be done in such erection, construction and completion of development improvements similar to that required under Section 504.1 of this Ordinance. Such agreement shall provide for inspection of the erection, construction, completion of said improvements by the Township Supervisors, Township Engineer, and other persons designated by the Township; and shall also include indemnification or hold harmless clause to be signed by the person or persons erecting, constructing or completing the said development improvements, in favor of the Township, indemnifying and holding the Township harmless from any and all losses, damages, cost and expense, including reasonable attorney fees and court costs incurred by the Township as a result of such person or persons failure to fully and completely perform this agreement with the Township or to fully and completely comply with this section or other applicable sections of this Ordinance.
- E. A surety bond, or a letter of credit, or cash security, in a form and substance acceptable to the Township Supervisors, similar in form and content to that required under Section 503 of this Ordinance, which is collateral security or guarantee for the full and complete performance by such person or persons of the erecting, constructing, and completion of the said development improvements and of the agreement set forth in the preceding sub-paragraph.
- F. Such collateral security shall be in the amount of at least 110% of the certified cost of the said erection, construction and completion of the said development improvements as certified by

the Township Engineer, which guarantee shall be for at least one (1) year or longer period as the construction time schedule of the erection, construction, and completion of the improvement may require. The cost of obtaining such collateral security for such erection, construction and completion of the development improvements shall be paid for by the person or persons doing such erection, construction or completion of such development improvements. In addition, the person or persons doing such erection, construction or completion, shall pay for any and all costs of the Township, including fees to the Township Solicitor, the Township Engineer, and any other professional employed by the Township to review the plans and documents relating to the said improvements and to inspect the erection, construction, and completion of said improvements, until such improvements are completed and operational and the Township Engineer certifies to the Township such erection, construction and completion is completed and fully operational and built in accordance with the plans and documents. These costs shall be paid by the person or persons within ten (10) days of a receipt of an invoice from the Township.

G. An improvement maintenance guarantee to be signed by such person or persons, in favor of the Township, similar in form and content to that required under Section 505 of this Ordinance.

508-5 Plans and Security Approval

The person or persons planning such erection, construction, or completion of such development improvements shall submit the required aforesaid plans, specifications and other documents required under Section 508.4, to the Township Planning Commission, who shall have sixty (60) days to review such plans and documents, and who shall within the sixty (60) day period make a report and recommendation to the Township Supervisors in respect to the said plans and documentation. Within thirty (30) days after the submission of such Report and Recommendation to the Township Supervisors, the Supervisors by resolution shall approve, or reject, or approve with conditions, the erection, construction or completion of the proposed development improvements and shall in any case of any denial, state the reasons for the denial in writing and to provide to the persons who submit such plans and documents, a copy of such denial and reasons.

508.6 Enforcement Remedies

The Township may use or employ any remedies provided under law and under this Ordinance, including that set forth in Section 903 to enforce compliance with this Section by any person or persons who erects, constructs or completes or attempts to erect, construct, or complete any development improvements within the Township.

ARTICLE VI DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS

601 General Standards

601-1 Application

The standards and requirements contained in this Article are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Lackawaxen Township Planning Commission and by the Lackawaxen Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

- A- Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Township, they are necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of Lackawaxen Township and/or to protect the environment of the Township.
- B. Those areas which are subject to such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards.
- C. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.
- D. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and land locked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of traffic movement, drainage and other reasonable considerations.
- E. Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings, which will add attractiveness and value to the remainder of the land. Where a subdivision is on a site that has a slope of more than fifteen (15) percent, the Township may require larger lots in accord with the Township Zoning Ordinance. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Pennsylvania Department of Environmental Resources.
- F. Lot lines shall follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County

Engineer, Pennsylvania Department of Environmental Resources, Bureau of Forestry or such other State or Federal agency as may be applicable.

- B. If there are no applicable Township or State regulations, the Township Planning Commission and/or the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

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

602 Blocks and Lots

602.1 Configuration

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

*

602.2 Blocks

- A. Residential blocks shall have a maximum length of one thousand six hundred (1,600) feet.
- B. Commercial blocks shall have a maximum length of one thousand (1,000) feet.
- C. Blocks shall be of sufficient width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.
- D. Where a subdivision adjoins a public road the greater dimensions of the block shall front along said road and interior streets or marginal access streets shall be utilized to minimize the number of points of entrance to the public road. Such streets may be required whenever five (5) lots of an average of less than three-hundred (300) feet width at the street line are proposed along one side of any public road.

602.3 Lots

- A. Lot sizes and widths shall be governed by the Lackawaxen Township Zoning Ordinance. The net lot area shall be determined by computing the gross area contained within the lot lines and subtracting therefrom any area or portion of the lot lying within or subject to any road, road right-of-way, access easement or access right-of-way.
- B. Lots shall not be divided by municipal boundaries.
- C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be

increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.

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

E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.

F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two lots may be required whenever five lots of an average of less than three hundred (300) feet width at the street line are proposed along one side of any improved primary or secondary road.

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

H. All corner lots shall have a curve with a minimum radius of thirty (30) feet joining the intersecting right-of-way lines.

I. The lot depth to width ratio shall not exceed three (3) to one (1).

603 Streets/Roads

Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township. Any roads proposed for dedication to the Township shall be constructed in accord with the Township Road Dedication Ordinance.

603.1 Topography

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

603.2 Existing Access

Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this Section 603 or shall otherwise be improved to such standards.

603.3 Street Continuation

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

603.4 Subdivision and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas and all street names shall be subject to the approval of the Township. Four way street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

603.5 Further Subdivision

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

603.6 Cul-de-Sac Streets

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

- A. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
- B. Any temporary dead end street shall be provided with a temporary all-weather turn-around, within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- C. Cul-de-sac streets, permanently designed as such, shall not exceed eighteen hundred (1,800) feet in length as measured to the center of the circular turnaround; however, cul-de-sac streets in excess of six-hundred (600) feet in length shall contain circular turn-arounds spaced at intervals of not more than six-hundred (600) feet.
- D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum outside radius of fifty (50) feet and the outer pavement edge or curb line shall have a minimum radius of forty (40) feet and be improved to the required construction specifications. Intermittent turn-arounds shall also meet these requirements.
- E. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.

603.7 Private Access Streets

Private access streets may be used to provide access to residential lots which do not front on a public road provided:

- A. The private access street serves no more than five (5) lots.

B. The private access street shall conform to the following:

Minimum Requirement

Feet

-

-

Right-of-way

Cartway

Travelway

25 16 10

C. If there is a potential for re-subdivision of any of the lots created such that eventually more than five (5) lots might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots. Cartway and travelway widths may remain the same until such time as additional lots are platted.

D. Private access street entrances or aprons within the adjoining street right-of-way shall be installed by the Developer and/or Subdivider as required by this Ordinance. Construction of the remaining length of the private access street shall be the responsibility of the buyer or buyers of the served lots. The private access street shall not under any circumstances be offered to the Township as a municipal road. A dedication or restrictive covenant shall be placed on the final plan or in all deeds clearly assigning responsibility for construction and maintenance of the private access street and establishing its future private ownership status.

E. A private access street may be used only to provide access to lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit, except in full accord with Township requirements.

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

603.8 Intersections

A. Center-lines of streets shall intersect as nearly at right angles as possible.

1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.

2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.

B. Intersections of more than two streets at one point are not permitted.

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

1. One hundred fifty (150) feet for minor streets.
2. Four hundred (400) feet for collector or public streets.

D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for minor streets or streets of lesser classification and fifty (50) feet for major and collector streets-

603.9 Major Street Frontage

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

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

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

A. Shoulder surfaces shall be graded at a slope one half (1/2) inch per foot away from the pavement edge.

B. The finished paved travelway surface of tangent sections and curve sections not required to be superelevated, shall be crowned at one-quarter (1/4) inch per foot away from the center-line.

C. Properly superelevated cross-sections shall be required on major and collector streets when the curve radii are less than 1500 feet. The maximum permissible superelevation shall be 0.08 feet per foot.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

LACKAWAXEN TOWNSHIP PIKE COUNTY,
PENNSYLVANIA

TABLE VI-1 DESIGN STANDARDS FOR
STREETS

DESIGN
SPECIFICATION

COLLECTOR MINOR

PRIVATE ACCESS

Right-of-way width (ft)

Cartway width (ft)

Travelway width (ft)

Minimum centerline radii (ft) (b)

Minimum sight distance (ft) (b) 300

Maximum grade (%)

Shoulder width (ft) (cut or fill) 300
40 (a) 40 (a) 25

28 ~~24~~

20 ~~18~~

150 75

200 100

7 (c) 12 (d) 15

4 3 3

Notes:

a. Right-of-way width may include slope, drainage or utility easements if same can be provided in accord with this Ordinance.

b. Larger radii may be required as determined by alignment to provide required sight distances.

c. 12% for up to 500 feet in distance.

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

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

f. Additional right-of-way and shoulder width may be required if guiderails are required.

603.11 Easements

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
2. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility. (Example: An access to a well lot would be part of the well lot and not a right-of-way across the adjoining building lot).
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

1. Utility Easements shall be a minimum of ten (10) feet in width and shall be provided along one side on all street rights-of-way as required, and may be included in the overall right-of-way width unless site conditions do not permit.
2. Utility easements shall be shown and labeled on the plan and included in the restrictive covenants.

603.12 Street Alignment

Street alignment shall be designed as follows:

A. Whenever street lines are deflected in excess of seven and one half (7 1/2) degrees within five hundred (500) feet, connection shall be made by horizontal curves.

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

1. Sight distances shall be measured from a point 3.75 feet above the road surface to a point 0.5 feet above the road surface.

C. Between reversed curves the following minimum tangents shall be provided:

1. One hundred (100) feet on major and/or collector streets.
2. Fifty (50) feet on minor streets.

EXTRA RIGHT-OF-WAY

R I G H T - O F - W A Y

EXTRA RIGHT-OF-WAY

as required for drainage, slope and utility easements
Collector = 40'

Minor = 40'

C A R T W A Y !

Private Access = 25'

as required for drainage, slope and utility easements

FILL SCCTIONS

-

TRAVELWAY

-

CUT SECTIONS

Col lector--- 4'

Minor----- 3'

Priv Access-- 3'

SHOULDER

Col lector----- 20'

Minor----- 18'

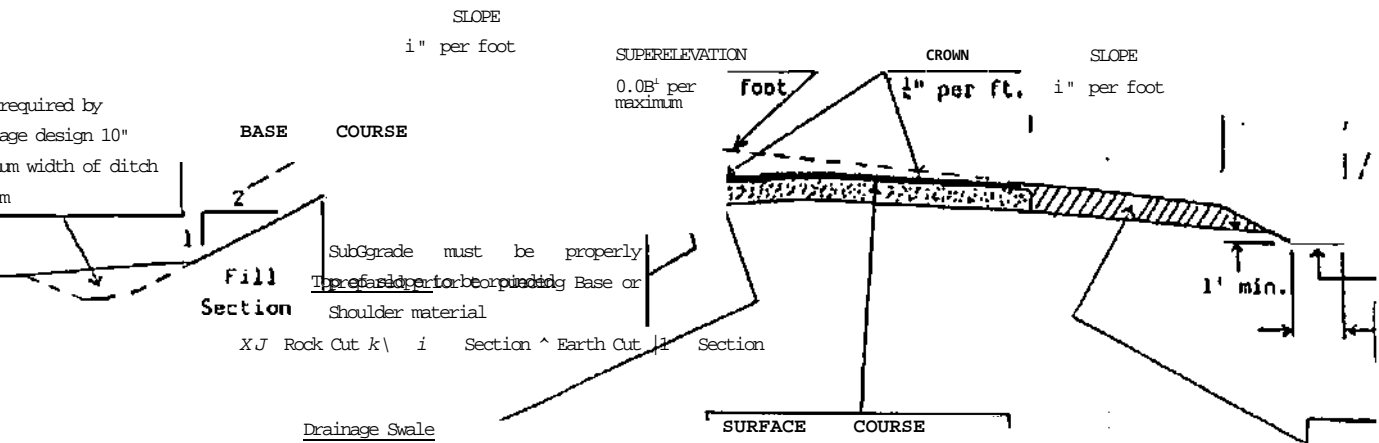
Private Access-10'

SHOULDER -

Collector---- 4'

Minor----- 3'

Priv Access-- 3'



As required by drainage design
- 16" min. width

SHOULDER
/

TABLE VI-2 TYPICAL STREET CROSS SECTION

603.13 Street Grades

Street grades shall be designed as follows:

- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround in a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one-half (1/2) of one (1%) percent.
- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1%) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 - 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for minor street or private access street intersections, and all other intersections shall comply with the grades as required on Table VI-1.
 - a. Crest and sag vertical curves shall be provided in accordance with Section 603.14.
 - 2. The tangent grade of the connecting street(s) shall not exceed three percent (3%) within twenty-five (25) feet of the right-of-way lines of the through street.
 - a. Crest and sag vertical curves shall be provided in accordance with Section 603.14.
 - b. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four (4) percent and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table VI-1.
- B. On minor streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)

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

603.15 Clear Sight Triangles

Visual obstructions at street intersection (excluding an existing building, post, public utility structures, column or tree) exceeding fifty (50) inches in height shall be prohibited on any lot within the triangle formed by the street lot lines of the lot and a line drawn between points along the street lines fifty (50) feet distant from their points of intersection.

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

603.16 Driveways

Driveways shall be as follows:

- A- Lots with access to a public road shall not be platted which would result in driveways which would exceed sixteen (16) percent in grade or as otherwise required by state or Township regulations.
- B. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- C. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on the preliminary and final plans.
- D. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining public road.
1. The minimum distance between a driveway or point of access to a street shall be as follows:

Type of Subdivision or Land Development

Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.

Collector

Minor

Residential Non-Residential

100 ft. 200 ft.

50 ft. 150 ft.

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

F. Adequate provision shall be made for parallel drainage facilities

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with and approval of the Bureau of Dams and Waterways Encroachments, Pennsylvania Department of Environmental Resources, shall be provided. The travelway of the bridge or stream crossing shall be of a minimum width equal to the travelway width of the roadway carried by the bridge or stream crossing.

603.18 Clearing and Grubbing

The right-of-way shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be back-filled and compacted to the satisfaction of the Township.
- C. Rocks and/or boulders shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township prior to placing the embankment.

603.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two feet horizontal.

- B. The maximum slope of any rock excavation shall not exceed four feet vertical to one foot horizontal.
- C. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township.

603.20 Street Improvement, Sub Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
- 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
- 3. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Pike County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

B. Base Course - The base course shall be installed to the full width of the cartway required by Table VI -1 and shall consist of shale, crushed stone, gravel or other approved select material compacted to a depth of eight (8) inches in accord with the latest specifications of the Pennsylvania Department of Transportation (Publication 408) and the requirements of Lackawaxen Township.

C. Surface Course - The surface course shall consist of S2A modified stone or equal compacted to a depth of four (4) inches to the full width of the travelway in accord with the latest specifications of the Pennsylvania Department of Transportation (Publication 408) and the requirements of Lackawaxen Township.

D. Shoulders - Shoulders of the width required by Table VI -1 shall be constructed of #2A modified stone or equal compacted to a depth of four (4) inches to the full width of the travelway in accord with the latest specifications of the Pennsylvania Department of Transportation (Publication 408) and the requirements of Lackawaxen Township.

603.21 Walls, Slopes, and Guiderails

A. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.

- B. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, or as otherwise determined necessary by the Township, the installation of guiderails to Township specifications may be required by the Township.

604 Monuments and Markers

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

604.1 Monuments

- A. Monuments shall consist of either:
1. A two (2) inch (inside diameter) galvanized pipe filled with concrete at least thirty-six (36) inches in length (preferred 42" to 48").
 2. A concrete cylinder four (4) inches in diameter and at least thirty-six (36) inches in length (preferred 42" to 58") .
 3. Such other monuments as the Township may approve.
- B. Monuments shall be set flush with the finish grade of the surrounding ground.
- C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Monuments shall not be placed until road grading has been completed.
- E. Monuments shall be placed as follows:
1. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
 - 2 . One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.2 Markers

- A. Lot markers shall consist of either:
1. Solid steel rods not less than one-half (1/2) inch in diameter or not less than twenty-four (24) inches in length.
 2. Steel pipes not less than three-quarters (3/4) inch in diameter or not less than twenty-four (24) inches in length.
 3. Such other markers as the Township may approve.
- B. Markers normally shall be set two (2) inches above the finish grade of the surrounding ground.

- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:
 - 1. At all points where lot lines intersect street right-of-way lines.
 - 2. At all points where lot lines intersect exterior property lines.
 - 3. At all interior lot corners.
 - 4. At such other lot corners and locations as the Township may direct.

605 Stormwater and Drainage Control 605-1

Purpose

The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater in order to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

605.2 Plan

A stormwater drainage and management plan may be required for any major subdivision and any land development and shall be subject to the approval of the Township. The Plan shall show existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Commission at the time of preliminary subdivision plan submittal and said plan shall be submitted concurrently by the developer to the Pike County Conservation District. Preliminary subdivision approval shall not be granted until all required approvals for the development are received from the County Conservation District.

605.3 Compliance with State Regulations

Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Resources regulations for soil erosion and sedimentation control; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall meet the intent of Section 13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements-

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles appropriate for the proposed site and

development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure.

- B. In cases where detention of stormwater is proposed, the post development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development.
- C. The Board of Supervisors shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

605.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the preliminary drainage plan submitted with the preliminary subdivision plan and shall be considered "improvements" for the purposes of final subdivision approval.
- B. Natural drainage courses and points of natural drainage discharge shall not be altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Board of Supervisors adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse. In cases where a watercourse is intermittent or carries only insignificant volumes of water, the determination of the need for the drainage easement or the

adequacy of a drainage easement of a lesser width shall be made by the Township Board of Supervisors with the advice of the Township Engineer.

- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway.
- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas .
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

605.6 Maintenance of Stormwater Control Facilities

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

606 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Pike County Conservation District. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Pike County Conservation District.

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- B. Applicants shall present evidence to the Township, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- C In the case where a central water supply or central sewage disposal system is proposed, one (1) copy of all correspondence, supporting documentation, applications for all required permits and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publicly owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

607.2 On-Lot Water Supply

All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Resources and/or applicable Township Ordinances. The installation of on-lot wells shall be required by restrictive covenant, such facilities to be installed by the lot purchaser at the time of construction of the principal structure.

607.3 Central Water Supply

A. Deep Well Source

1. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
2. Wells shall be located on a reserved parcel the size of which shall be determined by the setbacks required by the applicable zoning district.
3. The capacity of the well, as certified by a professional engineer, shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. The capacity of service to industrial or commercial establishments shall meet the standards of the American Water Works Association.
4. 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.
5. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Resources.
- 6 - Documentation of the effect of the projected area-wide drawdown of the water table may be required by the Township if the anticipated pumping of ground water warrants such documentation.

B. Water Distribution System

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

C. Flow Rates

1. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
2. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.

3. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

607.4 Fire Fighting

In the case of subdivisions of twenty-five (25) lots or more, or for any multi-family dwellings, the developer shall provide a plan for the supply of water for fire-fighting purposes, said plan meeting the approval of the Board of Supervisors.

607.5 On-Lot Sewage Disposal

All on-lot sewage disposal systems shall comply with the applicable PA DER standards and all Township Ordinances. All residential lots in developments proposing the use of on-lot sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

607.6 Central Sewage Disposal System

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

608 Multi-Family Dwellings

In addition to the applicable regulations and standards of this Ordinance, multi-family dwelling subdivisions and/or land developments shall comply with the standards contained in the Lackawaxen Township Zoning Ordinance.

609 Cluster Development

In addition to the applicable regulations and standards of this Ordinance, cluster developments shall comply with the standards contained in the Lackawaxen Township Zoning Ordinance.

610 Mobile Home Parks

610.1 Zoning

In addition to the applicable regulations and standards of this Ordinance, mobile home parks and campgrounds shall comply with the standards contained in the Lackawaxen Township Zoning Ordinance-

610.2 Roads

Access and interior roads of mobile home parks and campgrounds shall comply with the standards for streets as provided by this Ordinance, such standard based upon the traffic capacity of the proposed street, but in no case less than the specifications for minor streets.

611 Recreational Vehicle Parks and Campgrounds 611-1 Zoning

In addition to the applicable regulations and standards of this Ordinance, recreational vehicle parks and campgrounds shall comply with the standards contained in the Lackawaxen Township Zoning Ordinance.

611.2 Roads

Access and interior roads of recreational vehicle parks and campgrounds shall comply with the standards for streets as provided by this Ordinance, such standard based upon the traffic capacity of the proposed street, but in no case less than the specifications for minor streets.

611.3 Setbacks

In order to assure the proper separation of recreational vehicles and tents, setbacks for same shall be provided in accord with this Section 611.3. Each unit shall be placed on a specific site and the corners of said site shall be clearly marked in accord with Section 604.2 of this Ordinance.

<u>Setback</u>	<u>Measured From</u>	<u>Distance</u>
Front	Front Lot Line	20
Sides	Side Lot Line	10
Rear	Rear Lot Line	10

ARTICLE
VII
ADMINISTRAT
ION

701 Amendment

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

702 Waivers/Modifications

702.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

702.2 Conditions

In granting waivers/modifications the Township may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

702.3 Procedure

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

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

LACKAWAXEN TOWNSHIP, PIKE COUNTY!

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, 1992

702.4 Action

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

703 Penalties for Violations

703.1 Preventive Remedies

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

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

703.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

703.3 Jurisdiction

District justices shall have initial jurisdiction in proceedings brought under Section 703.2.

703.4 Transfer

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

703.5 Construction

No person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units, nor shall the construction of any structure be initiated, before the Township has approved the Final Plan and such Plan is filed with the Pike County-Recorder of Deeds.

704 Fees

704.1 Resolution

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

704.2 Supplemental Fees

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

704.3 Final Fees

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

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

704.4 Adjustment

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

704.5 Disputes

Disputes between the applicant and the township regarding fees shall be settled pursuant to Section 503(i) and 510(g) of the Pennsylvania Municipal Planning Code.

705 Records

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

706 Validity

Should any section, subsection, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

707 Conflicts

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Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

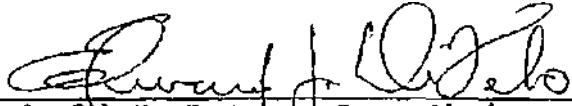
The Lackawaxen Township Subdivision Ordinance of 1980 enacted on the 22nd day of December, 1980, is hereby repealed in total; provided however that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Lackawaxen Township Subdivision Ordinance of December 22, 1980, as amended, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.


708 Adoption

This Ordinance ordained and enacted this / \$ day of

July

 / 3 , by the Board of Supervisors of Lackawaxen Township, to be effective immediately.



Edward J. DeFebo, Sr., Chairman


John S. McKay, Vice-Chairman

Gerald T. Wicksnes

ATTEST:

Carol Ivanko, Township Secretary
Certification

I, d^JtoL K b i Secretary of the Township of Lackawaxen, do hereby certify that the foregoing Lackawaxen Township Subdivision Ordinance was duly adopted at a properly convened meeting of, the Board of Supervisors of Lackawaxen Township held on MaX M , 1992 at which meeting a quorum was present and voted in favor thereof. I furthermore certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which hearing was advertised in accordance with the provisions of said Act.

&dt*CsI/s*.*J^
Secretary of the Township of Lackawaxen

ADDENDUM SUB DIVISION/LAND USE ORDINANCE ORDINANCE #56

ORDINANCE NO. **5b**

AN ORDINANCE OF LACKAWAXEN TOWNSHIP, COUNTY OF PIKE AND COMMONWEALTH OF PENNSYLVANIA, AMENDING THE LACKAWAXEN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO AMEND ARTICLE I - GENERAL PROVISIONS, SECTION 102.1 - PRIOR APPROVALS, PROVIDING LANGUAGE CLARIFYING PRELIMINARY AND FINAL APPROVALS AND MODIFICATIONS TO THE ORDINANCE; ADDING SECTION 102.4 PROVIDING FOR THE OPPORTUNITY FOR THE GOVERNING BODY OF A CONTIGUOUS MUNICIPALITY TO APPEAR BEFORE THE LACKAWAXEN TOWNSHIP BOARD OF SUPERVISORS TO PROVIDE TESTIMONY RELATED TO A PROPOSED SUBDIVISION OR CHANGE IN LAND USE; ARTICLE U - DEFINITIONS, SECTION 2.200: GENERAL; TO ADD ADDITIONAL DEFINITIONS AND MODIFY EXISTING DEFINITIONS; TO AMEND ARTICLE V - IMPROVEMENT CONSTRUCTION GUARANTEES- TO ELIMINATING THE NEED FOR THE APPLICANT TO PROVIDE FINANCIAL SECURITY FOR HIGHWAY IMPROVEMENTS WHERE FINANCIAL SECURITY IS PROVIDED TO PENNDOT.

WHEREAS, it is the desire of the Lackawaxen Township Board of Supervisors to amend portions of The Lackawaxen Township Subdivision and Land Development Ordinance in order to bring the Township of Lackawaxen into compliance with amendments to Act 247, the Pennsylvania Municipalities Planning Code, made with the adoption of Acts 67 and 68.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Lackawaxen Township, Pike County, Pennsylvania and it is hereby ordained and enacted by the authority of the same, the following amendments to "The Lackawaxen Township, Pike County Pennsylvania Subdivision and Land Development Ordinance":

ARTICLE I - GENERAL PROVISIONS

SECTION 102 - JURISDICTION shall be amended to modify Subsection 102.2 and add Subsection 102.4. The amendments are presented as follows:

102.2- Prior Approvals - If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of his application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) year period shall be counted from the date of Preliminary Plan approval. *The five (5) year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any water or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of the plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five (5) year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or request for reconsideration have expired, provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.*

102.4— Contiguous Municipalities — *The governing body of any contiguous municipality to Lackawaxen Township, Pike County, Pennsylvania may appear before the Lackawaxen Township Board of Supervisors, Lackawaxen Township Planning Commission or the Lackawaxen Township Zoning Hearing Board to comment on proposed subdivisions, a change in land use or land development*

ARTICLE II - DEFINITIONS

204 - SPECIFIC TERMS- Shall be amended to include the following definitions, which modify existing definitions, as well as provides new definitions. The amendments are presented as follows:

Agricultural Operation: an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production

practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Center for Local Government Services: the Governor's Center for Local Government Services located within the Department of Community and Economic Development.

Consistency: an agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

County Comprehensive Plan: a land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulation.

Development of Regional Significance and Impact: any land development that, because of its character, magnitude or location, will have significant effect upon the health, safety or welfare of citizens in more than one municipality.

General Consistency, Generally Consistent: that which exhibits consistency.

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

Minerals: any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Preservation or Protection: when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Prime Agricultural Land: land used for agricultural purposes that contains soil of the first, second or third class as defined by the United States Department of Agriculture Natural Resources and Conservation Services County Soil Survey.

Public Meeting: a forum held pursuant to notice under 65 Pa.C.S.Ch.7 (relating to open meetings).

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

ARTICLE V - IMPROVEMENT CONSTRUCTION GUARANTEES

SECTION 503 - IMPROVEMENT CONSTRUCTION GUARANTEES: shall be modified to amend Subsection 503.2. The amendment is presented as follows:

503.2 -Amount of Security: The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. *In no case shall the Township of Lackawaxen require financial security for highway improvements where financial security is provided to PennDoL.* Annually, the Township may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten (110) percent.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one-hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this Section 503.2.

This Ordinance became effective five days after enactment on April 18, 2001.