



Borough of Throop, PA

SUBDIVISION  
AND  
LAND DEVELOPMENT ORDINANCE



Prepared under the Guidance of the  
Throop Borough Planning Commission

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## **CHAPTER 1 - PURPOSE AND AUTHORITY**

An ordinance providing for the control of the subdivision and development of land in the Borough of Throop, Lackawanna County, Pennsylvania.

Now, therefore, be it ordained by the Borough of Throop, Pennsylvania, under authority of Article V and VII of the "Pennsylvania Municipalities Planning Code", of the Act of the 1968 General Assembly No. 247; as amended.

### **SECTION 1.01 - TITLE**

These regulations, rules, and standards for planning, subdividing, and developing land within the Borough of Throop, Pennsylvania, including procedures for the application and administration of this Subdivision and Land Development Ordinance, and penalties for the violation thereof, shall be known, cited and referred to as the Subdivision and Land Development Ordinance for the Borough of Throop

### **SECTION 1.02 - PURPOSE**

The general purpose of this ordinance shall be to guide and regulate the planning, subdividing and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the Borough of Throop.

### **SECTION 1.03 - OBJECTIVES**

It is intended that the provisions of these regulations shall be applied to achieve the following objectives:

- A. Orderly development of the land to obtain harmonious and stable neighborhoods;
  - B. Safe and convenient vehicular and pedestrian circulation;
  - C. Adequate and economical provisions for utilities and public services to conserve the public funds;
  - D. Ample public open spaces for schools, recreational and other public purposes;
  - E. Accurate surveying of land, preparing and recording of plats;
  - F. Discouraging of premature, uneconomical or scattered subdivision;
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- G. Maximizing the conservation of all forms of energy and the protection of the human and natural environment;
- H. Storm water management, by reducing stream erosion and maintaining natural storm water runoff characteristics; and
- I. Coordination of land development in accordance with the Zoning Code, Comprehensive Plan, and other plans of the Borough, County and State.

#### **SECTION 1.04 - APPLICATION OF REGULATIONS**

No subdivision or land development of any lot, tract or parcel of land located within the Borough of Throop shall be effected; no street, sanitary sewer, storm sewer, water main, storm water control facilities, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use; no grading, scrubbing or other site disturbance shall be undertaken, until a subdivision or land development plan has been approved in the manner prescribed herein, and recorded. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this Ordinance.

No lot in a subdivision may be sold or transferred; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no buildings may be erected in a subdivision or land development, unless and until a final subdivision or land development plat has been approved and recorded and until construction of any required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

#### **SECTION 1.05 - COUNTY REVIEW OF APPLICATIONS**

A. - County Review of Applications Under this Ordinance: Applications for subdivision and land development located within Throop Borough shall be forwarded, upon receipt by the Borough Planning Commission, to the Lackawanna County Regional Planning Commission for review and report. Furthermore, the Borough Planning Commission shall not approve such applications until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

The Lackawanna County Regional Planning Commission's Plan Review Fee, as determined by the County Planning Commission, will also be paid by the Developer at this time.

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## CHAPTER 2 - DEFINITIONS

### SECTION 2.01 - GENERAL TERMS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Words in the singular include the plural and those in the plural include the singular. Words in the masculine gender apply, as applicable, to persons of the feminine gender.

Words in the present tense include the future tense.

The word "*shall*" is always mandatory; the word "*may*" is permissive; and the word "*should*" means a suggested or preferred action.

The words "*person*" or "*subdivider*" or "*developer*" or "*owner*" include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

### SECTION 2.02 - SPECIFIC TERMS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Undefined terms or words used herein shall have their ordinarily accepted meanings or such meanings as the context of this Ordinance may imply.

ACCELERATED EROSION - The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

ACT 247 - See "Pennsylvania Municipalities Planning Code".

AGENT - Any person other than the Subdivider who, acting for the Subdivider, submits subdivision or land development plans for the purpose of obtaining approval thereof.

ALLEY OR SERVICE DRIVE - A minor permanent service way providing secondary vehicular access to abutting lands.

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

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APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a Building Permit, for the approval of a subdivision plat or plan, or for the approval of a Development Plan.

APPOINTING AUTHORITY - The Borough Council of the Borough of Throop.

BLOCK - A tract of land bounded on one side by a street and the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

BUILDING OR STRUCTURE - Any structure such as, but not limited to, those having a roof supported by columns, piers or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, camp cars or other structures on wheels, or having other supports; and any unroofed platform, terrace or porch having vertical face higher than three (3) feet above the level of the ground over or upon which said structure is located.

BUILDING (SETBACK) LINE - A line established by municipal zoning codes or these subdivision regulations which defines the required minimum distance between any building and the adjacent public right-of-way.

BOROUGH COUNCIL - The governing body of the Borough of Throop.

CARTWAY - The portion of the street right-of-way, paved or unpaved, intended for vehicular use. The shoulder is not considered part of the cartway.

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

COMMISSION OR PLANNING COMMISSION - The Planning Commission of the Borough of Throop, County of Lackawanna, Commonwealth of Pennsylvania.

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

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COMPREHENSIVE DEVELOPMENT PLAN - The allocation of land areas of the Borough to the several varieties of physical development, present and future, the same having been prepared in accordance with the principles of comprehensive planning or having been developed through the approval of subdivisions previously submitted, wherever such plan exists and has been officially adopted by the Planning Commission and recorded by the Borough Secretary. Wherever the terms "Master Plan" or "Comprehensive Plan" are used, they shall have the same meaning as the term "Comprehensive Development Plan".

CONDOMINIUM - A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air and privacy.

A condominium is either a residential, commercial or industrial unit which has all of the following characteristics:

- a. The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the condominium owner.
- b. The unit may be part of any permitted land use.
- c. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the PA Unit Property Act of July 3, 1963, P.L. 196, as amended, and in accordance with the provisions for open space, roads or other development features as specified in this Subdivision and Land Development Ordinance.

CONTOUR MAP - A map showing the elevations of the ground in stated intervals.

COUNTY - The (or of the) County of Lackawanna, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Lackawanna County Regional Planning Commission.

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

- CUT -
- a. An excavation.
  - b. The difference between a point on the original ground and designated point of lower elevation on the final grade.
  - c. Also the material removed in an excavation.

DEAD END STREET - A street or portion of a street with only one vehicular outlet but which has a temporary turn-around and which is designed to be continued when adjacent open land is subdivided.

DETENTION STRUCTURE - A vegetated pond, swale, or other structure designed to drain completely after storing runoff only for a given storm event and release it at a predetermined rate. Also known as a dry pond.

DEVELOPER (SUBDIVIDER) - 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.

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

DOUBLE FRONTAGE LOT - A parcel of land which extends from one street to another having frontage on both streets.

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

DRAINAGE PLAN - A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours and topography.

DRAINAGE RIGHTS-OF-WAY - Land necessary and required for:

- a. The installation of storm water sewers or drainage ditches.
- b. The preservation of the natural channel of a stream or water course.
- c. The safeguarding against flooding from a stream or water course.

Drainage rights-of-way may form easements.

DWELLING UNIT - Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit, including mobilehomes, cottages or other such facility whether or not currently occupied or intended to be occupied on a permanent or temporary basis.

EASEMENT - A right-of-way through a parcel of land granted by the owner(s) for limited, generally public or quasi-public purposes.

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ENERGY DISSIPATOR - A device used to slow the velocity of storm water particularly at points of concentrated discharge such as pipe outlets.

ENGINEER, BOROUGH - A Registered Engineer designated by the Borough to perform duties as required by this Ordinance on behalf of the Borough and the Borough Planning Commission.

ENGINEER, REGISTERED - An individual licensed and registered as a Professional Engineer by the Commonwealth of Pennsylvania.

ENGINEERING SPECIFICATIONS - Engineering criteria of the Borough of Throop and, absent such criteria, the applicable standards of the Lackawanna County Subdivision and Land Development Ordinance.

EROSION - The removal of soil and other surface materials by the action of natural elements.

FILL -

- a. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom.
- b. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
- c. The material used to make a fill.

FLOOD - The temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters; and/or,
- b. the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD PLAIN - The area adjacent to a watercourse or other water body which is periodically or likely to be flooded.

FUTURE RIGHT-OF-WAY - The right of way width required for expansion of existing streets to accomodate anticipated future traffic loads.

A right-of-way established to provide future access to or through undeveloped land.

FREEBOARD - The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

GEOLOGICAL HAZARDS - Those features inherent in the crust of the earth so as to cause land slides, soil slump, ground subsidence, rock failure, mud avalanche and similar undesirable conditions.

GOVERNING BODY - The Borough Council of the Borough of Throop, Commonwealth of Pennsylvania.

GRASSED WATERWAY - A natural or man-made drainageway of parabolic or trapezoidal cross-section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a swale).

HALF OR PARTIAL STREET - A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

HILLSIDE AREAS - A hillside area, as referred to in this Subdivision and Land Development Ordinance, is one having an average cross slope of more than ten (10) percent.

HOLDING POND - A retention or detention pond.

HOUSE TRAILER - Same as mobilehome.

IMPERVIOUS SURFACES - Impervious surfaces are those that do not absorb rain or runoff. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

IMPROVEMENTS - Any physical additions and/or changes to land, whether necessary or intended to enhance the usefulness and/or desirableness of a lot or lots or not.

LAND DEVELOPMENT -

a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or 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,
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, apartments, building groups, including malls, or other features.
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- b. A subdivision of land.
- c. The term *land development* shall include the development of a mobile home park.

For the purpose of this Ordinance, however, in further deciding what is land development, the following types of transactions are exempt under this Ordinance:

- a. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than two residential units, unless such units are intended to be a condominium.
- b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the new and/or expanded area have been approved by proper authorities

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 or she is authorized under the lease to exercise the rights of the landowner, or other person, partnership, corporation or association having a proprietary interest in land.

LANDSCAPE ARCHITECT - A professional landscape architect licensed by the Commonwealth of Pennsylvania.

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.

LOT AREA - The area contained within the property line of a lot or the allocation of land, excluding space within any street right-of-way, but including the area of any easement.

LOT LINE -

- a. Front: That boundary of a lot which is along an existing or proposed right-of-way. The lesser dimension of two lot boundaries along rights-of-way in the case of corner lots.
- b. Rear: That boundary of a lot most distant from and most nearly parallel to the front line.
- c. Side: Any boundary of a lot not a front or rear lot line.

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

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

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK - A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MULTIFAMILY - A structure housing or designed to house three (3) or more households of one or more persons or any group living facility.

MUNICIPAL, MUNICIPALITY - Of or the Borough of Throop, Pennsylvania. Where the text so indicates, the term "municipality" shall also refer to the local governing body, the Borough Council of the Borough of Throop.

NOTICE OR PUBLIC NOTICE - Notice of a public hearing published once each week for two successive weeks in a newspaper of general circulation serving 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 advertisement shall be not more than 30 days and the second shall not be less than seven days before the date of the hearing.

OFFICIAL MAP - A map officially adopted by Ordinance of the Borough consisting of surveys of the exact locations of the lines of existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings of same for the whole of the Borough.

ON-SITE STORM WATER MANAGEMENT - The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

PEDESTRIAN WALK OR INTERIOR WALK - A right-of-way or easement for pedestrian travel across or within a block.

PENNDOT - The Pennsylvania Department of Transportation.

PENNDER - The Pennsylvania Department of Environmental Resources

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PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Adopted as Act 247 of 1968, this act enables municipalities to plan for, and regulate, community development with subdivision and land development ordinances. The code also contains guidelines for subdivision and land development ordinance content. For the purpose of this Ordinance, the Code is referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

PLAN OR PLAT RECORD - An exact copy of the approved final plat, reproducible of standard size, prepared for necessary signatures and recording with the Lackawanna County Recorder of Deeds.

PLANNING CONSULTANT, BOROUGH - An urban planner certified by the American Institute of Certified Planners (AICP) designated by the Borough to perform duties as required by this Ordinance on behalf of the Borough and the Borough Planning Commission.

PLAT OR PLAN, FINAL - A complete and exact subdivision or land development plan prepared for recording as required by statute, to define property rights, proposed streets and other improvements and which may include all or part of the area included in the approved Preliminary Plan for the area covered by the Final Plan; a final plat.

PLAT OR PLAN, PRELIMINARY - A complete and exact subdivision or land development plan, to define property rights, proposed streets and other improvements presented for purposes of securing preliminary approval of a subdivision or land development.

PLAT OR PLAN, SKETCH - An informal plan, indicating existing features of a tract and the surrounding area and outlining the general layout of a proposed subdivision or land development presented for discussion purposes only and not to be presented for approval. For a major subdivision, the voluntary submission of a sketch plan by an applicant, no matter how detailed, is not considered to be the submission of the required preliminary plan.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Borough Zoning Ordinance.

PLANNING COMMISSION - The Throop Borough Planning Commission

PLAT - The map or plan of a subdivision or land development, whether preliminary or final. The terms "plat" and "plan" are used through this ordinance interchangeably.

PUBLIC - The general citizenry and/or the specific residents of a specific subdivision.

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PUBLIC GROUNDS - Includes:

- a. Parks, playgrounds and other public areas; and,
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- c. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held, pursuant to public notice, by the Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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 WATER SUPPLY - Water approved for drinking purposes and other public use by the PENNDEER supplied through approved piping facilities to places of private and public use and being under the jurisdiction of one or more of the following: The PA Public Utility Commission, the Borough of Throop, a Municipal Water Authority or other approved water company.

RENEWABLE ENERGY SOURCES - Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESUBDIVISION - Any subdivision or transfer of land, laid out on a plan whether or not approved previously, which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan or the recorded plat.

RETENTION STRUCTURE - A pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event.

RIGHT-OF-WAY - The total width of any land reserved or dedicated for use as street, alley, other means of travel or for any public purpose.

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SANITARY SEWER - A pipe for conveying sewage and which excludes storm, surface and ground water.

SEDIMENT BASIN - A temporary dam or barrier constructed across a waterway or at other suitable locations to intercept the runoff and to trap and retain the sediment.

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SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SEWAGE FACILITY - Any sewer, sewage system, sewage treatment works or part thereof designed, intended, constructed or used for the collection, treatment or disposal of liquid waste, including industrial waste.

SHOULDER - The improved portion of a street immediately adjoining the travelway, for parking and for access to abutting properties.

SIGHT DISTANCE - The length of street, measured along the center line, which is continuously visible from any point four and one-half (4 1/2) feet above the center line to an object four inches above the road surface.

SITE IMPROVEMENTS - Physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights and storm water facilities.

SLOPE - The face of an embankment or cut section

Any ground whose surface makes an angle with the plane of the horizon.

Slopes are usually expressed as a ratio based upon vertical difference in feet per hundred feet of horizontal distance.

STABILIZATION - Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.

STORAGE STRUCTURE - A retention or detention structure.

STORM SEWER - A pipe for conveying rain water, surface water, condensate, cooling water and similar liquid waste, exclusive of sewage. STORM WATER MANAGEMENT - the control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site does not exceed the rate prior to development.

STREET - A strip of land including the entire right-of-way, improved or unimproved, used or intended for use as a means of vehicular and pedestrian circulation, whether public or private. The word "street" includes street, thoroughfare, avenue, boulevard, court, expressway, freeway, parkway, highway, road, lane, viaduct and alley.

- a. Major Traffic Streets - Those serving large volumes (more than 3000 Average Daily Traffic) of comparatively high speed traffic. These include facilities classified as arterial streets and highways (primary and secondary) by PENNDOT.
- b. Collector Streets - Those which carry an Average Daily Traffic volume of between 500 - 3000 vehicles, primarily between local streets and the system of major traffic streets and highways.
- c. Minor (or local) Streets - Those intended primarily to serve local needs and to provide access to abutting properties. These include culs-de-sac and marginal access streets (neighborhood feeder streets) parallel to Major Traffic Streets which provide means for local traffic to reach access points on arterial streets as well as access to abutting properties. Local streets will have an Average Daily Traffic count of fewer than 500 vehicles.

STREET, PRIVATE - A strip of private land providing access to abutting properties and not offered for dedication or accepted for municipal ownership and maintenance.

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

SUBDIVIDER - 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 land development.

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

- a. Any land development which involves installation of sanitary sewers, storm sewers, water mains, gas mains or pipes or other facilities.
  - b. Any land development involving two or more principal structures or involving a shopping center, a multiple dwelling or the like which requires the installation of vehicular rights-of-way, streets and/or alleys, even though the vehicular rights-of-way, streets and/or alleys may not be dedicated to public use and the parcel may not be divided for purposes of conveyance, transfer or sale.
  - c. The term "subdivision" includes resubdivision and, as appropriate in this Ordinance, shall refer to the process of subdividing the land or to the land subdivided.
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Exclusions - In further deciding what is a subdivision, the following types of transactions shall be excluded, it being the intent of this section that the following types of transactions are exemptions under the Subdivision aspects of this Ordinance but are not exempt under the Land Development aspects of this Ordinance:

- a. Any sale or other transfer of bulk property, which for the purposes of this Ordinance shall be defined as any tract of two (2) acres or more, not involving any construction. The granting of a right-of-way for access shall not be deemed to involve any construction.
- b. Any division of Property handed down by Court action.
- c. The sale, exchange or other transfer of parcels between adjoining lot owners, where it does not create additional building sites or lots or reduce existing lots to a lesser width or area than required by this Ordinance.

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

SURVEYOR, REGISTERED - An individual licensed and registered as a Professional Land Surveyor by the Commonwealth of Pennsylvania.

SWALE - See GRASSED WATERWAY.

TRANSFERABLE DEVELOPMENT RIGHTS - The attaching of development rights to specified lands which are desired by the borough to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the Borough where more intensive development is deemed by the Borough to be appropriate.

UNDEVELOPED LAND - Land in parcels sufficiently large for future subdivision which is presently in agricultural use or woodland or other natural state.

UNIT SHOPPING CENTERS - Shopping and commercial developments designed as one unit, having off-street parking facilities and controlled circulation.

WATER SURVEY - An inventory of the source, quantity, yield and use of ground water and surface water resources within the Borough of Throop.23322

WATERCOURSE - A permanent or intermittent stream, river, brook, creek or a channel or ditch for the collection and conveyance of water, whether natural or man-made.

WAY - A way, or right-of-way, is a strip of land which has been dedicated legally for use by pedestrians and/or vehicles.

ZONING ORDINANCE - Any appropriate Ordinance officially adopted by the Borough of Throop as a Zoning Ordinance with any and all amendments thereto.

NOTE: Definitions of all other terms, i.e. terms not defined herein, shall be as included within the latest edition of "Webster's New Collegiate Dictionary". Any term not defined in this Section 2.02 or within the latest edition of "Webster's New Collegiate Dictionary" shall be determined by the Planning Commission, taken from any other appropriate source. After the application of any such definitions, they shall become part of this Section 2.02 and may not be changed without amending this Ordinance.

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## CHAPTER 3 - PROCEDURES

### SECTION 3.01 - INTENT AND APPLICABILITY

The procedures established in this Chapter are intended to define the steps by which a developer shall design, make an application, record plats, and construct improvements, and by which the Planning Commission may review, make recommendations, approve plans and otherwise administer these regulations and this Ordinance.

From the date of passage of this Subdivision and Land Development Ordinance, the following procedures shall be observed by all developers. All plots shall be reviewed and approved by the Planning Commission. Any approval not processed as required hereinafter shall be deemed null and void unless such approval was given prior to the adoption of this Subdivision Ordinance.

For those subdivisions hereinafter classified as Minor Subdivisions, a Sketch Plan and abbreviated Final Plan procedure is established. For all others, which are classified as major subdivisions or land developments, a Preliminary Plan and final plat procedure is established. See the Appendix for sample plans.

### SECTION 3.02 - REGULATORY PROVISIONS

A. Scrubbing and Grading - No developer or landowner in the Borough of Throop shall proceed with any significant grubbing and/or grading of land before obtaining approval of a preliminary development Plan for such from the Planning Commission. (See Sections 5.05 and 5.06 of this Ordinance for specific grading requirements)

B. Access, Drainage, Geology and Topography

1. No land shall be subdivided for residential use unless adequate access to such land exists or will be provided by the subdivider over improved public streets or thoroughfares which are consistent with the Design Standards hereinafter set forth. In no event shall land be subdivided for residential use if such land is considered by the Planning Commission to be harmful to the health and safety of possible residents and the community as a whole for such use by reason of flooding, mine fires, mine subsidence, toxic waste site, improper drainage, objectionable earth and rock formations, topography or any other geological hazard or like feature.
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2. Where any area within the proposed subdivision is known to be subject to flooding, such area shall be clearly marked "Subject to Periodic Flooding" on the development Plan and shall not be plotted in the streets and lots. Land which normally will be inundated less frequently than once in five years may be used for recreational areas or for recreational residential lots. In any event, easements must be reserved from normal flow line to the annual high water flow line of any water course or lake.

C. Recording of Deeds - No lots shall be delivered and no agreements for sale shall be made for lots in any subdivision prior to the approval by the Commission of the Final Plan for the proposed subdivision.

The Borough Planning Commission will work with the County Recorder of Deeds, with local Title Insurance Agencies and with the County Bar Association, in accordance with Section 513(a) of Act 247, to prevent the recording of deeds resulting from unapproved subdivisions of land in the Borough

### SECTION 3.03 - PRE-APPLICATION

The Planning Commission shall make available to developers copies of this Subdivision and Land Development Ordinance, the Zoning Code, other adopted plans, street maps, and other information which may affect the development of the property under consideration. Applications for approval of a subdivision or land development shall be in accord with these regulations, other codes and plans as adopted and information furnished.

Prior to the formal submission of a Subdivision or Land Development Plan for review and approval, the subdivider is urged to submit a Sketch Plan to the Planning Commission for advice on the requirements necessary to achieve conformity to the standards of these regulations as well as to alert the subdivider as early as possible to factors which must be considered in the design of a subdivision, such as pertinent elements of any County or Municipal land use, thoroughfare or other community plans. **Review of a Sketch Plan is an informal, advisory process to guide the subdivider in the eventual preparation of a formal preliminary or Final Plan. In any case, the submission of a Sketch Plan is not required by the procedures of this Ordinance.**

Sketch Plans and subsequent official Minor and Major Subdivision and Land Development Plans should be accompanied by any letters of transmittal or development details necessary to explain existing or proposed site conditions which are not self-explanatory on the actual sketch, Minor or Major Subdivision or Land Development Plan.

Developers are also advised to consult early in the development planning process with such other regulatory bodies as may have jurisdiction over the development and whose approval is required prior to obtaining Planning Commission approval of plans. These may include, but are not limited to the Borough Sewage Enforcement Officer, Borough Zoning Officer, PENNDER, the Lackawanna County Conservation District and PENNDOT.

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**SECTION 3.04 - MINOR SUBDIVISION OR LAND DEVELOPMENT**

- A. Classification - A division of land to facilitate a lot addition or a land exchange or a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road and does not involve more than four (4) lots or dwelling units (except that subdivision of lots from a property after five (5) or more lots have been previously subdivided is a Major Subdivision).

Dedication or establishment of an unimproved right-of-way or easement shall be a Minor Subdivision or Land Development. Replatting, resubdivision or revision of four (4) lots or less shall also be considered a Minor Subdivision or Land Development. Construction or conversion of multifamily housing on a division of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road and does not involve more than four (4) dwelling units shall also be considered a Minor Subdivision or Land Development. Any other multi-family, including all group living facilities, and all commercial, industrial and mobilehome park development shall be a Major, not Minor, Subdivision or Land Development, regardless of the number of lots or units created.

- B. Application - A final plat complying with the requirements set forth in this Ordinance shall be prepared for each Minor Subdivision or Land Development and approval of said plat shall be requested from the Planning Commission.

When filing an application for approval of a Minor Subdivision or land development, the subdivider shall submit to the Planning Commission one (1) mylar or original and eight (8) blue line paper prints of the proposal on 18" X 24" sheets.

Application and review fees, as set forth in Chapter 8 of this Ordinance, shall be paid to the Borough Secretary before the submission of Minor Subdivision or Land Development Plans to the Planning Commission for consideration. The date on the developer's receipt from the Borough Secretary for fees paid for an application shall also be the date marking the time periods for action on said application by the Planning Commission. Certification to the Commission that such fees have been paid shall also form part of the developer's application.

In order to streamline the review process, a copy of an application for final approval of a Minor Subdivision or Land Development may be sent by the applicant directly to the Lackawanna Regional Planning Commission with the required fee. Such a submission will trigger the timetable for the County Planning Commission's mandatory review of the application.

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- C. Review - Upon receipt of the Minor Subdivision or Land Development Plan, the Planning Commission shall begin to review the Plan for compliance with this Ordinance, carefully study the practicability of the Plan, taking into consideration the requirement, location and width of streets, their relation to the topography of the land, the preservation of natural features, sewage disposal, water supply, drainage, lot sizes and arrangements, the future development of adjoining lands and the requirements of the Development Plan.

A copy of the Plan will also be forwarded to the Lackawanna County Regional Planning Commission for their review and comment. Where applicable, the Plan may also be forwarded to the Borough Engineer, the Borough Planning Consultant, the Soil Conservation Service, the Lackawanna River Basin Sewer Authority, PENNDER, PENNDOT or other agencies for review and comment. Review comments may be used as substantiation for Plan approval or disapproval.

Review of the Minor Subdivision or Land Development Plan by the Borough Engineer, when requested, may help the Planning Commission in determining the adaptability of the proposed development to the engineering design standards and criteria currently required by the Borough. In reviewing the project Plan, the Engineer shall apply such judgement and specification interpretation as may be necessary to clarify the intent of the engineering requirements. A report shall be made to the Planning Commission within 30 days after a referral, unless the Engineer is actively engaged in collecting data not supplied by the developer. The cost of any required engineering review work shall be paid by the developer to the Borough in accordance with the fee schedule set forth in Chapter 8 of this Ordinance. Prior to authorizing a project review by the Engineer which would require the collection of extensive new data, the Borough shall provide the developer thirty (30) days to furnish the required information to the Borough Engineer in sufficient depth and suitable form.

Review of the Minor Subdivision or Land Development Plan by the Borough Planning Consultant, when requested, may help the Planning Commission in determining the adaptability of the proposed development to the planning and urban design standards and criteria currently required by the Borough. In reviewing the project Plan, the Planning Consultant shall apply such judgement and specification interpretation as may be necessary to clarify the intent of the planning and urban design requirements. A report shall be made to the Planning Commission within 30 days after a referral, unless the Planning Consultant is actively engaged in collecting data not supplied by the developer. The cost of any required Planning Consultant review work shall be paid by the developer to the Borough in accordance with the fee schedule set forth in Chapter 8 of this Ordinance. Prior to authorizing a project review by the Planning Consultant which would require the collection of extensive new data, the Borough shall provide the developer thirty (30) days to furnish the required information to the Borough Engineer in sufficient depth and suitable form.

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Review and report of plans by the County Planning Commission shall be completed and forwarded to the Borough Planning Commission within thirty (30) days from the date the application was forwarded to the County Planning Commission. The Borough Planning Commission shall not approve such applications until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission.

After completion of the review process, the Final Plan shall be approved or disapproved by the Planning Commission.

- D. Approval or Disapproval - After an application for approval of a plat of a Minor Subdivision or Land Development has been filed with the Planning Commission, together with all maps, necessary data, and fees, the Plan shall be reviewed and processed. The subdivider or developer shall pay required review fees to the Borough Secretary at the time of official submission of the plat and **official submission shall not be deemed to have been made until certification of receipt by the Borough of all the required review fees.**

Before acting on any Minor Subdivision or Land Development Plan the Planning Commission may arrange for a public hearing thereon, after giving at least seven (7) days notice of such hearing.

The Planning Commission may alter any Subdivision or Land Development Plan and specify changes or modification therein which it deems necessary, and may make its approval subject to such alterations, changes or modifications.

The Planning Commission shall complete the review and either approve or disapprove the plat not later than ninety (90) days after the date of the regular meeting of the Planning Commission next following the date of the official submission of the application, provided that should the said next regular meeting occur more than 30 days following the official submission and filing of an application, the said 90 day period shall be measured from the 30th day following the day that such application submission is officially submitted and filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his or her last known address not later than fifteen (15) days following the decision.

The decision shall state:

1. The specific changes, if any, they will require in the Plan.
  2. The character and extent of the required public improvements.
  3. The amount of construction or improvements.
  4. The amount and terms of the performance bonds or other security which the Planning Commission may require, among
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other conditions in the public interest, and, prerequisite to the approval of the Final Plan to be submitted subsequently.

Approval of the Minor Subdivision or Land Development Plan shall constitute approval of the Subdivision or Land Development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features, but shall not authorize the sale of lots.

When the application is approved, it shall be appropriately signed and dated and copies shall be distributed according to Section 3.04 (F) of this Ordinance. When the application is disapproved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon. A disapproved copy of the Subdivision or Land Development Plan shall be retained by the Planning Commission, one copy shall be sent to the County Planning Commission and the remaining copies shall be returned to the subdivider, developer and/or his or her agent.

Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

However, removal or withdrawal of the Subdivision or Land Development Plan from the approval process by the subdivider, developer and/or his or her agent shall be considered withdrawal of Plan application, shall not obligate the Planning Commission to approve or disapprove the Plan within the herein described timetable and shall not result in a deemed approval when ninety (90) days have elapsed.

Upon knowledge of Plan withdrawal, the Planning Commission shall notify, in writing, the subdivider or land developer that Plan withdrawal has disrupted the approval process and no approval or disapproval will be rendered unless the Subdivision or Land Development Plan is resubmitted as a new application.

- E. Recording - After approval of a Minor Subdivision or Land Development Plan by the Planning Commission, the mylar copy shall be placed on record in the Planning Commission office and the clothback print shall be filed and recorded by the Developer in the office of the County Recorder of Deeds, said recording to occur within ninety (90) days of the final or deemed approval date of the Plan or the approval shall be null and void. Within 10 days thereafter, the developer shall furnish the Borough Planning Commission and the Lackawanna County Regional Planning
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Commission with a Recorder's Certificate that said Plan is properly recorded.

Whenever such plat approval is required by this Ordinance, the Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of the Planning Commission. Likewise, whenever Plan review and comment by the County Planning Commission is required by municipal ordinance [Sect. 3.03 (C)], the Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the review of the County Planning Commission.

- F. Distribution of Approved Plats - Copies of an approved plat shall be sent to the applicant and to the Lackawanna County Regional Planning Commission. Additional copies may be distributed to the PENNDOT, County Emergency Management Agency, Borough Fire Companies, County Assessment Office, Pennsylvania Gas and Water Company, Pennsylvania Power and Light Company, Bell of Pennsylvania or other utility or related agency making timely request for copies.
- G. Expiration of Approval - After a period of two (2) years, if the development proposed and approved in a Minor Subdivision Plan has not been completed, the approval shall expire, unless a formal Extension of Approval is requested of the Planning Commission at least 90 days prior to its expiration and is approved by the Planning Commission during that 90 day period.

### SECTION 3.05 - MAJOR SUBDIVISION OR LAND DEVELOPMENT - PRELIMINARY PLAN

- A. Classification - Any subdivision or land development involving more than four (4) lots or dwelling units; or any subdivision or land development on a property after four (4) or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street shall be deemed to be a Major Subdivision or Land Development. Multi-family housing of five (5) or more units, group living facility, mobilehome park, commercial and industrial development shall be considered Major Subdivision or Land Development, regardless of the number of units created or whether or not such development includes the subdivision of land.
- B. Application - A preliminary plat complying with the requirements set forth in this Ordinance shall be prepared for each Major Subdivision or Land Development and an approval requested from the Planning Commission.

When filing an application for preliminary approval of a Major Subdivision or Land Development, the subdivider shall submit to the Planning Commission eleven (11) blue line prints of the proposal. As part of the submission, the subdivider shall also submit eleven (11) sets of the written improvement Plan (if not contained on the blue line sheets) containing detailed written descriptions of the physical site improvements (roadways, utilities, etc.) proposed for the Subdivision or land development. All blue line sheets shall be 18" X 24" or 24" X 36". In order to streamline the review process, a copy of an application for preliminary approval of a Major Subdivision or Land Development may be sent by the applicant directly to the Lackawanna Regional Planning Commission with the required fee. Such a submission will trigger the timetable for the County Planning Commission's mandatory review of the application.

- C. Review - Upon receipt of the application for preliminary approval of a Major Subdivision or Land Development Plan, the Planning Commission shall begin to review the Plan for compliance with this Ordinance. A copy of the Plan will also be forwarded to the Lackawanna County Regional Planning Commission for their review and comment if the applicant has not already done so. Where applicable, the Plan may also be forwarded to the Borough Engineer, the Borough Planning Consultant, the Soil Conservation Service, the Lackawanna River Basin Sewer Authority, PENNDER, PENNDOT or other agencies for review and comment. Review comments may be used as substantiation for Plan approval or disapproval.

Review and report of plans by the Lackawanna County Regional Planning Commission shall be completed and forwarded to the Borough Planning Commission within thirty (30) days from the date the application was forwarded to the Lackawanna County Regional Planning Commission. The Borough Planning Commission shall not approve such applications until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Planning Commission.

After completion of the review process, the Preliminary Plan shall be approved or disapproved by the Planning Commission in accordance with Section 3.05 (D), below.

- D. Approval or Disapproval - After an application for preliminary approval of a plat of a Major Subdivision or Land Development has been officially filed with the Planning Commission, together with all improvement plans, maps, necessary data and fees, the Planning Commission shall complete the review in accordance with the procedure outlined in Section 3.04 (C) and either approve or disapprove the Plan in accordance with the procedure outlined in Section 3.04 (D).
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The decision shall state:

1. The specific changes, if any, they will require in the Plan.
2. The character and extent of the required public improvements.
3. The amount of construction or improvements.
4. The amount and terms of the performance bonds or other security which the Planning Commission may require, among other conditions in the public interest, and, prerequisite to the approval of the Final Plan to be submitted subsequently.

Approval of the Preliminary Plan shall constitute approval of the Subdivision or Land Development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features, but shall not authorize the sale of lots.

- E. Recording - After approval of a Preliminary Plan for a Major Subdivision or Land Development plat by the Planning Commission, **recording of the Preliminary Plan is not authorized.**

Approval of the Preliminary Plan shall assure the subdivider for a period of three (3) years from the date of approval that:

1. The general layout of streets, lots, and other features are approved and shall be the basis for the preparation of the Final Plan; and
2. The general terms and any special conditions under which the approval of the Plan was granted will not be changed; and
3. The subdivider may install improvements in accordance with the approved Preliminary Plan and other requirements contained in this Ordinance.

**Approval of a Preliminary Plan does not constitute approval of the Final Plan, and therefore, does not authorize the recording of the Subdivision or Land Development Plan or the sale or transfer of lots.**

After a period of three (3) years, approval of the Preliminary Plan shall expire, unless the developer shall petition the Planning Commission in writing for a one year extension. Such petition must be received at least ninety (90) days prior to the expiration of Preliminary Plan approval. The planning Commission may grant two such one year extensions only.

**SECTION 3.06 - MAJOR SUBDIVISION OR LAND DEVELOPMENT -  
FINAL PLAN**

- A. Classification - Any subdivision or land development involving more than four (4) lots or dwelling units; or any subdivision or land development on a property after four (4) or more lots or dwelling units have previously been subdivided from that property; or any subdivision or land development proposing the opening, widening, extension or improvement of a street; or any subdivision or land development proposing multi-family housing of five (5) or more units shall be deemed to be a Major Subdivision or Land Development whether or not such development includes the subdivision of land. A group living facility, a mobile home park and all commercial and industrial development shall be considered Major Subdivision or Land Development, regardless of the number of lots or units created.
- B. Application - Within three (3) years after the approval of the Preliminary Plan, a Final Plan with all necessary supplemental data shall be officially submitted to the Planning Commission with a request for approval. Failure to submit a Final Plan within three (3) years of the date of an approval of the Preliminary Plan shall void the preliminary approval, unless extended in writing by the Planning Commission per Section 3.05 (E), above. Said expired or voided Preliminary Plan shall not be used as a basis for any development or construction or for the issuance of any permits therefore. Any subsequent development on the affected site shall be preceded by a new Preliminary Plan.

When filing an application for a final approval of the Major Subdivision or Land Development, the subdivider or developer shall submit to the Planning Commission two (2) mylar copies or originals and eleven (11) blue line paper prints of each page of the proposal on 18" X 24" sheets.

In order to streamline the review process, a copy of an application for final approval of a Major Subdivision or Land Development may be sent by the applicant directly to the County Planning Commission with the required fee. Such a submission will trigger the timetable for the County Planning Commission's mandatory review of the application.

The subdivider or developer may apply for final approval of: 1) only a portion, section or phase of the entire subdivision or land development as preliminarily approved; or 2) the entire subdivision or land development. Applications should be appropriately marked.

The subdivider or developer shall also agree to maintain and repair all streets within the development prior to their official dedication to and acceptance by the Municipality.

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- C. Review - Upon receipt of the Final Plan, the Planning Commission shall begin to review the Plan for compliance with this Ordinance. The Final Plan shall be examined for conformity to the Preliminary Plan, for design and detail of required site improvements and for adherence to other standards of this Ordinance. The Plan shall also be examined to determine if the required site improvements have been installed or, in lieu thereof, a bond or financial security has been submitted.

A copy of the Plan will also be forwarded to the County Planning Commission for their review and comment if the applicant has not already done so. Where applicable, the Plan may also be forwarded to the Borough Engineer, the Borough Planning Consultant, the Soil Conservation Service, the Lackawanna River Basin Sewer Authority, PENNDER, PENNDOT or other agencies for review and comment. Review comments may be used as substantiation for Plan approval or disapproval.

- D. Approval or Disapproval - After an application for final approval of a plat of a Major Subdivision or Land Development has been officially filed with the Planning Commission, approval or disapproval shall be granted in accordance with Section 3.04 (D) of this Ordinance.

However, no plat shall be finally approved unless the streets on such plat have been improved as may be required by Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, landscaping, water mains, sanitary sewers, storm sewers, storm water management facilities, and other site improvements as may be required by this Ordinance and any applicable municipal requirements have been installed in accordance with such requirements.

In lieu of the completion of any site improvements required as a condition for the final approval of a plat, a financial security shall be deposited by the subdivider/developer with the municipality in an amount to cover the costs of any site improvements which may be required by Ordinance. Such financial security shall provide for and secure to the public, the completion of any site improvements which may be required for the subdivision or land development. Financial improvement guarantees shall further be subject to the requirements of Section 5.15 of this Ordinance and Sections 5.09 - 5.11 of Act 247.

Approval of a Final Plan by the Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way, space or area shown on said Final Plan.

- E. Recording - After approval of a final plat for a Major Subdivision or Land Development by the Planning Commission, the plat shall be recorded and copies distributed in the manner prescribed in Sections 3.03 (E) and 303 (F) of this Ordinance.

Recording shall entitle the subdivider to sell, transfer or develop the land shown on the plat in accordance with the approved plat, subject to any conditions attached thereto. Where final plans are approved for only a portion, section or phase of the entire subdivision or land development, sale, transfer or development may proceed only on that approved portion, section or phase.

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

- F. Impact of Changes in Municipal Ordinances - When a final plat has been approved, no subsequent change or amendment in zoning, subdivision and land development or other governing Ordinance shall be applied to affect adversely the right of the subdivider or land developer to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval.

When the subdivider or land developer has failed to substantially complete development of the approved Plan within five (5) years of the aforesaid approval date and when changes in a zoning, subdivision, or other governing Ordinance have occurred which affect the design of the approved plat, the subdivision or land development shall be subject to the changes in the zoning, subdivision, or other governing Ordinance. The Planning Commission shall notify, in writing, the subdivider or land developer that approval has expired and submission and approval of a revised Preliminary and/or Final Plan (as necessary to detail changes), illustrating compliance with the revised Ordinance, is required prior to further development or lot transfer.

- G. Referral of the Approved Final Plan to the Governing Body for Acceptance of Streets - Subsequent to its approval of the Final Plan, the Commission shall transmit four (4) prints of the Final Plan, together with appropriate certificates of title, to the municipality for action on any proposed dedications. The Municipality shall return three (3) approved prints of the Final Plan to the Commission. The Commission shall return two (2) of the approved prints to the developer. Should the Municipality not accept the proposed dedications, the developer may amend said Final Plan and resubmit same to the Commission for its review and approval.

The Deed of Dedication to the Municipality shall be tendered by the owner only after all surfacing, curbs, sewers, sidewalks and other required improvements shall have been installed or constructed and certified as satisfactory by the Municipal Engineer.

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- H. Approval Granted Prior to Passage of Ordinance - A subdivision planned, constructed or designed in compliance with existing laws prior to the passage of this Ordinance, shall be deemed to be legal provided that:
1. The Preliminary or Final Plans have been approved by a proper and duly recorded resolution of the Planning Commission.
  2. Construction within the Subdivision has been initiated within six (6) months from the date of passage of this Ordinance or within five (5) Years from the date of approval of the Preliminary Plan, whichever is the later date.
  3. The Subdivision shall have been completed to the satisfaction of the Planning Commission within a period of two ( 2) years from the passage of this Ordinance or within three ( 3) years from the date of approval of the Final Plan, whichever is the later date.
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## CHAPTER 4 - PLANS AND PLATS - REQUIRED INFORMATION

### SECTION 4.01 - INTENT

Plans, maps, data and plats shall be prepared and furnished by the developer as required herein to assure accurate surveying, to provide adequate information for designing and preparing plans, and to facilitate review, approval and recording of plats. Plans and maps shall be neat, legible, uncluttered and easily readable to provide clear documentation of all data. See the Appendix for examples of sample plans.

### SECTION 4.02 - MINOR SUBDIVISIONS

The subdivider or land developer shall furnish, as part of an application for approval of a minor subdivision or land development plan, the following information on the required 18" X 24" Final Plan sheets: (Where necessary, in order to avoid sheets larger than above, plans should be drawn in two or more segments accompanied by a key diagram showing relative location of the segments.)

#### A. Title Block

1. Identification of the plan as a Final Plan; and
2. Name of the development, if any, and approximate address, tax map sheet, block and lot number; and,
3. Name, address and phone number of the record owner(s), subdivider(s), developer(s), and authorized agent(s); and
4. Name of the Borough; and
5. Written and graphic scale of plan; and
6. Name, address and phone number of plan preparer; and
7. Date of plan preparation and date(s) of subsequent revisions; and
8. Deed reference and source of title.

#### B. Signature Blocks

Space for date, signature and type of formal action by each of the following:

1. Borough Planning Commission
  2. Other officials, where required elsewhere by this Ordinance or individual municipal ordinance.
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### C. Maps and Data

1. Location Drawing - Location drawing or map section, at a scale of 1" = 200' or larger, showing the location of the proposed subdivision in relation to named streets, boundaries, previous subdivisions, etc. The proposed subdivision or land development area shall be identified by a tone or pattern differentiation and residual land of the subdivider shall be outlined. The location drawing shall also contain a reference to north and, where possible, be depicted in northerly alignment with the property drawing.
  2. Property Drawing - Property drawing of the parcel which is to be subdivided, with accurate dimensions in feet to the nearest hundredth and with angles to the nearest one minute of one degree. Adjacent residual lands of the owner which are not included in the proposed development shall also be shown. The lot, tract or parcel drawing shall include:
    - a. Bearings and dimensions for all property lines; corporation lines; center and right-of-way lines of streets; easements and other rights-of-way; natural and artificial water courses, streams and flood plain boundaries; wetlands; railroad rights-of-way, both active and abandoned; strip mines; culm banks; tree courses and wooded areas; bridges; culverts; other significant natural features; and other boundary lines with distances, radii arcs, chords and tangents of all deflection angles, nearest second and error of closure of not more than one (1) foot in 10,000 feet.
    - b. Proposed lot, tract, or parcel lines in prominent, solid lines. Lot, tract, or parcel lines proposed for removal shall be shown in dashed or broken lines.
    - c. Location, type, material, size and identification of all control points (iron pins, monuments, etc.) to which all dimensions, angles and bearings are to be referred.
    - d. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Final Plan.
    - e. Lot numbers or letters in progressive order to identify each lot or tract. Numbers shall be utilized only for lots, tracts or parcels which are eligible for independent or individual use, whereas letters shall be utilized for lot additions, land exchanges and transfer of lots or parcels which are not eligible for individual use or development. Lot numbers or letters from previous plans shall be encircled by a dashed or broken line circle while currently proposed
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lot numbers or letters shall be encircled by a solid line circle.

- f. Square footage and acreage of all lots or parcels involved in the subdivision or land development, including the acreage in proposed recreation and other public, semi-public or community purposes but exclusive of land dedicated for public right-of-way.
  - g. The location, size and use of all existing buildings. Proposed buildings shall be shown to the extent necessary to demonstrate compliance with other Ordinance criteria.
  - h. The building setback line prescribed in the applicable zoning code.
3. Streets, utilities, topography and natural features on the proposed subdivision and within 200 feet of the boundaries, in accordance with the following:
- a. Layout, right-of-way, pavement width and name of all roads and streets, including cross-section and center line profiles of all proposed new streets, to be approved by the Borough Engineer, and locations of curbs and sidewalks. If deemed necessary by the Borough Engineer, percolation data shall also be submitted.
  - b. Size and location of all existing and proposed utilities and utility easements, including sewers, drainage facilities, water lines, gas mains, cable television lines, telephone lines, electric lines, fire hydrants and other significant man-made features. Tentative cross-sections and center line profiles, size, capacity, manhole, inlet and culvert invert elevations, proposed connections to each existing utility and other explanatory data, as appropriate, shall also be included for each.
  - c. Existing and proposed on-lot well and sewage disposal system locations, as well as soil probe and percolation test locations for sewage disposal systems.
  - d. The existing and proposed topography and drainage of all proposed development sites shall be depicted, including existing and proposed high and low points. Datum to which contour elevations refer shall be shown. Where practicable such data shall refer to known established elevations. Contour intervals shall be a maximum of five (5) feet, except that development areas with a grade of less than 5% shall be depicted utilizing two (2) foot contour intervals.
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Lot additions and currently developed sites shall be required to stipulate only lot corner elevations or general topographic information.

- e. Streams, ponds, waterways, flood plains, quarries, sinkholes, subsidence areas, mine fire areas and other significant and/or potentially hazardous topographical, physical or natural features. Data on subsidence shall be the most current data from the PA Department of Environmental Resources and the US Department of the Interior.
  - f. Where slopes in excess of 10% occur within the area proposed for development, a grading plan indicating the location and magnitude of the proposed cuts and fills shall be included in the application.
  - g. Existing Zone districts shall be shown.
4. Storm water management facilities, where required by Section 5.07 of this Ordinance.
  5. North arrow and graphic and written scale. The scale for items 2 - 4 above shall not exceed 50' to the inch. Deed reference and source of title to the land being subdivided shall be included, as shown by the County Recorder of Deeds.
  6. Name and property locations of all surrounding property owners, including names of adjacent and nearby subdivisions.

#### D. . Plan Notes and Conditions

All necessary or recommended supplementary subdivision or land development plan notes or conditions shall either be prominently lettered on the plan or attached as a textual supplement. These Plan Notes and Conditions shall include, but not be limited to:

1. The number of residential lots, typical lot size, the acreage in proposed recreation and other public, semi-public or community purposes and the number and type of dwelling units proposed if any.
  2. Applicable zoning standards for front, rear and side yard setbacks, minimum lot area, minimum lot width and zoning district.
  3. Statement of intended use for all lots except those intended for single family detached dwellings.
  4. A copy of all existing and/or proposed deed restrictions or protective covenants which may be a condition of sale of the property. These shall be accompanied by an affidavit by the owner that such restrictions, etc. are not in violation of any
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existing local, State or Federal laws relating to discrimination, etc.

5. Other specifics or clarifications necessary to complete the plan.

**E. Certifications and Dedications**

1. A certification of ownership shall be signed by the property owner(s) verifying ownership and acceptance of the plan.
2. A statement shall be signed by the owner(s) offering land for dedication to public use for all appropriate streets, rights-of-way, easements, parks, etc.
3. A certification statement by the plan preparer (registered surveyor, engineer, or landscape architect) verifying the plan accuracy.
4. Seal of the registered surveyor, engineer or landscape architect responsible for plan preparation, to include a statement that (i) the plot represents a survey made by him and that all monuments indicated thereon actually exist and that the location, size and material of same are correctly shown; and (2) that all of the requirements of this Subdivision Ordinance have been met. Any plan establishing property boundaries shall be prepared and sealed by a Registered Surveyor as per the Pennsylvania Professional Engineer Registration Act.
5. A copy of the **Borough Zoning Permit** for the proposed subdivision or land development.
6. A copy of any **required sewer permits** for the development.
7. A copy of the developer's approved **Erosion and Sedimentation Control Plan**, including certification that any related permit required by the PA Department of Environmental Resources or the Lackawanna County Conservation District has been issued.
8. A copy of the application to PennDOT for any **Highway Occupancy Permit** to be required by the project.
9. **Certification from the water company** proposed as the source of central water service that it can and will provide the specified level of water service.

A sample of the required Certification form is attached as an appendix to this Ordinance. Also attached are Preliminary and Final Plan specimens. These are provided for the guidance of both the Planning Commission and the applicant. It is understood that said specimens are not complete and that the applicant is required to include all the information contained in this Chapter in any Preliminary or Final Plans submitted. The

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data required on the Preliminary and/or Final Plans may be presented on multiple layers, if necessary or desired, in order to assure readability, e.g. utility information may be placed on a separate sheet, etc. Cross sections and profiles shall ordinarily be placed on separate sheets.

It will be the prerogative of the Planning Commission to exempt individual applicants of minor subdivisions, within reason, from some of the more detailed requirements of a full application for Minor Subdivision approval. Applicants requiring such exemption should submit a request for such at the time of application submission, detailing those requirements from which relief is sought and the reason for such request for relief. Where cost is a factor, the applicant should cite the potential cost of full compliance and the source of the cost estimate.

The Planning Commission, at its first meeting following the submission of an application for Minor Subdivision approval which includes a request for relief from full application preparation, will review and act on the request. If the request is denied in full or in part, the Planning Commission will notify the applicant in writing of its decision and of those application components for which relief was denied.

Should the Planning Commission fail to act on a request for relief from full application preparation, the request will be deemed approved and the applicant granted relief as requested.

#### **SECTION 4.03 - MAJOR SUBDIVISION - PRELIMINARY PLAN**

The subdivider or land developer shall furnish, as part of an application for preliminary approval of a major subdivision or land development plan, the following information on the required Preliminary Plan sheets.

##### **A. Title Block**

All information required in Section 4.02 (A) of this Ordinance.

##### **B. Signature Blocks**

All information required in Section 4.02 (B) of this Ordinance.

##### **C. Maps and Data**

All information required in Section 4.02, Subsection C, Paragraphs 1, 4, 5, and 6 of this Ordinance. Information required in Paragraphs 2 and 3 shall also be supplied as specified, except that:

1. Lots shall be depicted, but individual bearings and dimensions are not required. Lot areas may be approximated.
  2. Topographic information shall be completed at two (2) foot - contour intervals. It shall show approximate direction and gradient of ground slope on immediately adjacent land; indicate subsurface condition of tract if not typical; show water courses, marshes, sinkholes, wetlands, wooded areas, isolated preservable trees and other significant features.
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3. Street and utility information shall be detailed. Street profiles, cross sections and grades shall be specified, detailing cartway, curb, and shoulder design where applicable. Location, size and/or other adequate specification, profiles, elevations and cross sections shall be submitted for all sanitary sewers, water lines, storm sewers, sidewalks, street lights, storm water management facilities and other proposed site improvements. If the Preliminary Plan covers only a part of the subdividers entire holdings, a separate sketch of the proposed street plan for the subdivider's entire holdings shall also be submitted

D. Plan Notes and Conditions

All information required in Section 4.02 (D) of this Ordinance.

E. Certifications and Dedications

All information required in Section 4.02 (E) of this Ordinance.

#### SECTION 4.04 - MAJOR SUBDIVISION - FINAL PLAN

The subdivider or land developer shall furnish, as part of an application for final approval of a major subdivision or land development plan, the following information on the required 18" X 24" Final Plan sheet(s):

A. Title Block

All information required in Section 4.02 (A) of this Ordinance.

B. Signature Blocks

All information required in Section 4.02 (B) of this Ordinance.

C. Maps and Data

The plan shall include only the phase or section of the subdivision or land development proposed for immediate recording and development. All information required in Section 4.02 (C) of this Ordinance shall be supplied with the exception that the Final Plan shall show accurate lot size and boundary data.

D. Plan Notes and Conditions

All information required in Section 4.02 (D) of this Ordinance.

E. Certification and Dedications

All information required in Section 4.02 (E) of this Ordinance.

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## **CHAPTER 5 - REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

### **SECTION 5.01 - INTENT**

The design standards established in this Chapter are intended to be fundamental requirements to be applied with professional skill in the subdividing and planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets and economical layouts of residential and other land development. The design standards are further intended to encourage and promote flexibility and ingenuity in the layout and design of subdivisions and land developments, in accordance with modern and evolving principles of site planning and development.

It is also the intent of this Chapter to require subdividers and developers to follow all applicable codes, regulations and standards adopted by the Borough relative to improvements to the subdivision or development site. In all cases, the codes, regulations and standards of the Borough shall be followed and the improvements shall be approved by the Planning Commission before the Final Plan is approved. All improvements as specified in this Chapter shall be installed before the Final Plat is approved or, in lieu thereof, a guarantee of installation shall be provided by the subdivider or developer prior to Final Plat approval. The guarantee shall assure the Borough that the required improvements will be installed in accordance with the subdivision or land development plan.

During the design and approval of subdivision and land development plans, both the Planning Commission and the developer shall give primary consideration to all State, County and Borough thoroughfare plans, water plans, sewer plans, community facility plans, official maps and all such other public and voluntary sector plans as may be in effect in and for the Borough.

The standards outlined herein shall be considered minimum standards, and the Planning Commission may require more restrictive standards. Wherever municipal or other applicable regulations impose more restrictive standards, such other regulations shall control.

Land subject to hazards of life, health, or property as may arise from fire, floods, mine fire, mine subsidence, toxic waste, disease or other dangers shall not be subdivided for development or developed for purposes susceptible to such hazards unless they have been eliminated or the subdivision or land development plan provides adequate safeguards against such.

### **SECTION 5.02 - GENERAL STANDARDS**

In addition to the standards contained elsewhere in these regulations, the following general standards shall be observed.

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- A. Existing utilities and improvements - Existing utilities and improvements shall be utilized wherever possible. New roads and extended utility services shall be discouraged if existing services and facilities may be utilized. Scattered urban development shall be avoided.
- B. Minimize street lengths - Development designs shall minimize street lengths necessary to serve developed properties.
- C. Lot line angles - Side lot lines should be substantially at right angles or radial to street lines, unless the purpose of lot line orientation is to obtain greater solar access.
- D. Depth of residential lots - Depth of residential lots should be not less than one (1) nor more than three (3) times the lot width.
- E. Lot frontage and access - Every lot shall abut a street. Lot frontage or access shall be physically accessible by standard vehicle in existing condition or the Planning Commission shall require illustration of the site improvements planned and necessary to alter steep banks, flood plains, visibility limitations, etc. to a condition that will facilitate safe and adequate access. The Planning Commission may also require that lots be arranged to reserve a right-of-way for street access to future lots.

Generally, the development of sites not located on a public thoroughfare of sufficient width and alignment in respect to the traffic to be generated is discouraged. When proposed subdivisions or land developments are not located directly upon an adequate thoroughfare, the Planning Commission may require the developer to participate with the municipality, through negotiation, in the improvement of the access road between the site and the nearest adequate thoroughfare as a condition to Final Plan approval.

- F. Double or reverse frontage lots - Double frontage lots shall be prohibited except where in the judgement of the Commission they are necessary to separate residences from major traffic arteries or railroads, or to overcome specific disadvantages of topography in hillside areas. Where double frontage lots back on a major traffic artery, a planting strip for a screen, at least twenty (20) feet in width, shall be provided along the back of the lot. The Commission may also require a twenty (20) foot planting screen for a double frontage lot which backs on a railroad or other disadvantageous use. Double or reverse frontage lots may be preferred or required when lot access to an adjoining street is not permitted or separation from the street is desired because of topographic, orientation, aesthetic, congestion, safety or high noise level considerations.
  - G. Drainage and utility easements - Adequate easements or rights-of-way shall be required for drainage and utilities. Easements shall be a minimum of twenty (20) feet in width and, whenever possible, shall be centered on side or rear lot lines. No structure or buildings shall be erected within such easements.
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H. Natural and Historic Feature Preservation - Every measure shall be taken to insure, insofar as possible, the preservation of natural and historic features, areas and structure determined to be worthy of such preservation by the Planning Commission, and public access to such where appropriate. Site design and development shall include reasonable efforts to save existing trees and vegetation and to provide for the planting of such additional trees and vegetation as may be required to meet Borough standards for same.

I. Pedestrian Circulation:

- 1 Pedestrian walkways shall be physically separated from all streets and, insofar as possible, from vehicle circulation ways within non-residential developments.
- 2 Parking lots shall be designed so as to minimize the necessity for pedestrians to walk within and across vehicle circulation ways.
- 3 Commercial developments should be designed so as to allow pedestrians to browse and pause in areas removed or otherwise protected from vehicular circulation and parking areas.
4. Insofar as possible, common open areas and other residential service areas shall be located at the interior of dwelling sites to minimize the necessity for pedestrians to cross streets.
5. Construction standards for sidewalks and curbs shall be in accordance with Chart III.

J. Residual land and nearby development - The standards of this Ordinance shall apply to all lots being subdivided or developed and residual land which is created by the subdivision or land development activity. The design of proposed subdivisions and land developments shall be coordinated with existing nearby development and physiography so that the entire area may be developed harmoniously.

K. Structure Orientation:

1. Structure sites should be grouped whenever possible as such provides larger, more usable open space without decreasing the overall density of development.
  2. Extra building setbacks are recommended at all street intersections in order to increase sight distances and to make the presence of an intersection more apparent.
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3. Insofar as possible, commercial structures should be relatively central in respect to their parking areas in order to minimize required walking distances for safety and convenience. (Protected pedestrian accessways shall be provided in commercial developments adjacent to residential neighborhoods.)

L. Vegetation and Street Trees:

1. Street Trees - The developer shall seed the planting strip between the curb and sidewalk, if either or both are required and, in addition, provide street trees of a caliber not less than 1-2" and planted 40" to 60" feet apart. The type and spacing of the trees shall be approved by the Planning Commission.

The following is a list of acceptable trees. Any tree not on this list must be specifically approved by the Commission. Any tree which is on this list must be approved as to locale of project by the Commission:

Norway Maple  
Sugar Maple  
White Ash  
Green Ash  
Maidenhair Tree  
Thornless Honey Locust  
Sweet Gum  
Oriental Plane Tree  
American Plane Tree  
White Oak  
Red Oak  
Scarlet Oak  
Pin Oak  
Little Leaf European Linden  
Silver Linden  
American Elm

Special reference is made here to the Solar Access requirements as contained in the Municipality's Zoning Ordinance with respect to trees and vegetation.

2. Conservation - Development shall be planned so as to minimize the removal of existing trees, shrubs and ground cover and to minimize the amount of land covered by structures and paving.
  3. Noise Control - Street trees along arterial and collector streets in residential areas are recommended to absorb traffic noise.
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4. Screening—Wherever natural screening is being provided to meet a screening requirement of any zoning ordinance, such shall consist of 50% evergreen or evergreen-type hedges and 50% shrubs interplanted and of a variety and size at the time of planting that such will attain a height of at least six (6) feet within three years thereafter and spaced at intervals of not more than four (4) feet. Furthermore, subdivision and land development plans shall provide for such screening:
  - 1) Where commercial or industrial uses abut residential uses.
  - 2) Where residential uses abut any railroad or limited access highway, or any other arterial highway in the case of reverse frontage or where marginal or rear access is provided.
  - 3) Around all open sides of any common utility yard and any outdoor equipment or refuse storage area in group residential development
  - 4) Elsewhere as deemed necessary by the Planning Commission.
5. Windbreaks - The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares as well as for general comfort is recommended.
6. Obstructions to Vision - No bushes or shrubs exceeding thirty (30) inches in height, or at such lesser height which due to ground elevations would obstruct the vision of motorists, shall be permitted within any required clear-sight-triangle nor within ten (10) feet of the right-of-way line adjacent to access drives; and all street trees shall be kept free of branches and foliage from the ground level to a height of at least eight (8) feet.

#### M. Vehicle Provisions-

1. Access Drives - Whenever required and/or provided under the provisions of this Ordinance or otherwise, all access drives shall be designed according to the following standards:
    - a) Except in the case of single and two family dwellings, the general layout shall be such that there will be no need for motorists to back into public rights-of-way.
    - b) Access drives for commercial and industrial uses shall be paved and shall not be less than eighteen (18) feet in width nor exceed thirty five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb radii.
    - c) The number of access drives shall not exceed two (2) per lot on any one street frontage. The Planning
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Commission may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.

d) Access drives shall not cross the street right-of-way lines:

i) Within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. When deemed reasonably necessary for safety by the Planning Commission, this dimension shall be increased for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets when practical, in a manner to permit safe ingress and egress.

ii) Within ten (10) feet of a fire hydrant, catch basin or drain inlet.

iii) Within forty (40) feet of another access drive, except in the case of single and two-family dwellings.

iv) Within three (3) feet of a property line, unless two (2) adjoining owners mutually agree to a common access drive.

v) Access to the public highway or street shall be controlled in the interest of public safety. Off-street parking, loading, and service areas on all properties used for purposes other than single family residences shall be physically separated from the highway or street by a curb, pipe, rail, or fence and a planting strip.

vi) General Sight Distance Safety Requirement - Driveways shall be located in safe relationship to sight distance and barriers to vision. They shall not exceed a slope of ten (10) percent within twelve (12) feet of the street line.

2. Off-Street Parking Facilities - Whenever required and/or provided under the provisions of this Ordinance or otherwise, all off-street parking facilities shall be designed according to the Zoning Ordinance.

a) Surfacing - In commercial and industrial uses, any off-street parking area, service or access drive shall be

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graded for proper drainage and shall be stabilized sufficiently to accommodate the anticipated traffic.

b) Circulation patterns - The circulation patterns in large off-street parking facilities (more than 40 vehicles) shall be so arranged as to provide for orderly and safe parking and storage of self-propelled vehicles, including the separation of lanes intended for general circulation through the facility from the lanes used to circulate through and among the dedicated parking lanes and areas.

2) Lighting - Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining residential use premises, as well as from vehicles moving upon a public thoroughfare.

#### N. Public Uses

1. Reservations - When a proposed park, playground, school or other public use, as shown on the Comprehensive Plan for either the County of Lackawanna or the Borough, is located in whole or in part in a subdivision, the Commission may require dedication or reservation of such area(s) within the subdivision in those cases which the Commission deems such dedication or reservation to be reasonable. Where such area(s) is not dedicated, it shall be reserved for acquisition by the appropriate public body for a period of one (1) year unless said public body indicates its unwillingness to acquire such area(s) at an earlier date. If not acquired by the appropriate public body, such area(s) shall revert to the subdivider.

2. Recreation and Education Areas - Upon consideration of a proposed land development, particularly large-scale developments located outside of normal municipal service areas, the Commission may require the dedication of public grounds and open space for schools, parks, playgrounds and other appropriate public uses in those cases where the Commission deems such uses as essential and arising out of the needs created for same by the development itself. Suitable arrangements shall be made for fixing responsibility for continued maintenance of these areas. These provisions may be made applicable to the total areas of several contiguous subdivisions in the instances of common majority ownership if so determined by the Commission.

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Every proposed residential subdivision or land development to accommodate more than twenty-five (25) dwelling units may be required to provide open space for the common recreational use of the residents thereof. The size of lots or area per dwelling unit required by any zoning ordinance in effect may be reduced by five (5) percent, except in the case of on-lot sewage disposal, when such land is provided in accordance with the following standards:

- (a) The land provided is of suitable size, dimensions, topography, and general character for the type of recreational use deemed appropriate to the varied outdoor needs of the development as determined by the Planning Commission.
- (b) The amount of such land equals at least 0.02 acres for each dwelling unit to be established in the subdivision or land development, provided however, such area must be at least one acre in size.
- (c) Such recreational space shall be easily and safely accessible to all areas of the subdivision of land developments and shall be free of hazards to health and safety.
- (d) Such recreation area may be offered for dedication. However, such offer shall not bind any governing body to accept same. If such dedication is accepted, the reduction of the area requirements permitted above shall be deemed adequate compensation to the landowner for the land so dedicated if said allowance has been exercised.
- (e) The developer shall make adequate provision for the perpetuation and grounds maintenance of such recreation area not offered or accepted for dedication and shall provide evidence of such provision to the Planning Commission upon filing the Final Plan.

3) Open Spaces - In the case of Planned Residential Developments or cluster developments, no less than twenty-five (25) percent of the total land area shall be devoted to recreational use and common open space and adequate assurance for the perpetuation and maintenance thereof shall be provided by the developer.

O. Mine subsidence and Mine Fire Hazards - Land subject to mine subsidence or mine fires shall not be platted for use unless such adverse conditions are first remedied by the subdivider to the satisfaction of the Commission and other appropriate State, County and Local agencies. (See Article 5.22 for other restrictions in re: geological hazards etc.)

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P. Subdivision of property with existing dwellings - Subdivision of property with existing dwellings or development shall be regulated by the following:

1. Each dwelling or use shall be serviced by separate utility connections. Shared sewage systems are not permitted.
2. Each dwelling or use subdivided shall be on sufficient land area to satisfy minimum lot area and yard setback requirements. Where adequate land area is not available to satisfy minimum standards, subdivision may be permitted when:
  - a. Each dwelling or principal building is in good structural condition.
  - b. Mobile homes are not involved.
  - c. An equitable distribution of land is proposed between the existing uses or buildings.

Q. Special purpose subdivisions - Lot additions, land exchanges, agricultural use only lands, and any other specific or special purpose subdivision or land development shall include prominent plan notes to avoid misinterpretation of the intent of the subdivision or land development plan. Applicable deed restrictions may be required.

R. Accuracy of deeds - Deeds filed subsequent to subdivision or land development approval shall accurately and correctly describe the property therein. Deeds shall be in complete compliance with all plan notes and conditions.

Recording a deed which omits or contradicts the information on an approved subdivision or land development plan shall be a violation of this Ordinance.

### SECTION 5.03 - FIRE FIGHTING ACCESS EASEMENTS AND FIRE HYDRANTS

A. Fire protection access easements - The areas where, in the opinion of the Borough Fire Marshall, there will exist any fire hazards, unobstructed fire protection equipment access easements shall be provided. The size, location, design and grading of such easements shall be recommended by the Fire Marshall and shall be as found necessary by the Commission.

B. Sole Access - For reasons of public safety, any street serving as the only means of access to a development shall be classified as not less than a Collector Street

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- C. Fire hydrants - The need, location, design and related features of fire hydrants shall be as determined by the Fire Marshall in accordance with applicable existing laws and regulations.

#### SECTION 5.04 - ENERGY CONSERVATION STANDARDS

Conservation of energy shall be an important principle in the design of subdivisions and land developments. Plans shall facilitate the energy efficient placement of homes and buildings on lots. Whenever the following criteria are found to be appropriate to a site, development design should be in accordance with the standards contained herein.

##### A. Orientation

1. Lots shall be designed for energy efficient siting of buildings with respect to slopes and existing trees.
2. Southerly exposures should be utilized for development. North slopes, especially those over 10% slope, should be avoided because the long shadows created severely restrict solar access.
3. New lots and new residences shall be oriented to make maximum effective use of passive solar energy. The long axis (depth) of each lot should run North-South, with a possible East-West variation of 22-1/2 degrees. Lot design should provide for lots of adequate width, depth, and slope for solar orientation. Lot layout should facilitate solar access by at least 75% of the proposed dwellings or buildings within a development.
4. The largest yard setback should be stipulated on the south side of proposed buildings. Buildings should be situated to the North end of the lot to permit maximum on-lot control of solar skyspace.

##### B. Streets

1. Streets should be oriented along an East-West axis, with maximum North-South deviations of 30 degrees. This should be required to the maximum extent possible, although size, configuration or orientation of the property; nature of the surrounding development; circulation patterns; existing physical features such as topography and vegetation (trees); and improved design potential may be considered to determine the feasibility of this requirement for a given site.
  2. Street system shall be designed to reduce overall lengths and facilitate traffic flow (minimum number of intersections).
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### C. Vegetation and Wind

1. Site design shall emphasize the preservation of all beneficial natural features of the site, such as existing slope, naturally wooded areas, and water courses. The site design should also avoid requiring removal of large isolated trees and desirable woods and other vegetation, particularly those existing plant materials which serve as wind barriers and aid in energy conservation.
2. Developments shall be designed to maximize wind buffering and/or breeze channelization capabilities of vegetation, topography and structure layouts. Wind breaks and buffers should utilize evergreens to protect north and northwesterly exposures. Cooling breezes from the southwest should be channelled past buildings. Deciduous trees shall be located in areas which will enable them to shade buildings from the summer sun, but still allow penetration of the winter sun.

## SECTION 5.05 - TOPOGRAPHY

The standards of this Ordinance may be increased or the modification of the design of a proposed subdivision or land development may be required, on the recommendation of the Municipal Engineer, when such is deemed necessary as a result of topographic and other natural or man-made physical features within or adjoining a particular site to assure public safety, health and welfare; the provision of public services; and the maintenance of public facilities.

Subdivisions shall be planned to take advantage of the topography of land in order to utilize the natural contours, economize in the construction of drainage facilities, reduce the amount of grading, and minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the neighborhoods.

Additionally, environmental safeguards may be mandated on slopes in excess of 15%. On steep slopes (in excess of 15%), site and lot design shall be adjusted, where necessary, to mitigate the detrimental effects of development on steeper slopes. The following topographic considerations shall be utilized in design of subdivisions and land developments:

- A. Streets - Land which is relatively flat or of very gentle slopes should be planned so that the streets follow the natural drainage courses and as many lots as possible shall be above the street grade. On more irregular topography, streets shall be designed to avoid extensive cuts and fills and follow the ridges or be planned approximately parallel to contour lines, and adjusted, however, so that lots on one (1) side of the street will not be excessively below the street grade.
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- B. Natural Drainage - Subdivisions shall be designed, particularly on land of very gentle slopes, to take every advantage of natural grades so that all the land can be drained without excessive grading. Where a subdivision is traversed by a watercourse, a drainage easement or right-of-way shall be provided. These shall later conform substantially with the line of such watercourse and shall be of adequate width as determined by the Commission Engineer to preserve natural drainage.

Unless water courses or drainage ways are enclosed, the plan shall be adjusted so that rear lot lines shall be approximately parallel to the natural or straightened course, and only where such plan is not possible, should side lot lines be arranged parallel to an open drainage course. Easements for drainage ways and low-lying land which are subject to flooding may be included as part of a lot but shall not be used as building sites or included in calculating the required lot area or width.

- C. Natural Features - Natural features, irregularities, changes in level, brooks, lakes, hilltops, and other focal points within the site, and distant views outside the subdivision shall be integrated in the design to obtain variations and interest in each neighborhood and more attractive building sites. Trees, topsoil, and other natural resources shall be preserved and utilized in the development of the subdivision.
- D. Driveways - Private driveways shall be designed to furnish safe and convenient access, with reasonable clear sight distance at intersection with the street. Steep slopes shall be traversed diagonally to minimize grades. Driveway grades shall not exceed 15% slope and shall be reduced to less than 10% at least twelve (12) feet before the street line.. The Planning Commission may require paving of driveways exceeding 10% slope to minimize erosion.

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#### SECTION 5.06 - GRADING AND EROSION AND SEDIMENTATION CONTROL

##### A. Grading

1. Where major cuts, excavation, grading and filling materially changes the site and its relationship with surrounding areas, or materially affects such areas, they shall not be permitted if they result in a slope exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.
  2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
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3. Cut and fills shall not endanger adjoining property.
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
5. Fills shall not encroach on natural watercourses or constructed channels.
6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
7. Grading will not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Municipality.
8. During grading operations, necessary measures for dust control will be exercised.
9. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of culverts or bridges.
10. The grading of the roadway shall extend the full width of the cartway, shoulder and swale area, if applicable. Where possible, grass strips or channels between the curb or shoulder and right-of-way line should be graded at 3:1 slope; however, when unusual topographic conditions exist, good engineering practice shall prevail.

#### B. Soil and Sedimentation Control

1. No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Planning Commission, or there has been a determination by the commission that such plans are not necessary.
  2. No subdivision or land development plan shall be approved unless (a) there has been a plan approved by the Municipality that provides for minimizing erosion and sedimentation consistent with this article, and an improvement bond or other acceptable securities are deposited with the Municipality in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (b) there has been a determination by the Municipality that a plan for minimizing erosion and sedimentation is not necessary.
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3. Measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the USDA Soil Conservation Service. The Commission Engineer, or other official, as designated, shall ensure compliance with the appropriate specifications, copies of which are available at the municipal building.
  4. Performance Principles - The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:
    - a. Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize erosion.
    - b. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
    - c. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
    - d. The disturbed area and the duration of exposure shall be kept to a practical minimum.
    - e. Disturbed soils shall be established as quickly as practicable.
    - f. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
    - g. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
    - h. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff will be structurally retarded.
    - i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
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SECTION 5.07 - LOT SIZES AND STANDARDS

The minimum lot size and lot width requirements established by the Borough Zoning Ordinance shall be utilized as minimum subdivision standards. All lots shall satisfy the Borough zoning standard for lot width and lot size at the time of subdivision. Additionally, the building setback lines established by the Borough Zoning Ordinance shall be applicable and shall be noted on each subdivision or land development plan. Additionally, each subdivision or land development plan shall satisfy all other applicable zoning standards, unless variance thereto has been granted.

A. Lot areas beyond minimum size - Lots having an average cross slope of 10% or less shall conform to the requirements for lot widths and areas as established by the Municipal Zoning Ordinance. Additional lot areas beyond minimum size may be required:

1. On slopes in excess of 10%. Lots having an average cross slope of greater than 10% (hillside lots) shall conform to the requirements for lot widths and areas as established by Chart I, Lot Requirements Based on Slope, which is hereby incorporated in this Subdivision Ordinance by reference.
  2. To control erosion or storm water runoff.
  3. To provide sufficient area for sewage disposal.
    - (a) In subdivisions to be provided with a public water system, but not with a sanitary sewer system the lot width at the building setback line shall be a minimum of seventy-five (75) feet and the lot area shall be a minimum of eleven thousand two hundred and fifty (11,250) square feet.
    - (b) In subdivisions to be provided with neither a sanitary sewer system nor a public water supply system, the lot width at the building setback line shall be a minimum of one hundred (100) feet and the lot area shall be a minimum of twenty thousand (20,000) square feet subject to the approval of PENNDER and based upon the results of percolation tests.
    - (c) Any other provision of this Subdivision Ordinance notwithstanding, any non-residential or multiple dwelling subdivisions which are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities shall be subject to the individual review of the Commission which shall determine what the lot widths and areas of such subdivisions shall be in order to prevent any health hazards.
  4. The depth-to-width ratio of the usable area of a lot shall ordinarily be at a maximum of 3.0 to 1.0.
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5. Lot widths in cluster subdivisions shall be reviewed on a project basis by the Planning Commission

B. Lot shape - Lots in newly platted subdivisions shall be suitably shaped to encourage and facilitate use and maintenance of all portions of the lot. Accordingly, lots shall be square or generally rectangular in shape. Lot configurations which result in flag lots and L-shaped, T-shaped, triangular or otherwise inappropriately shaped lots shall be avoided.

In older sections of the Borough, where flag lots may be created to subdivide larger lots, such flag lots will provide a minimum of a 25' of road frontage, a 25' access to the main body of the lot so as to allow for screening and lot wide enough to provide at least the minimum lot width required at the building line for the applicable zone.

### **SECTION 5.08 - STORM WATER MANAGEMENT AND DESIGN CRITERIA**

- A. Scope - A Storm Water Management Plan shall be required for each subdivision or land development plan at both the preliminary and final submittal stage. As an integral part of the Storm Water Management Plan, erosion and sedimentation control measures shall be included.

For the purposes of this Section of the Ordinance, any expansion or construction where such development occupies an area in excess of 20,000 square feet (combined building and paved parking area) shall be considered a land development plan and also require a Storm Water Management Plan in accordance with the applicable regulations of this Section. The 20,000 square foot requirement applies on individual large projects, projects which exceed a cumulative total of 20,000 square feet after the effective date of this Ordinance, and any projects occurring after the 20,000 square foot level has been reached.

A Storm Water Management Plan must be approved as per paragraph C of this Section before construction of any expansion may proceed.

- B. Drainage Easements - Where a subdivision is traversed by a watercourse, a drainage easement or right-of-way shall be provided. These shall later conform substantially with the line of such watercourse and shall be of adequate width as determined by the Commission Engineer to preserve natural drainage.

1. Exception - Single family residential lots may be exempted from the mandatory design and installation of certain storm water management facilities when the lot improvements (house, driveway, regrading, etc.) on the proposed subdivision plan document to the satisfaction of the Planning Commission and the Borough Engineer that the lot improvements will not result in detrimental storm water discharges within the lot(s) or upon adjoining lands, roads, waterways or other areas.
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Exemption may be granted by the Planning Commission provided all of the following criteria are satisfied:

- (a) The subdivision plan shall meet all of the criteria for a minor subdivision; and,
  - (b) The minimum lot area shall be two (2) acres; and,
  - (c) The slope of the lot shall not exceed 4% in the lot improvement area and slopes in excess of 8% shall not exist within fifty feet (50') of the lot improvement area; and,
  - (d) Streams, waterways and ecologically sensitive areas shall not exist within one hundred feet (100') of the lot improvement area; and,
  - (e) The proposed lot improvements shall be a minimum of fifty feet (50') from side and rear lot lines, unless site conditions or other requirements necessitate greater setback; and,
  - (f) Plan notes shall document that the soils within the lot improvement area are in the hydrologic soil group A, B or C, as published in the current edition of TR-55, Urban Hydrology for Small Watersheds; and,
  - (g) Storm water discharges shall not endanger or potentially damage the lot improvements, adjoining lands, roads or otherwise pose a threat to the health, safety or welfare of the public; and,
  - (h) No unique or adverse lot conditions shall exist which warrant refusal of the exemption request; and,
  - (i) The exemption request shall be submitted in writing with the subdivision application and shall address all the criteria cited herein; and,
  - (j) Subdivision application shall be accompanied by standard application and inspection fees to assure evaluation of lot(s) for compliance with the exemption criteria at the design, construction and inspection stages; and,
  - (k) Subdivision plans containing any lots which have received storm water management design and installation exemptions in accordance with these provisions shall contain a prominent plan note explaining the exemption and the lot development restrictions applicable thereto; and,
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- (1) Any lot receiving a storm water management installation exemption and subsequently found to be developed, or under development, contrary to the approved subdivision plan, contrary to these exemption provisions or otherwise evidencing a storm water runoff problem shall forthwith be subject to the following:
  - (i) Corrective action shall be taken in the lot development to eliminate the noncompliance.
  - (ii) Submission of a revised subdivision plan shall be required, depicting necessary storm water management facilities, in accordance with standard plan processing procedures.
  - (iii) Lot owner(s), developer(s) or other responsible person(s) who fail to take corrective lot development action or fail to submit a required revised plan shall be guilty of a violation of this Ordinance, punishable as provided by Section 8.06 of this Ordinance.

C. Content of Storm Water Management Plan - The Storm Water Management Plan shall utilize the projected 100 year flood as currently calculated by the Federal National Weather Service (NWS) as the design storm and contain the following:

1. A general description of the proposed subject.
  2. Project location on a 7.5 minute U.S.G.S. map or equivalent.
  3. Topographic features of the site and adjacent lands that are considered to impact upon the Storm Water Management design. Flow Direction arrows should be utilized to indicate the direction of storm water flow on site.
  4. Runoff calculations for the entire watershed and related design computation necessary to substantiate the proposed temporary and permanent storm water management facilities. A minimum affected drainage area of one (1) acre shall be used to calculate required storm water storage, unless otherwise justified by site topography illustrated on the plan.
  5. Design and specifications of temporary and permanent storm water management facilities. The volume of storm water detention required per lot shall be noted on the plan, as well as approximate dimensions of the proposed facility. An estimated construction cost should also be provided.
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6. Staging or Implementation schedule for constructing the proposed storm water control system. A plan note shall be added to grant Borough officials and employees thereof the right of access to the property for inspection of a storm water management facilities and, in the event of default by the subdivider, installation of the storm water management facilities.
7. Maintenance and Ownership provisions.

D. Review and Approval - All Storm Water Management Plans shall be reviewed by the Borough Engineer prior to Borough approval. A set of design plans shall be maintained on file at the site during construction, as record drawings.

Observations of construction shall be the responsibility of the Borough Engineer or his or her designated representative and shall be conducted to certify compliance with this Ordinance. Upon completion of the storm water management installation for a subdivision or land development of more than one (1) lot or unit and/or with an estimated storm water management facilities construction costs in excess of \$3,000.00, the developer/subdivider shall provide a certification of completion from a registered engineer or surveyor verifying that storm water management facilities have been constructed in compliance with the approved plans. Changes to the approved plans shall be authorized only with the written approval of the Borough Engineer.

E. Design Standards - Computations for determining storm water runoff and for the design of storm water management facilities shall be based upon the current U.S.D.A., Soil-Cover-Complex Method described in TR-55, Urban Hydrology for Small Watersheds; the United States Department of Agriculture, Soil Conservation Service National Engineering Handbook, Section 4.

The Storm Water Management Plan shall effectively demonstrate the control of post-development peak discharge rates to pre-development peak discharge rates based on the following standards:

1. All pre-development calculations, unless in woodland, shall be based upon the assumption of grass or pasture cover in good hydrologic condition, and pre-development storm water runoff shall be calculated for a two (2) year storm event. Where the site contains existing impervious surface, up to 50% of the impervious area may be considered as an existing pre-development condition.
  2. Storage structures and peak flow from subdivision or land development shall be designed such that post-development five-year peak discharge will not exceed the pre-development two-year peak discharge for the primary outlet structure and from the development.
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3. All storage structures shall be designed with emergency spillways. The minimum design capacity of the emergency spillway shall be the 25 year post-development peak discharge while maintaining a minimum of 1.0 foot freeboard.
  4. Culverts, pipes, and other water carrying structures shall be designed to handle the peak discharge from the ten year post-development storm event.
  5. The storm water management plan shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sediment basins, and retention and detention structures and sufficient design information to construct such facilities.
  6. Maximum permitted average velocities are as follows:
    - (a) Three feet (3') per second where only sparse vegetation can be established.
    - (b) Four feet (4') per second under normal conditions where vegetation is to be established by seeding.
    - (c) Five feet (5') per second where dense, vigorous sod can be quickly established or where water can be temporarily diverted during establishment of vegetation.
    - (d) Six feet (6') per second where well established sod is in existence.
    - (e) For lined water carrying channels, the following velocities are permitted.
      - (1) Six inch (6") Rock Rip-Rap - Up to six feet (6') per second.
      - (2) Nine inch (9") Rock Rip-Rap - Up to eight feet (8') per second.
      - (3) Asphalt - Up to seven feet (7') per second.
      - (4) Durable Bedrock - Up to eight feet (8') per second.
      - (5) Twelve Inch (12") Rock Rip-Rap - Up to nine feet (9') per second.
      - (6) Concrete or Steel - Up to twelve feet (12') per second.
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- (7) The normal maximum velocity of open channel flows shall not exceed ten feet (10') per second.
7. Energy dissipators shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
8. Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- Any changes in the existing drainage way shall be subject to the approval of PENNDER and such other agencies of the Commonwealth as may have jurisdiction.
9. All streets shall be so designed to provide for the discharge of surface water from their rights-of-way.
10. The slope of the crown on proposed streets shall be 1/8 of an inch per foot. Slope of the centerline grade shall be at least .75%.
11. Adequate facilities shall be provided at low points along streets and where necessary to intercept runoff.
12. Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete or corrugated polyethylene as approved by Pennsylvania Department of Transportation.
13. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.
14. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
15. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
16. Vertical pipes, inlets, and other surface water receiving structures shall be installed with trash racks.
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17. Storm water runoff channels shall be designed and installed to avoid trapping excess sediment.
18. Storage of equivalent storm water runoff for a portion of a property may be considered in lieu of storage of generated runoff provided:
  - a. The site is located so that it is physically impossible to detain runoff from the proposed facilities or drainage problems exist upgrade that would impact upon the site or downgrade properties.
  - b. The impact of generated runoff discharging off site from the subdivision or land development is determined by the Borough Engineer to be negligible and not detrimental to adjacent properties.
  - c. Implementation of equivalent storage shall be determined applicable and feasible by the Borough Engineer.
19. A variety of methods for storm water detention are available for use. These include surface detention, subsurface detention, use of existing facilities (ponds, etc.) or a combination thereof. Subsurface detention shall be utilized only where the subsurface is stable and not prone to sink hole formation.
20. Lots shall be arranged and graded to provide positive drainage away from buildings.

F. Erosion and Sedimentation - Erosion and sedimentation control measures shall be in accordance with the applicable standards and specifications set forth in the current edition of Soil Erosion and Sedimentation Control Handbook as distributed by the Lackawanna County Soil Conservation District.

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G. Ownership and Maintenance Program - Each storm water management plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities, and erosion and sedimentation control facilities, including:

1. Description of temporary and permanent maintenance requirements.
2. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.
3. Establishment of suitable easements for access to all facilities.
4. The intent of these regulations is to provide for private ownership and maintenance of storm water management and erosion and sedimentation control facilities. Where the Storm Water Management Plan proposes municipal ownership and/or maintenance, a description of the methods, procedures, and the extent to which any facilities shall be turned over to the Borough, including a written approval of responsibilities as proposed, shall be incorporated as an integral part of the plan.

H. Basic Construction Criteria - Construction of storm water management and erosion control facilities shall be in accordance with the approved plans and accompanying specifications, if any. Construction or development contrary to, or not in compliance with, the storm water management design on the approved subdivision or land development plan shall be a violation of this Ordinance, punishable as provided by Section 8.06 of this Ordinance. The construction details and standards of the following publications in their most recent revision shall be acceptable:

1. "Erosion and Sedimentation Control Handbook of Lackawanna County".
2. PennDOT, Form 408, Specifications; and
3. PennDOT, RC Series, Roadway Construction Standards.

## SECTION 5.09 - SEWAGE DISPOSAL

Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Sewage disposal facilities shall also meet all requirements of PENNDER and the Borough. The following requirements specify the design and installation standards for subsurface sewage disposal and public and private sewerage systems.

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- A. Subsurface Sewage Disposal - All subdivisions and land developments proposing subsurface sewage disposal shall be designed and submitted in compliance with the prevailing requirements of the Pennsylvania Sewage Facilities Act. It is the intent of this Section to co-ordinate a simultaneous review of subdivision and land development plans with sewage planning modules at the municipal level, thereby avoiding the approval of lots that are not suitable for sewage disposal. In accordance with those standards, application for subdivision or land development approval shall satisfy the following procedural requirements:
1. Minor Subdivision - The subdivider shall submit the sewage planning module and required associated information to the sewage enforcement officer at the time of final plat application. The subdivision or land development plan shall not be processed until documentation is provided to verify that the sewage enforcement officer has received the sewage planning module. All newly created lots, whether for immediate or future use, shall be tested and approved for sewage suitability.
  2. Major Subdivision - The subdivider shall submit a Preliminary Plan depicting general lot layout and street design, as required elsewhere herein. After preliminary approval, the subdivider shall submit the required sewage planning module and associated information to the sewage enforcement officer at the time of final plat application. The subdivision or land development plan shall not be processed until documentation is provided to verify that the sewage enforcement officer has received the sewage planning module.
- B. Connection to Existing Public Sewers - When a subdivision or land development has public sewers available on-site or within one thousand (1,000) feet of the site, sewer lines shall be included on the subdivision or land development plan and installation must be approved by the municipal and/or other authority responsible for the sewer system..
- C. Planned Sewer Area - When a proposed subdivision or land development is located in an area not presently served by public sewers, but which has received design data preparatory to sewer system installation within ten (10) years, then the Planning Commission shall determine the necessity of installing house connections and/or capped mains, even though on-site facilities will be required in the interim. Installation of house connections and capped mains shall be in accordance with municipal design data and approved by the Borough Engineer prior to approval of a preliminary or Final Plan..
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D. Private Sewerage System - When a subdivision or land development is to be provided with a private sewerage system, a statement shall be submitted to the Planning Commission from PENNDER prior to Final Plan Approval verifying that a permit has been issued approving the proposed facilities. Additionally, the Borough must be satisfied that adequate provisions have been made to guarantee the construction and maintenance of the proposed private sewerage system..

E. Plan Notice

1. Subsurface Sewage Disposal - All subdivision and land development plans shall contain a plan note specifying that approval of the plan does not guarantee permit issuance for sewage disposal..
2. Public Sewers - All subdivision and land development plans shall contain a plan note specifying that connection to public sewer lines is required.

## SECTION 5.10 - WATER SUPPLY

A water supply system shall be designed and constructed by the subdivider or developer as required by the Borough, water company, or water authority in relation to the specific site of the proposed subdivision or land development. The water supply system shall be capable of meeting the domestic and fire protection needs of the site. (See Section 5.03)

When possible, the subdivision or land development should be served by a public water supply system approved by appropriate water officials or a community water system approved by PENNDER. If the subdivision or land development is to be supplied by a public or community water system, the subdivider or developer shall submit with the Preliminary Plan, a written certification, commitment or evidence that the municipal water company or authority or the association of lot owners or private company, as applicable, has adequate water capacity and has agreed to provide water service.

In those cases where a public or community water system is not available or practical, a well shall be provided for each lot. Wells shall be placed uphill from sewage disposal systems. Wells shall not be within one hundred feet (100') of any part of the absorption field of any on-site sewage disposal system and they shall not be placed within fifty feet (50') of lakes, streams, ponds, quarries, etc.

Subdivision and land development plans shall contain a plan note specifying the source of water supply. Plans proposing the use of public or community water shall contain a note specifying that connection to the public or community water line, as applicable, is required. Plans proposing the use of individual wells shall contain a note specifying that the lot(s) has not been tested for the availability of water of adequate quality or quantity and no guarantee of water availability is provided.

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### SECTION 5.11 - STREETS

Proposed streets shall conform in all respects to the municipality's official map and to other the local and County Comprehensive Plans as such may be developed and apply. Street and alleys shall conform to a plot plan approved by the Commission and shall generally provide for the continuation or appropriate projection of existing principal streets in surrounding areas. The grade, location and character of all streets shall also be approved by the Municipal Engineer.

In addition to relating to topography, natural features, public safety and convenience, adequate traffic circulation within and near the development and solar orientation, streets shall be designed according to the function served, the use of abutting land, and standards of width, intersections, maximum grades and curvatures.. The Planning Commission shall require that all developments have adequate access. Where major subdivision is proposed or may occur because of the patterns started by minor subdivision activity, the Planning Commission should require reservation for, or installation of, two or more streets to insure safe and convenient access.

Elimination or vacation of previously approved streets shall be approved only when the Planning Commission determines that 1) alternate access has been provided in another, more suitable location, 2) further development is not possible utilizing the street, and 3) any land owners who purchased property with reliance upon the street agree in writing to its elimination.

Where a land development abuts or contains a railroad or an existing or proposed major traffic street, the Commission may require marginal access streets, properly buffered by a planting strip from said railroad or highway; or parallel streets; or a series of cul-de-sacs or short loops, reverse frontage lots or such other treatment as will provide protection to abutting properties and will result in the reduction of the number of intersections and the separation of local and through traffic.

The developer shall design and construct streets, whether public or private, including pavements, shoulders, gutters, curbs, etc., as required by municipal ordinance. Where specific municipal regulations do not exist, the following requirements shall apply.:

#### A. Classification and General Design Goals

1. Major Streets - function primarily for the movement of fast traffic between points of heavy traffic generation. (ADT 3000+) They are often known as arterial streets or highways. They shall be planned for continuation of existing streets in the system at the same or greater width in accordance with adopted municipal standards. Major streets shall contain as few intersections as possible.
  2. Collector Streets - function to collect traffic from local streets and distribute it into major streets, and, as such, they will normally contain a relatively large number of intersections with local streets and few with main streets. A collector street system may be required wherever a residential neighborhood near a major street is over 50 acres in area or where the local street pattern is so designed as to converge and serve over
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100 one-family dwellings, or 100 multi-family units with a projected ADT of 500-3000 vehicles. Collector streets shall be planned for continuity and to lead more or less directly to one or more focal points or centers of traffic generation, and may become bus routes.

3. Local Streets - provide direct access to each lot and function to allow traffic to circulate toward the principal directions of travel, bus routes, schools and playgrounds; however, the design shall discourage through and high speed traffic. (ADT less than 500 vehicles) The street pattern shall be indirect to prevent through traffic, and yet continuous, formed of straight, moderately winding, curved, looped or angular streets. There shall be an underlying systematic neighborhood pattern; however, gridiron and other rigid geometrical patterns should be avoided where possible.

The street pattern shall include extensions to the boundaries of the development to provide circulation between adjoining neighborhoods.

Half, partial and dead-end streets shall be prohibited except where:

- (a) In the opinion of the Commission they are essential to reasonable development conforming to the other requirements of this Subdivision Ordinance.
- (b) The Commission finds it practicable to require dedication of the other half, when adjoining property is plotted.
- (c) Designed as cul-de-sac.

Whenever a half or partial street adjoins property proposed to be subdivided, the completion of such street shall be required as part of the plot.

4. Alleys - Alleys shall not be permitted in residential districts and shall be included in non-residential areas only where needed for loading and unloading or access purposes.
5. Cul-de-Sac Streets - Cul-de-Sac Streets provide direct access to properties from other streets. Ordinarily, a cul-de-sac is a short street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement. Drainage should be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
6. Hillside Streets - The right-of-way standards for hillside areas set forth herein (Section 5.11B) are merely to guide the Commission and are not intended to be fixed minimums. The basis for the requirements shall be the actual topography of the land, the location of the hillside areas and streets with

respect to the adjoining loads and streets and the density of development, particularly in terms of the proposed number of dwellings to be served by the street.

7. Blocks - Length, width and shape of blocks shall be determined with due regard to the following:

- (a) Provision of building sites adequately suited to the specific needs of the uses contemplated.
- (b) Zoning requirements.
- (c) Topography.
- (d) Requirements for convenient access, circulation and safety of pedestrian and vehicular traffic.

Block lengths shall generally not exceed twelve hundred (1,200) feet. Wherever practicable, residential blocks shall be of sufficient depth to accommodate two (2) tiers of building lots. Interior pedestrian walks may be required where necessary to improve circulation and to provide access to community facilities. Such walkways shall have a right-of-way width of not less than ten (10) feet and a paved width of not less than six (6) feet.

B. Minimum Street Standards - See Chart on next page.

C. Supplementary Street Standards - In addition to the specific standards cited in Section 5.11B, the following street standards shall apply to design and construction of streets:

1. Intersections

- a. Streets shall be designed to intersect as nearly as possible at right angles (90 degrees). No street shall intersect another at less than 75 degrees. An oblique street should be curbed approaching an intersection and should be at right angles for at least 100 feet therefrom. If the smaller angle of intersections of two streets is required to be less than seventy five (75°) degrees by reason of the topography, the radius of arc, as determined by paragraph (4) below, shall be increased by twenty-five percent.
  - b. No more than two (2) streets shall intersect at any one point. Where this proves to be impractical in the opinion of the Commission, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
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**SECTION 5.11(B) - MINIMUM STREET STANDARDS**

STREET CLASSIFICATION	RIGHT-OF-WAY WIDTH	STREETS W/O CURBS		STREET WIDTH WITH CURBS	GRADE (VERTICAL ALIGNMENT)	RADIUS CURVATURE (HORIZONTAL ALIGNMENT)	REVERSE CURVE TANGENT	SIGHT DISTANCE	OTHER REQUIREMENTS
		PAVED CARTWAY WIDTH	IMPROVED SHOULDER WIDTH (EACH)						
<b>Major Streets</b> (In CBD)	70' 80'	44'	10'	48' 48'	5%	500'	200'	600'	Street width subject to PennDOT requirements
<b>Collector Streets</b> (In CBD)	60' 70'	34'	8'	34' 40'	7%	300'	100'	300'	
<b>Local Streets</b> (In CBD)	50' 60'	26'	4'	30' 34'	10%	150'	50'	150'	Pavement width shall be increased where on-street parking is planned or lots average 80' or less in width
<b>Cul-de-Sac Streets</b>	50' (90' at turnaround)	20' (80' at turnaround)	4'	26' (5% at turnaround)	10%	150'	50'	100'	Maximum length of 600'. Serve maximum 12 lots or 24 dwelling units
<b>Alleys</b> (As Permitted) (CBD)	20' 25'			20'					
<b>Hillside Streets</b> 10% slope + (See 5.11(A)(6))	Major 60' Collector 50' Minor 40' Alley 20'			Major 34' Collector 36' Minor 20' Alley 16'	Major 12% Collector 15% Minor 18%		To be determined by Planning Commission case by case		



- c. Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of the street. Where intersections cannot practically be connected, a minimum of 150 feet shall separate the center lines of offset local streets, and 400 feet minimum shall be provided for collector and major streets. (See Chart II in the Appendix of this Ordinance)
  - d. Street curb intersections shall be rounded with a minimum radius of twenty (20) feet for local streets and thirty (30) feet for collector or major streets. The radius point shall be concentric with that for the property line.
  - e. Intersections shall be designed with a flat grade. In hilly or rolling topography, a leveling area shall be provided at the approach to an intersection. The leveling area shall have a maximum grade of two per cent (2%) for sixty (60) feet preceding the intersection, measured from the nearest right-of-way line of the intersecting street.
  - f. Clear sight triangles of seventy-five (75) feet measured along the center line from the point of intersection, shall be provided and maintained at all intersections.
2. Street Names - Street names shall not duplicate others nearby, and shall be subject to the approval of the Borough. Street signs shall be erected to identify all streets.
  3. Street Expansion - Where a subdivision adjoins unsubdivided land sufficient streets shall be planned to extend to the boundary lines so that all parcels may be subdivided and a coordinated street system obtained.
  4. Streets for Multi-family Development - There shall be planned to connect with major or collector streets to avoid generating large volumes of traffic on local residential streets.
  5. Reserve Strips - The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.
  6. Right-of-way Widths - Land for the right-of-way for the opening or extension of any street within a subdivision shall be dedicated by the developer. Where a property abuts a street which does not conform to the right-of-way width required by this Ordinance or other ordinances of the Borough, the additional width necessary to meet current standards shall be dedicated when such land is subdivided.
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7. Auxiliary Street Improvements - In addition to the required pavement and shoulder widths, streets shall be designed and constructed with curbs, street lights, gutters, culverts, catch basins, sidewalks and other improvements required by municipal ordinance or deemed necessary for a proposed subdivision.
  8. Median Strips - Median strips shall be placed in streets only where, in the opinion of the Commission, they are necessary for safety or traffic control. The width of same shall be in addition to the required cartway widths as hereinabove set forth.
- D. Unimproved Streets or Rights-of-Way - Subdivision on unimproved (unpaved) streets or access rights-of-way is discouraged. However, one lot may access via an unimproved right-of-way provided that the right-of-way is a minimum of 50' in width and so located and designed that a street could be installed in the event of future subdivision activity.
- E. Private Streets - Private streets are to be discouraged. They will be approved only if they are designed and constructed to meet public street standards and maintenance is guaranteed in perpetuity via a bonafide homeowner's association (or similar organization) agreement and appropriate financial security for repair and maintenance.
- F. Street Construction Standards - Streets, sidewalks and rights-of-way shall be improved to meet the Borough design standards and specifications as set forth in Chart III herein. It shall be the developer's responsibility to satisfy all applicable municipal construction requirements and design standards, or in lieu thereof, deposit a security in compliance with Section 5.14 of this Ordinance and established municipal policies. All public and private streets shall meet the following standards:
1. Adequate surface and subsurface drainage shall be provided.
  2. All topsoil shall be removed from the area to be paved.
  3. There shall be installed a base to consist of four (4) inches of compacted shale or stone shall on the shoulder of the road which shall extend four (4) feet minimum on both sides of the cartway.
  4. The base course shall be constructed in accordance with the Commonwealth of Pennsylvania, Department of Transportation Manual Form 408. The base binder course shall also conform to the Form 408 specifications.
  5. The surface course shall be constructed in accordance with the Commonwealth of Pennsylvania, Department of Transportation Manual Form 408.
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- G. State and County Approval of Streets and Access - to insure that street designs comply with all applicable standards, the Planning Commission may submit any preliminary and final subdivision or land development plans to the Pennsylvania Department of Transportation for review and comment.

Subdivision and land development plans which will require access to a state highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT) shall contain a plan note specifying that a highway occupancy permit is required from PennDOT before driveway access to the state highway is permitted. The plan note shall also specify that plan approval does not guarantee that a PennDOT permit will be issued.

Subdivision and land development plans which will require access to a county highway under the jurisdiction of Lackawanna County shall contain a plan note specifying that a highway occupancy permit is required from Lackawanna County before driveway access to the County highway is permitted. The plan note shall also specify that plan approval does not guarantee that a County permit will be issued.

## SECTION 5.12 - MONUMENTS

Sufficient monuments shall be set to ensure that reliable survey points are available for all parts of the subdivision. At least one (1) monument shall be placed for every two (2) lots or every two hundred (200) feet of streets, whichever requirement is less.

- A. Types of Monuments - Monuments shall be of the following types:

- (1) Made of concrete, having a 5" x 5" cross section and 36" in length. A scored - 1/2" round brass pin shall be located in the top center.
- (2) Made of cut stone, having a 5" x 5" cross section and being 36" in length with a drill hole in the top center.
- (3) A 2" round galvanized pipe 36" long with a brass cap having a punch hole in its center.
- (4) A cast iron box inside of which shall be placed a 3/4 inch steel pin three (3) feet in length, with the top of the pin set to serve as the survey point

- B. Placement of Monuments - Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. They shall be placed so that the scored or marked point will coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.
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- C. Markers - Markers shall consist of steel bars being at least fifteen (15) inches long and not less than three fourths (3/4) of an inch in diameter. Markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves; at all angles in property lines of lots and at all corner lots.

### SECTION 5.13 - UTILITIES AND OTHER IMPROVEMENTS

All subdivisions shall be designed and serviced with adequate utilities, including electricity, natural gas, telephone and cable television service. The developer shall be responsible to cooperate with the utility companies to insure installation of the necessary utilities. All utilities shall be underground and constructed at current specifications, except where developments of five (5) lots or less are exempted by the Pennsylvania Public Utility Commission. Where required, the developer shall obtain a letter from the utility company confirming that service may be extended to the development. Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

Insofar as practicable all utilities, with the exception of on-site laterals, shall be located in public rights-of-way. Where this is not possible, utility easements shall be so located as to be centered on, or adjacent to, rear or side lot lines to the fullest extent possible. Such easements shall have minimum widths of twelve (12) feet, or ten (10) feet plus the width of the required pipe or other improvement, whichever is greater. In general the required pipe or other improvement shall be located in the center of the easement. Prior to determining the location of easements, the Commission shall require the subdivider to coordinate his or her plans with those of the local public utilities in order to assure the proper location of easements for the installation of the required services.

When required by the Borough, the developer shall provide a street lighting duct system, in accordance with the specifications of the appropriate public utility.

On streets served by public water lines, fire hydrants shall be installed by the developer. Fire hydrants shall be located at the discretion of the Fire Marshall.

A. Natural Gas Lines - All natural gas lines must be installed in compliance with applicable national, state and local codes. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.

B. Petroleum Lines - Between a proposed dwelling or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of 100 feet measured in the shortest distance.

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**SECTION 5.14 - REQUIRED EXTRA SIZED & OFF SITE IMPROVEMENTS**

The land improvements required to be completed by the developer of a subdivision or land development, as set forth in this Chapter, shall be designed and installed in accordance with this Ordinance and other codes of the Borough. The improvements shall be of such size and capacities as are required for the development of the proposed subdivision and of extra sizes as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage areas.

The developer shall be required to extend improvements to serve adjoining unsubdivided land. If streets or utilities are not available at the boundary of a proposed subdivision, the Planning Commission may require the developer to construct off-site extensions of the improvements. Procedures for providing any necessary extra-size and off-site improvements and general standards for pro-rating costs shall be coordinated with the Borough and shall be in accordance with the following:

- A. Extra-Size Improvements - The developer shall be required to pay for a part of the materials or construction of streets, sewers or water lines which are determined by the Planning Commission and the Borough according to the standards set forth in this Chapter to be in excess of the size required for the development of the subdivision and the integral neighborhood, service, or drainage area.

If a storm sewer in excess of 18 inches, a sanitary sewer in excess of 8 inches or a water main in excess of 6 inches is required, but each less in size than the sewer trunk lines or water mains which are to be constructed and financed on a regional basis, the Borough shall construct the extra size utility and require a deposit in advance from the developer for the cost of the utility he is required to install and his or her portion of other costs which the Borough may assess against the benefitted property owners of the service or drainage area.

- B. Extensions to Boundaries - The developer shall be required to extend the improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land; however, where the Commission determines that a connecting street is necessary for the future subdividing of adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Commission may require the dedication of land, the pavement of intersections constructed, utilities extended at least three (3) feet beyond the pavement, and connections provided and made available for future extensions by other developers.

- C. Off-Site Extensions - If streets or utilities are not available at the boundary of a proposed subdivision, the Planning Commission may require as a precedence to approval of a preliminary or Final Plan, assurances that such improvement extensions shall be provided as follows:

1. If the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or a municipal expense until some future time, the developer may be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for extensions. Such improvements shall be available for connections by developers of adjoining land, or
2. The Borough may construct and pay for the extensions and assess the costs to the owners benefitted and require a deposit from the developer as described in subsection (A) herein. The Borough may establish a revolving fund to pay for such development costs and not collect the assessments on the intervening land until it is developed.

D. Prorating Costs - In making determinations for prorating costs for the construction of off-site extensions or extra-size improvements, the Planning Commission and the Borough shall consider in addition to the standards set forth in this Chapter and other regulations of the Borough the following conditions:

1. The relative location and size of the proposed subdivision,
2. The traffic estimated to be generated by the development in relation to present streets,
3. The natural drainage area for sewers and the service area for water,
4. The development benefits that will accrue to the subdivision,
5. The sequence of land and utility developments in the vicinity, and
6. Any other condition it may find pertinent.

#### SECTION 5.15 - COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

The developer shall be responsible, in all cases, for the installation of all required improvements, which improvements shall be approved as they are constructed and completed by the Borough Engineer. The developer shall also submit a certificate that no lot will be sold or transferred unless and until the required improvements and installations have been made or installed or proper security as defined below has been provided for such required improvements and/or installations. When security is provided as performance guarantee in lieu of actual improvements, it shall be the Borough Council and not the Planning Commission that shall negotiate, approve, accept, hold and release said security.

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- A. Performance Guarantee in Lieu of Installation - No plat shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, storm water management facilities and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance.

In lieu of the completion of any improvement required as a condition for the final approval of a plat, the subdivider or developer shall deposit with the Borough Council a fiscal security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to roads, storm water detention and/or retention basins and other related drainage facilities, open space improvements, or buffer or screen plantings which may be required.

- B. Type Guarantee - Without limitation as to other types of financial security which the Borough Council may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- C. Amount of Guarantee - The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually the Borough Council 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 ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion.

Subsequent to said adjustment, the Borough Council may require the developer to post additional security in order to assure that the financial security equals said one hundred and ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements,

submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough Engineer shall review and approve the cost estimate or, for good cause, refuse to accept the estimate, in which case he shall calculate an accurate cost estimate of the required site improvements.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent of each year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above estimate review procedure.

A developer who fails to complete the improvements within the allotted time specified in the financial guarantee shall, at least thirty (30) days in advance of the guarantee expiration date, renew or resubmit a financial guarantee. Failure to keep a financial guarantee in effect until the completion and approval of all improvements shall be a violation of this Ordinance.

D. Progressive Installation - In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

E. Release from Guarantee - As the work of installing the required improvements proceeds, the party posting the financial security may request the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be made in writing to the Borough Council and within forty-five (45) days of receipt of such request the Borough Engineer, shall certify, in writing, whether or not such portion of the work upon the improvements has been completed in accordance with the approved plat.

When the improvements are certified to be in accordance with the approved plat, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed.

The Borough Council shall notify the developer, in writing, by certified or registered mail of the action of said Borough Council with relation thereto.

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If the Borough Council fails to act within said forty-five (45) day period, the release of funds shall be deemed to have been approved as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvement.

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

The applicant shall assume the necessary expense incurred for the inspection of improvements. Such inspection costs shall be based upon the schedule established at Section 8.05 and amended from time to time as deemed necessary.

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

Where herein reference is made to the Municipal Engineer he shall be a duly registered professional engineer employed by the Engineerity or engaged as a consultant thereto.

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

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this Section, the Planning Commission shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plan upon actual completion of the improvements depicted upon the approved Final Plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

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- F. Maintenance of Streets Prior to Dedication - In submitting the Final Plan to the Commission, the developer shall agree to maintain and repair all streets and other public lands to be dedicated until same are officially accepted and dedicated by the Municipality.
- G. Maintenance Guarantee - Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- H. Remedies to Effect Completion of Improvements - In the event that any required improvements have not been installed as provided in this Ordinance or in accordance with the approved final plat, the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies.

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

All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Engineer purpose. Failure to properly install the required improvements shall also constitute a violation of this Ordinance, punishable as provided by Section 8.06 of this Ordinance.

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**SECTION 5.16 - INSURANCE**

The developer agrees to indemnify and save harmless the Borough against and from any and all loss, cost, damage, liability, and expense on account of damage to property of, or injury to or death of, the parties thereto or third person, caused by, growing out of, or in any way whatsoever attributable to the construction of said improvements and the use of the street delineated on the subdivision plat during construction. The developer further agrees, but without limiting its liability to indemnify the Borough, to carry liability insurance contracts with a reliable insurance company covering the period of said construction in the minimum sum of \$1,000,000 for injury to or death of person(s), and in the minimum sum of \$300,000 for damage to or destruction of property, which insurance contracts shall include the Borough as named insured.

**SECTION 5.17 - BUILDING CONSTRUCTION AND OCCUPANCY**

A building or zoning permit may be issued and building construction started after the approval of the final plat. Occupancy shall not be permitted prior to the completion of streets, storm water management facilities and other improvements necessary for the reasonable use of the building, unless written authorization is granted by the Planning Commission where improvements have been guaranteed by valid bond or other security.

## CHAPTER 6 - MODIFICATIONS, EXCEPTIONS AND OTHER PROVISIONS

### SECTION 6.01 - URBAN RENEWAL AREAS, PUBLIC HOUSING SITES AND OTHER PROGRAMS

#### A. Submission of Preliminary and Final Plans

Preliminary and Final Plans shall not be required for Urban Renewal areas, Public Housing sites and other lands acquired by public bodies having eminent domain powers provided that the Commission approves such other plans (e.g. Urban Renewal Plans) as are required under local, State or Federal laws and/or regulations.

#### B. Monuments and Markers

Monuments and markers for Urban Renewal Areas etc. as above shall not be required to be placed until such time as the appropriate public body has acquired all of the land within the subdivision boundaries.

### SECTION 6.02 - PREVIOUSLY IMPROVED AREAS

Where areas have been predominantly improved with residences prior to the adoption of this Ordinance, including leased properties, the Commission may not require improvements to be made in such areas when the property is subdivided.

### SECTION 6.03 - MODIFICATIONS FOR SPECIAL CONDITIONS

In any particular case where the developer or his or her engineer can show by plan and/or written statement that, by reason of exceptional topographic or other physical conditions, strict enforcement of one or more requirements of this Ordinance would result in extreme practical difficulties and undue hardship the Commission, may grant reasonable modifications provided that they:

- A. Will not be contrary to the public interest, and
  - B. Will not impair the intent and purpose of this Ordinance or the desirable general development of the neighborhood and the community.
  - C. Do not include any relaxation of the grading provisions of this Ordinance as are contained in Section 5.06 herein.
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**SECTION 6.04 - MOBILE HOME COURTS**

Includes the development of Mobile Home Courts which are planned as a unit and located on parcels of land, not less than ten (10) acres in size. All permitted Mobile Home Courts shall comply with appropriate regulations of the State of Pennsylvania relating to Mobile Home Courts and shall also comply with the following additional regulations.

- A. Each of the Mobile Home Units shall be for the exclusive use of one family or individual.
  - B. Each Mobile Unit must be designed for longterm occupancy and shall contain sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities and with plumbing and electrical connections provided for attachment to outside systems.
  - C. Individual Mobile Home Lots shall be the same size as required for single-family dwellings in the Zone District in which they shall be permitted.
  - D. No Mobile Home shall be located closer than fifty (50) feet to any of the Mobile Home Court's boundary lines.
  - E. The minimum side clearance between any two adjacent Mobile Homes shall be twenty (20) feet.
  - F. Roadway or Area Lighting shall be reflected away from adjoining properties.
  - G. The sale of Mobile Homes from a Mobile Home Court shall be prohibited. This restriction, however, is not to be construed as to prevent the sale of a Mobile Home within a Mobile Home Court, but is, rather, included to prevent the establishment of a commercial enterprise.
  - H. Only one accessory building per individual parcel shall be permitted and such accessory building shall not contain a greater area than the area of the Mobile Home located on the same parcel.
  - I. The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.
  - J. The area of the mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding or rotation.
    - 1. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
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2. The mobile home stand shall be provided with anchors and tie-downs such as "deadmen" eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
  3. Each mobile home lot shall have a paved patio of at least 190 square feet. The least dimension shall not be less than 8 feet.
- K. Each mobile home park shall be furnished with lighting so as to adequately illuminate driveways and walkways for the safe movement of vehicles and pedestrians at night.
- L. A common, useable recreation area shall be provided and maintained for the benefit of the mobile home park area provided shall constitute at least six (6) percent of the park area but in no case shall be less than 10,000 square feet.
- M. All regulations governing land uses within the Zone District in which a Mobile Home Court shall be permitted shall apply to Mobile Home Courts. Each Mobile Home Court shall be considered as a residential Subdivision and as such must also conform to the regulations of the municipal Subdivision and Land Development Ordinance. These include, but are not limited to, streets curbs, sidewalks, buffer yards and screening, off-street parking, drainage, easements, utility line locations, erosion and sedimentation control: site planning and design standards.
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## CHAPTER 7 - FLOOD PLAIN MANAGEMENT

### SECTION 7.01 - INTENT

The purpose of the regulations set forth in this Chapter is to monitor the subdivision and/or development of flood plain areas in order to promote and protect the general health, welfare, and safety of the community; to require that each subdivision lot in flood plain areas be provided with a safe building site with adequate access; to insure that public facilities which serve such lots or development be designed and installed to preclude flood damage; and to protect individuals from purchasing lands which are unsuitable for development because of flood plain lands.

The subsequent sections shall be considered requirements supplemental to those procedures and standards specified elsewhere in the Subdivision and Land Development Ordinance, Borough zoning ordinances, the Borough Floodproofing Building Code, and any other applicable ordinances and codes.

### SECTION 7.02 - DEFINITIONS OF TERMS FOUND IN THIS CHAPTER

- A. Building - A structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.
  - B. Development - Any man-made change to improved or unimproved real estate, including, but not limited to buildings, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
  - C. Flood Plain - (1) a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation by water, (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.
  - D. Floodway - That portion of the one hundred (100) year flood plain including the channel of a river or other watercourse and adjacent land areas which are required to carry and discharge the one hundred (100) year flood where the activities permitted elsewhere in the flood plain district will not cumulatively increase the water surface elevation more than one (1) foot at any given point. Detailed studies of the Regulatory Flood by the Federal Insurance Administrator provide specific flood profiles and allow for the delineation of floodway and flood fringe areas within the bounds of the flood plain.
-

For those areas where no floodway has been identified by the Flood Insurance Study, the floodway may be identified by other available studies or sources of information provided by a registered professional engineer.

- E. Regulatory Flood - The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purpose of this Ordinance, the one hundred (100) year flood, as defined by the Federal Insurance Administrator.
- F. Regulatory Flood Elevation - The 100 year flood elevation based upon the information contained in the Official Flood Insurance Study.
- G. Structure - A man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.

### SECTION 7.03 - APPLICATION PROCEDURES AND PLAT REQUIREMENTS

The following procedures shall be required in addition to those specified otherwise in these regulations.

#### A. Pre-Application Procedures

- 1. It is suggested that prospective developers consult the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.
- 2. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the probable effect of geologic conditions on the proposed development. Concurrently, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the proposed subdivision or development.

#### B. Preliminary Plan Requirements

The following information shall be required as part of the Preliminary Plan when a subdivision is in a flood plain area and shall be prepared by a registered surveyor:

- 1. A map illustrating the location of the proposed subdivision or land development with respect to the municipality's flood plain areas including information on, but not limited to, Regulatory Flood Elevations, boundaries of flood plain areas, proposed lots and sites, fill, and flood or erosion protective facilities.
  - 2. Where the subdivision or land development lies partially or completely in the flood plain area or where the subdivision
-

borders on the flood plain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building lots. All such maps shall also show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

#### C. Final Plan Requirements

The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:

1. All information required for submission of the Preliminary Plan plus any changes required by the Borough Planning Commission.
2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in flood plain areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain area.

### SECTION 7.04 - DESIGN STANDARDS AND IMPROVEMENTS

All subdivisions and land developments approved within any area of the Borough susceptible to flooding shall be subject to the following, in addition to Chapter 5 and all other applicable provisions of this Ordinance:

#### A. General

1. One Hundred Year Flood Frequency Areas - No residential subdivision or land development shall be effected within any area subject to a one hundred (100) year flood frequency and in the case of all other development, except such permitted under Subsection (2) hereunder, no structure intended for human occupancy or storage of chattel shall be erected unless the first floor or any opening below the first floor is constructed at an elevation of at least one foot above the elevation of the one hundred year flood; subject to the limitations of Subsection (2) and the provisions of Subsection (3) hereunder.
2. Fifty-Year Flood Frequency Areas - No subdivision or land development shall be effected within any area subject to a fifty (50) year flood frequency except for agricultural, public recreational, and private non-profit recreational uses including seasonal residential development provided such shall be subject to the provisions of Subsection (3) hereunder.
3. Resistance to Damage - Where not prohibited by this or any other laws or ordinances, land located in flood plain areas may be platted for development with the provision that the

developer construct all buildings, structures and mechanical equipment to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

4. Application of Zoning and Floodproofing Building Code Ordinances - Building sites for residences or any other type of dwellings or accommodations and building sites for structures or buildings other than residential uses shall be permitted in the flood plain only when in compliance with appropriate Borough Zoning Ordinance, the Throop Borough Floodproofing Building Code and any other applicable regulations.
  5. Partial Site Development Approval - If the Planning Commission determines that only a part of a proposed plat can be safely developed, they shall limit development to that part and shall require that development proceed consistent with this determination.
  6. Deed Restrictions - When a developer does not intend to develop the plat himself and the Planning Commission determines that additional controls are required to insure safe development, they may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
  7. Lot Restrictions - Lots which are within the flood plain shall be subject to the following:
    - a. Any lots created or revised shall have not more than 50% of their area within the flood plain, except that large lots may be exempted provided a minimum 1 acre area of said lot is outside the flood plain.
    - b. Lot access to a public road shall not be restricted or prevented by flood plain areas.
  8. Structural Anchoring - All structures shall be firmly anchored to prevent such from floating away and thus threaten life or property downstream or to further restrict bridge openings and other restricted sections of the waterway.
  9. Structural Effect - All structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood water.
-

10. Obstructions - The following shall not be placed or caused to be placed at any elevation less than one (1) foot above the one hundred-year flood frequency level: fences, except two-wire fences; other structure or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of - either public or private property adjacent to and/or within the flood plain.
11. Storage of Materials - No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, shall be stored below an elevation of one (1) foot above the elevation the one hundred-year flood frequency level.

#### B. Excavation and Grading

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that determination can be made as to the type and degree of development the site may accommodate.

#### C. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site disposal sites.

Plans shall be subject to the approval of the Planning Commission. The Planning Commission may also require a primarily underground system to accommodate frequent minor floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be designed to prevent the discharge of excess runoff onto adjacent properties.

#### D. Streets

The finished excavation of proposed streets shall be no more than two (2) feet below the Regulatory Flood Elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

#### E. Sewer Facilities

All sanitary sewer systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Regulatory Flood Elevation.

1. The Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding or unsuitable soil characteristics. The Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
2. The Planning Commission may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or within 1000 feet of the proposed subdivision and/or land development, the Planning Commission shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

#### F. Water Facilities

All water systems located in flood plain areas, whether public or private, shall be floodproofed to a point two (2) feet above the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Planning Commission shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

#### G. Other Public and/or Private Utilities and Facilities

All other public and/or private utilities and facilities shall be elevated or floodproofed to a point two (2) feet above the Regulatory Flood Elevation.

#### H. Recommendations of an Architect or Engineer

Plans or buildings and structures with this area shall incorporate the recommendations of a registered architect or certified engineer to provide for protection against predictable hazard

#### I. Conflicts

All subdivisions within areas susceptible to flooding shall comply with existing Zoning Regulations for the Municipality and with all State and Federal requirements, as amended from time to time. Should any conflicts develop among these and the State and/or Federal Regulations, the strictest provisions shall apply.

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### SECTION 7.05 - PERFORMANCE GUARANTEE

No final plat shall be approved by the Planning Commission until the improvements required by this Ordinance are completed in a satisfactory manner and approved by the Planning Commission. In lieu of such construction, approval may be granted prior to completion providing:

- A. The developer enters into an agreement with the local municipality guaranteeing that improvements will be installed in accordance with the plans, specifications, and schedules approved by the Planning Commission prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any flood plain area prior to completion of all protective works or measures planned for such lot and necessary access to facilities; and
- B. The developer provides a fiscal surety to guarantee performance of this agreement and completion of the improvements as planned. The surety may include a certified check, escrow account, irrevocable letter of credit or other bond acceptable to the Planning Commission. The procedural requirements of Section 5.14 of this Ordinance shall apply to any such bonding proposal.

### SECTION 7.06 - MUNICIPAL LIABILITY

The grant of a permit or approval of a subdivision and/or land development plan in the identified flood plain area shall not constitute a representation guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

## CHAPTER 8 - ADMINISTRATION, FEES AND PENALTIES

### SECTION 8.01 - INTENT

This Subdivision and Land Development Ordinance shall be considered to set forth the minimum requirements for the protection of the public health, safety, comfort, property or general welfare, pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act Number 247, 1968 sessions, as amended, or such statutes hereinafter in effect, and shall be construed most favorably to the Borough as encouraging standards of planning and development exceeding these basic and minimum regulations.

### SECTION 8.02 - ADMINISTRATION AND ENFORCEMENT

The Throop Borough Planning Commission shall be charged with the responsibility for the administration of the provisions of this Subdivision and Land Development Ordinance as herein provided, including the exercise of the municipal authority to approve or reject any and all subdivision and land development plans, and to enforce the provisions of this Ordinance on behalf of the Borough Council of the Borough of Throop. Borough Council reserves for itself with respect to this Ordinance the authority to negotiate, approve, accept, hold and release security paid by developers in lieu of the completion of required improvements.

A. Initiation of Action - In addition to other remedies provided herein, the Planning Commission may, on behalf of the Borough, 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. Refusal to Issue Permits - The Planning Commission may refuse to issue (or order municipal refusal to issue) any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation; and
  2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation; and
  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; and
-

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 Planning Commission 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.

### **SECTION 8.03 - DEVELOPER'S REQUESTS FOR MODIFICATIONS**

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare of the residents and inhabitants of Lackawanna County. The Planning Commission may grant a modification of the requirements of one or more provisions of this Ordinance if the Planning Commission concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

All requests for a modification shall be in writing to the Planning Commission and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

All such modification requests shall be approved or disapproved by the Planning Commission. Any modification or exception granted, and the full particulars for such grant, shall be recorded in the minutes of the Commission. A statement of modification or exception showing the date such grant was made shall be attached to all copies of the Final Plan.

### **SECTION 8.04 - APPEALS**

A subdivider or developer aggrieved by any action of the Planning Commission regarding refusal to approve a subdivision or land development plan may, within thirty (30) days of such refusal, appeal to the Common Pleas Court of Lackawanna County. Such an appeal, as well as any other appeals by aggrieved parties or other landowners shall be subject to the appeal procedures outlined in Article X of Act 247.

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SECTION 8.05 - SCHEDULE OF FEES

- A. General Rules - No plat or site plan shall be signed, nor shall any zoning permits, building permits, certificates of occupancy or any other types of permits be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been approved by the Borough Council unless applicant shall have deposited with the Borough Secretary an amount agreed upon by applicant and the Planning Commission as likely to be sufficient to cover all reimbursable items; and upon posting said deposit with the Borough Secretary the appropriate maps or permits may be signed and released or issued to the developer. If the amount of the deposit exceeds the actual cost as approved for payment by the Borough Council, the developer shall be entitled to a return of the excess deposit, together with such interest as allowed by the Pennsylvania Municipalities Planning Code, Act 247. But if the charges submitted and approved by the Borough Council exceed the amount of the deposit, the developer shall be liable for payment of such deficiency.

No professional personnel submitting charges to the Borough for any of the services referred to in paragraph 1(a) of this Section shall charge for any of the services contemplated by paragraph 1(a) of this Section at any higher rate or in any different manner than would normally be charged the municipality for similar work as ascertained by the professional's contract of employment with the Borough or by provisions of the municipal salary Ordinance. Payment of any bill rendered by a professional to the municipality with respect to any service for which the Borough is entitled to reimbursement under this Ordinance shall in no way be contingent upon receipt of reimbursement by developer, nor shall any payment to a professional be delayed pending reimbursement from a developer.

Deposits received from any developer pursuant to this Section shall be deposited in a banking institution or savings and loan association in this State insured by an agency of the Federal Government, or in any other fund or depository on time or savings deposits. The municipality shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to him or her by the annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be, except that the municipality may retain for administrative expenses a sum equivalent to no more than 33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses.

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- B. Fee Procedures - Each subdivision or land development plan application shall be accompanied by the required review and recording fees, as established herein. Fees shall be payable at the time of plan submission (unless otherwise noted herein) and plan processing, approval and recording shall not be completed until all required fees are paid.

There shall be no refund or credit of fees or a portion of any fee should the subdivider or developer withdraw the plan during the review process or fail to receive plan approval.

The fee schedule set forth in this Section may be amended from time to time by adoption of a resolution by the Throop Borough Council setting forth the new fees.

C. Escrow Deposits to Be Paid in Addition to Fees

1. An applicant shall be responsible to reimburse the Borough for:
  - a. All expenses of professional personnel incurred and paid by it necessary to process an application for development before the Planning Commission, such as, but not limited to:
    - i. Charges for reviews by professional personnel of applications and accompanying documents.
    - ii. Issuance of reports by professional personnel to the Planning Commission and/or the Borough Council setting forth recommendations resulting from the review of any document submitted by the applicant.
    - iii. Charges for any telephone conference or meeting requested or initiated by the applicant, his or her attorney or any of the applicant's experts.
    - iv. Review of additional documents submitted by an applicant and issuance of reports relating thereto.
    - v. Review or preparation of easements, developer's agreements, deeds or the like.
    - vi. Preparation for and attendance at special meetings.

- b. The cost of expert advice or testimony obtained by the Borough for the purpose of corroborating testimony of Applicant's Experts: provided that the municipal agency gives prior notice to the applicant of its intention to obtain such additional expert advice or testimony and affords an applicant an opportunity to be heard as to the necessity for such additional devices or testimony and definition of the limitation on the nature and extent thereof.
- 2. No applicant shall be responsible to reimburse the Borough for any of the following:
  - a. Attendance by the municipality's professional personnel at any regularly scheduled meeting of the Planning Commission; provided, however, that the municipality shall be entitled to be reimbursed for attendance of its professional personnel at special meetings of a municipal agency which were requested to be called by the applicant for the applicant's convenience.
  - b. The preparation of a resolution or memorializing resolution setting forth the findings and conclusions of the municipal agency with respect to an application.
- 3. The term "professional personnel" or "professional services" as used herein shall include the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser or other expert who would provide professional services to insure an application meets all performance standards set forth in the Borough Subdivision and Land Development Ordinance and any other experts whose testimony relates to or rebuts a subject testified to by applicant's expert.

**D. Lackawanna County Regional Planning Commission Plan Review Fee -**

The Borough shall collect and transmit any and all such plan review fees required by the Lackawanna County Regional Planning Commission. Failure or refusal by a developer to pay such a fee shall constitute grounds for declaring any application for plan approval to be incomplete. Alternatively, developers who submit their plans to the County Planning Commission independently shall also assume responsibility for the payment of such fees as the County Planning Commission shall require.

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### SECTION 8.06 - PENALTIES

A. Maximum Fines - Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Planning Commission on behalf of the Borough, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

B. Jurisdiction - District Justices shall have initial jurisdiction in proceedings brought by the Planning Commission in accordance with this Section. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Planning Commission may enforce the judgement on behalf of the Borough 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 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.

### SECTION 8.07 - AMENDMENTS

Amendments to this Ordinance may be initiated by the Borough Planning Commission or the Throop Borough Council from time to time in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code, as amended.

If the amendments are initiated by the Throop Borough Council, the proposed amendment or amendments shall be submitted to the Borough Planning Commission for review and comment at least thirty (30) days prior to a public hearing. Before enactment of a proposed amendment or amendments the Throop Borough Council shall hold a public hearing thereon pursuant to public notice.

**SECTION 8.08 - VALIDITY**

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

**SECTION 8.09 - CONTINUATION**

The modification or repeal of any prior ordinance, resolution, or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty or other liability incurred pursuant to such affected ordinance, resolution or regulation.

**SECTION 8.10 - MUNICIPAL LIABILITY**

The approval of a subdivision and/or land development plan or of any improvement installed, shall not constitute a representation, guarantee, or warranty of any kind of nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

**SECTION 8.11 - PLANNING COMMISSION RECORDS**

The Commission shall keep a complete record of its findings decisions and recommendations relative to all subdivision plans filed with the Commission for its review.

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CHAPTER 9 - ENACTMENT

This Subdivision Ordinance shall be in full force and effect from and after its date of passage. This Ordinance however, shall have no effect on written agreements to sell, options and offers to purchase pending at the time of introduction and passage of this Ordinance provided that said written agreements be registered with the Borough Administrator within Sixty (60) days of the date of passage of this Ordinance.

ORDINANCE ADOPTED: MAY 29, 1990

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

\_\_\_\_\_  
BOROUGH SECRETARY

\_\_\_\_\_  
BOROUGH COUNCIL PRESIDENT

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

FOR THE SUBDIVISION OF LAND

OF

,PA

TO: Planning Commission of the \_\_\_\_\_ of \_\_\_\_\_:

Application is hereby made for the approval of the Preliminary Plan for the subdivision of the land described below and outlined on the attached Plan:

Tract Name: \_\_\_\_\_

Tract Area: \_\_\_\_\_ acres.      Tract Location: \_\_\_\_\_

Name of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Name of Subdivider: \_\_\_\_\_

Address: \_\_\_\_\_

Number of Lots: \_\_\_\_\_      Number of Residential Lots: \_\_\_\_\_

Number and Types of Dwelling Units Proposed: \_\_\_\_\_

Proposed Dedications including areas: \_\_\_\_\_

Other Required and Related Data: \_\_\_\_\_

Attachments (check appropriate items:)

( ) Preliminary Plan consisting of \_\_\_\_\_ Sheets.

( ) General Plan, Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets.

( ) Cross Sections, Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets.

( ) Profiles, Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets.

( ) Utilities, Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets.

( ) Grading Plan, Sheet \_\_\_\_\_ of \_\_\_\_\_ Sheets.

( ) Copy of existing or proposed deed restrictions.

( ) Other (specify:) \_\_\_\_\_

(Also attach executed Preliminary Plan Certifications)

The undersigned certifies that he (they) is (are) familiar with the Official Subdivision Ordinance of the \_\_\_\_\_ of \_\_\_\_\_ and that this application is in conformity with said Ordinance.

Respectfully submitted this \_\_\_\_\_ day \_\_\_\_\_ of 19\_\_\_\_.

\_\_\_\_\_  
(Applicant's Signature)

(Print or Type:)

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

Address: \_\_\_\_\_

I, the undersigned, acting as \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, do hereby certify that the applicant, \_\_\_\_\_, did on \_\_\_\_\_ 19\_\_\_\_, pay a fee of \$ \_\_\_\_\_ as required by Article 5.412 of the Official Subdivision and Land Development Ordinance of the \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

I, the undersigned, acting as Engineer of the \_\_\_\_\_ of \_\_\_\_\_, do hereby certify that I have examined the Preliminary Plan submitted in connection with this application of \_\_\_\_\_ for the subdivision of land and have found that the proposed street grades contained therein are satisfactory and are hereby approved.

( ) The percolation data submitted is satisfactory.

( ) Percolation data is not required.

\_\_\_\_\_  
MUNICIPAL ENGINEER

\_\_\_\_\_  
DATE

### APPROVALS

Planning Commission of the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COMMISSION ENGINEER

\_\_\_\_\_  
DATE

### FINAL PLAN CERTIFICATIONS

I, the undersigned, do hereby certify that I was responsible for this Final Plan, representing a survey made by me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that all monuments indicated hereon actually exist and that the location, size, and material of same are correctly shown. I further certify that, to the best of my knowledge, all of the requirements of this Subdivision Ordinance have been met.

\_\_\_\_\_  
(Reg. Surveyor or Prof. Engineer)

### OWNERSHIP AND DEDICATIONS

The undersigned do hereby certify that they are the record owners of the land shown on this Final Plan and that they do hereby consent to the subdivision of said land in the manner shown hereon and hereby dedicate to the use of the public forever, all streets, alleys, thoroughfares, public utility easements and other public uses so designated on this Plan.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_

### APPROVALS:

Planning Commission of the \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COMMISSION ENGINEER

\_\_\_\_\_  
DATE

### ACCEPTANCE BY MUNICIPALITY

I, \_\_\_\_\_, \_\_\_\_\_  
of the \_\_\_\_\_ of \_\_\_\_\_ do hereby  
certify that the \_\_\_\_\_ of the \_\_\_\_\_ of  
\_\_\_\_\_ did, by resolution duly adopted on \_\_\_\_\_,  
19\_\_\_\_, accept for public use the dedication of the lands so designated on this Final Plan.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

**CHART III****REQUIRED IMPROVEMENTS AND MINIMUM CONSTRUCTION  
STANDARDS FOR STREETS, CURBS AND SIDEWALKS**

TYPE OF STREET	Surface Type	Base Course Type	Thickness	Curb Type	Sidewalks Width	Type
Major Traffic Streets	A	C	8"	E, F, G	5'	H
Collector	A	C	6"	E, F, G	5'	H
Minor Streets	B	D	5"	E, F, G	4'	H, I
Hillside Streets	(a)	(a)	(a)	E, G	3'	H, I, J
Alleys	A	C	6"	E, F, G	n/r	n/r

Letters refer to the following:

(a) Same as for major, collector or minor streets in "non-hillside" areas .

n/r Not required .

A . Two and one-half (2 1/2) inch ID-2 surface course in accordance with PennDOT specifications

B. Two (2) inch CP-2 surface course in accordance with PennDOT specifications .

C. Stone base course or equivalent in accordance with PennDOT specifications.

D. Run of Bank gravel or shale in accordance with specifications of the Commission Engineer.

E. Plain cement concrete - Type A - in accordance with PennDOT specifications, using mix of 1:2 1/4:3.

F. Stone Curb - Type A - 6" wide by 22" high by 6' long in accordance with PennDOT specifications .

G. Concrete or bituminous valley gutter in accordance with specifications of the Commission Engineer.

H. Concrete - 4" thickness 1:2 1/4:3 mix placed on 4" cinder or crushed stone.

I. Cut flag stone, 2" in thickness placed on 4" of cinder or crushed stone.

J. ID-2 bituminous material, PennDOT specifications, 3" thickness placed on 4" of cinder or crushed stone.

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**PERCOLATION INFORMATION ON LACKAWANNA COUNTY SOILS**

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The following predominant soil types occur generally in those areas shown on the "General Soil Map" attached to this Ordinance. It is to be understood that soil conditions may vary greatly over even short distances and individual percolation tests must be made at the precise location in order to ensure accuracy of determination.

**ALTON**

Soils with very rapid percolation with hazard from insufficient filtration and renovation of effluent.

**SWARTZWOOD AND TIOGA**

Deep well drained soils with probable percolation rates of one (1) inch of water in six (6) to fifteen (15) minutes.

**LORDSTOWN AND OQUAGA**

Moderately deep, well drained soils with probable percolation rates of one (1) inch of water in fifteen (15) to thirty (30) minutes. Rates are quite variable in short distances due to variations of materials immediately under the soil.

**ARNOT**

Well drained soils that are shallow or very shallow to bedrock.

**MARDIN AND WELLSBORO**

Moderately well drained soils on upland sites. these soils have seasonal high water tables which are the major limitations on use for subsurface disposal systems.

**MORRIS AND VOLUSIA**

Somewhat poorly, poorly, and very poorly drained soils on upland sites. These soils have high water tables and are unsuitable for subsurface disposal systems.

SPECIMENPERFORMANCE BONDKNOW ALL MEN BY THESE PRESENTS:

That, We \_\_\_\_\_ as Principal, and  
 \_\_\_\_\_ as Surety, are held and firmly bound unto  
 \_\_\_\_\_ of \_\_\_\_\_  
 County of Lackawanna, Pennsylvania, in the sum of \$ \_\_\_\_\_,  
 Dollars, lawful money of the United States, for the payment of which well and truly to be  
 made, we bind ourselves, our heirs, executors, successors and assigns jointly and  
 severally, firmly by these presents.

The condition of the foregoing obligation is such that:

WHEREAS, said Principal will make the following improvements. All  
 public improvements and other work as set forth to be done and performed in accordance  
 with the plans, specifications and provisions of the contract executed between said  
 Principal and the \_\_\_\_\_ of \_\_\_\_\_  
 \_\_\_\_\_, County of Lackawanna, Pennsylvania, for the  
 development and improvement of \_\_\_\_\_

\_\_\_\_\_  
 (Name of Subdivision)

located \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_, Pennsylvania.

NOW THEREFORE, if the said Principal shall fully and faithfully perform  
 all the work specified to be done and performed by the contract executed between the  
 Principal of this Bond and the \_\_\_\_\_ of \_\_\_\_\_,  
 County of Lackawanna, Pennsylvania, and within the time prescribed, and in accordance  
 with the plans, specifications and provisions therefore, to which reference is here made, the  
 same being a part hereof, as if fully incorporated herein; then this obligation shall be void;  
 otherwise to remain in full force and effect in law; it being expressly understood and agreed  
 that the liability of the surety for any or all claims hereunder, shall in no event exceed the  
 penal amount of this obligation, as herein stated.

The said Surety hereby stipulates and agrees that no modifications,  
 omissions or additions, in or to the terms of said contract, or in or to the plans or  
 specifications thereof, or any extension of time, shall in any wise affect the obligations of  
 said surety on its bond.

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

PRINCIPAL \_\_\_\_\_

\_\_\_\_\_  
 SURETY

BY \_\_\_\_\_



SPECIMENSUBDIVIDER'S CONTRACT

This contract executed on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
 by and between \_\_\_\_\_ Subdivider, as  
 evidenced by the Plat to be filed with the \_\_\_\_\_, \_\_\_\_\_ of  
 \_\_\_\_\_, Pennsylvania and the \_\_\_\_\_ of the \_\_\_\_\_  
 of \_\_\_\_\_ Pennsylvania, is governed by the following conditions and  
 considerations, to wit:

Said Subdivider shall not transfer any lot, parcel or tract therefrom or shall  
 proceed with any construction work on the proposed subdivision, including grading that  
 may affect the arrangements of streets or other public improvements, until he or it has  
 obtained approval of the plat from the Planning Commission of the \_\_\_\_\_  
 of \_\_\_\_\_ Pennsylvania. And further, until the plat of said  
 subdivision has been recorded with the County Recorder of Deeds of Lackawanna County,  
 Pennsylvania.

And said Subdivider is to construct, install or otherwise make all public  
 improvements shown on the approved Final Subdivision Plan and those further shown and  
 set forth to be done and performed by the engineering drawings and specifications marked  
 as follows, all of which are a part of this contract:

NAME OF DRAWINGDRAWING NUMBER


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SPECIFICATIONS


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And said work shall include the construction of approximately

\_\_\_\_\_ sq. ft. of sidewalk

\_\_\_\_\_ Lin. ft. of curb and gutter



The grading of streets and the application thereon of \_\_\_\_ sq yds. of bituminous ID-2 binder course and \_\_\_\_ Sq. yds. of bituminous ID-2 surface course and the installation of the following sewer lines:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

As may be applicable, the general conditions of this contract are such that; all streets, alleys, and other public ways shall be graded to their full width, including slide slopes, to a grade approved by the \_\_\_\_\_ Engineer;

Gutters shall be shaped along the curb lines; the roadways shall be crowned and graveled and surface treated, or otherwise improved to the satisfaction of the \_\_\_\_\_ Engineer; underground storm water drainage, such as sluices, culverts, or pipe sewers in order to eliminate the collection of surface water in any low spot and to take care of the drainage of any natural water course, made necessary by the grading of the street, shall be constructed, and sanitary sewers and water mains and connections for both shall be installed in accordance with the approved lot layout.

All to be performed within a period of \_\_\_\_ months from the date of this contract, which is hereby fixed by said \_\_\_\_\_ as a reasonable period, but an extension of time may be granted if approved by the \_\_\_\_\_.

Said subdivider is to execute bond, equal to the cost of construction based on an estimate furnished or acceptable to the \_\_\_\_\_ Engineer, and to the satisfaction of the \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, Pennsylvania.

Subdivider:

\_\_\_\_\_  
Witness

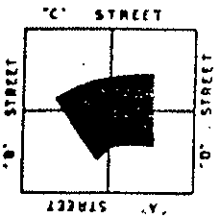
\_\_\_\_\_  
Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
BOROUGH SECRETARY



TRACT NAME: HAZLE MANOR

TAX MAP DATA:  
STREET BLOCK LOT

NAME OF OWNER(S):

NAME OF SUBDIVIDER:

### SITE DATA:

ACREAGE: ACREAGE LOTS  
NUMBER OF RESIDENTIAL LOTS  
TYPE OF DWELLING UNITS  
NUMBER OF DWELLING UNITS  
ACREAGE OF PROPOSED RECREAT  
ACREAGE PROPOSED FOR PUBLIC USE  
ACREAGE OF STREETS TO BE DEDICATED

### LEGEND

TRACT BOUNDARY LINE

(INCLUDE WATER COURSES, RAILROADS, CULM  
BANKS, STRIPMINES, CULVERTS, ZONE  
DISTRICT LINES ETC., AS REQUIRED.)

EXISTING BUILDING OUTLINE

UTILITIES (TO BE INSERTED ON MAP AS REQUIRED)

ITEM	EXISTING	PROPOSED
SANITARY AND STORM LINE		
HYDRANTS		
WATER		
ELECTRIC		
GAS		

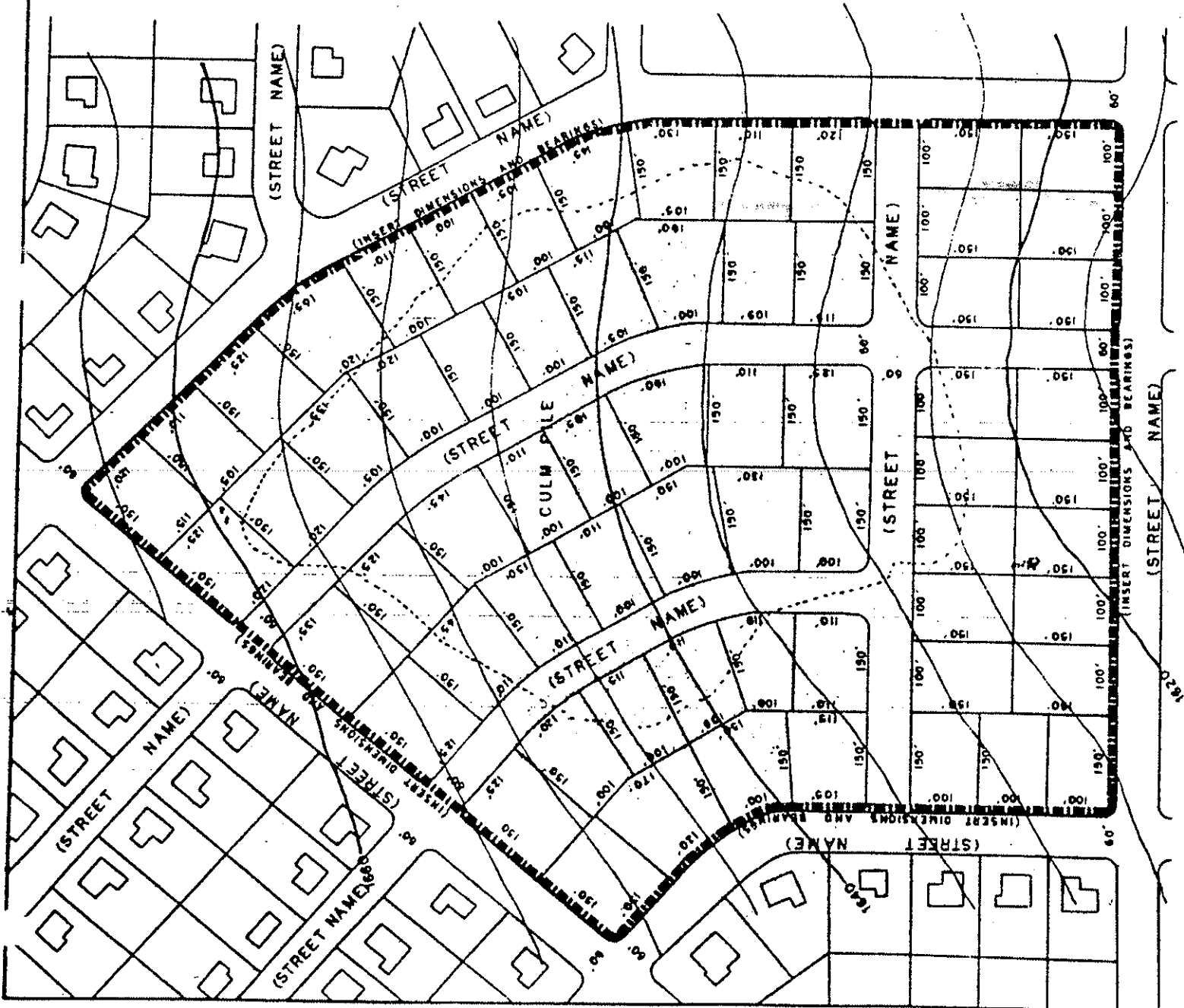
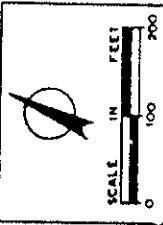
## SPECIMEN

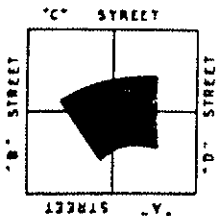
PRELIMINARY PLAN — HAZLE MANOR

SHEET OF SHEETS  
DATUM REFERENCE:

DATE:

(SCALE)





TRACT NAME:  
HAZLE MANOR

OWNERSHIP DATA:

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
DEED BOOK: \_\_\_\_\_ PAGE NO. \_\_\_\_\_

LEGEND

TRACT BOUNDARY LINE  
(ETC AS REQUIRED)

( INSERT

CERTIFICATION

AS SHOWN

ON THE

NEXT PAGE )

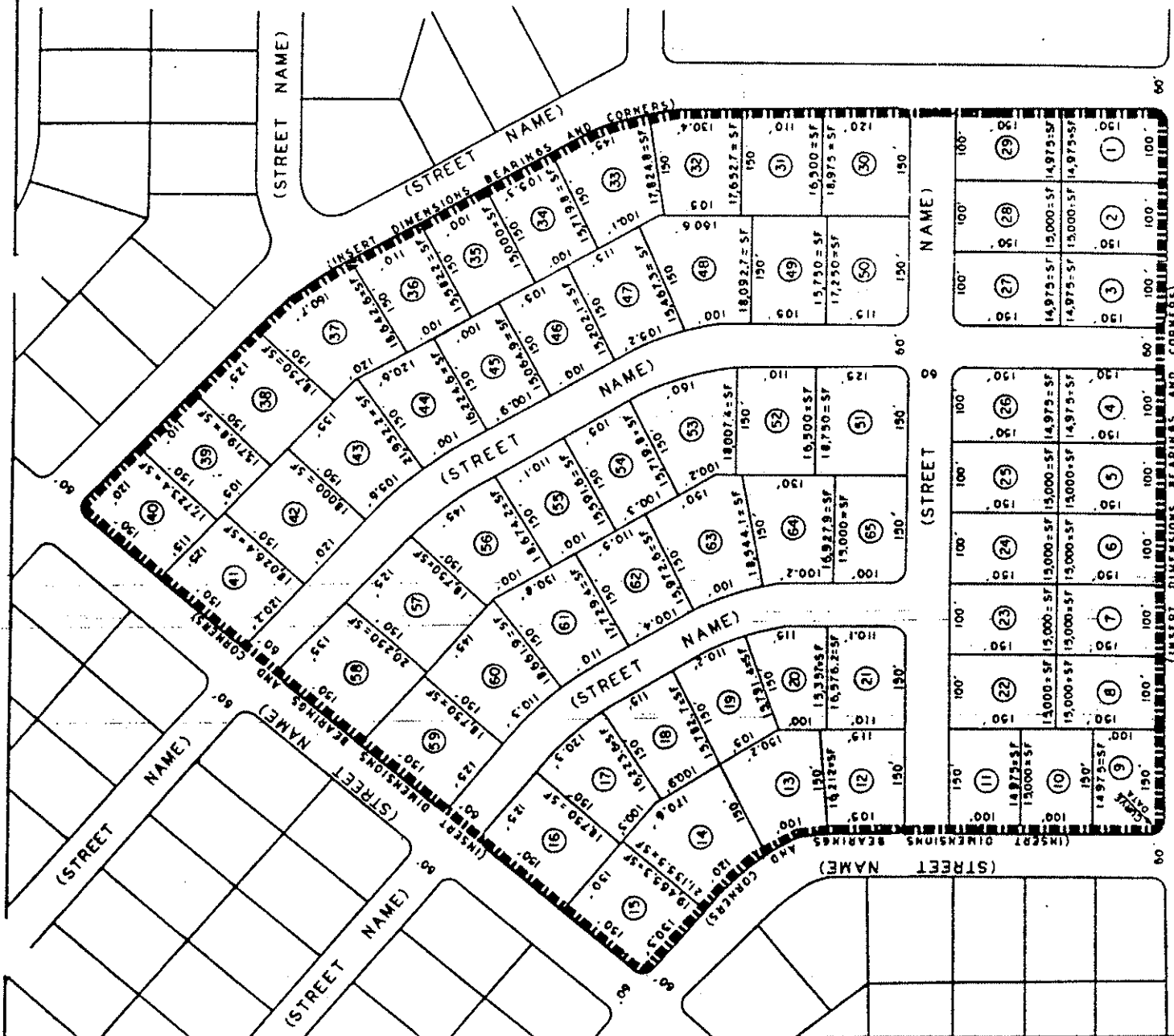
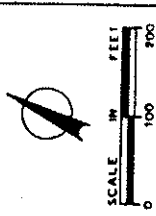
SPECIMEN

FINAL PLAN \_\_\_\_\_ HAZLE MANOR

SHEET OF SHEETS

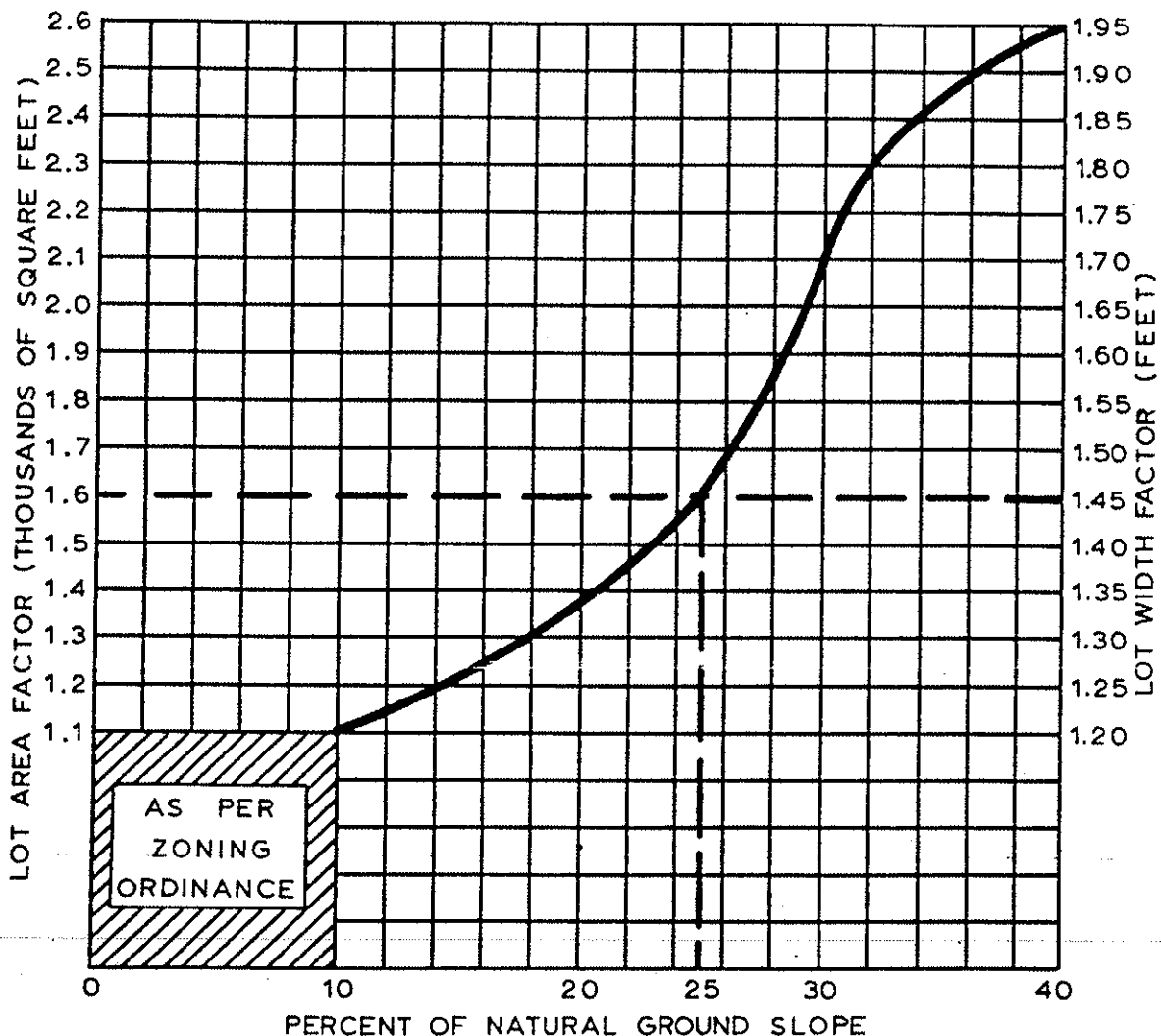
DATE:

NAME & ADDRESS OF SUBDIVIDER



# CHART I

## LOT REQUIREMENTS BASED ON SLOPE



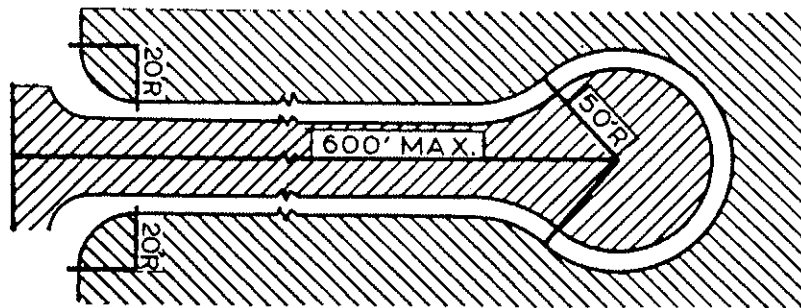
EXAMPLE: FOR A LOT WHOSE NATURAL GROUND SLOPE IS 25%, THE LOT AREA FACTOR IS 1.6 AND THE LOT WIDTH FACTOR IS 1.45. BOTH ARE TO BE APPLIED TO THE ZONING ORDINANCE REQUIREMENTS FOR THE PARTICULAR ZONE IN WHICH THE LOT IS LOCATED, e.g., IF THE ZONING ORDINANCE REQUIREMENTS FOR A LOT ARE A 75 FOOT WIDTH AND A 10,000 SQUARE FOOT AREA, THE ADJUSTED FIGURES FOR THIS LOT (25% SLOPE) WOULD BE AS FOLLOWS:

$$\begin{aligned}\text{LOT WIDTH} &= 75' \times 1.45 = 109 \text{ feet (rounded)} \\ \text{LOT AREA} &= 10,000 \times 1.6 = 16,000 \text{ sq. ft.}\end{aligned}$$

LOT WIDTHS AT ENDS OF CULS-DE-SAC MAY BE REDUCED BY 50% PROVIDED THAT A MINIMUM OF 30 FEET LOT WIDTH IS MAINTAINED.

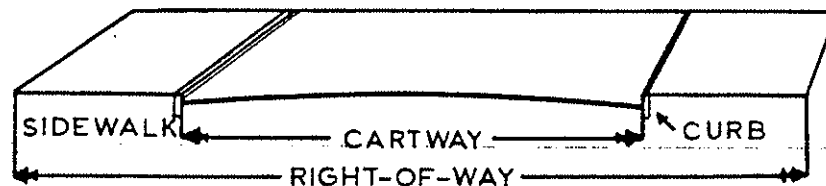
## CHART II

### CUL-DE-SAC DESIGN



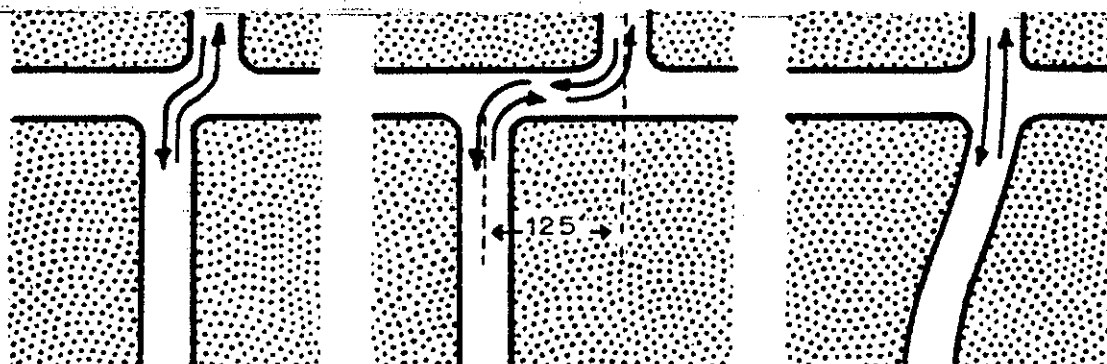
A CUL-DE-SAC STREET MAY BE AS SHORT AS DESIRED BUT SHALL BE LIMITED TO 600 FOOT MAXIMUM LENGTH. FIFTY FOOT RADII SHALL BE USED TO ALLOW SMOOTH FLOW IN TURNING AROUND AT THE END OF THE CUL-DE-SAC STREET.

### TYPICAL STREET CROSS-SECTION



NOTE: DIMENSIONS VARY ACCORDING TO THE TYPE OF STREET. MEDIAN STRIPS TO BE ADDED AS REQUIRED OR PERMITTED.

### STREET JOGS WITH CENTERLINE OFFSETS

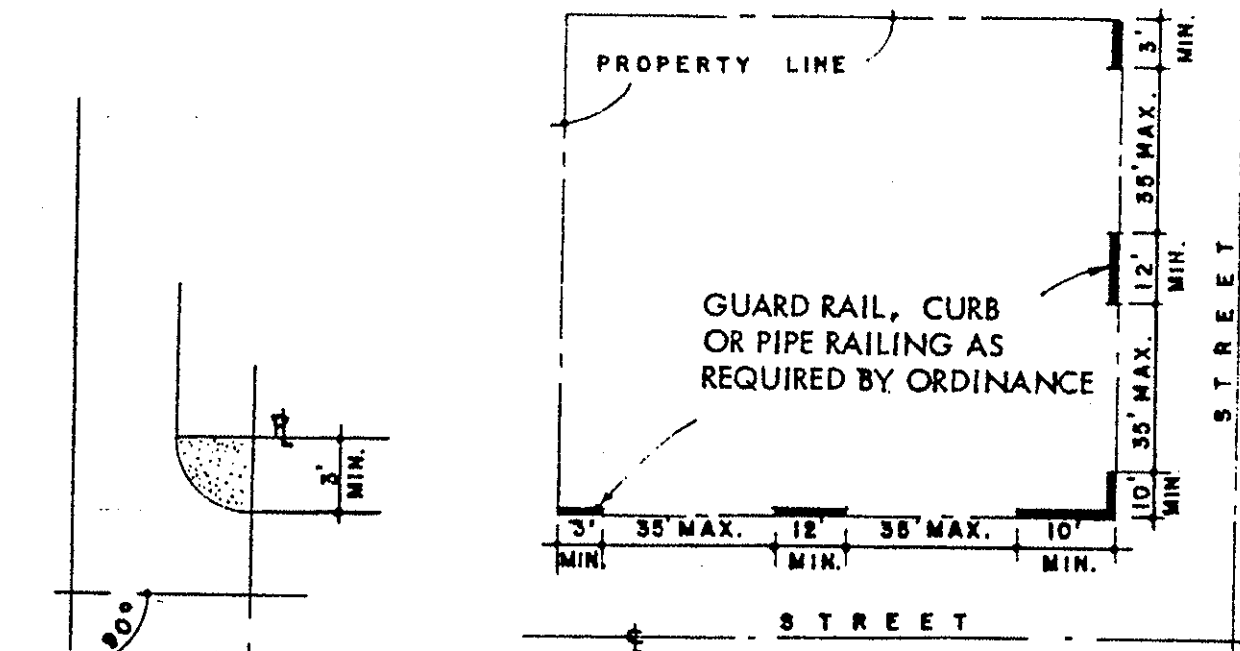


UNACCEPTABLE

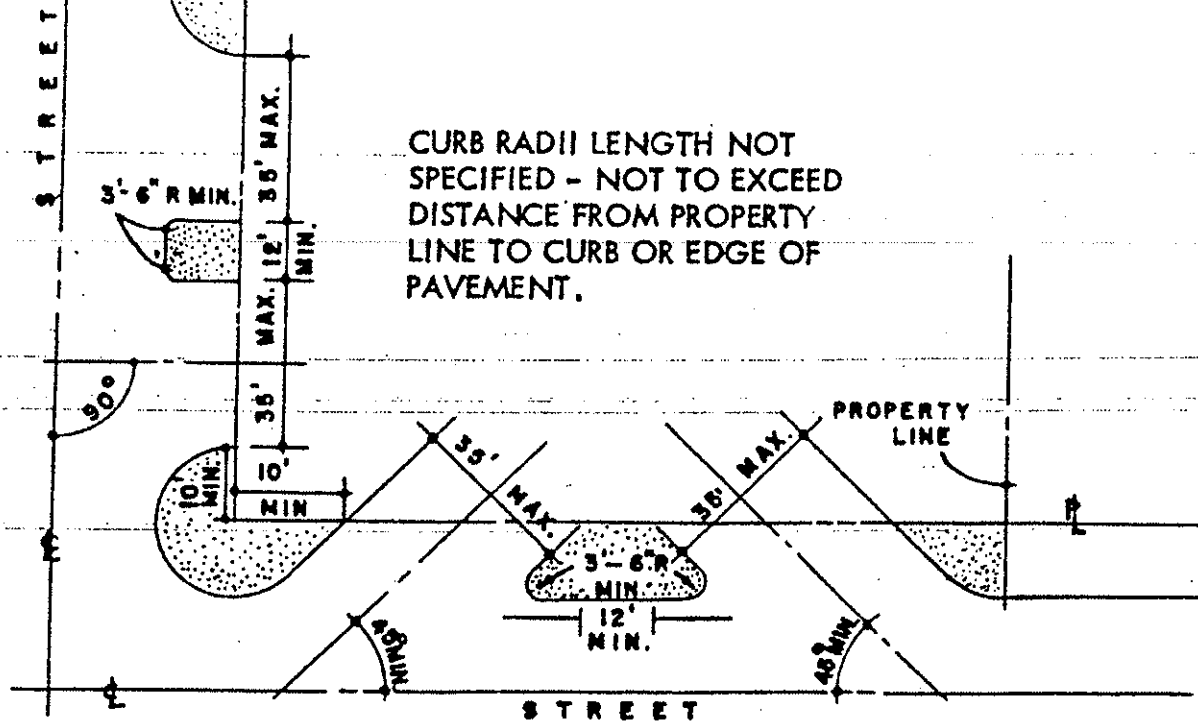
ACCEPTABLE

BETTER

P L A T E 1



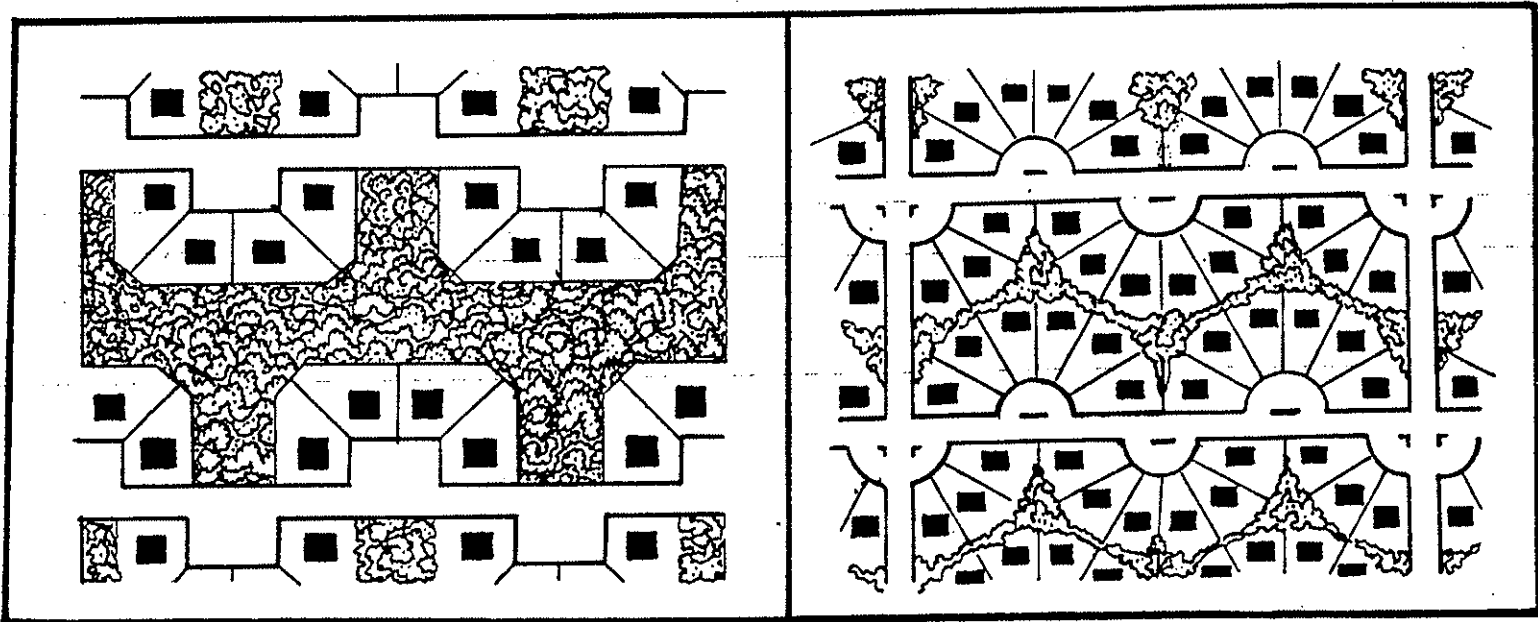
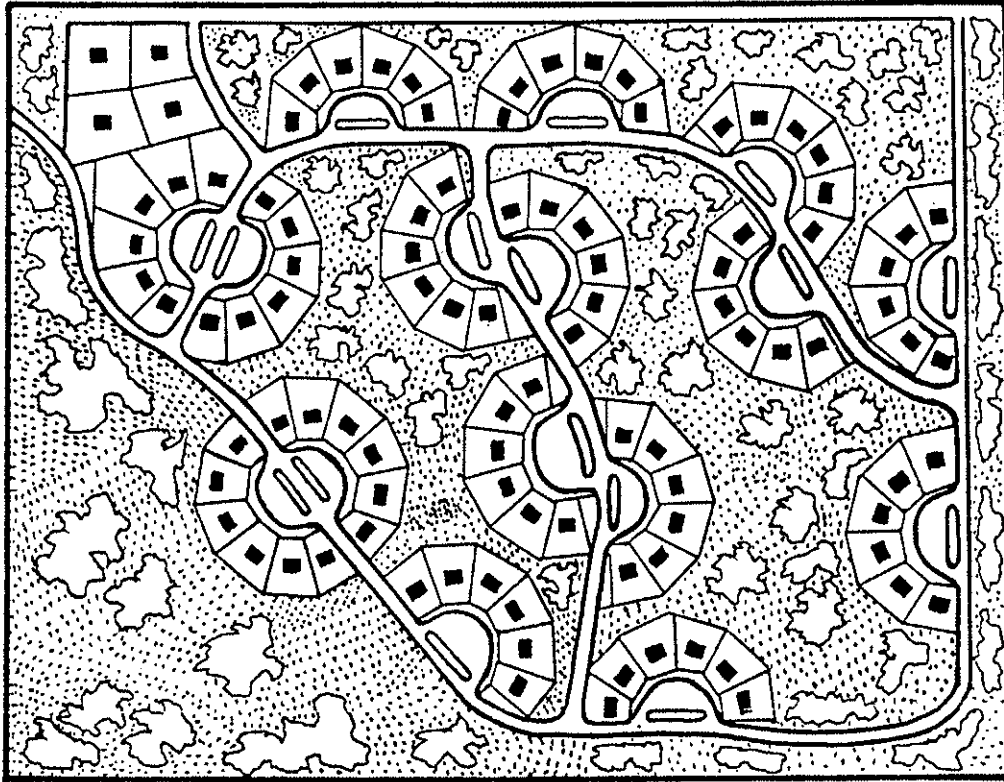
WITHOUT CURB



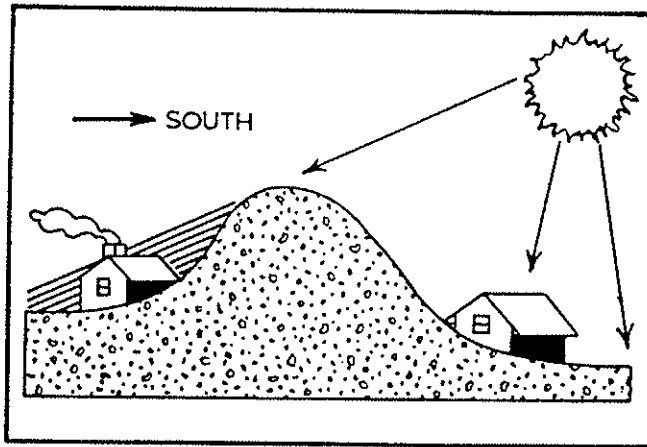
WITH CURB

## MOTOR VEHICLE ACCESS REQUIREMENTS

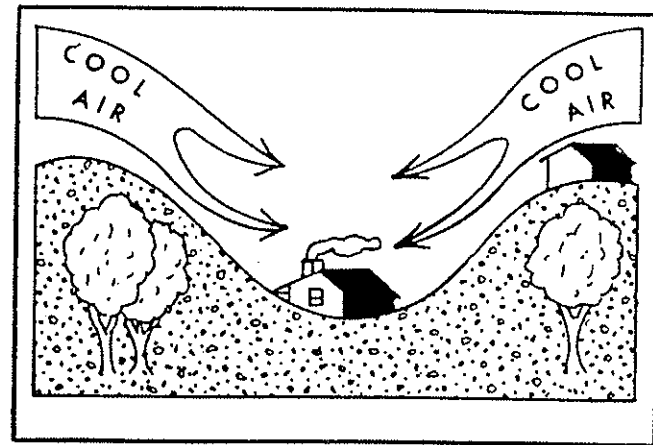
## TYPES OF CLUSTER SUBDIVISIONS



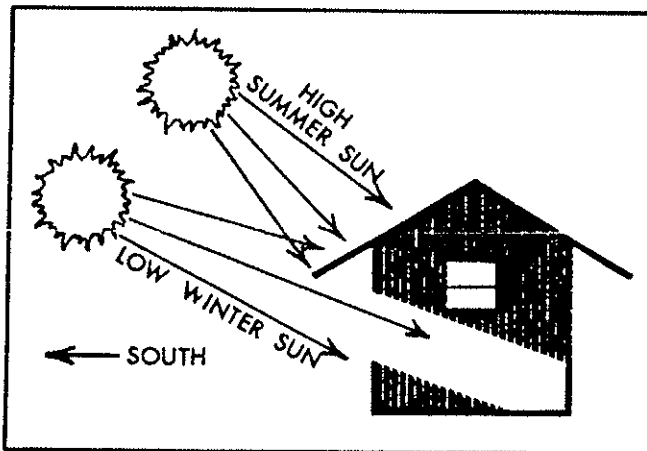
## ENERGY CONSERVING SITING



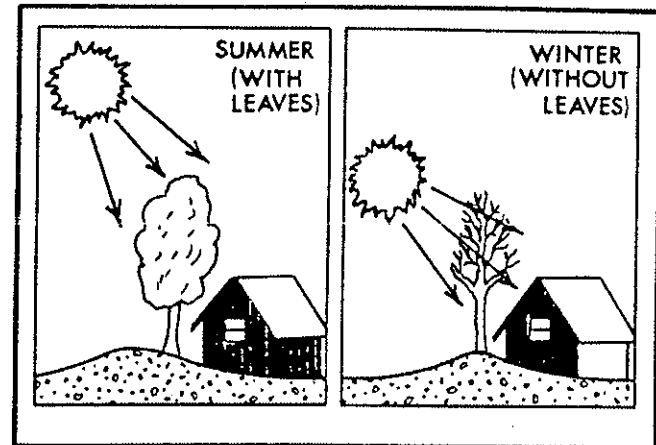
LARGER WINDOWED AREAS SHOULD FACE SOUTH FOR MAXIMUM SOLAR HEAT.



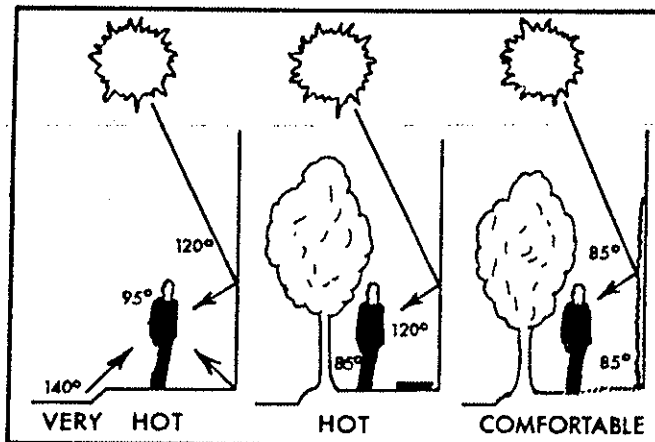
SMALL POCKET AREAS SHOULD BE AVOIDED TO PREVENT FLOODING AS WELL AS CHILLING.



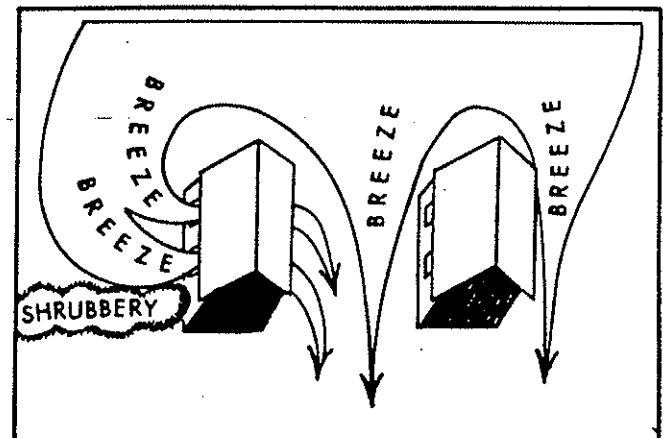
PROPERLY DESIGNED OVERHANGS. SAVE HEAT IN THE WINTER & AIR CONDITIONING IN THE SUMMER.



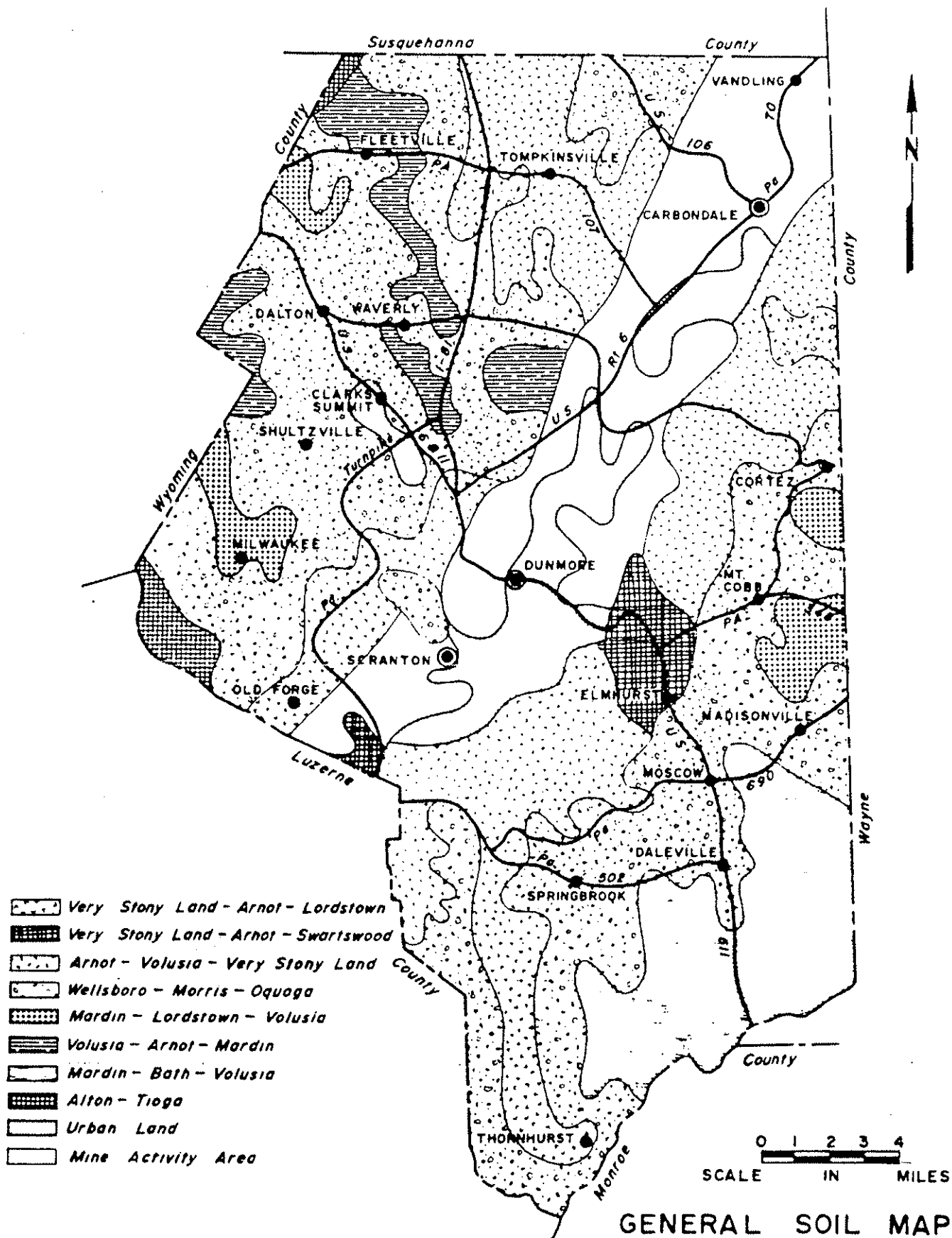
LEAF SHEDDING (DECIDUOUS) TREES CAN BE USED TO THE SAME ADVANTAGES AS PROPER OVERHANGS.



YARDS CAN BE DESIGNED TO MAKE OUTDOOR LIVING MORE COMFORTABLE IN THE SUMMER



PROPER PLACEMENT OF SHRUBBERY CAN EFFECT COOLING IF DESIRED OR PREVENT COOLING IF DESIRED

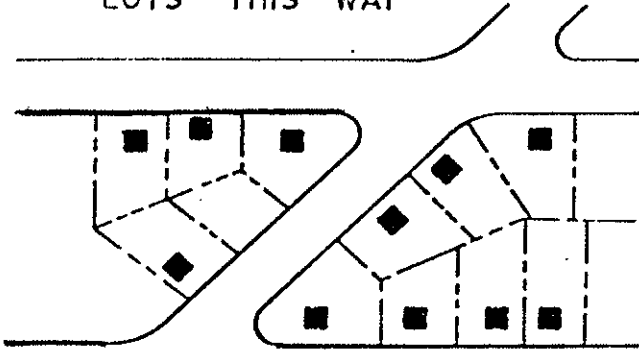


The preparation of the map was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development, under the provision of Section 701 of the Housing Act of 1954, as amended and as administered by the Bureau of Planning Pennsylvania Department of Community Affairs

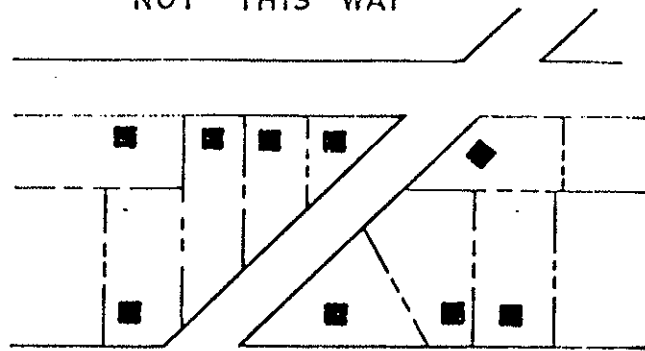
PREPARED BY:  
Lackawanna County Regional Planning Commission  
B  
U.S. Dept. of Agriculture Soil Conservation Service

## HINTS ON LOTTING

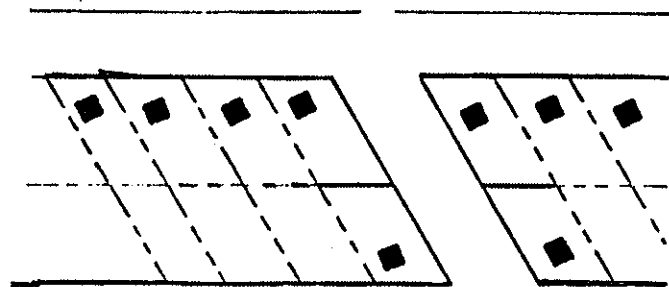
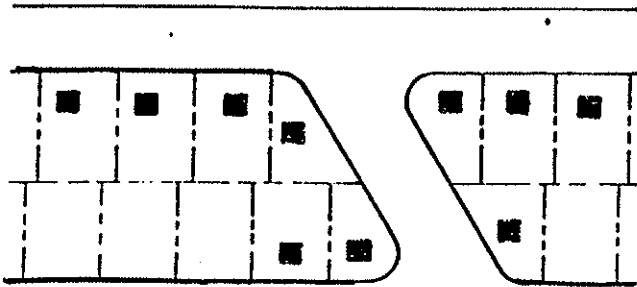
LOTS THIS WAY



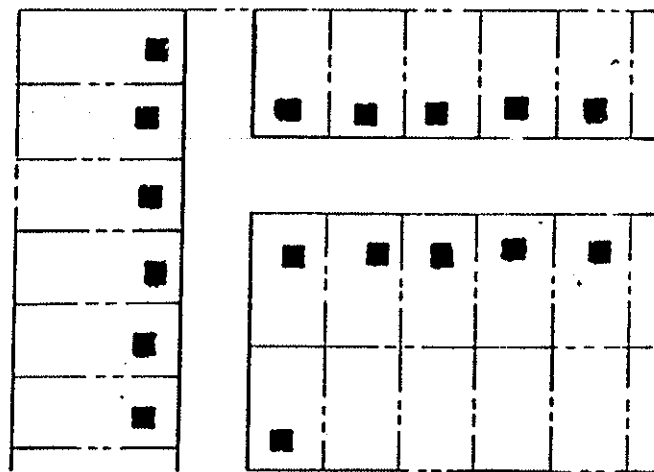
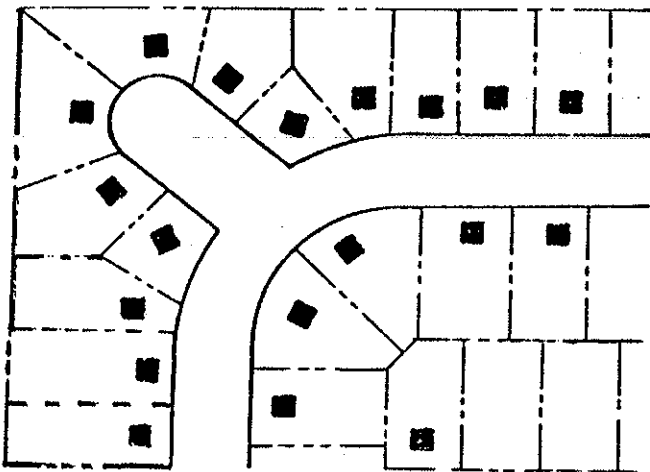
NOT THIS WAY



WHEN EXISTING INTERSECTING STREETS FORM ACUTE-ANGLED INTERSECTIONS

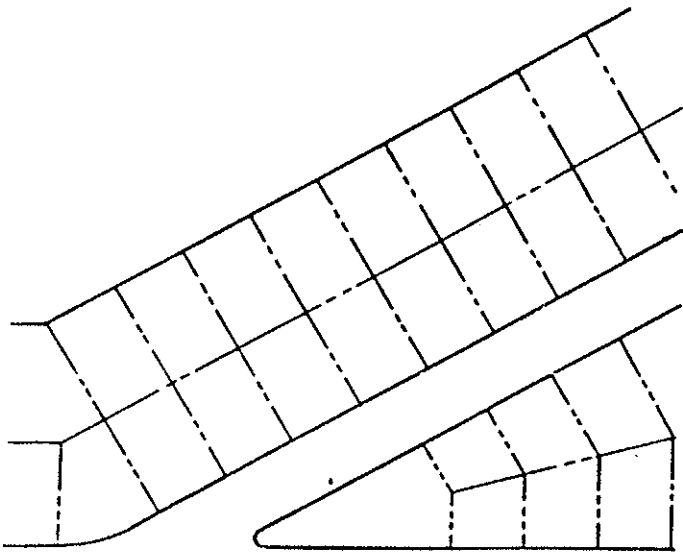


WHEN DIAGONAL STREETS CANNOT BE AVOIDED

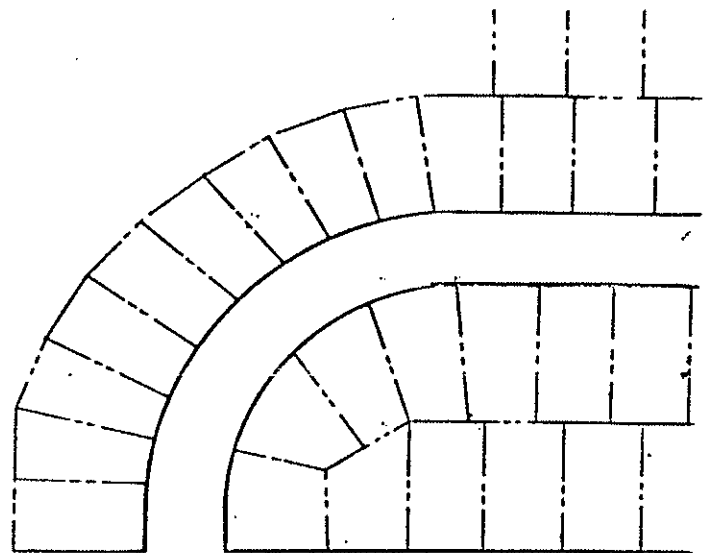


WHERE FUTURE STREET EXTENSIONS ARE NOT REQUIRED IN CORNERS OF THE PROPERTY

## HINTS ON STREET INTERSECTIONS



BAD



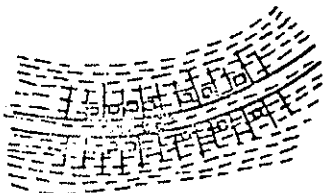
BETTER

STREETS SHOULD INTERSECT AT NEARLY RIGHT ANGLES

# CONSIDERATION OF TOPOGRAPHY



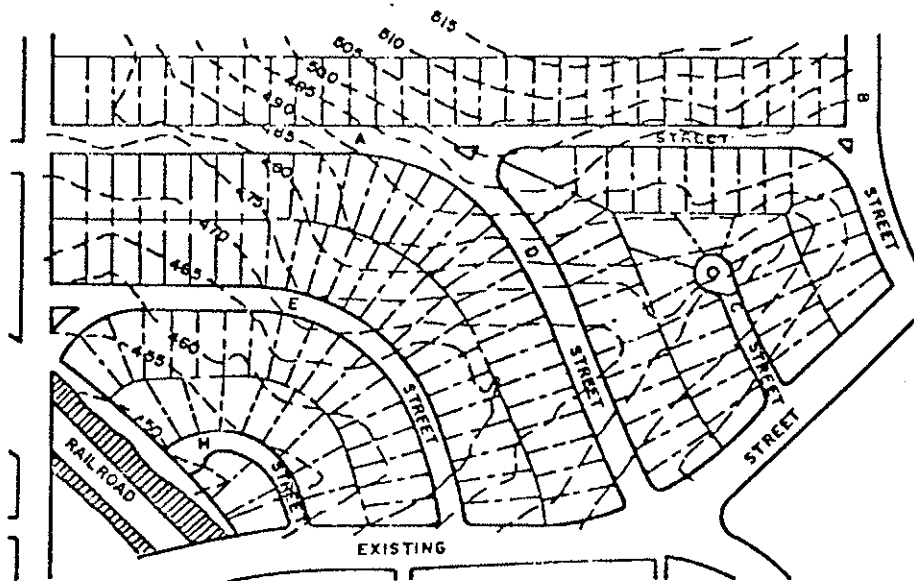
WHERE GRADES ARE STEEP, STREETS SHOULD BE BUILT DIAGONALLY ACROSS CONTOURS.



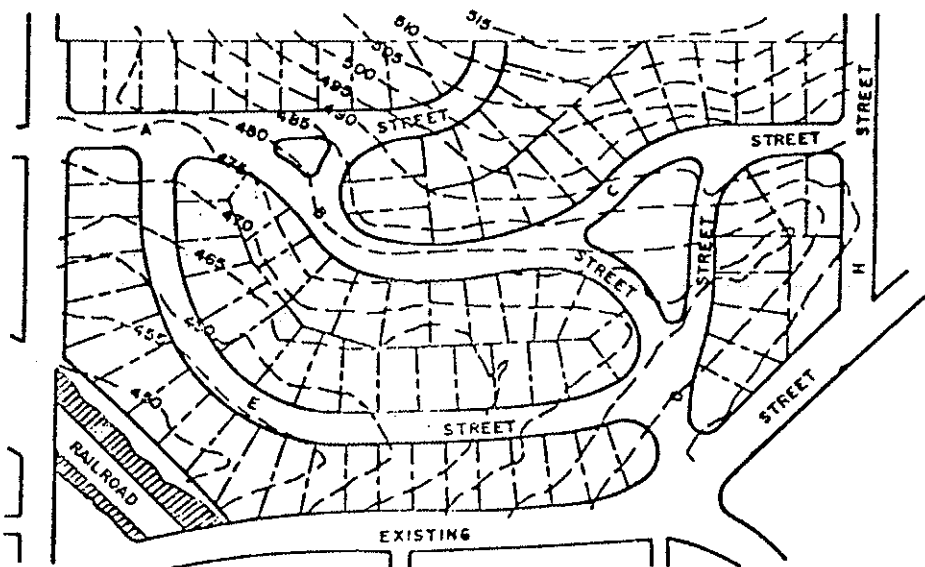
UNDESIRABLE CONDITIONS ARE CREATED BY STREETS PARALLEL WITH CONTOURS.



STREETS BUILT AT RIGHT ANGLES TO CONTOURS ARE OF EXCESSIVE GRADE; COSTLY RETAINING WALLS ARE REQUIRED.



NO ADJUSTMENT TO TOPOGRAPHY



ADJUSTMENT TO TOPOGRAPHY

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