

**HARVEYS LAKE BOROUGH
2009
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

TABLE OF CONTENTS

ARTICLE 1

GENERAL PROVISIONS

| <u>SECTION</u> | <u>PAGE</u> |
|---|--------------------|
| 100 TITLE | 1-1 |
| 101 AUTHORITY | 1-1 |
| 102 COMMUNITY DEVELOPMENT OBJECTIVES | 1-1 |
| 103 APPLICATION OF THE ORDINANCE | 1-2 |
| 104 EFFECT OF ORDINANCE CHANGES UPON PLANS | 1-3 |
| 105 RESUBDIVISION OF LAND | 1-5 |
| 106 INTERPRETATION | 1-5 |
| 107 MODIFICATION OF REQUIRED STANDARDS | 1-5 |
| 108 FEES | 1-6 |
| 109 PENALTIES | 1-7 |
| 110 AMENDMENT PROCEDURE | 1-9 |
| 111 PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDMENTS | 1-9 |
| 112 APPEALS TO COURT | 1-10 |
| 113 CONFLICTS WITH OTHER ORDINANCES | 1-10 |
| 114 SEVERABILITY | 1-10 |
| 115 EFFECTIVE DATE | 1-10 |

ARTICLE 2

DEFINITIONS

| <u>SECTION</u> | <u>PAGE</u> |
|--------------------------------|--------------------|
| 201 GENERAL INTERPRETATION | 2-1 |
| 202 TERMS OR WORDS NOT DEFINED | 2-1 |
| 203 DEFINITIONS | 2-1 TO 2-17 |

ARTICLE 3

PROCEDURAL REQUIREMENTS

| <u>SECTION</u> | <u>PAGE</u> |
|---|--------------------|
| 301 REVIEW AND APPROVAL PROCESS | 3-1 |
| 302 SKETCH PLAN | 3-1 |
| 303 SUBMISSION OF PLANS AND APPLICATIONS | 3-3 |
| 304 DISTRIBUTION OF PLANS | 3-3 |
| 305 LUZERNE COUNTY REVIEW | 3-4 |
| 306 PUBLIC HEARING | 3-4 |
| 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS | 3-4 |
| 308 PROCEDURAL METHODS OF RENDERING DECISIONS | 3-5 |
| 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS | 3-6 |
| 310 RECORDING OF FINAL PLAN | 3-6 |
| 311 PHASING MAJOR SUBDIVISION PLANS | 3-7 |

ARTICLE 4

PRELIMINARY PLAN

| <u>SECTION</u> | <u>PAGE</u> |
|--|--------------------|
| 401 INITIAL REVIEW | 4-1 |
| 402 REVIEW BY LUZERNE COUNTY PLANNING COMMISSION | 4-1 |
| 403 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN | 4-1 |
| 404 PRELIMINARY PLAN – DRAFTING STANDARDS | 4-2 |
| 405 PRELIMINARY PLANS – EXISTING CONDITIONS | 4-2 |
| 406 PRELIMINARY PLANS – PROPOSED DEVELOPMENT | 4-4 |
| 407 ADDITIONAL MATERIALS SUBMITTED WITH PRELIMINARY PLANS | 4-7 |

ARTICLE 5

FINAL PLAN

| <u>SECTION</u> | <u>PAGE</u> |
|---|--------------------|
| 501 SUBMISSION AND REVIEW PROCEDURE | 5-1 |
| 502 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN | 5-1 |
| 503 FINAL PLAN – DRAFTING STANDARDS | 5-2 |
| 504 FINAL PLAN REQUIREMENTS | 5-2 |
| 505 ADDITIONAL MATERIAL SUBMITTED WITH | |

| | | |
|-----|-------------------|-----|
| | FINAL PLAN | 5-4 |
| 506 | RECORDING OF PLAN | 5-6 |

ARTICLE 6

MINOR SUBDIVISION/LAND DEVELOPMENT

| <u>SECTION</u> | <u>PAGE</u> |
|---|-------------|
| 601 ONLY FINAL PLAN REQUIRED | 6-1 |
| 602 SUBMISSION PROCEDURE | 6-1 |
| 603 DISTRIBUTION OF PLAN | 6-1 |
| 604 DRAFTING STANDARDS FOR MINOR PLANS | 6-1 |
| 605 REQUIREMENTS FOR MINOR PLANS | 6-1 |
| 606 INFORMATION TO BE SUBMITTED WITH PLAN | 6-3 |
| 607 RECORDING OF PLAN | 6-4 |

ARTICLE 7

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

| <u>SECTION</u> | <u>PAGE</u> |
|---|-------------|
| 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS | 7-1 |
| 702 DEVELOPMENT AGREEMENT | 7-1 |
| 703 TYPES OF FINANCIAL SECURITY | 7-3 |
| 704 REVIEW BY SOLICITOR | 7-3 |
| 705 AMOUNT OF PERFORMANCE GUARANTEE | 7-3 |
| 706 REQUIRED TIME PERIOD FOR COMPLETION | 7-4 |

| | | |
|-----|---|-----|
| 707 | PHASING OF DEVELOPMENT | 7-4 |
| 708 | START OF WORK NOTICE | 7-4 |
| 709 | PERIODIC INSPECTIONS DURING CONSTRUCTION | 7-4 |
| 710 | RELEASE OF PORTIONS OF FINANCIAL SECURITY | 7-4 |

| | | |
|-----------------------|--|--------------------|
| <u>SECTION</u> | | <u>PAGE</u> |
|-----------------------|--|--------------------|

| | | |
|-----|--|-----|
| 711 | FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS | 7-5 |
| 712 | IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY | 7-5 |
| 713 | ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED | 7-6 |
| 714 | COMPLETION OF REQUIRED IMPROVEMENTS | 7-6 |
| 715 | RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS | 7-7 |
| 716 | APPLICANT’S RIGHT TO CONTEST ACTION | 7-7 |
| 717 | REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS | 7-7 |
| 718 | ENGINEERING AND CONSULTING FEES | 7-7 |
| 719 | PROCEDURE FOR DISPUTES OVER CONSULTING FEES | 7-8 |

ARTICLE 8

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

| | | |
|-----------------------|--|--------------------|
| <u>SECTION</u> | | <u>PAGE</u> |
|-----------------------|--|--------------------|

| | | |
|-----|----------------------|-----|
| 801 | APPLICATION | 8-1 |
| 802 | GENERAL REQUIREMENTS | 8-1 |
| 803 | NATURAL FEATURES | 8-2 |

| | | |
|-----|--|--------------------|
| 804 | MONUMENTS AND MARKERS | 8-4 |
| 805 | RESIDENTIAL BLOCKS | 8-5 |
| 806 | RESIDENTIAL LOTS | 8-5 |
| 807 | STREETS – GENERAL REQUIREMENTS | 8-6 |
| 808 | STREET NAMES | 8-7 |
| 809 | STREET SIGNS | 8-7 |
| | <u>SECTION</u> | <u>PAGE</u> |
| 810 | TRAFFIC CONTROL MEASURES | 8-7 |
| 811 | CONTINUATION OF ROADS AND TEMPORARY DEAD-END ROAD | 8-8 |
| 812 | DEAD-END ROADS (PERMANENT) | 8-8 |
| 813 | CUL-DE-SAC STREETS | 8-8 |
| 814 | ACCESS TO ARTERIAL STREETS | 8-9 |
| 815 | INTERSECTIONS | 8-9 |
| 816 | ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS | 8-10 |
| 817 | LIMITED EXEMPTION FOR ROAD DESIGN STANDARDS | 8-10 |
| 818 | DRIVEWAYS | 8-11 |
| 819 | BRIDGES AND STREAM CROSSINGS | 8-12 |
| 820 | EROSION AND SEDIMENTATION CONTROL | 8-12 |
| 821 | WATER SUPPLY FACILITIES | 8-16 |
| 822 | CENTRALIZED WATER SYSTEM | 8-16 |
| 823 | ON-LOT WATER SYSTEM | 8-17 |
| 824 | SEWAGE DISPOSAL FACILITIES | 8-20 |
| 825 | CENTRALIZED SEWERS | 8-20 |

| | | |
|-----|---|------|
| 826 | ON-LOT SEWAGE DISPOSAL | 8-21 |
| 827 | STORM WATER MANAGEMENT AND DRAINAGE | 8-21 |
| 828 | UTILITY EASEMENTS | 8-37 |
| 829 | CURBS AND SIDEWALKS | 8-38 |
| 830 | NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT | 8-40 |

ARTICLE 9

MOBILE HOME PARKS

| <u>SECTION</u> | <u>PAGE</u> |
|-----------------------------|-------------|
| 901 GENERAL REQUIREMENTS | 9-1 |
| 902 SITE LOCATION STANDARDS | 9-1 |

ARTICLE 1
GENERAL PROVISIONS

SECTION 100 TITLE

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

SECTION 101 AUTHORITY

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

The Harveys Lake Borough Council shall retain and exercise the authority for the approval or disapproval of all subdivisions and land developments as set forth in this Ordinance. The Harveys Lake Borough Planning Commission shall act in an official advisory capacity to the Borough Council for the review and recommendation of the approval or disapproval of all subdivisions and land developments set forth in this Ordinance.

SECTION 102 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the Borough by establishing regulations to allow for the proper and controlled development of the Borough, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Borough to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment. And, in particular, to preserve and conserve the rural and natural features of the Borough. The basic tenet of subdivision and land development in the Borough is to base design and development on preservation and conservation of rural and natural features of the Borough.

Through the adoption, administration and enforcement of this Ordinance, Harveys Lake Borough Council proposes to create conditions favorable to promote the health, safety, and general welfare of the Borough with regulations aimed at achieving the following objectives:

- 102.1. To protect and provide for the public health, safety and general welfare of the the residents of Harveys Lake Borough.

- 102.2. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population

- 102.3 Preservation of natural features such as, woodlands, wetlands, watercourses, bodies of water, riparian lands and historical and cultural features and/or resources, such as buildings and stone walls that maintain the attractiveness and value of the land.
- 102.4 To provide a standard set of minimum regulations to guide applicants in the design and development of subdivisions and land developments.
- 102.5 To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 102.6 To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- 102.7 To provide the opportunity for a wide-range and variety of housing types to meet the needs and affordability of all Borough residents, newly-formed households, growing families and senior citizens.
- 102.8 To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to insure proper legal descriptions and monumentation of proposed subdivisions and land developments.
- 102.9 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 102.10 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough, with particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- 102.11 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- 102.12 To protect and regulate land in critical areas which may be unsuitable for development.

SECTION 103 APPLICATION OF THE ORDINANCE

- 103.1 Grading: No person, firm or corporation proposing and/or intending to subdivide or develop land which is classified as either a “Subdivision” and/or “Land Development” as so defined within Article 2 of this Ordinance shall proceed with any grading or other change in the level or contours of the land or streets prior to obtaining approval of the preliminary plan of the proposed subdivision and/or

land development. No lots shall be sold or agreements for sale executed for lots in any subdivision and/or land development before obtaining the approval of the final plan of the proposed subdivision and/or land development.

103.2 No subdivision and/or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

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

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

SECTION 104 EFFECT OF ORDINANCE CHANGES UPON PLANS

104.1 PENDING ACTION

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

104.2 PROJECT COMPLETION AND EFFECT OF LITIGATION

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the

Applicant's acceptance of conditions, no subsequent change or amendment to this Ordinance or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

104.3 FIVE YEAR COMMENCEMENT PERIOD

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval.

104.4 SUBSTANTIALLY COMPLETED IMPROVEMENTS

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

104.5 INSTALLATION OF IMPROVEMENTS BEYOND FIVE (5) YEARS

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

104.6 PHASES

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the

improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

104.7 FAILURE OF COMPLIANCE BY LANDOWNER

Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes this Ordinance and/or any other governing ordinance or plan enacted by the Borough subsequent to the date of the initial preliminary plan submission.

SECTION 105 RESUBDIVISION OF LAND

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

SECTION 106 INTERPRETATION

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

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

SECTION 107 MODIFICATION OF REQUIRED STANDARDS

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

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

- A. The specific sections of this Ordinance in question.

- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.

107.3 Based upon vested authority as set forth in Section 101 of this Ordinance, all proposals for waiver/modification of provisions or requirements of this Ordinance shall require final approval by the Borough Council. In cases of proposals for waiver/modification of provisions or requirements of this Ordinance for a major subdivision or major land development such request shall be subject to initial review and recommendation the Planning Commission.

107.4 If the request is denied, the applicant shall be notified in writing of the basis for denial. Based upon vested authority, if the Borough Council grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. The Borough Council shall keep a written record of all actions on all requests for waivers/modifications.

SECTION 108 FEES

108.1 ESTABLISHMENT OF FEES

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

108.2 APPLICATION FEES

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

108.3 REVIEW AND INSPECTION FEES

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

- A. Reviewing compliance with ordinance requirements and engineering details.
- B. Inspecting property for the site for conformance.

- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review costs incurred by the Borough.

108.4 SUPPLEMENTAL FEES AND ADJUSTMENT

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

108.5 COUNTY FEES

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

108.6 FILING DATE AND PAYMENT OF FEES

A completed application and plans for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed by both the applicant and the owner of record. No application will be accepted or deemed complete without the signature of the owner of record.

SECTION 109 PENALTIES

109.1 PREVENTIVE REMEDIES

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds to the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

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

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

109.2 JURISDICTION

District Justices shall have initial jurisdiction in proceedings brought under Section 109.3

109.3 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one such violation until the fifth day following the date of the termination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

SECTION 110 AMENDMENT PROCEDURE

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

- A. A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission not less than thirty (30) days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission not less than thirty days prior to the public hearing.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.
- F. Within thirty days following the adoption of an amendment to this Ordinance, the Council shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 111 PENNSYLVANIA MUNICIPALITIES PLANNING CODE
AMENDMENTS

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

SECTION 112 APPEALS TO COURT

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

SECTION 113 CONFLICTS WITH OTHER ORDINANCES

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

SECTION 114 SEVERABILITY

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

SECTION 115 EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

**APPROVED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF HARVEYS LAKE ON THIS ____ DAY OF _____, 2009.**

COUNCIL PRESIDENT

MAYOR

ATTEST:

BOROUGH SECRETARY

ARTICLE 2 DEFINITIONS

SECTION 201 GENERAL INTERPRETATION

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

SECTION 202 TERMS OR WORDS NOT DEFINED

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

SECTION 203 DEFINITIONS

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

ACRE: 43,560 square feet.

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

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

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

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

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

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

BOROUGH COUNCIL: The Borough Council of Harveys Lake Borough, Luzerne County, Pennsylvania.

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

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

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

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

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

COMPREHENSIVE PLAN: The most recent Comprehensive Plan, and any amendments thereto, as adopted by Harveys Lake Borough.

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

CONDOMINIUM: A building, or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

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

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

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

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

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

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

CUT: An excavation representing the difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DETENTION POND: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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

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

DEVELOPMENT AGREEMENT: An agreement (in a form and manner acceptable to County) requiring a developer to install the improvements required by this Ordinance and any improvements or appurtenances which appear on the plan in accordance with the requirements of this Ordinance.

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

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

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

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

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

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

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

DRAINAGE RIGHT-OF-WAY: The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

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

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

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

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE):

A one family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and

each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

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

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

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

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

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

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

ENGINEERING SPECIFICATIONS: The design criteria of the Harveys Lake Borough Subdivision and Land Development Ordinance regulating the installation of any improvement or facility. In the absence of such criteria, best practice methods as recommended by the Borough Engineer shall apply.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

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

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

FLOOD HAZARD BOUNDARY MAP: The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the Floodway and Flood Fringe of a 100-Year Flood Plain.

FLOOD INSURANCE RATE MAPS: The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-Year Flood Plain.

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

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

FLOODWAY: The portion of a 100-Year Flood Plain, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration, which is designated to carry and discharge water and flow of a 100-Year Flood without increasing the water surface elevation by more than one (1) foot at any given point.

GOVERNING BODY: The Harveys Lake Borough Council.

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

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

GRADING AND DRAINAGE PLAN: A plan showing all existing ground features and proposed, including existing and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

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

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

IMPACT ANALYSIS: A study, which may be required by the Borough Council prior to approval of a subdivision or land development to determine the potential impact of a proposed development on activities, utilities, traffic generation and

circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The landowner and/or applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Borough Council under or within the context of the term "IMPACT ANALYSIS." The landowner and/or applicant shall also be responsible to fully reimburse the Borough for any engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

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

INTERIOR WALK: A right-of-way or easement for pedestrian use, extended from a street into a block or across a block to another street.

LAKE: An inland body of water fed by springs or surrounding runoff

LAND DEVELOPMENT:

The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- ((A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
- (B) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (C) A subdivision of land.
- (D) The conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, described above that is intended to be a condominium, shall be exempt from classification as a land development.
- (E) Any nonresidential use of land, with or without structures, which encompasses five (5) or more acres of land, excluding agricultural use of land.
- (F) The development of a mobile home park or the expansion of an existing mobile home park within the context of the definition of said term as contained within this Ordinance.

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

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

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

LANDLOCKED PARCEL: A parcel of land that has no legal instrument which provides and guarantees a permanent legal means of access to a public right-of way of a street or road.

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

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

LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

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

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

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

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

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

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

LOT INTERIOR: A lot other than a corner lot.

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

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

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

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

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot.

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

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

LOT OF RECORD: A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deed of Luzerne County, Pennsylvania.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on an arterial street and a local access street and with vehicular access solely from the latter.

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

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

MAINTENANCE GUARANTEE: A financial security required by the Borough Council in an amount sufficient to cover the costs of any public improvements required in the approval of a subdivision and/or land development plan.

MARKER: A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation when connected to required utilities.

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

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

MONUMENT: A concrete, stone or other permanent object placed to designate boundary lines, corners of property and rights-of-way of streets and utilities for the purpose of reference in land and property survey.

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

MUNICIPALITY: Harveys Lake Borough, Luzerne County, Pennsylvania.

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

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

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

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

OFFICIAL MAP: The Municipal Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public streets, watercourses, and

public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Borough.

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

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

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

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

OPEN SPACE: That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance and the Borough Zoning Ordinance. Open space may be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland, forest land or conservancy lots which are not accessible to project residents or the public.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include complementary structures and improvements which are deemed appropriate to the development.

OWNER of RECORD: The person(s) or entity to whom any applicable property tax is assessed and/or is indicated to be a tax-exempt property as shown on the latest assessment records of Luzerne County.

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

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT: The Pennsylvania Department of Transportation.

PERFORMANCE GUARANTEE: A written instrument which may be accepted by the Borough Council in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of any improvements or common

amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

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

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

A. SKETCH PLAN:

An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough.

B. PRELIMINARY PLAN:

A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan having been prepared by a qualified professional (see definition of Qualified Professional).

C. FINAL PLAN:

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

D. RECORD PLAN:

The copy of the final plan which contains the original endorsements of the Borough and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION: The Planning Commission of Harveys Lake Borough.

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

PUBLIC GROUNDS—Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- 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 intended to inform and obtain public comment, prior to taking action on a particular subject.

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,” 65 P.S. 271 et seq.

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

QUALIFIED PROFESSIONAL: An individual authorized to prepare plans pursuant to §503(1) of the MPC which states that plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the “Engineer, Land Surveyor and Geologist Registration Law,” except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the “Landscape Architects Registration Law,” when it is appropriate to prepare the plat using professional services set forth in the definition of the “practice of landscape architecture” under section 2 of that act.

REGULATORY FLOOD ELEVATION: The one-hundred-year-flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

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

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

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

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

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

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

SEPTIC TANK: A watertight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SEWAGE DISPOSAL SYSTEM:

A. CENTRALIZED:

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

B. COMMUNITY:

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

C. INDIVIDUAL (ON-LOT):

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

SEWAGE TREATMENT PLANT: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be

publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with PA DEP Rules and Regulations involving an effluent discharge to surface waters.

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

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

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

SLOPE: The face of an embankment of cut section: any ground whose surface makes an angle with the plane of the horizon. "Slopes" are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

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

SOIL PERCOLATION TEST: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

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

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

- A. Arterial: Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with very restricted vehicular access to abutting properties.
- B. Collector Street: Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- C. Local Street: Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. Loop Street: A local street that has its only ingress and egress at two points along the same collector street of its origin.

- E. Marginal Access Street: A type of local street parallel and adjacent to an arterial or collector streets that provides access to abutting properties.
- F. Cul-De-Sac: A local street with a single common ingress and egress and with a turnaround located at its end.

STREET, PRIVATE: Any road or street that is not publicly owned and maintained and used for access by the occupants of the development.

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

- A. Subdivision; Major: Any subdivision which does not qualify or classify as a minor subdivision.
- B. Subdivision; Minor: A subdivision of a parcel of land into not more than six (6) lots, which, has access, direct or indirect, to an existing public street or road and does not require any expenditures for the extension of any street or the extension or creation of any public improvements, does not adversely affect the remainder of the parcel or adjoining property and does not conflict with the Comprehensive Plan. Any proposed subdivision of a lot of record, which resulted from a minor subdivision shall be classified as a major subdivision, when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceed six (6) lots within five (5) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.
- C. Subdivision; Minor Also See Lot Line Adjustment.
- D. Subdivision; Reverse: The removal of lot lines between contiguous lots of record held in single ownership for the purpose of forming a single tract of land. A Reverse Subdivision shall be classified as a minor subdivision.

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR: A licensed surveyor registered by the Commonwealth of Pennsylvania.

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

SWALE: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOP SOIL: Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. "Top soil" is usually found in the uppermost soil layer called the "A-horizon."

BOROUGH: The Harveys Lake Borough, Luzerne County, Pennsylvania.

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

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

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

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

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Said areas shall also meet the most current applicable state and federal regulated by the PA DEP and the U.S. Army Corps of Engineers.

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

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

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

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

ZONING OFFICER: An administrative officer authorized to administer the literal

terms and provisions of the Zoning Ordinance.

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

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

ARTICLE 3
PROCEDURAL REQUIREMENTS

SECTION 301 REVIEW AND APPROVAL PROCESS

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

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

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

SECTION 302 SKETCH PLAN REVIEW

302.1

Prior to submitting a major subdivision application or a land development application, the applicant is encouraged, but not required, to submit a sketch plan to the Planning Commission in accordance with the process and procedures set forth in Section 302.2 of this Ordinance. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Borough.
- B. Identify the overall objectives of the applicant's development using a diagrammatic approach showing broad areas of development and broad areas of potential conservation.
- C. Assist applicants and officials to develop a better understanding of the property.
- D. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.
- E. Ensure that the plan generally conforms with the provisions of this Ordinance.
- G. Demonstrate compliance with any design parameters deemed necessary by the Borough for conformance to objectives as set forth Article 1 of this Ordinance.

302.2

With the submission of a sketch plan, the applicant shall submit an application and six (6) copies of a sketch plan to the Administrator not less than twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission. The sketch plan, when provided, shall include the following information legibly drawn to scale of one (1) inch equals one hundred (50) feet on prints 24" x 36":

- A. Name and address of record owner and name and address of subdivider or developer if different than owner.
- B. Name of proposed subdivision or land development.
- C. Name of municipality or municipalities in which the subdivision or land development is located.
- D. Location Tract boundaries and a statement of the total acreage of the tract.
- E. Names of the owner of record of all properties which abut the tract, including lands on the opposite side of an adjacent road.
- F. The name of the registered engineer, surveyor, qualified planner, architect, or landscape architect responsible for the preparation of the sketch plan.
- G. North arrow, written and graphic scale, and date of original drawing.
- H. Significant topographic and physical features of the tract.
- I. Existing bodies of water, watercourses, streams, ponds, and wetlands within the

tract together with their names. All tree clusters or wooded areas within the tract.

- J Existing roads, and rights-of-way within two hundred (200) feet of the boundaries of the proposed subdivision or land development.
- K. The proposed general layout of lots and streets within the entire tract.
- L. A location map at a scale of 1" = 2,000' showing the proposed subdivision or land development in relation to municipal boundaries, public roads, and streams.
- M. Proof of ownership.
- N. The existing zoning classification of the tract.
- O. A narrative with sufficient detail to explain overall the concept of the development proposed for the tract.

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

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than twenty-one (21) calendar days prior to the next regularly scheduled meeting of Planning Commission:

- A Ten (10) prefolded copies of the plan (sketch, preliminary or final).
- B Ten (10) prefolded copies of construction plans (if applicable).
- C. A completed subdivision or land development application with original signatures and ten (10) copies of the same.
- D. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection and ten (10) copies of the same.

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide each member of the Planning Commission and the Borough Council with a copy of the complete set of plans (preliminary or final), a copy of the subdivision/land development application, a copy of the DEP Planning Module and any supporting data and/or information.

304.2 The developer or applicant shall distribute, as applicable, and provide the Borough with dated written verification of the same, copies of complete sets of plans (preliminary or final), a copy of the application and the DEP

Planning Module to the following agencies and officials for review, comment and approval:

- A. The Luzerne County Planning Commission.
- B. The Borough Engineer
- C. The Borough Planning Consultant
- D. The Borough Solicitor.
- E. The Borough Sewage Enforcement Officer.
- F. The Luzerne County Conservation District.
- G. Any public authority or private corporation that provides collection and/or treatment of sanitary sewage.
- H. The Pennsylvania Department of Transportation and/or Harveys Lake Borough if a proposed subdivision or land development fronts upon or is to have access to a road under its jurisdiction.
- I. The Pennsylvania Department of Environmental Protection.
- J. Adjoining municipalities that have a common border with the proposed subdivision and/or land development.

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

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

SECTION 305 LUZERNE COUNTY REVIEW

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

SECTION 306 PUBLIC HEARING

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

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

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

A. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

or

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

SECTION 308 PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 A major subdivision plan or a major land development plan (preliminary or final) shall be submitted to the Harveys Lake Borough Planning Commission for its review, comments and recommendation prior to its consideration by the Board of Borough Council.

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

308.3 The Borough Council be, shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

308.4 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Borough Council shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.5 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Borough Council shall be expressly included such conditions in the minutes of the meeting at which the plan is considered and communicate said conditions and/or modifications, in writing, to the applicant as provided in §310.3. When a plan has been approved subject to any conditions and/or modifications and the applicant does not agree to accept, said conditions and/or modifications, **in writing**, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the plan shall become an

automatic disapproval. The written notice to the applicant shall include the specific terms of the approval and shall note that failure to respond **in writing** to agree and accept all conditions shall constitute a denial of the plan. Failure by the applicant to provide any **written response** within fifteen (15) calendar days of receipt of said written notice from the Borough shall be deemed to constitute that the applicant does not agree to accept, the said conditions and/or modifications said conditional approval of the plan shall become an automatic disapproval.

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

SECTION 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

309.1 Until a submission is approved or rejected by the Borough Council, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures, which apply to the plan. If a revised plan is resubmitted within 120 days from the date of withdrawing said plan, no additional application fee shall be charged by the Borough for the first revision. Failure to resubmit a revised plan within said period of time, or a second revision and any subsequent revision shall be treated as a new submission for which a new application fee shall be required.

309.2 Any revisions to a preliminary plan or final plan which are independently initiated by the applicant or developer that substantially alters or changes the character, density, design, layout and/or location of any proposed structures and/or improvements on the plans as originally submitted shall be deemed to be a new submission. Such will require the applicant or developer to submit a new application, plans, supporting documentation and applicable fees.

309.3 No additional application fee shall be charged for plan revisions which are directed by the Borough Council. Should an applicant wish to withdraw a plan under review and consideration by the Borough Council notice of withdrawal shall be in writing and shall include a statement that the ninety (90) day time limitation for the Borough Council to render a decision shall not include the period of time for which the plan is withdrawn.

309.4 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer. The applicant and/or developer shall continue to be responsible to reimburse the Borough for the cost of any professional consultants whose services are used to review the subject revisions.

309.5 Any revised plan, at the sole discretion of the Borough Council, may be resubmitted to the Luzerne County Planning Commission or to any other party noted within Section 304.2 of this Ordinance if the Borough Council renders a determination that

the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

SECTION 310 RECORDING OF FINAL PLAN

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

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

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

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision plan, the Borough Council may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. A total of twenty-five (25%) of the proposed number of dwelling units must be included within Phase I. The Borough Council may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Borough Council shall be granted concurrently with final approval of the plan.

ARTICLE 4
PRELIMINARY PLAN

SECTION 401 INITIAL REVIEW

The Preliminary Plan shall be reviewed to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be invalid. The applicant shall be notified in writing as to the nature and type of additional information which must be submitted.

SECTION 402 REVIEW BY LUZERNE COUNTY PLANNING COMMISSION

The Borough Council shall not approve a Preliminary Plan until a report is received from the Luzerne County Planning Commission or until the expiration of thirty (30) days from the date it was forwarded to the Luzerne County Planning Commission.

SECTION 403 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

The Borough Council shall consider all official reports, comments and recommendations as provided in Section 304.2 of this Ordinance. The Borough Council shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Borough Council may take:

- a. The Borough Council may disapprove the Preliminary Plan, in which case it 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 this Ordinance relied upon. The Borough Council shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- b. The Borough Council may conditionally approve the Preliminary Plan, in which case it shall specify all additional information and/or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the Preliminary Plan or the submission of the Final Plan. In granting conditional preliminary approval, the Borough Council shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- c. The Borough Council may approve the Preliminary Plan. Such approval 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. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for a form of financial security to cover installation of improvements and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property or the recording of the Preliminary Plan. The Borough Council shall provide

written notification to the applicant, in conformance to Section 308 of this Ordinance.

SECTION 404 PRELIMINARY PLAN DRAFTING STANDARDS

404.1 The Preliminary Plan of a proposed subdivision or land development be labeled as such and shall be clearly and legibly drawn to a scale not greater than

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.

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

404.3 All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

404.4 The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

404.5 If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.

404.6 Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

404.7 A block for the signatures of the Chairman and Secretary of the Planning Commission indicating the date of its recommended approval of the preliminary plan.

404.8 A block for the signatures of the Chairman of the Borough Council and the Borough Secretary indicating the date of approval of the preliminary plan.

SECTION 405 PRELIMINARY PLANS - EXISTING CONDITIONS

The Preliminary Plan shall contain the following information:

405.1 The name and address of record owner, with source of title by deed book and page number and certification of ownership which bears the seal of a notary public.

405.2 Name and address of applicant if different from owner.

- 405.3 Name of proposed subdivision or land development, labeled as the “Preliminary Plan.”
- 405.4 Name and address of registered engineer, or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance.
- 405.5 North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 405.6 Total tract boundaries of the property being subdivided, showing bearings and distances, with bearings not less than the nearest ten (10) seconds and distances to the nearest one hundredth (.01) of a foot. The total size of the property shall be listed in both acreage and square feet.
- 405.7 The names of all adjoining landowners, including block and lot numbers from the Luzerne County Assessor's Office.
- 405.8 All existing man-made features including, but not limited to, streets (public and private), driveways, woods and/or forested areas, buildings, foundations, walls, wells, drainage fields, utilities, fire hydrants, and storm and/or sanitary sewers. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, shall include names, right-of-way widths, cartway (pavement) widths and approximate grades.
- 405.9 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad right-of-ways and other significant man-made features within the proposed subdivision or land development.
- 405.10 All existing building or structures within the boundaries of the proposed subdivision or land development.
- 405.11 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.
- 405.12 Original topography providing the contour lines at vertical intervals of:
- not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography for major subdivisions or land development shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

- 405.13 Existing bodies of water, watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, rock outcrops, tree clusters or wooded areas and vegetative cover upon the property of the proposed subdivision or land development.
- 405.14 With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans.
- 405.15 Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published Soil Survey for the County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for on-site sewage disposal suitability).
- 405.16 Locations of all historically significant sites or structures on the tract.
- 404.17 All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County.
- 405.18 A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the municipality.

SECTION 406 PRELIMINARY PLANS - PROPOSED DEVELOPMENT

The Preliminary Plans shall contain and include the following information:

- 406.1 Lot layout and related features which shall indicate and provide:
- (a) the total number of lots proposed for the site, with identification numbers;
 - (b) the dimensions and area of all lots, expressed in either square feet or acres;
 - (c) the building setbacks for all lots along each street, or in the case of a

land development, the proposed placement of each building along each street, and the proposed use of each building;

- (d) proposed open space, parks, playgrounds, or recreational facilities, with any governing conditions thereof;
- (e) copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;
- (f) proposed contour lines at vertical intervals of five (5) feet of the entire site;
- (g) location, width and purpose of proposed easements and utility right-of-way;
- (h) In the case of wetlands, total acreage of any such acreage proposed to be disturbed.

406.2 Street and right-of-way layout which shall indicate and/or provide:

- (a) the location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;
- (b) the location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use and the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;
- (c) suggested street names, in accordance with Section 806 of this Ordinance, the location of street signs in accordance with Section 808 of this Ordinance and the location of traffic control signs in accordance with Section 809 of this Ordinance;
- (d) the beginning and end point of proposed street construction;
- (e) location, width, and purpose of proposed easement and utility right-of-way;
- (f) the location of sidewalks.

406.3 A subdivision and/or land development, when being serviced by sanitary sewers, shall be connected to public sewers. The developer shall provide a letter of commitment from the applicable public authority or private corporation that provides collection and/or treatment of sanitary sewage. stating that said entity can adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the

conveyance of sewage into its system to access intended conveyance of sewage to facilities of the applicable public authority or private corporation that provides collection and/or treatment of sanitary sewage to the development shall also be required.

The following information shall be provided upon the plan.

1. the layout, size and material of sanitary sewers within the site;
2. location of manholes with invert elevation of flow line and grade at the top of each manhole;
3. location of laterals.

A subdivision and/or land development, to be serviced by on-lot sewage disposal, shall provide the following information:

1. location of soil percolation test sites;
2. location and extent of various soil types within the site with DEP definitions for each;
3. proposed or typical location of building and/or structure with proposed location of wells, if applicable;
4. copy of the applicable report and findings of the Borough's Sewage Enforcement Officer.

406.4 A subdivision and/or land development, when being serviced by a centralized water system shall indicate and/or provide the following:

- (a) if to be served by an existing water company or authority, a letter from the same indicating said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service;
- (b) location and size of all waterlines;
- (c) location of fire hydrants.

A subdivision and/or land development, when individual lots are serviced by individual wells shall indicate the proposed location of the subject wells upon the plans.

406.5 Storm drainage shall indicate and/or provide:

- (a) stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for

stormwater drainage.

- (b) the location, size and material of all storm drainage facilities;
- (c) watershed areas for each drainage facility or swale.

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

All plans shall contain the following notice in compliance with PA. Act 287:
CALL BEFORE YOU DIG!

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

SECTION 407 ADDITIONAL MATERIALS SUBMITTED WITH
PRELIMINARY PLAN

The following material and information shall be submitted with the Preliminary Plan:

407.1 Proof of ownership including a copy of the existing deed.

407.2 Preliminary Plan Application and required fee.

407.3 A copy of the application for a Highway Occupancy Permit, if applicable, as required by Harveys Lake Borough and/or the Pennsylvania Department of Transportation.

407.4 Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.

- (a) Cross-sections for proposed streets and sidewalks shall be provided at intervals of fifty (50') feet and at intersections and the limits of work.
- (b) Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
- (c) Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.

- 407.5 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized.
- 407.6 A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Protection.
- 407.7 A copy of the Soil Erosion and Sedimentation Control Plan, application and all accompanying data as required by the Luzerne County Conservation District.
- 407.8 Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- 407.9 In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection based upon a jurisdictional determination of said agencies.
- 407.11 Estimated costs by item for required improvements in accordance with Section 705 of this Ordinance.
- 407.12 Any other information deemed necessary by the Borough Council, including but not limited to any Impact Analysis, as defined in Article 2 of this Ordinance.
- 407.13 An executed written agreement under which the applicant agrees to fully reimburse the Borough for any and all consulting fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies. In providing for such an agreement, the Borough Council, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Borough's withdrawal of funds for the payment of consulting fees incurred by the Borough.

ARTICLE 5
FINAL PLAN

SECTION 501 SUBMISSION AND REVIEW PROCEDURE

501.1 The Final Plan shall be reviewed to determine its completeness including, but not limited to, conformance with the standards and data as set forth in Article 4 and any changes or modifications required by the Borough Council as a condition of granting approval of the Preliminary Plan. A narrative report listing of all changes and the basis for each change shall be submitted with the Final Plan. In the event of any changes, the procedures and requirements outlined in Section 309 of this Ordinance shall apply.

501.2 The applicant shall submit the Final Plan within one (1) year from the date of the approval of the Preliminary Plan by the Borough Council, unless an extension in writing has been approved by the Borough Council. Failure to comply with the one (1) year time requirement shall render the Preliminary Plan and any accompanying approval as null and void, thus requiring a new submission of the Preliminary Plan.

SECTION 502 REVIEW AND APPROVAL/DISAPPROVAL OF PLAN

The Borough Council shall consider the reports, comments and recommendations as provided in Section 304.2 of this Ordinance. The Borough Council shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Borough Council may take:

- a. The Borough Council may disapprove the Final Plan, in which case it 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 this Ordinance relied upon. The Borough Council shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- b. The Borough Council may conditionally approve the Final Plan, in which case it shall specify all additional information and/or changes needed, describing the requirements and/or conditions of approval the Preliminary Plan that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon and/or the basis for additional information and/or changes. The additional information or changes shall be required prior to further consideration of the Final Plan. In granting conditional approval of the Final Plan, the Borough Council shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- c. The Borough Council may approve the Final Plan as submitted. Such approval by the Borough Council shall allow the applicant to file said Final Plan with the

Luzerne County Recorder of Deeds Office. The Borough Council shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.

SECTION 503 FINAL PLAN DRAFTING STANDARDS

The Final Plan of a proposed subdivision or land development shall be labeled as such and shall be subject to the drafting standards and requirements as set forth in Section 404 of this Ordinance.

SECTION 504 FINAL PLAN REQUIREMENTS

The Final Plan shall include all additional information and any changes required by the Borough Council in granting approval of the Preliminary Plan. It shall not be necessary to resubmit all supporting data, required under the Preliminary Plan, provided there have been no changes. In the event of any changes, the procedures and requirements outlined in Section 309 of this Ordinance shall apply. The following additional information shall be included on the Final Plan:

- 504.1 Drawings and/or plans shall be titled "Final Plan."
- 504.2 An accurate field boundary survey of the entire site which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
- 504.3 The location and material of all permanent monuments and lot markers.
- 504.4 Written certification by the responsible Qualified Professional (see definition in Article 2, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance.
- 504.5 A block for the signatures of the Chairman and Secretary of the Planning Commission indicating the date of its recommended approval of the final plan.
- 504.6 A block for the signatures of the Chairman of the Borough Council and the Borough Secretary indicating the date of approval of the final plan.
- 504.7 A block for the signatures and/or seal of the authorized person(s) of the Luzerne County Planning Commission indicating its review of said plan.
- 504.6 The latest source of title to the property as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.
- 504.7 The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.

504.8 Typical final street cross-section drawings for all proposed streets and/or roads showing the following:

1. Typical cut sections.
2. Typical fill sections.
3. Typical super elevated sections.
4. Typical parallel drainage.

504.9 Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.

504.10 All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.

504.11 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.

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

504.13 If applicable, the number of the approved Highway Occupancy Permit (Borough or State) and date of issuance or the notation that deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.

504.14 A space shall be provided on the lower edge of the Final Plan for acknowledge of receipt and recording of the plan by the Luzerne County Recorder of Deeds Office.

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

- (a) "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection."
- (b) "Individual owners of lots must apply to the Borough for a sewage permit prior to the construction of any on-lot sewage disposal system."
- (c) "In granting this approval the Borough has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

- (d) "All lots shown on this plan are subject to the rules and regulations contained in the Harveys Lake Borough Zoning Ordinance."
- (e) In the event the subdivision incorporates a private access street as defined in this Ordinance, the following note shall be provided: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
- (f) "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
- (g) In the case where wetlands are present the following note shall be provided: "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Harveys Lake Borough shall have no liability or responsibility for the same to the Developer or purchaser(s)."
- (h) When on-site subsurface sewage disposal is proposed the following note shall be provided: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan Approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

SECTION 505 ADDITIONAL MATERIAL - SUBMITTED WITH FINAL PLAN

The following material and information shall be submitted with the Final Plan:

- 505.1 Certification of ownership, certification of Plan's compliance with all applicable terms and conditions required by this Ordinance and/or the Borough Council and any offer of dedication, if applicable, signed by the owner of the property and notarized.
- 505.2 Final application and required fee.
- 505.3 If applicable, a copy of the Highway Occupancy Permit, as required by Harveys Lake Borough and/or the Pennsylvania Department of Transportation, or the deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.
- 505.4 Copies of final deed restrictions, those existing and those to be included upon recording, if any.
- 505.5 All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.

- 505.6 Written certification from the Pennsylvania Department of Environmental Protection approving the required Planning Module and any supporting data.
- 505.7 Written certification from the Luzerne County Conservation District approving the Soils Erosion and Sedimentation Control Plan.
- 505.8 Final construction plans and subsequent “as built” drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant’s engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above referenced “as built” drawings shall precede the release of any remaining funds placed as a financial security by the developer.
- 505.9 If any streets are not offered for dedication to public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Borough’s Solicitor and approval by the Borough Council, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Borough's design specifications at such time the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Borough Engineer, to provide the needed improvements required for conformance to the Borough's design specifications at the time of such dedication.
- 505.10 An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners association is deemed to be responsible, such association must be legally organized prior to approval of the Final Plan.
- 505.11 A Performance Guarantee with a financial security, in accordance with Section 703 and Section 705 of this Ordinance, subject to the approval by the Borough Council, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.
- 505.12 A financial security for the maintenance of improvements, in accordance with Section 711 of this Ordinance.
- 505.13 An executed Development Agreement in accordance with Section 702 of this Ordinance.
- 505.14 If applicable, written certification from the Municipal Sanitary Authority

granting final approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.

- 505.15 Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development.
- 505.16 Any required permits and/or approvals from either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection for site development activities which disturbs, affects and/or crosses delineated wetlands.
- 505.17 Any other information as required by the Borough Council.
- 505.18 The payment of cost for all consulting fees and costs incurred by the Borough for the review of the application, plan and supporting information, data and/or reports or studies, including but not limited to, any required impact analysis and site inspections to insure compliance with the terms of approval and required improvements.

SECTION 506 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 6
MINOR SUBDIVISION/LAND DEVELOPMENT

SECTION 601 ONLY FINAL PLAN REQUIRED

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

SECTION 602 SUBMISSION PROCEDURE

The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with Section 303 of this Ordinance.

SECTION 603 DISTRIBUTION OF PLAN

The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 304 of this Ordinance.

SECTION 604 DRAFTING STANDARDS FOR MINOR PLANS

The Final Plan of a proposed minor subdivision or minor land development shall be in accordance with Section 404 of this Ordinance.

SECTION 605 REQUIREMENTS FOR MINOR PLANS

The Final Plan shall be noted as "Minor Subdivision Final Plan" or "Minor Land Development - Final Plan" and contain the following information:

- 605.1 Name and address of record owner, including certification of ownership which bears the seal of a Notary Public.
- 605.2 The name and address of the applicant, if different from owner.
- 605.3 Name of proposed subdivision or land development.
- 605.4 Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.

- 605.5 North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 605.6 Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- 605.7 The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each.
- 605.8 The dimensions and area of all lots, expressed in both square feet and acres.
- 605.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- 605.10 The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- 605.11 The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- 605.12 The distance of all existing structures to lot lines, front, rear and side, which will result upon approval of the plan.
- 605.13 The names of all adjoining property owners, including block and lot numbers from the Luzerne County Assessors Office.
- 605.14 All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- 605.15 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements or right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, and other significant man-made features located within the boundaries of the proposed subdivision or land development.
- 605.16 Existing bodies of water, watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.
- 605.17 With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the

plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.

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

605.18 Existing contour lines at vertical intervals of not greater than five (5) feet, when existing slopes are five (5%) percent or greater. Existing contour lines at vertical intervals of not greater than ten (10) feet, when existing slopes are less than five (5%) percent.

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

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

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

SECTION 606 INFORMATION TO BE SUBMITTED WITH PLAN

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

- (a) Proof of ownership including a copy of the existing deed.
- (b) Application for Minor Subdivision Plan or Minor Land Development Plan, and the required fee.

- (c) If applicable, an approved Highway Occupancy Permit, as required by Harveys Lake Borough and/or the Pennsylvania Department of Transportation the or a deed restriction that prohibits development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured.
- (e) If applicable, a letter of commitment from the from the applicable public authority or private corporation that provides collection and/or treatment of sanitary sewage that said entity can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- (f) Written certification from the appropriate public utility company which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.
- (g) If applicable, the Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by DEP.
- (h) Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- (i) Copies of description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- (j) If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- (k) An appropriate Planning Module for Land Development, approved by DEP.
- (l) Any other information as required by the Borough Council.
- (m) The cost of all consulting fees incurred by the Borough for the review of the application, plans and supporting formation, data and/or reports or studies, including but not limited to, any required Impact Analysis and site inspections of the property to insure compliance with the terms of approval and required improvements.

SECTION 607 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 7
ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

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

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

SECTION 702 DEVELOPMENT AGREEMENT

702.1 Development Agreement Required

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

702.2 Terms of Development Agreement.

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

- A. Required Improvements:
 1. The construction depicted upon the approved plans in itemized format.
 2. The construction of streets, curbs, sidewalks, street trees, street signs, stormwater management and drainage facilities and all other

related improvements for the subject subdivision and/or land development.

3. The installation of utility lines
4. Setting property corners
5. Soil erosion and sedimentation measures, both temporary (during construction) and permanent.

B. Schedules:

1. A work schedule prepared by the developer's engineer setting forth the beginning and ending dates and such other details as the Borough deems appropriate for the improvements covered by the Development Agreement.
2. An inspection schedule approved by Council subject to review the Borough Engineer. The developer shall provide Council and the Borough Engineer with notice at least forty-eight (48) hours prior to scheduling inspections.

C. Financial Guarantee:

1. The provision of a Performance Guarantee for completion of required improvements which complies with Sections 703 and 705 of this Ordinance.
2. The estimated cost of the improvements, including a detailed breakdown in a form acceptable to Council, based upon the amount of the Performance Guarantee.
3. All improvements subject to the Development Agreement shall be approved according to the approved inspection schedule.

D. Liability:

1. The developer's responsibilities for damage to other property.
2. The developer shall secure or maintain public liability insurance for the duration of construction of improvements. A copy (of other evidence of coverage) shall be submitted to the Borough with review by the Borough Solicitor.
3. A hold harmless clause to protect the Borough from liability.
4. The prevention of erosion, sediment and water damage to the subject and adjacent properties.

- E. The dedication of streets, transfer of water and sewer lines and easements.
- F. The developer shall provide the Borough with a set of “record drawings” plans prepared and certified by a professional engineer depicting all streets, storm and sanitary sewers, and water distribution facilities.
- G. The developer shall be responsible for all reasonable engineering and legal costs and expenses for review, inspection, consultations, and preparation of agreements.
- H. The provisions for violations of the Development Agreement.
- I. Any other terms which the Borough Solicitor deems necessary for Enforcement of the provisions of this Ordinance.

SECTION 703 TYPES OF FINANCIAL SECURITY

703.1 A Performance Guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

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

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

SECTION 704 REVIEW BY SOLICITOR

When an applicant proposes to provide a Performance Guarantee, said Performance Guarantee shall be submitted to the Council and their Solicitor for review not less than fourteen (14) days prior to the public meeting of the Council at which the acceptance and/or approval of proposed Performance Guarantee will be considered by the Council.

SECTION 705 AMOUNT OF PERFORMANCE GUARANTEE

The amount of Performance Guarantee to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety (90) days following the scheduled completion date. The amount of the required Performance Guarantee shall be based upon a written estimated cost of completion of

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

SECTION 706 REQUIRED TIME PERIOD FOR COMPLETION

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

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

SECTION 707 PHASING OF DEVELOPMENT

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

SECTION 708 START OF WORK NOTICE

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

SECTION 709 PERIODIC INSPECTIONS DURING CONSTRUCTION

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

SECTION 710 RELEASE OF PORTIONS OF FINANCIAL SECURITY

710.1 As the work of installing the required improvements proceeds, the party posting financial security may request the Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.

710.2 Any such request shall be in writing addressed to the Council. The Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify in writing to the Planning Commission that such portion of the work upon the improvements has been completed in accordance with the approved plan.

710.3 Upon such certification the Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer as fair in representing the value of the completed improvements. Failure of the Council to act within the said forty-five (45) day period shall be deemed an approval of the release of the funds requested.

710.4 The Council may, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

SECTION 711 FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

711.1 Where Harveys Lake Borough accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

711.2 Said financial security shall be of the same type as otherwise required in Section 703 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

SECTION 712 IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY

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

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

SECTION 713 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

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

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

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

and

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

SECTION 714 COMPLETION OF REQUIRED IMPROVEMENTS

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

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

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

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

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

SECTION 715 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements shall not be approved or shall be rejected by the Council, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 714 shall be followed.

SECTION 716 APPLICANT'S RIGHT TO CONTEST ACTION

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

SECTION 717 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

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

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

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

SECTION 718 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 108 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Borough may incur as related

to Sections 705, 709, 710, 711 and 714 of this Ordinance. The developer shall be required to fully reimburse the Borough for said engineering fees. The developer shall also be required to fully reimburse the Borough for any engineering and/or consulting fees which the Borough may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. Upon notification by the Borough of such costs, the developer shall provide a certified check or money order to the Borough to fully reimburse the Borough for said engineering fees, within thirty (30) days from the billing date from Harveys Lake Borough. An approved plan shall not be signed by the Council nor shall any permits related to the development of the site be issued until all fees are paid in full.

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

SECTION 719 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

- 719.1 An applicant may contest the amount to be reimbursed to the Borough for consulting fees. The applicant shall notify the Borough, in writing, within ten (10) working days of the billing date, as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Borough for consulting fees, if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.
- 719.2 In such cases, the Council shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicants written request to contest certain consulting expenses.
- 719.3 If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Council shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- 719.4 The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

719.5 In the event that the Council and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Luzerne County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.

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

ARTICLE 8
DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 801 APPLICATION

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

SECTION 802 GENERAL REQUIREMENTS

A. PLANNING

The development shall generally conform with the policies, goals and objectives of this Ordinance.

B. CONTIGUOUS LANDS

Where the owner of a site under consideration for development, owns contiguous land that may be suitable for development, the subdivision plan shall include all contiguous lands. At minimum information for contiguous lands shall include a prospective street layout and a topographic map of said lands at a scale of not less than one inch equals 200 feet. This provision however, may be waived in full or in part by the Borough, if it is not considered essential to the evaluation of the plans for the current development tract.

C. REMNANTS; DEVELOPMENT DESIGN; NEIGHBORING DEVELOPMENT

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

D. HAZARD AREAS

Land which the Borough Council deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be

harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate mitigation methods are formulated by the applicant and approved by the Borough Council upon the recommendation of the Borough Engineer.

E. IMPROVEMENT SPECIFICATIONS

The design standards and requirements as outlined in this Article shall be utilized by the Borough Council in evaluating the plans for all proposed subdivisions and land developments. Altered design standards, including more stringent specifications may be required, in cases where the Borough Council find that such specifications are essential to protect the health, safety and general welfare of the residents of Harveys Lake Borough and/or the environment of the Borough. Any request to modify the design standards and/or requirements below those contained within this Article shall be considered in accordance with Section 107 of this Ordinance.

F. OTHER ORDINANCES

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

SECTION 803 NATURAL FEATURES

Care shall be taken to preserve natural features such as agricultural land, woodlands, wetlands, watercourses, bodies of water, riparian lands, scenic views, and historical and cultural features and/or resources, such as buildings and stone walls, which maintains the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the PA DEP and the US Army Corps of Engineers.

A. Groundwater Resources

Proposed subdivisions and land developments shall to the greatest practical extent be designed in a manner to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful consideration of vegetation and land disturbance activities. The placement of streets, buildings and other impervious surfaces shall to the greatest practical extent attempt to maximize permeability where precipitation is most likely to infiltrate and recharge the groundwater.

B. Streams, Swales, Springs, and Other Lowland Areas

Stream channels, swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

1. To the greatest practical extent the following activities shall be minimized:
 - a. Disturbance to streams and drainage swales.
 - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.

C. Woodlands

Woodlands occur extensively throughout the Borough, often in association with stream and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Woodlands serve as a valuable resource in its ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats. Any proposed subdivision and/or land development in which the original lot of record which exceeds ten (10) acres shall require an evaluation of the tract's woodlands undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Borough. The findings of the evaluation shall be provided in narrative form and shall be depicted upon the plans as an existing condition with supporting photographs of the property.

All subdivisions and land developments shall be designed and constructed in a manner which shall to the greatest practical extent:

1. Minimize the loss or degradation of woodland areas.
2. Preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows shall be considered in the proposed design of the site.
3. Minimize disturbance or removal of woodlands occupying environmentally sensitive areas. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.

No tree clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site prior to preliminary plan approval.

D. Slopes

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety. Areas of steep slope shall be preserved in accordance with the following:

1. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
2. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.

F. Historic Structures and Sites

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

SECTION 804 MONUMENTS AND MARKERS

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

804.1

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

804.2

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

804.3

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

804.4

Monuments shall be set as follows:

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

- (c) A minimum of one at each street intersection along the street right-of-way line.

804.5

Markers normally shall be flush with the surrounding grade.

804.6 Markers shall be set as follows:

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

SECTION 805 RESIDENTIAL BLOCKS

For blocks the following standards shall apply:

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

SECTION 806 RESIDENTIAL LOTS

- 806.1 All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths in yard requirements as set forth in the Harveys Lake Borough Zoning Ordinance.
- 806.2 Each lot or area platted for residential use shall be accessible from an existing or proposed street.
- 806.3 The lot depth shall not be greater than three (3) times its width.
- 806.4 Side lines of lots shall be at right angles to straight streets and on radius lines on curved streets. Some variation may be permitted at the discretion of the Borough Council, but pointed or very irregular shaped lots shall be avoided.
- 806.5 In the case of lots utilizing an on-site sewage disposal system, there shall be sufficient area for the disposal field in accordance to DEP regulations.

- 806.6 Double or reverse frontage lots shall be avoided except where required to provide separation of residential uses from arterial or collector streets or to overcome specific disadvantages of topography or orientation.
- 806.7 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.
- 806.8 Flag lots shall be avoided when alternate development layouts would yield the same number of lots otherwise permitted with the elimination of flag lots. The approval of flag lots shall subject to the following standards:
- a. Not more than ten (10%) percent of the lots within a major subdivision may be approved as flag lots.
 - b. The access corridor portion of the lot shall not exceed three hundred (300) feet as measured from its intersection with the street right-of-way.
 - c. The applicant shall prove to the satisfaction of the Supervisors that proposed driveway would provide adequate access for emergency vehicles.
 - d. The lot width measurement shall be made on the main portion of the lot and shall not access corridor portion of the lot.
 - e. Approval of a flag lot shall be conditioned upon the existence or provision of a recorded a deed restriction prohibiting any further subdivision of the flag lot.

SECTION 807 STREETS - GENERAL REQUIREMENTS

- 807.1 Any proposed subdivision or land development shall have frontage upon or access to an existing State, County, or Borough road.
- 807.2 Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.
- 807.3 Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.
- 807.4 Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.
- 807.5 All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way as established in the Comprehensive Plan.

- 807.6 All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- 807.7 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Borough Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous for future development on adjacent tracts.
- 807.8 Any subdivision and/or land development containing more than thirteen (13) lots which do not front upon an existing off-site public road, shall provide within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.
- 807.9 At the discretion of the Borough Council, street lights may be required to be installed at the intersection of all streets, and at other points deemed necessary based upon field conditions.

SECTION 808 STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. Proposed names of streets shall be subject to the approval of the Borough Council. A proposed street name shall not include the name of any existing street in the Borough, except that a street when planned as a continuation of an existing street shall bear the same name. Proposed street names and street addresses shall also be subject to approval by Luzerne County Communication Center for Emergency Services and the United States Postal Service.

SECTION 809 STREET SIGNS

Street signs, which provide the legal name of each street, shall be erected at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Borough Council. Final approval of street names for streets subject to public dedication to the Borough and/or private streets to remain under private ownership shall be vested with the Borough Council.

SECTION 810 TRAFFIC CONTROL MEASURES

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

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

Centerlines

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

Edge Lines

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

Stop Lines

Six (6) inch wide white stop lines shall be painted that completely traverse all traffic lanes on each approach to a stop sign and/or crosswalk

Unless stated otherwise all material and workmanship shall be in accordance with the latest edition of the Pennsylvania Department of Transportation Publication 408,

SECTION 811 CONTINUATION OF ROADS AND TEMPORARY DEAD-END ROADS

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Borough’s goals as provided for within the Statement of Community Development Objectives of this Ordinance. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout designed as a “hammerhead” shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations

SECTION 812 DEAD-END ROADS (PERMANENT)

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

SECTION 813 CUL-DE-SAC STREETS

813.1 A cul-de-sac street shall not be approved when a through street is more advantageous.

813.2 Cul-de-sac streets shall not exceed 600 feet in length and furnish access to not more than thirteen (13) dwelling units. All lots fronting upon the arc of a cul-de-sac street shall have a frontage, as measured along the length of the arc, which results in a chord length of seventy-five (75) feet. The above requirements shall apply to all lots along the arc a cul-de-sac regardless of the Zoning District in which the subdivision is located.

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

813.4 Any street which is terminated, with planned future access to an adjoining property or because of authorized stage development, shall be provided with a temporary, all-weather turning circle. The turning circle shall be completely within the boundaries of the subdivision and/or land development, and the use of the turn around shall be guaranteed to the public until such time as the street is extended.

813.5 An easement for the purpose of snow removal, having a size of not less than thirty-five (35) feet in length and 15 (fifteen) feet in depth, shall be provided upon the front yard areas of lot or lots located at the end of a cul-de-sac.

SECTION 814 ACCESS TO ARTERIAL STREETS

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

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

SECTION 815 INTERSECTIONS

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

degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.

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

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

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

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

SECTION 816 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS

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

SECTION 817 LIMITED EXEMPTION FOR ROAD DESIGN STANDARDS

A subdivision or land development containing not more than three (3) lots or three (3) detached single-family dwellings units may be serviced by a private street having a minimum right-of way of not less than fifty (50) feet. The required cartway shall be cleared of all vegetation and properly graded. The width of the cartway shall be not less than sixteen (16) feet and have a base consisting of six (6) inches of 2 A modified stone. All other design specifications for streets, as set forth in this Ordinance which do not conflict with the above shall apply.

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

1. The street shall remain as a private street, not subject to offer for public dedication, unless it is improved to meet or exceed all applicable design standards in effect at the time such offer is made.

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

SECTION 818 DRIVEWAYS

818.1 The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

| Type of Subdivision or Land Development | Distance between center-lines of driveway and nearest intersecting street right-of-way by type of intersecting street. The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the driveway is proposed | | |
|---|---|---------------------|------------------------------|
| | Arterial | Connector Collector | Local and/or Marginal Access |
| Residential | 150 ft. | 100 ft. | 75 ft. |
| Nonresidential | 300 ft. | 200 ft. | 150 ft. |

818.2 Driveways shall maintain a setback of not less than then (10) feet from adjoining properties lines.

818.3 The number of driveways shall not exceed one (1) per lot or, on lots with street frontages in excess of one hundred (100) feet, one (1) per one hundred (100) feet of street frontage. Such driveway may be of loop design.

818.4 Driveway entrances shall be rounded at a minimum radius of five (5) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line) or outside shoulder edge as applicable. For residential lots the entrance of the driveway shall have a minimum angle of 60 degrees, and for all other lots, 90 degrees.

The maximum driveway width at the edge of the cartway shall be thirty (30) feet.

818.5 The difference between the cross slope of the roadway and the upward grade of the driveway approach shall not exceed shall not exceed a slope of eight percent (8%)

818.6 Adequate drainage facilities shall be provided where driveways meet the street cartway. Driveway pipes are to be installed at locations where the Borough Engineer determines them necessary. In cases where pipes are required, they shall be a minimum of eighteen (18) inches in diameter and shall be placed in line and on grade with the swale both upstream and downstream of the driveway. The minimum cover as recommended by the manufacturer shall be placed above the pipe. In areas where pipes are not required, the shoulder and swale shall be constructed to accommodate the size and grade of the swale through the driveway. In no case shall the low point of the shoulder be other than the proper elevation, as referenced to the crown of the cartway, as well as the proper distance from the edge of the cartway.

818.7 Subdivisions should be designed to eliminate, where possible, driveways entering State or County highways. This shall be accomplished either by providing for a street parallel to the State or County highway and separated from it by a grass area, or by laying out lots such that the rear lot lines abut the State or County highway right-of-way and that provision for driveways be made from the front of the lot onto a street of the subdivision.

818.8 All driveway entrances with access onto a public road shall be required to secure a Highway Occupancy Permit from either Harveys Lake Borough or PennDOT prior to construction and the establishment of the same. A deed restriction requiring the owner or developer of a property as the responsible party to secure the required Highway Occupancy Permit shall be contained in all deeds.

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

SECTION 819 BRIDGES AND STREAM CROSSINGS

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection, shall be provided by the developer, if applicable.

SECTION 820 EROSION AND SEDIMENTATION CONTROL

The minimization of erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Borough.

820.1 General Standards:

- a. The minimization of soil erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Borough. All Soil Erosion and Sedimentation Control Plans shall be prepared and sealed by a licensed professional engineer in accordance with the "Erosion and Sedimentation Pollution Control Program Manual" DEP Document #363-2134-008624.
- b. Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless: (i) there has been an Erosion and Sedimentation Control Plan approved by the Borough that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other form of financial security is deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements within five (5) years of preliminary plan approval or one (1) year of final plan approval or (ii) there has been a determination by the Borough that a plan for minimizing erosion and sedimentation is not necessary.

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

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

820.2 Specific Standards: The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

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

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

- a. Street Improvements: Streets shall be improved to a mud-free or otherwise permanently passable conditions as one of the first items of work done on a subdivision or development.
- b. Cuts and Fills: Provision shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by the installation of temporary or permanent drainage improvements across or above these areas.

- c. Compaction of Fill: Fill shall be placed and compacted so as to minimize sliding or erosion of the soil. Material for fill, other than that for a roadway base or subgrade, shall be acceptable material, placed in 12-inch loose lifts and compacted to 95% of the material's dry weight density as determined by Modified Proctor Test, ASTM D-1557, Method C or D.
- d. Fill Near Watercourses: No fill shall be placed within one hundred (100) feet of a watercourse or other body of water or within any area designated as a flood plain..
- e. Dust Control: During grading operations necessary measures for dust control shall be exercised.
- f. Stream Crossings: Grading equipment shall not be allowed to enter into flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges. Where necessary, approval and/or permits must be secured from the proper state or federal agencies.

820.4 Responsibility

- a. Sedimentation Damage: Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the land developer, subdivider, contractor, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of Control Facilities: Maintenance of all erosion and sedimentation control facilities during the construction and development period and until or unless they are accepted for dedication by the Borough or other public authority shall be the responsibility of the land developer or subdivider.
- c. Maintenance of Watercourses: It shall be the responsibility of the developer, subdivider, person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.

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

No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit

any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Borough Council or Pennsylvania Department of Environmental Protection, whichever has primary jurisdiction.

- d. Installation of Improvements: The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

820.5 Compliance with Regulations and Procedures

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

SECTION 821 WATER SUPPLY FACILITIES

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

SECTION 822 CENTRALIZED WATER SYSTEM

- 822.1 All major subdivisions and land developments shall be served by an approved public distribution system for water supply.

822.2 The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the Preliminary Plans.

822.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed, with a required flow rate of 500 gallons per minute, at a pressure compliant with the most recent applicable standards of the National Fire Protection Code. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.

822.4 All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting documentation, application for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Borough as part of the public record. One copy of the permit and certificate of convenience issued by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission authorizing such services shall be forwarded upon receipt to the Borough Council as part of the public record.

SECTION 823 ON-LOT WATER SYSTEM

On-lot water systems, if permitted, shall be subject to the requirements of this Section and subject to the design and construction requirements in accordance with the applicable criteria as set forth by the Pennsylvania Department of Environmental Protection. Any subdivision or land development which equals or exceeds fifteen dwelling units and/or having a water consumption rate of 6,000 gallons per day, based upon complete build-out, shall be required to construct a centralized community water system. Each residential dwelling unit shall be deemed to have a water consumption rate of 400 gallons per day.

823.1. AQUIFER TEST REQUIRED

An aquifer test shall be required prior to the approval of a subdivision or land development plan proposing to use any type of an on-lot water system serving more than three (3) residential dwelling units, and/or any non-residential use or uses which individually or collectively will have an anticipated daily water usage demand that equals or exceeds one thousand two hundred (1,200) gallons per day, including but not limited to the use of water at a location other than the lot from the on-lot water system is located.

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

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

823.2 AQUIFER TEST STANDARDS AND PROCEDURES.

1. No person shall propose the use of a public water supply system or individual wells for a development activity described in Section 626.1 without first administering the aquifer test required by this Section and meeting the minimum requirements of Section 626.3.
 - A. Test Objective. The objectives of an aquifer test shall be one or more of the following:
 - (1) To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
 - (2) To determine the location and character of geologic boundaries.
 - (3) To ascertain the effects of well interference.
 - (4) To determine the age of the aquifer.
 - B. Test Standard. The aquifer test shall establish that the proposed well(s) is (are) capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit or in the case of non-residential use, the anticipated daily water flow, at a demand rate of not less than eight (8) gallons per minute for one (1) hour, either with or without the use of a storage system. The test shall also establish that no significant adverse impact will result to other existing wells.
 - C. Test Supervision and Evaluation. The aquifer test shall be conducted under the supervision of a professional consultant with experience in geology or professional engineer, using testing procedures hereinafter set forth. The geologist or engineer shall be responsible for notifying the Borough of the test. He or she will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate

surrounding area. The supervising person shall provide the Borough with a copy of all field notes and test results.

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

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

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

- (1) Prior to the test:
 - (a) Collection of geologic data of the area to be tested including well logs, if available.
 - (b) History of water level fluctuations in the area when available.
 - (c) The location, relative elevations and static water levels in the pumped well and the observation well or wells.
 - (d) Data on the age of the aquifer.
- (2) During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:
 - (a) Date.
 - (b) Elapsed time since pumping started/stopped (in minutes + seconds).
 - (c) Depth to water below land surface
 - (d) Drawdown or recovery in feet and 10ths.
 - (e) Observed discharge at specified intervals.
- (3) Following the test:

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

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

823.3. WATER QUALITY TEST.

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

823.4 DRY HYDRANTS

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

In addition to the above requirements, a second well shall also be required for the purpose of refilling and maintaining a full water supply within each underground tank.

SECTION 824 SEWAGE DISPOSAL FACILITIES

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

SECTION 825 CENTRALIZED SEWERS

825.1 All major subdivisions and land developments shall be served by centralized sewage disposal systems, when an existing public centralized sewage system is within one-thousand (1,000) feet from any point of the proposed subdivision or land development.

825.2 All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Borough Sewage Plan, and be approved by the appropriate agencies prior to Final Plan approval.

825.3 All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development, plus additional flow as may be projected to be generated by adjacent properties.

825.4 All individual lateral connection shall be installed to the curb/right-of-way line at the time of initial installation of the system.

825.5 All systems classified as Sewage Services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations shall be designed and constructed in accordance with regulations and requirements set forth in the most recent edition of the "Sewage Manual" prepared by the Bureau of Water Quality Management of Department of Environmental Protection and the applicable regulations of the applicable municipal authority which services the Borough

SECTION 826 ON-LOT SEWAGE DISPOSAL SYSTEM

826.1 On-lot sewage systems, both individual and community sewage systems, shall be designed and constructed in accordance with Pennsylvania Department of Environmental Protection requirements under Title 25, Rules and Regulations Part 1, Subpart C, Chapter 73 and any amendments thereto.

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

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

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

SECTION 827 STORM WATER MANAGEMENT AND DRAINAGE

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

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

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

827.1 The Stormwater Management Plan for any subdivision or land development shall be prepared and sealed by a licensed professional engineer.

827.2 The Planning Commission shall submit one (1) copy of the Stormwater Management Plan to the Borough Engineer for review and comment.

827.3 All required storm drainage facilities within the public right-of-way shall be designed as underground piping system. Said storm pipe shall be Corrugated Polyethylene Storm Drain Pipe smooth interior meeting the requirements of AASHTO M252, M294, or MP7, Type S. Pipe shall be supplied with bell end

connections and shall have a rubber gasket that meets the requirements of ASTM F477. Pipe shall be manufactured by Advanced Drainage Systems N-12 PRO LINK ULTRA or approved equal. **Open swales shall be expressly prohibited as a design element of any required storm drainage facilities within the public right-of-way.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- e. Release Rate: The release rate of storm water from retention/detention facilities shall not exceed the predevelopment peak discharge for each storm frequency, for that particular point of discharge.

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

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

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

The use of other control methods which meet the criteria in this section shall be permitted if approved by the Borough Engineer. Various combinations of methods should be tailored to suit the particular

requirements of the type of development and topographic features of the project area.

827.7 Design of Control Methods: The publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, should be consulted as an aid in designing control facilities:

827.8 Storm Water Management Plan Required: Prior to the preliminary and final approval of subdivision, land development or the issuance of any permit, or the commencement of any land disturbance activity, the owner, applicant, developer, or his agent shall submit a storm water management plan to The Planning Commission for approval.

827.9 Plan Requirements: The plan shall meet the requirements set forth herein, and shall also meet all requirements of applicable State and Federal Regulations. The following items, where appropriate, shall be included in the plan:

A. GENERAL

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

B. MAP(S) OF THE PROJECT AREA SHOWING

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

natural vegetation to be preserved.

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

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

1. Permanent vegetation or other soil stabilization measures.
2. Infiltration facilities such as seepage pits, beds, or trenches including

on-lot retention systems for groundwater recharge; when such structures are used, the location of septic tank infiltration areas and wells relative to these facilities; cross-sections of proposed infiltration facilities must be provided upon the plan.

3. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, drainage easements, storm sewers, culverts, first flush treatment, etc.
4. All calculations, assumptions and criteria used in the design of the control device or method must be included upon the plan.
5. Details on the types, locations and dimensions of facilities for storm water detention and conveyance and for groundwater recharge.
6. Schedule for installation of the control measures and devices.
7. A 25 foot right-of-way around all storm water management structures and from such structures to a public right of way wherever the Borough is to accept the dedication of such structures.

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

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

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

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

deposited with the Borough which shall insure and guarantee the installation and completion of required improvements as indicated upon the approved stormwater management plan within one year or less from the date of final plan approval.

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

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

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

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

- A. On-Lot Retention Systems: The owner of the individual lot shall be required to observe the following guidelines:
1. When required, a subsurface storm water retention area shall be constructed on each lot prior occupancy of the building.
 2. Storm water runoff from impervious areas must be collected and conveyed underground to sub-surface retention areas.
 3. Retention system, including conveyance and collection lines, are to be owned and maintained by the lot owner. Repair/replacement and maintenance of the system is the responsibility of the lot owner.
 4. The system shall be designed to accommodate anticipated peak flow for all storms of a 24-hour duration and for frequencies of 2, 10, 25, 50 and 100 years.

5. The system shall be designed by a Professional Engineer licensed in Pennsylvania and shall be approved by the Borough Engineer and The Planning Commission prior to its construction.
6. The system shall be constructed concurrently with or immediately after the house is framed.
7. The system design shall be based upon the standards contained in Appendix C of "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, as approved by the Borough Engineer
8. The system design shall include the following:
 - (a) Filter fabric or other acceptable devices shall be utilized to prevent clogging or siltation of the storage areas.
 - (b) Cleanouts and traps are to be provided for maintenance purposes.
 - (c) Collection pipes are to be a minimum 4-inch PVC, perforated pipe.
 - (d) Storage area is to include all necessary tanks, large diameter pipes, and stone, 2-B or equivalent.
 - (e) Outlet pipes are to be solid wall PVC pipe, directed to adjacent swales and ditches in roadway areas, or to any adjacent streams that traverse the lot.
 - (f) Outlet pipes shall not discharge any runoff onto any adjacent lot.
 - (g) Large diameter pipes utilized for storage areas are to be either solid wall PVC or asphalt coated galvanized corrugated metal pipe, or other approved substitutes.
9. The Borough Engineer and/or any other party, as designated by the Planning Commission, shall inspect the system during and prior to backfilling. If the system is covered over prior to inspection, the lot owner will be required to re-excavate the backfill so proper inspection can be conducted.

827.17 Storm Drainage Systems: Storm drainage systems shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway in the determination of the Borough Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall be required to connect to them. Where storm sewers are to be located in undedicated land, they shall be placed in an easement at least twenty (20) feet wide. The minimum allowable velocity in storm sewers (pipes)

shall be 3.0 feet per second. The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based upon the following table:

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

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

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

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

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

827.21 Drainage onto Adjacent Properties: Special consideration shall be given in the design of storm drainage facilities so as to prevent excess runoff or new concentrations of runoff onto adjacent properties. Whenever a subdivision or land development disposes storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the pre-development flow carried in the watercourse, a drainage release shall be obtained from the affected property owner in writing and a copy submitted with the preliminary plan. Drainage releases are required from all downstream property owners affected by the diversion,

relocation or increase of storm water flow. Calculations shall be provided and sealed by a professional engineer demonstrating that such runoff will not erode or overtax any existing drainage facilities or watercourses on adjacent property. Ultimate approval of such drainage systems will depend upon approval by the Borough Engineer even though the adjacent property owner grants consent in writing.

827.22 Detention Basin Requirements:

1. When applicable, the design of any detention basin intended to meet the requirements of this Ordinance and any Storm Water Plan applicable to the Borough shall be verified by routing the design storm hydrograph through the proposed basin. For basins designed using the modified rational method technique, the detention volume shall, at minimum, equal the volume derived from the approximate routing process as contained in SCS Technical Release Number 55 (TR55,1986), Chapter 6, (Figure 6-1)
2. All stormwater detention facilities shall be designed based upon the following criteria. Due to the uniqueness of each stormwater detention basin and the variability of soil and other site conditions, the following criteria may be modified or deleted at the discretion of the Borough Engineer if warranted.
 - a. The basin is to be seeded including the bottom, side slopes and all earthen dams and embankments.
 - b. Suitable lining shall be required at all points of inflow to the basin where erosion and scour may occur.
 - c. An easement to allow maintenance crews access to the basin and outlet areas shall be established around all basins to be maintained. The limits of such easements shall be 25 feet from the outside toe of all dams and embankments and the top of all pond side slopes, with said easement being connected to a public right-of-way.
 - d. The design dimensions of the detention basin shall be maintained throughout construction, unless it is to be used as a sedimentation basin during construction in the watershed. If so, it shall be immediately returned to design dimensions following the completion of such construction. If used as a temporary sedimentation basin, it shall be designed based upon the most recent standards of DEP for sedimentation basins.
 - e. Runoff from areas uphill or upstream from the development site may be passed across the development site without detention or storage. If it is more convenient, part or all of such water may be passed through the detention means described above, and an equal amount of water that originates on site may be passed downhill or

downstream. If any such upstream water enters the detention structure, the amount of detention shall be increased accordingly.

- f. The inlet shall enter at the opposite end of the basin if possible. The basin shall have a minimum bottom slope of 1% towards the primary outlet to assure positive drainage. Low flow channels may be required to convey small inflows to the basin outlet.
- g. Side slopes shall be a maximum of three feet horizontal to one foot vertical (3:1), unless the design slopes are less than three feet, in which case 4:1 side slopes are required. The design engineer may propose steeper side slopes if justifiable evidence is submitted.
- h. Basins with a minimum depth of three feet or greater shall be enclosed by a fence, not less than six (6) feet in height around the entire perimeter to keep out persons, animals and all other unauthorized access to the basin area. A gate shall be installed to allow access into the basin for required maintenance. With the exception of the location of the gate, a vegetative screen of trees, with the variety subject to the approval of the Planning Commission, shall be planted in front of the fence with the spacing distance not greater than eight (8) feet between trees. Said trees shall be not less than six (6) feet in height at the time of planting.
- i. The runoff entering the basin will result in the accumulation of considerable amounts of sedimentation. Provision shall be made within the maintenance schedule for periodic removal of accumulated solid materials.
- j. Responsibility for operation and maintenance of detention facilities, including periodic removal of accumulated materials, shall remain with the owner who is granted subdivision or land development approval of a given development, unless the detention facilities are dedicated and accepted by Harveys Lake Borough.
- k. In some instances, the provision of separate detention facilities for a number of single sites may be more difficult to maintain than the provision of joint facilities for number of sites. In such cases, the Borough may consider the provision of joint detention facilities which would meet all requirements of stormwater management. In such cases, a properly planned staged program of detention facilities may be approved by the Borough in which compliance with certain specified requirements may be postponed at early stages, while preliminary phases are undertaken. This shall however pertain to stormwater management only and not erosion and sedimentation pollution control.

- l. Safety ledges shall be constructed on the side slopes of all detention basins designed to have a permanent pool of water. The ledges shall be 4 to 6 feet in width and located approximately 2¹/₂ to 3 feet below and 1 to 1¹/₂ feet above the permanent water surface. Side slopes shall conform to paragraphs g. and h. of this subsection.
- m. Where the project consists of more than one phase, the stormwater controls shall be designed so that the rate of runoff for the maximum built out condition of the site is consistent with release rate specified in the plan. The outlet structure may have to be modified for the first phase. The stormwater detention basin shall be constructed prior to the first phase.
- n. All basins shall have, at minimum, a primary outlet to control the design storm(s) with a one foot freeboard above the maximum pool elevation associated the design storm(s). All basins shall also provide an emergency spillway to safely convey the 100-year design storm with one half (¹/₂) foot of freeboard.
- o. If the flow from the basin is proposed to be concentrated and discharged onto adjacent property, the developer must provide documentation that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise provide documentation that no adverse affects will result from the concentrated discharge. Written permission from the adjacent property owner must be obtained which fully explains the proposed discharge to allow for consideration of such discharge. Ultimate approval of the feasibility of such discharges shall require the approval by the Borough Engineer.
- p. Maximum velocities in emergency spillways shall be determined based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in the most recent DEP Sedimentation and Erosion Control Manual suitable lining shall be provided.
- q. The minimum top width of all basins shall be as follows:

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

- r. All detention basin routing will be performed using acceptable

routing methods. Selected time increments will be of a short enough duration to allow reasonable approximation of the inflow hydrograph.

- s. Any detention basin intended to meet the requirements of this Ordinance which requires a Dam Safety Permit from DEP shall be designed consistent with the provisions of the Dam Safety and Encroachment Act and DEP Chapter 105 Rules and Regulations.
- t. The applicant shall comply with any additional design requirements which may be recommended by the Borough Engineer based upon site conditions.

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

827.24 Inspections and Certifications:

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

- a. Harveys Lake Borough or their designee may inspect all phases of development of the site including, but not limited to:
 - 1. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.
 - 2. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - 3. During construction of the permanent storm water facilities at such times as specified by Planning Commission or its designee.
 - 4. Upon completion of permanent storm water management facilities, including established ground covers and plantings.
 - 5. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with approved plans and permit.

- b. It is the responsibility of the developer to notify the Planning Commission forty-eight (48) hours in advance of the completion of each phase of development identified above.
- c. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.
- d. If at any stage of the work, the Planning Commission determines that the soil or other conditions are not as stated or shown in the approved application or plan, it may refuse to approve further work and may revoke existing permits and approvals until a revised plan is submitted and approved.

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

SECTION 828 UTILITY EASEMENTS

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

828.1 Location and Width: With the exception of on-lot sewer laterals, utilities shall be located either within the public right-of-way or in easements centered on or adjacent to front, rear, or side lot lines. No structures or trees shall be placed over or within such easements. Such easements shall be minimum of twenty (20) feet in width.

828.2 Underground Installation: In developments of five (5) or more lots or residential developments of five (5) or more dwelling units electric, telephone, and all other utility facilities shall be installed underground. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for such a system. All underground utilities including laterals, service connections,

etc. or provisions for the same shall be installed prior to the placing of the subbase material in areas where the utilities underlie the cartway.

828.3 Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to preliminary plan approval the developer shall be required to obtain a letter from the transmission or distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

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

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

SECTION 829 CURBS AND SIDEWALKS

829.1 Curbs

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

829.2 Granite Curb Design Standards:

Type "A" or equal, 4" x 16" as produced by North Carolina Granite Corp., Mt. Airy, N.C. or an approved equal, as solely determined by the Planning Commission. Provide a sawed top to a true plane with no projection or depression greater than 1/8 inch. Back arris line shall pitch straight and true with no variation from a straight line greater than 1/4 inch. Back shall have nor

projection to exceed 4-inches in a 12-inch batter for a distance of 3-inches down from the top. Ends shall be square with the plane and face of top. Joints shall back over 8-inches from the plane of the joint. Curb bottom shall have a tolerance of 1-inch less, or 2-inches more than the required width. Front face shall have a 3/4 inch in 10-inch batter down and shall be smooth quarry split. No projection shall exceed 3/4 inch or depression to exceed 1/2-inch for 8-inches down. Front arris line to be true and straight. Curb shall not contain any marble seams which are irregular to the section. Mortar for joints shall be 1 part cement, 1 part fine aggregate and shall be mixed with sufficient water to form a plastic composition.

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

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

829.4 Sidewalks

- a. Sidewalks shall be required in all major residential developments. Each property owner shall be responsible for the maintenance of sidewalks which borders his or her property. Said responsibility for sidewalk maintenance shall be contained within each deed of a proposed subdivision
- b. Width and construction Sidewalks shall be constructed with class. "AA" concrete having a minimum strength of 3,750 PSI at 28 days. Minimum depth of sidewalks shall be five (5) inches with a subbase of four (4) inches. Where crossed by driveways sidewalks shall be six (6) inches minimum depth with a subbase of four (4) inches. Sidewalk construction joints shall be 1/2" cold rolled, sawn end dowels, 18" long greased on both ends, spaced a maximum of 12" apart. Reinforcing shall be 6x6 6/6 WWF

mesh. A cross slope is required on all sidewalks at a minimum of 1/8" per foot to a maximum of 1/4" per foot. False joints shall be provided at maximum intervals of five (5) feet and shall be at least one-fourth the depth of the concrete. Expansion joints shall be provided at all walls, poles, curbs, and other obstructions. All concrete shall be cured in accordance with the latest edition of PennDot Specifications 408. Forms shall be removed no sooner than seven (7) days after sidewalk concrete is poured. Sidewalks shall be sprayed with anti-spalling compound within 28 days after being poured.

829.5 Tree Lawn and Street Trees

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

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

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

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

SECTION 830 NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT

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

development with respect to such land shall make such provisions as the Borough Council require.

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

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

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

ARTICLE 9
MOBILE HOME PARKS

SECTION 901 GENERAL REQUIREMENTS

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park shall be deemed as a subdivision or land development and shall be subject to design standards within Article 8 and regulations provided within this Article and all Sections and Subsections thereunder.

SECTION 902 SITE LOCATION STANDARDS

- A. Unless stated otherwise, a mobile home park shall be subject to the design standards requirements as set forth in Article 6 of this Ordinance.
- B. All mobile home parks shall be serviced by a centralized sewage disposal system and a central water supply and distribution system.
- C. All mobile home parks shall have a total land area of not less than ten (10) acres.
- D. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent.
- E. All mobile home parks shall have access to public streets or roads.
- F. Mobile homes shall not be located on sites so that any portion of any mobile home is closer than thirty-five (35') feet to any portion of any other mobile home or permanent building within the mobile home park.
- G. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least twenty-four (24') feet.
- H. Every mobile home site shall be provided with a minimum of two (2) off-street parking spaces.
- I. The minimum area of land per mobile home site shall be not less than seven thousand two hundred (7,200) square feet, with the dimensions being sixty feet by one hundred and twenty (60x120) feet. There shall be an interior spacing distance of not less than thirty (30) feet from the defined site on which the mobile home is located to the next defined site for a mobile home.

- J. A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventy-five (75) feet to any other exterior property line.
- K. A vegetative screening of evergreen trees shall be required along the property boundary line separating the park and any adjacent use. The variety of evergreen trees shall be subject to approval by the Board of Supervisors. Said trees shall be a minimum height of six (6) feet at the time of planting and shall be planted not more than six (6) feet apart. The applicant and/or operator of the mobile home park shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.
- L. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park. A recreational development plan shall be provided which identifies passive and active recreational features to be provided upon the site, including recreational equipment, play apparatus, benches, and all other features and facilities to be incorporated into the design of the recreational site. The location of the recreational site and the recreational development plan shall be subject to the review and approval of the Board of Supervisors. The recreational site must be identified and approved by the Board of Supervisors prior to final approval of the development or expansion of a mobile home park. To guarantee the installation of all improvements to the site, the applicant shall be required to complete the installation of all such improvements prior to receiving an unconditional final approval or to post an irrevocable letter of credit in the amount of 110% of the estimated cost of improvements. The procedures and standards contained within Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended shall apply to posting the aforementioned irrevocable letter of credit. The procedures and standards within Section 510 of Act 247, as amended, shall apply to the release of the irrevocable letter of credit upon the completion of the required improvements. The applicant shall be required to reimburse the Borough for any consulting and engineering fees associated with the inspection of improvements to the site. Said reimbursement must be paid at the same meeting of the Board of Supervisors at which the applicant seeks final and unconditional approval of said improvements.
- M. Each mobile home lot shall be improved to provide a permanent poured concrete foundation for the placement and tiedown of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. The foundation shall be constructed in accordance with governing standards contained in the Pennsylvania Uniform Construction Code.
- N. Every mobile home shall be securely anchored or tied-down governing standards contained in the Pennsylvania Uniform Construction Code. All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using

industry approved fire resistant skirting material with sufficient ventilation to inhibit decay and deterioration of the mobile home.

- O. The owner/operator of each mobile home park shall provide a refuse disposal plan.
- P. An approved Soils Erosion and Sedimentation Plan and a Stormwater Management Plan shall be required prior to the unconditional approval for the development or expansion of a mobile home park.
- Q. An approved Department of Environmental Protection Planning Module shall be required prior to the unconditional approval for the development or expansion of a mobile home park.

