

**JEFFERSON TOWNSHIP  
LACKAWANNA COUNTY  
PENNSYLVANIA**

**2023  
SUBDIVISION & LAND DEVELOPMENT  
ORDINANCE**

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**JEFFERSON TOWNSHIP  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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## **ARTICLE 1** **GENERAL PROVISIONS**

### **SECTION 101**      **TITLE**

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

### **SECTION 102**      **AUTHORITY**

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended. Jefferson Township 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 Jefferson Township Board of Supervisors shall retain and exercise the authority for the approval or disapproval of all subdivisions and land developments as set forth in this Ordinance. The Jefferson Township Planning Commission shall act in an official advisory capacity to the Jefferson Township Board of Supervisors for the review and recommendation of the approval or disapproval of all subdivisions and land developments set forth in this Ordinance.

### **SECTION 103**      **OBJECTIVES**

Through the adoption, administration and enforcement of this Ordinance, the Jefferson Township proposes to create conditions favorable to promote the health, safety, and general welfare of the Township and its residents with regulations aimed at achieving the following objectives:

- 103.1** To guide the future growth and development in accordance with sound planning and land use practices
- 103.2** To provide a standard set of minimum regulations to guide property owners, developers, architects, landscape architects, land planners, surveyors and engineers in the design and development of subdivisions and land developments.
- 103.3** 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.
- 103.4** To protect and conserve the value of land throughout Jefferson Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 103.5** To ensure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- 103.6** To establish reasonable standards of design and procedures for subdivisions and re-subdivision in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumentation of proposed

subdivisions.

- 103.7 To guide public and private policy and action in order to provide adequate and efficient transportation, water, electrical service and other utilities, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 103.8 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Jefferson Township having 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.
- 103.9 To provide for open spaces through the most efficient design and layout of the land and preserving the density of land as established in the Zoning Ordinance.
- 103.10 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 Jefferson Township in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.
- 103.11 To protect and regulate land in critical areas which may be unsuitable for development.

## SECTION 104        APPLICATION OF THE ORDINANCE

- 104.1 No subdivision 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 Subdivision and Land Development Ordinance regulations adopted herein.
- 104.2 No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:
  - (a) the plans and application have been granted final approval by the Jefferson Township Board of Supervisors;
  - (b) the final plan, as approved, is filed with the Lackawanna County Recorder of Deeds;
  - (c) all required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Jefferson Township Board of Supervisors, which guarantees that all required improvements shall be

subsequently constructed within a defined period of time.

SECTION 105

STATUS OF PENDING SUBDIVISION AND LAND  
DEVELOPMENT APPLICATIONS

Per Article 5 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, from the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, an amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, could 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 all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this Ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of this Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

SECTION 106

STATUS OF APPROVED SUBDIVISION OR LAND  
DEVELOPMENT APPLICATIONS

- 106.1 When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this Ordinance, the Jefferson Township Ordinance, or any other applicable ordinance, shall be applied to adversely affect 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. If final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- 106.2 Where the applicant 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 Jefferson Township Board of Supervisors, no change of a municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

SECTION 107

PHASED DEVELOPMENT EXCEEDING FIVE YEARS

In the case of a preliminary plat calling for the installation of improvements beyond the five-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 approvals 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. Any modification in the aforesaid schedule shall be subject to approval of the Jefferson Township Board of Supervisors at its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Jefferson Township Board of Supervisors 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 protections afforded by substantially completing the improvements depicted upon the final plat within five years, as contained in Section 105, 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-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section

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

#### SECTION 108      RESUBDIVISION OF LAND

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

#### SECTION 109      INTERPRETATION

In the interpretation and application, the provisions of the 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 110      MODIFICATION AND/OR WAIVERS OF REQUIRED STANDARDS

110.1      The Jefferson Township Board of Supervisors may grant a modification and/or waiver of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship upon the applicant because of peculiar conditions pertaining to the land in question, provided such modification will not be contrary to the public interest and that the purpose an intent of the ordinance is observed. Any request for a modification shall be referred to the Jefferson Township Planning

Commission for advisory comments.

110.2 Any request for a modification and/or waiver shall be submitted in writing and shall accompany and be deemed part of the Plan, Preliminary or Final as the case may be. Such request shall state in full the circumstances and facts of unreasonableness or hardship on which the request is based, the provisions or requirements of this Ordinance in question, and the exact modifications requested based upon the minimum modification necessary.

110.3 All proposals for modification and/or waiver of provisions or requirements of this Ordinance shall require formal approval by the Jefferson Township Board of Supervisors.

110.4 Upon rendering a final decision for any proposed modification and/or waiver, the Jefferson Township Board of Supervisors shall provide a record of their action within the minutes of their meeting. After the meeting at which the modification was reviewed, written notice of the Jefferson Township Supervisors's action shall be sent to the following individuals:

- Landowner or his agent.
- Applicant.
- Firm that prepared the Plan.
- Jefferson Township Planning Commission.
- Jefferson Township Zoning Officer
- Jefferson Township Fire Department

If the Jefferson Township Board of Supervisors denies the request, it will notify the above individuals, in writing, of the basis for denial. If the Jefferson Township grants the request, the Final Plan shall include a note that identifies the specific modification(s) and/or waiver (s) as granted.

## SECTION 111      FEES

### 111.1      Municipal Fees

The Jefferson Township Board of Supervisors shall establish by resolution a fee schedule for subdivision and land development applications.

### 111.2      County Fees

The applicant shall be required to submit all plans, the application and any required fees to the Lackawanna County Planning Commission for review and comment.

### 111.3      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.

## SECTION 112 ENFORCEMENT, PENALTIES AND PREVENTATIVE REMEDIES

It shall be the duty of the person or persons as designated by resolution enacted by the Jefferson Township Board of Supervisors to enforce this Ordinance and to bring any violations of these regulations to the attention of the Township Solicitor. Formal enforcement proceedings may be initiated by the person or persons as designated by resolution in the name of the Jefferson Township after authorization by the Jefferson Township Board of Supervisors. Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable under civil enforcement proceedings, commenced by Jefferson Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by Jefferson Township 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 Jefferson Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 determination 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 Jefferson Township the right to commence action for enforcement pursuant to this Section.

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

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.

## SECTION 113      AMENDMENT PROCEDURE

The regulations set forth in this Ordinance may, from time to time, be amended by Jefferson Township. 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 Jefferson Township Board of Supervisors.
- B. In the case of an amendment other than that prepared by the Jefferson Township Planning Commission, the Jefferson Township Board of Supervisors shall submit such amendment to the Planning Commission not less than thirty days prior to the public hearing requesting its review and comment.
- C. The proposed amendment shall be submitted to the Lackawanna County Planning Commission not less than thirty days prior to the public hearing requesting its review and comment.
- 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 Jefferson Township 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 Township 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 Lackawanna County Law Library.
- F. Within thirty days following the adoption of an amendment to this Ordinance, the Jefferson Township shall forward a certified copy of the amendment to the Lackawanna County Planning Commission.

## SECTION 114      APPEALS TO COURT

Decisions rendered by the Jefferson Township Board of Supervisors 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 115CONFLICT WITH OTHER ORDINANCES

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, to the extent of such conflict, are hereby repealed.

SECTION 116MUNICIPAL LIABILITY

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

SECTION 117SEVERABILITY

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 the Jefferson Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 117EFFECTIVE DATE

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

APPROVED AND ENACTED BY THE JEFFERSON TOWNSHIP BOARD OF SUPERVISORS ON THIS 9 DAY OF October, 2023.

JEFFERSON TOWNSHIP BOARD OF SUPERVISORS



CHAIR PERSON



VICE CHAIR PERSON



SUPERVISOR

ATTEST:



JOLEEN WATT  
TOWNSHIP SECRETARY

## **ARTICLE 2** **DEFINITIONS**

### SECTION 201

### GENERAL RULES OF CONSTRUCTION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

#### 201.1 Tense and Form

Words used or defined in one tense or form shall include other tenses or derivative forms.

#### 201.2 Number

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

#### 201.3 Gender

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

#### 201.4 Person

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

#### 201.5 Shall and May

The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

#### 201.6 Time.

The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

#### 201.7 Undefined Terms

When terms, phrases, or words are not defined, they shall have the meaning as defined in "The Complete Illustrated Book of Development Definitions," Fourth Edition (Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss and Dwight H. Merriam.) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

#### 201.8 Illustrations and Tables

In case of any difference of meaning or implication between the text of this Ordinance and any

caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

## SECTION 202      DEFINITION OF TERMS

For the purposes of this Ordinance, the following terms shall have the following meanings:

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

**ACCESS DRIVE**: A public or private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing two (2) or more units of occupancy on a single lot.

**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 right-of-ways."

**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.

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

**BEST MANAGEMENT PRACTICE (BMP)**: Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-structural." In this Ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**BUILDING**: Any structure having a roof supported by columns, piers or walls built for the support, shelter, or enclosure of persons, animal, or property of any kind.

**BUILDING, ACCESSORY**: A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same Lot as that occupied by the principal building. Farm buildings not intended for

habitation are considered to be accessory buildings.

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

**CARTWAY**: The portion of a street right-of-way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the street.

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

**CLEAR SIGHT TRIANGLE**: A triangular-shaped portion of land intended to provide unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center line in which, nothing can be erected, placed, or allowed to grow such a manner to limit or obstruct the view of motorists entering or leaving intersection.

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

**COMMUNITY ASSOCIATION**: A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by member of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners' Associations and Condominium Associations are types of Community Associations.

**COMMUNITY DEVELOPMENT OBJECTIVES**: The Community Development Objectives as set forth in the Jefferson Township Zoning Ordinance, and any subsequent amendments thereto as adopted by the Jefferson Township Board of Supervisors.

**COMMUNITY WATER SUPPLY**: A utility operated by a Municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one (1) household, business or institution.

**CONDOMINIUM**: A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit Land Development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

**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 Jefferson Township Board of Supervisors.

**CONTIGUOUS**: Lots are contiguous when at least one (1) boundary line of one lot touches a boundary line or lines of another lot.

**COUNTY**: Lackawanna County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Lackawanna 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; (3) soils classified as highly erodible, subject to erosion or highly acidic; (4) 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.

DEDICATION: The deliberate appropriation of land by its owner for general public use.

DEED: A written instrument whereby an estate in real property is conveyed.

DETENTION BASIN: A reservoir that temporarily contains stormwater runoff and releases it gradually into a watercourse or storm water facility.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom Subdivision or Land Development Plans are being or have been made.

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 PLAN: The provisions for development included within an application for a subdivision, land development and/or planned residential 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 Jefferson Township 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.

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: The land 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, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

**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.

**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:** One or more rooms, designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**DWELLING TYPES: (See Photographs in Appendix to Article 2)**

- A. **SINGLE-FAMILY-** means a residential building containing one dwelling unit to accommodate one family.
- B. **TWO- FAMILY** - means a residential building containing two dwelling units each accommodating one family, and entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter or exit the building or for access to a common cellar or basement. The term two-family includes twins (side by side-units connected by a common wall) and duplexes (up and down-one unit above the other).
- C. **MULTI-FAMILY-** means a residential building containing three or more dwelling units each accommodating one family. The term includes an apartment building, condominiums, townhouses, rowhomes and garden apartments when each building contains more than two units.
- D. **APARTMENT BUILDING** - means a multi-family residential unit constructed as single building containing three or more single-family residential dwelling units.
- E. **CONDOMINIUMS** - means a set of individual dwelling units or other areas of buildings, each owned by a person in fee simple, with such owner assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or the Pennsylvania Planned Community Act of 1996, as amended. The term is considered a multi-family dwelling unit or use.
- F. **TOWNHOUSES** - means one dwelling unit that is attached to two or more dwelling units in a row, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls and each having their own outside access with sidewalls being adjacent to each end unit.
- F. **GARDEN APARTMENT** - means a multi-family housing development containing one or more multi family structures not exceeding three stories

H. **ROWHOMES** - means a series of dwelling units connected by common side walls and forming a continuous group.

**I. MANUFACTURED HOMES:**

Manufactured homes are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed.

- A. A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. A manufactured housing unit which is attached and anchored to a permanent foundation shall be deemed to be a single-family dwelling unit.
- B. A modular home is a factory constructed home transported to a permanent location, constructed on a permanent foundation with its construction in compliance with the Uniform Construction Code (UCC) and any other applicable code requirements making it indistinguishable from a stick-built/site-constructed home.

**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**: An area or strip of land granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**ELEVATION**: The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

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

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

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

**FEMA**: The Federal Emergency Management Agency

**FILL**: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped or moved to a new location above the natural surface or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of the higher elevation of the final grade.

**FINAL APPROVAL**: Last official action of the Jefferson Township Board of Supervisors 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 acceptable form of a financial security to guarantee the installation of such.

**FINANCIAL SECURITY**: A form of security, including an irrevocable letter of credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements, from Federal or Commonwealth chartered lending institutions in an amount and form acceptable to the Jefferson Township Board of Supervisors and to be used in accordance with applicable provisions of this Ordinance.

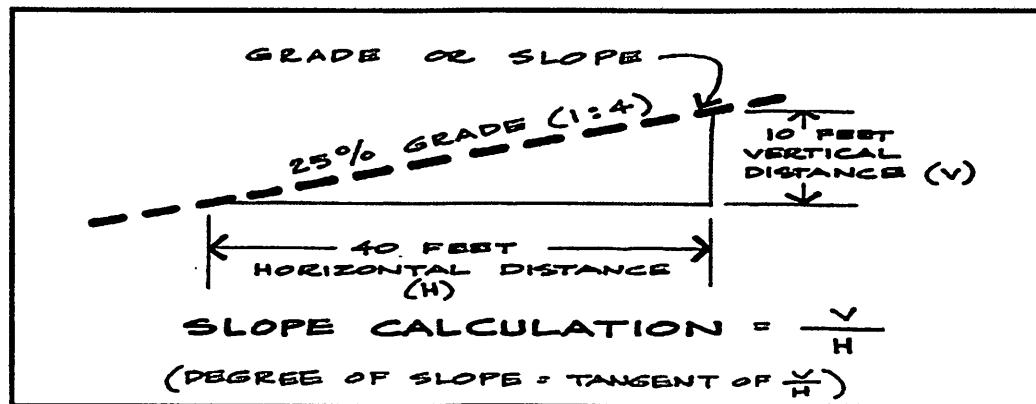
**FLOOD**: A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and rapid accumulation of runoff and surface waters from any source.

**FLOOD PLAIN**: Definitions of FEMA Flood Zone Designations Flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area. (See Chart in Appendix to Article 2.

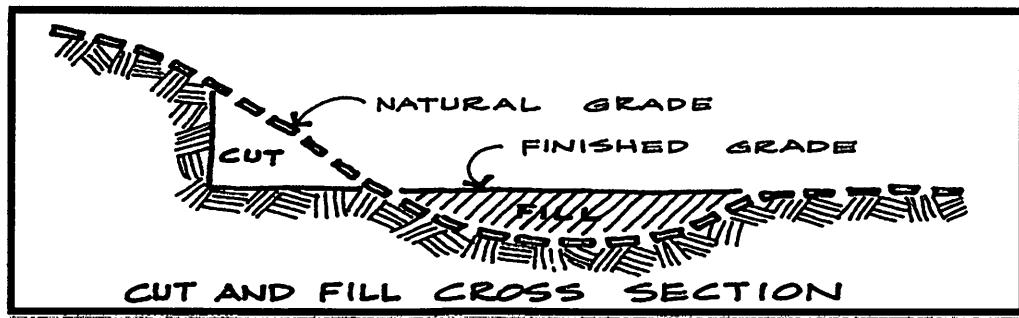
**FLOOD PLAIN MANAGEMENT ORDINANCE**: The governing Flood Plain Management Ordinance of, Jefferson Township Board of Supervisors, and any subsequent amendment thereto.

**GOVERNING BODY**: The Jefferson Township Board of Supervisors.

**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.

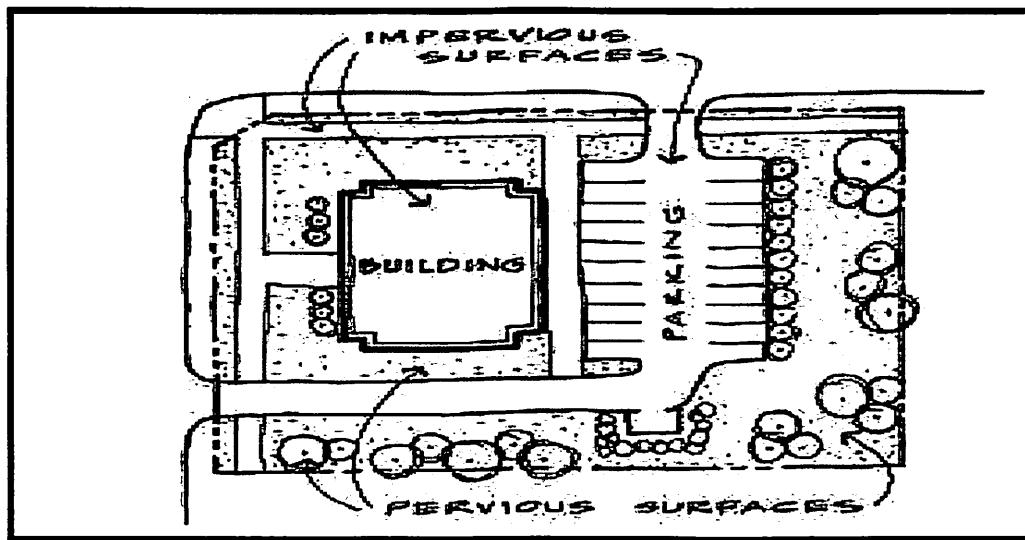


**HIGHWAY OCCUPANCY PERMIT:** A permit, issued by Jefferson Township Board of Supervisors and/or the Pennsylvania Department of Transportation which authorizes access from a parcel of land onto a street or highway which is under their jurisdiction.

**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 Jefferson Township Board of Supervisors prior to preliminary or conditional 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 developer and/or applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Board of Supervisors under or within the context of the term "IMPACT ANALYSIS." The developer and/or applicant shall also be responsible to fully reimburse the Township for all engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

**IMPERVIOUS SURFACE:** Material that is impenetrable and unable to absorb water, including, but not limited to, buildings, structures and paved areas.



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

**IMPROVEMENT BOND:** Financial security which may be accepted by the Township in lieu of a requirement that certain improvements be completed by a developer before a plat is approved; including a letter of irrevocable credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements as approved by the Jefferson Township Board of Supervisors upon the advice of their solicitor.

**LAND DEVELOPMENT:** Land development shall include any of the following activities:

1. 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into more than three (3) residential units intended to be a condominium.
4. The development of a manufactured/mobile home park or the expansion of an existing manufactured/mobile home park within the context of the definition of said term as contained within this Ordinance.

**Exclusion**

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

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

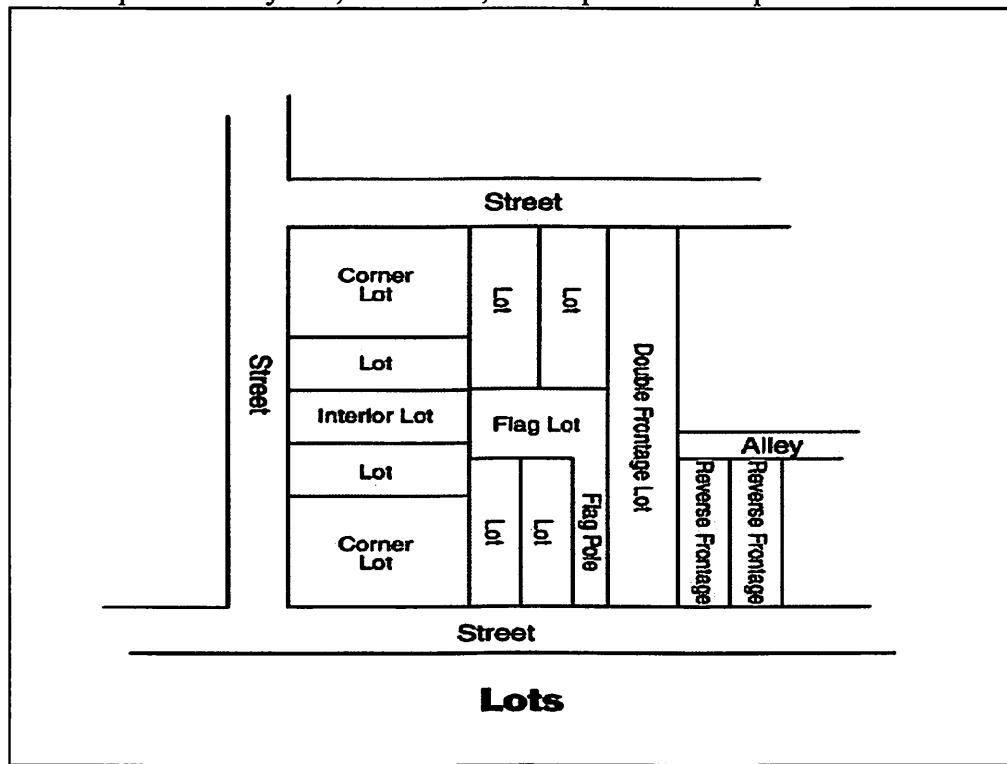
**LAND DEVELOPMENT: MINOR:** A development of a parcel of land which contains not more than two (2) detached single family residential structures, whether developed initially or cumulatively.

**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.

**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 right-of-ways.

**LOT AREA, GROSS:** The area of land contained within the limits of the legally described property lines bounding the lot.

**LOT AREA, NET** - The area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any street or railroad rights-of-way, common open space, easements for the purposes of access, utility, or stormwater management, prohibitively steep slopes, land within the delineated boundaries of a One Hundred (100) Year Flood Plain, and wetlands as defined by this Ordinance.

**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, FLAG:** A lot not meeting the minimum frontage requirements and where access to public road is by a private right-of-way or driveway.

**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. No new lots will be created 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 Township's 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.

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, 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 lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOT LINE MARKER: A metal plate, pin, permanent stone or concrete Monument used to identify Lot Line intersections.

LOT OF RECORD: A lot which is a part of a Subdivision, the Plan of which was recorded in the Lackawanna County Recorder of Deeds prior to the adoption of this Ordinance.

MANUFACTURED/MOBILE HOME LOT: A parcel of land in a manufactured/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.

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

MONUMENT: A concrete or stone monument used to identify Street Line intersections.

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

MUNICIPALITY: Jefferson Township, Lackawanna County, Pennsylvania.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**PERMIT:** Is a permit required by PA DEP for any point source discharge to waters of the Commonwealth.

**NATURAL DRAINAGE FLOW:** The pattern of surface and stormwater 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.

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

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

**ORDINANCE:** The Jefferson Township Subdivision and Land Development Ordinance, and any amendments thereto.

**PA DEP:** The Pennsylvania Department of Environmental Protection.

**PA DOT:** The Pennsylvania Department of Transportation.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC):** The Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**PERVIOUS MATERIAL:** Any material that would allow water to pass through at a rate at least equal to the existing pervious ground cover (e.g., porous pavement, stone parking areas, and preformed or prefabricated blocks which would permit water to penetrate) and as approved by the Township Engineer.

**PERFORMANCE GUARANTEE:** A written instrument which may be accepted by the Jefferson Township Board of Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, traffic signals, 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: The map or plan of a subdivision or land development:

- A. Preliminary Plan: The preliminary drawings and any accompanying data, which accurately shows the proposed layout of lots, streets, improvements and other information a required by this Ordinance, with all such material being properly indicated in title as "Preliminary Plan".
- B. Final Plan: A complete and exact plan prepared for official recording with the Lackawanna County Recorder of Deeds, as required by this Ordinance with said plan being properly indicated in title as "Final Plan".

PLANNING COMMISSION: The Township Planning Commission of Jefferson Township.

PUBLIC IMPROVEMENTS: Any street, roadway, sidewalk, pedestrian right-of-way, drainage facility, sanitary sewer facility, traffic signals, recreation area, off-street parking area, lot improvement, or other facility for which Jefferson Township may ultimately assume the responsibility of maintenance and operation or which may affect an improvement for which Jefferson Township 's responsibility is established.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Jefferson Township Board of Supervisors, 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".

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Township. 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.

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat affecting any street layout on such map, any area reserved therein for public use, or any lot line.

RETENTION BASIN: A reservoir designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

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.

**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.

**SEWAGE:** A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under the Clean Streams Law.

**SEWAGE FACILITIES:** A system of Sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated Sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of Sewage or other waste as recognized by the Department of Environmental Protection.

- A. **PUBLIC SEWAGE SYSTEM:** A publicly owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. **INDIVIDUAL ON-LOT SEWAGE SYSTEM:** An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field.

**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.

**SIGHT DISTANCE:** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

**SLOPE:** A measurement showing the relationship of vertical rise to horizontal run, expressed as a percentage from the "toe" to "top." (See Diagram in Appendix to Article 2)

**SOIL EROSION AND SEDIMENTATION CONTROL PLAN:** A plan that indicates necessary land treatment measures designed to effectively minimize soil erosion and sedimentation.

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

**STORM WATER MANAGEMENT ORDINANCE** The governing Jefferson Township Storm Water Management Ordinance, and any subsequent amendment thereto.

**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 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. **Cul-De-Sac**: A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- E. **Dead End Street**: A street with a single common ingress and egress.
- F. **Limited Access**: A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

**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 four (4) lots, excluding the original lot of record, which has frontage along an existing street, which does not adversely affect the remainder of the parcel or adjoining property, does not conflict with the Community Development Objectives as set forth in the Jefferson Township Zoning Ordinance and not involving or requiring any of the following:
  - (a) The extension or improvement of any street.
  - (b) The extension of any municipal facilities or public utilities or improvements.

(c) The construction of any improvements required in the subdivision of land or to service or to otherwise provide access to lots within a proposed subdivision. 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 four (4) 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.

SUBDIVISION ADMINISTRATOR: The person designated by the Jefferson Township who is authorized to accept and receive subdivision and land development plans and applications for and on behalf of the Township.

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the Township engineer, at least 90% of those improvements required as a condition for final approval, based upon the cost of the posted financial security, 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.

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

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

TOWNSHIP: Jefferson Township, Lackawanna County PA.

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

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

WATER SUPPLY AND DISTRIBUTION SYSTEM, CENTRAL: A system for supplying and distributing water from a common source to two or more dwelling units and/or other buildings within a subdivision or land development, with the total system being publicly or privately owned.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT: A system for supplying and distributing water to a single dwelling or other type of principal building from a source located upon the same lot.

WETLANDS: Those areas that are inundated or saturated by the surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance.

In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

**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.

**(See Diagram of Yard Areas in Appendix to Article 2)**

**ZONING OFFICER**: An administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance.

**ZONING ORDINANCE**: The governing Zoning Ordinance of Jefferson Township Borough, and any subsequent amendments.

**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, or structure.

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## APPENDIX TO ARTICLE 2

EXHIBIT A    PHOTOGRAPHS OF DWELLING TYPES

EXHIBIT B    DEFINITIONS OF FEMA FLOOD ZONE DESIGNATIONS

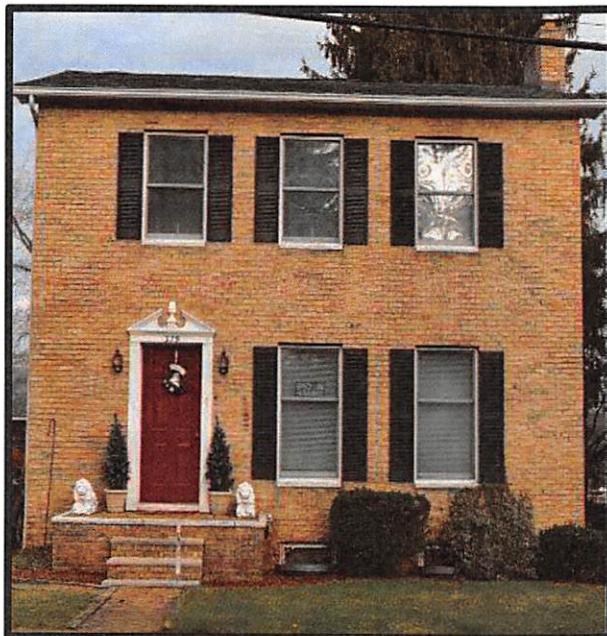
EXHIBIT C    MEASUREMENT OF SLOPE

EXHIBIT D    REQUIRED YARD SETBACKS

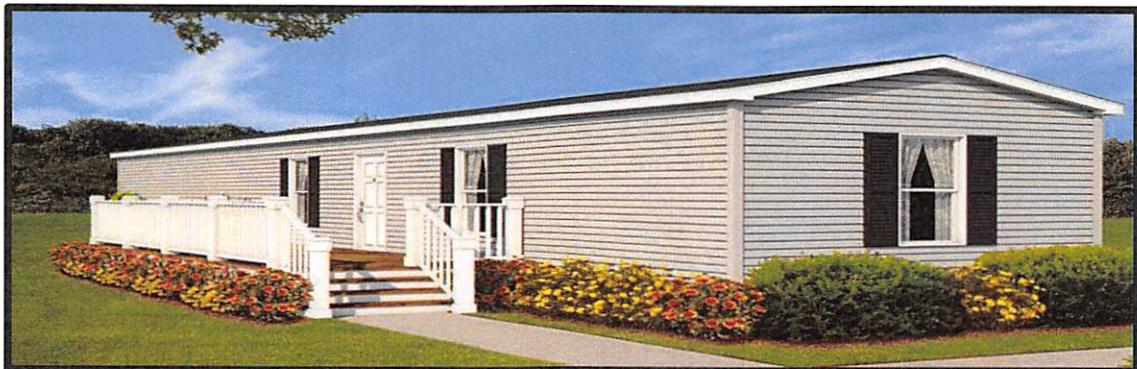
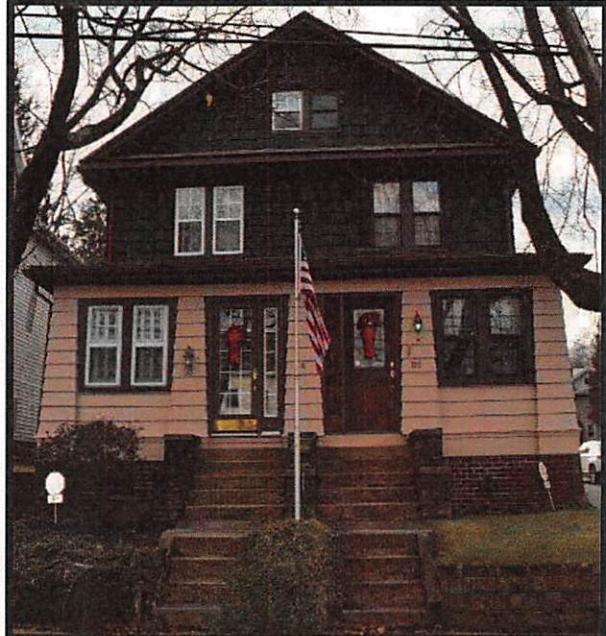
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**EXHIBIT A**  
**PHOTOGRAPHS OF DWELLING TYPES**

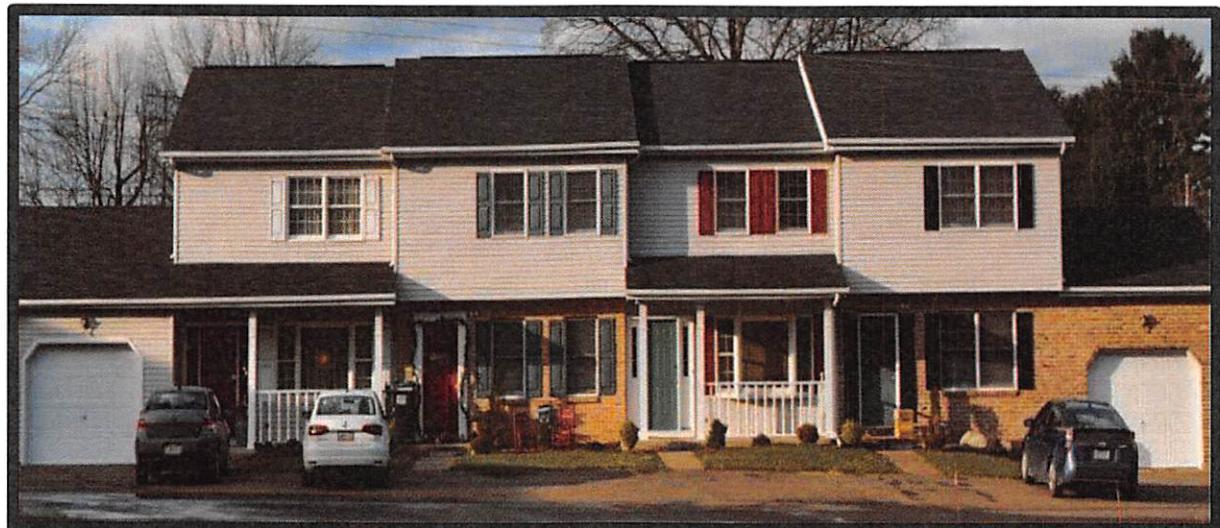
**Single-Family Dwelling**



**Two-Family Dwelling (Twin)**

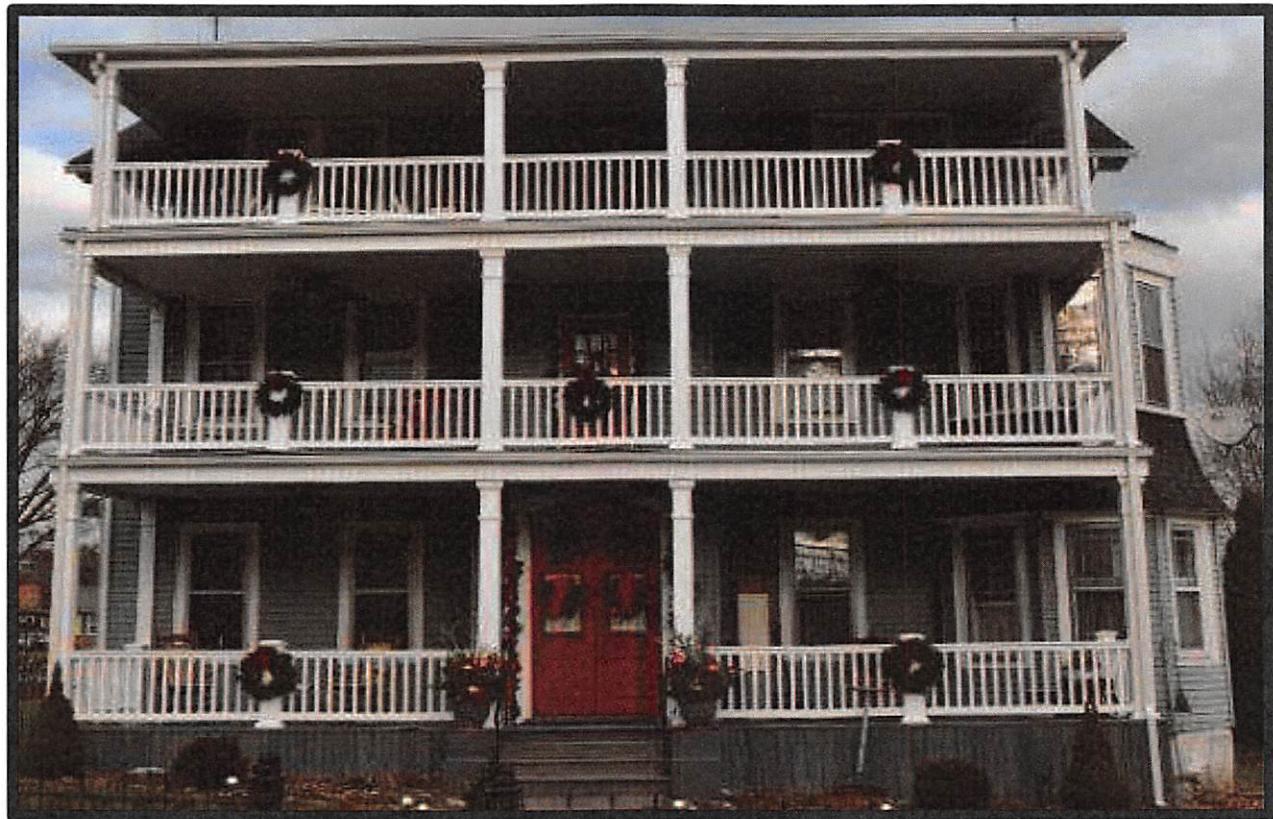


**Manufactured Single-Family Dwelling on Permanent Foundation**



**Multi-Family Dwelling (Townhouses or Rowhouses)**

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**Multi-Family Dwelling (Apartment Building)**



**Multi-Family Dwelling (Garden Apartments)**

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## EXHIBIT B

### DEFINITIONS OF FEMA FLOOD ZONE DESIGNATIONS

FEMA flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. A flood is any relatively high streamflow overtopping the natural or artificial banks in any reach of a stream. Each zone reflects the severity or type of flooding in the area.

FEMA Map Service Center: <https://hazards.fema.gov/wps/portal/mapviewer>

•Where available, a GIS shapefile has been placed in the NRCS service center's F:\geodata\hydrography folder.

#### Moderate to Low Risk Areas

ZONE	DESCRIPTION
B and X (shaded)	Between the limits of the 100-year and 500-year Floodplain, area with a 0.2% (or 1 in 500 chance) annual chance of flooding. This zone is also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.
C and X (unshaded)	500-year Floodplain, area of minimal flood hazard.

#### High Risk Areas

ZONE	DESCRIPTION
A	100-year Floodplain, areas with a 1% annual chance of flooding. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
AE AI-30 (old format)	100-year Floodplain. The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRM instead of AI-A30 Zones.
AH	100-year Floodplain, areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet, flood elevations derived from detailed analyses are shown at selected intervals within these zones.
AO	100-year Floodplain, river or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. Average flood depths derived from detailed analyses are shown within these zones.
AR	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system such as a levee or a dam).
A99	100-year Floodplain, areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.

#### Undetermined Risk Areas

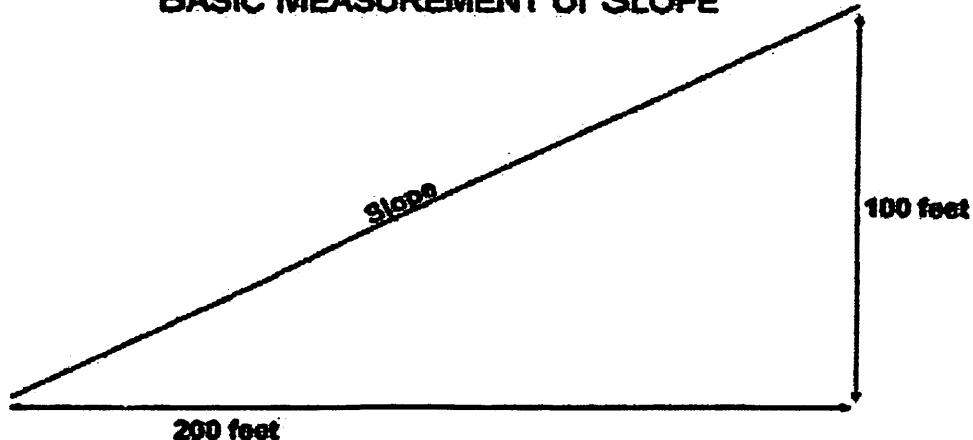
ZONE	DESCRIPTION
D	Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.

Data Provided by FEMA Map Service Center, P.O. Box 3617 Oakton, Virginia 22124-9617 Phone: (877) 336-2627. Online at: <https://msc.fema.gov>

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EXHIBIT C  
MEASUREMENT OF SLOPE

**BASIC MEASUREMENT of SLOPE**

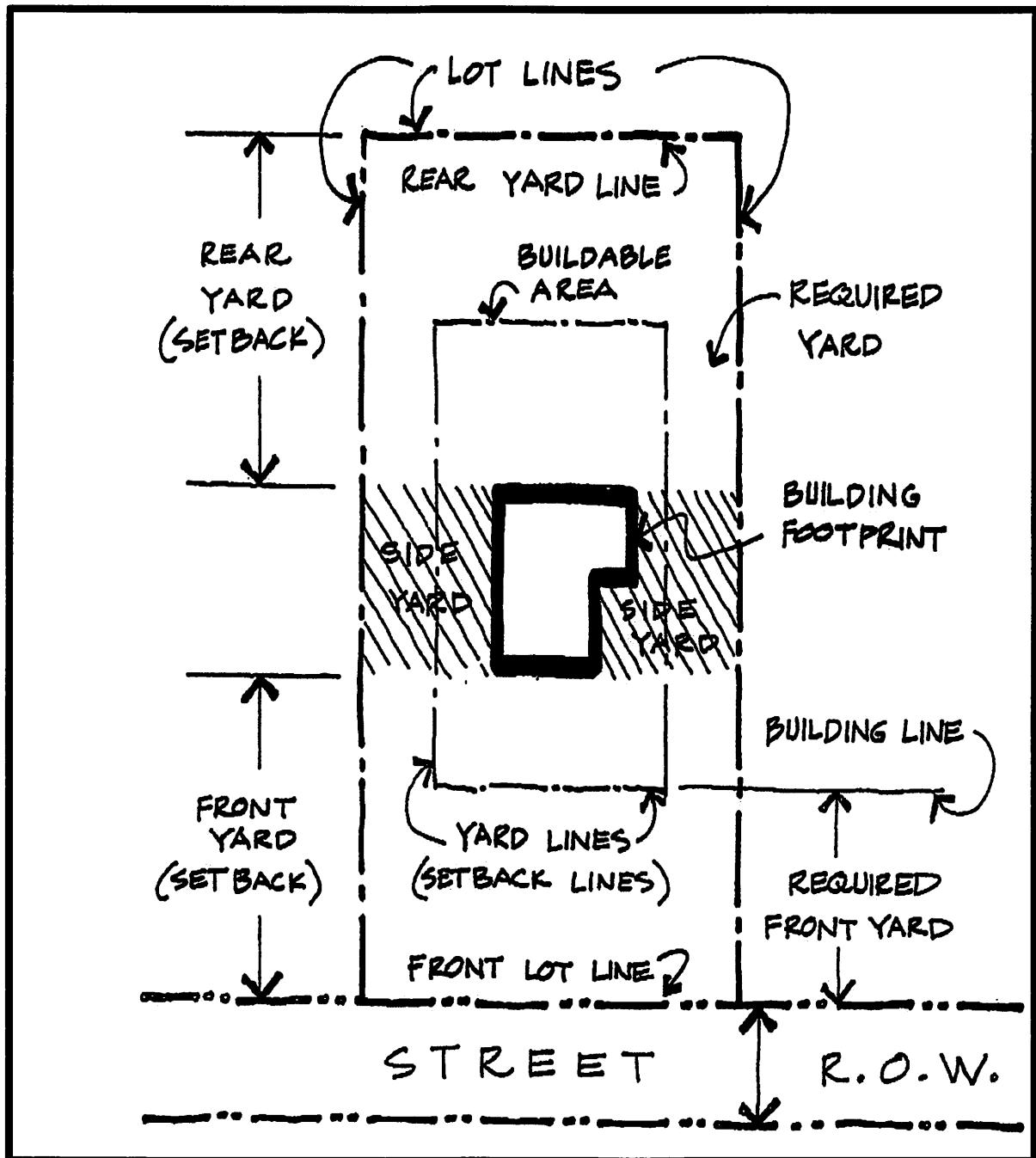


100 feet in elevation change over a horizontal distance of 200 feet can be expressed as:

- $\frac{\text{vertical}}{\text{horizontal}} = \frac{100}{200} = 0.50 = 50 \text{ percent}$
- horizontal:vertical = 200:100 = 2:1

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EXHIBIT D  
REQUIRED YARD SETBACKS



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## **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 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 applied. 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 Township to render decision is due to expire prior to the next regularly scheduled meeting.

### SECTION 302      SKETCH PLAN REVIEW

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. 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 Township.

- 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 Township for conformance to objectives as set forth in Article 1 of this Ordinance.

Planning Commission shall provide advice and comment on the necessary requirements to achieve conformance 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 fourteen (14) days prior to the next regularly scheduled meeting of Planning Commission:

- a. Eight (8) prefolded copies of the sketch plan.
- b. Eight (8) prefolded copies of the plans, preliminary or final
- c. Eight (8) prefolded copies of construction plans (if applicable).
- c. A completed subdivision or land development application with original signatures and eight (8) copies of the same.
- d. **Eight (8) copies of the completed Planning Module**, if applicable, as required by the Pennsylvania Department of Environmental Protection.

In addition to the above hard copies, one electronic copy of each of the above plans and information formatted as a PDF shall be required.

### SECTION 304      DISTRIBUTION OF PLANS

- 304.1 The Administrator shall provide the Planning Commission and Township Board of Supervisors with a copy of applicable information as set forth in Section 304.2 of this Ordinance.
- 304.2 The responsibility for the distribution, as applicable, of complete sets of plans (preliminary or final), a copy of the application, supporting documentation and the DEP Planning Module shall be send to the following agencies and officials for review, comment and/or approval as set forth below:

- a. The Lackawanna County Planning Commission - Submission by Applicant with a dated cover letter of the submission.
- b. The Township Engineer - Submission by Township Administrator.
- d. The Township Solicitor - Submission by Township Administrator.
- e. The Lackawanna Conservation District - Submission by Applicant with a dated cover letter of the submission.
- f. The Pennsylvania Department of Transportation - Submission by Applicant with a dated cover letter of the submission.
- g. Jefferson Township Fire Department - Submission by Township Administrator.
- h. The Pennsylvania Department of Environmental Protection - Submission by Applicant with a dated cover letter of the submission.
- i. The North Pocono School District - Submission by Applicant with a dated cover letter of the submission.
- k. Adjoining municipalities that have a common border with the proposed subdivision and/or land development - Submission by Applicant with a dated cover letter of the submission.

304.3 The developer or applicant shall be responsible to ensure 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      LACKAWANNA COUNTY REVIEW

The Jefferson Township Board of Supervisors shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendations of the Lackawanna County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Lackawanna County Planning Commission. The applicant shall pay any applicable review fees required by the Lackawanna County Planning Commission.

## SECTION 306      PUBLIC HEARING

The Jefferson Township Board of Supervisors, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 307INSTALLATION 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 Jefferson Township Board of Supervisors 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 Township Board of Supervisors, 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 308PROCEDURAL METHODS IN RENDERING DECISIONS

- 308.1 The Township Board of Supervisors shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the 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 Township.
- 308.2 The Township Board of Supervisors 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.
- 308.3 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Township Board of Supervisors 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.
- 308.4 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Township Board of Supervisors shall expressly include 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 §308.2. 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 Township shall be deemed to constitute that the applicant does not agree to accept the said conditions and/or modifications, and said conditional approval of the plan shall become an automatic disapproval.

Subdivisions which are approved subject to compliance with certain conditions shall meet said conditions within 180 days from the date of conditional approval, unless a written request is submitted by the applicant and approved by Township Board of Supervisors. Failure to do so shall be deemed to constitute that the plan has been abandoned resulting in automatic disapproval.

308.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Township Board of Supervisors 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 Township Board of Supervisors 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 submission fee shall be charged by the Township 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 submission fee shall be required. No additional fee shall be charged for plan revisions which are directed by the Township Board of Supervisors. Should an applicant wish to withdraw a plan under review and consideration by the Township Board of Supervisors, notice of withdrawal shall be in writing and shall include a statement that the ninety (90) daytime limitation for the Township Board of Supervisors to render a decision shall not include the period of time which the plan is withdrawn.

309.2 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.

309.3 Any revised plans, at the sole discretion of the Township Board of Supervisors, may be resubmitted to Township Planning Commission and to the Lackawanna County Planning Commission or to any other party noted within Section 304.2 of this Ordinance if the Township Board of Supervisors renders a determination that the scope of the revisions is substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the payment of all applicable required fees.

## SECTION 310 RECORDING OF FINAL PLAN

310.1 The applicant shall record the final plan as approved by the Township Board of Supervisors in the Office of the Recorder of Deeds of Lackawanna County within ninety (90) days of such final approval, unless an extension has been granted in writing by the Township Board of Supervisors. Failure by the applicant to record the final plan 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 Township Board of Supervisors along with an appropriate signature and/or seal that it has been reviewed by Lackawanna 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 Township 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 Township Board of Supervisors 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. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25%) of the proposed number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors, at its sole discretion. The Township Board of Supervisors 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 Township Board of Supervisors 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 LACKAWANNA COUNTY PLANNING COMMISSION**

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

### **SECTION 403      REVIEW AND APPROVAL/DISAPPROVAL OF PLAN**

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

- a. The Board of Supervisors 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 Board of Supervisors shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- b. The Board of Supervisors 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 Board of Supervisors shall provide written notification to the applicant, in conformance to Section 308 of this Ordinance.
- c. The Board of Supervisors 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 Board of Supervisors 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 five thousand (5,000) 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 3"x 5"signature block for the Chairperson and Secretary of the Township Planning Commission indicating the date of its recommended approval of the preliminary plan.

406.8 A 3"x 5"signature block for the Lackawanna County Regional Planning Commission providing a stamped and dated verification line that said Commission acknowledges it was afforded the opportunity to review and provide comments on a subject preliminary plan to Jefferson Township as required by the MPC.

404.9 A 3"x 5"signature block for the Chairperson of the Board of Supervisors and the Township 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 carries a Notarial Seal.

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 Lackawanna County Assessor's Office.

405.8 As applicable, all existing man-made features including, but not limited to, streets, driveways, farm roads, roads, buildings, foundations, walls, wells, individual on-lot sewage systems, storm and/or sanitary sewers, culverts, drainage fields, storm drains, utilities, utility transmission lines, fire hydrants, utility easements, or utility rights-of-way, bridges, railroad rights-of-way and other significant man-made features within the proposed subdivision or land development.

405.9 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.

405.10 All existing buildings 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 watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, rock outcrops woodlands 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 wetland's 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 trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

404.17 All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Lackawanna 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 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 807 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 their 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, that cannot be serviced by public sewers and proposes 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 Township'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 Township, 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 811 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 The required fee, if applicable, for Lackawanna County Planning Commission review.

407.4 A copy of the application for a Highway Occupancy Permit, if applicable, as may be required by Jefferson Township, the Pennsylvania Department of Transportation and/or by Lackawanna County.

407.5 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.

- 407.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized.
- 407.7 A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Protection.
- 407.8 A copy of the Soil Erosion and Sedimentation Control Plan, application and all accompanying data as required by the Lackawanna County Conservation District.
- 407.9 Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- 407.10 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 704 of this Ordinance.
- 407.12 Any other information deemed necessary by the Board of Supervisors, 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 Township 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 Board of Supervisors, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Township's withdrawal of funds for the payment of consulting fees incurred by the Township.

## **ARTICLE 5** **FINAL PLAN**

### **SECTION 501 SUBMISSION AND REVIEW PROCEDURE**

**501.1** The Board of Supervisors shall review the Final Plan 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 Board of Supervisors as a condition of granting approval of the Preliminary Plan.

**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 Board of Supervisors, unless an extension in writing has been approved by the Board of Supervisors. 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 Board of Supervisors shall consider the reports, comments and recommendations as provided in Section 304.2 of this Ordinance. The Board of Supervisors shall render a decision in conformance with Section 308 of this Ordinance. The following constitutes the type of action the Board of Supervisors may take:

- a. The Board of Supervisors 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.
- b. The Board of Supervisors 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 for approval of 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 Board of Supervisors shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Board of Supervisors of his refusal to accept all said conditions in writing. In such cases, the Board of Supervisors' conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Board of Supervisors of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.
- c. The Board of Supervisors may approve the Final Plan as submitted. Such approval by the Board of Supervisors shall allow the applicant to file said

**SECTION 503      FINAL PLAN DRAFTING STANDARDS**

The Final Plan of a proposed subdivision or land development shall be at 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.

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.

**SECTION 504      FINAL PLAN REQUIREMENTS**

The Final Plan shall include all additional information and any changes required by the Board of Supervisors 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 308 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 five thousand (5,000) feet.
- 504.3 The location and material of all permanent monuments and lot markers.
- 504.4 Written certification by the responsible land surveyor, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance.
- 504.5 A three (3) inch by five (5) inch blocked space shall be provided on the Final Plan for the signatures of the Chairperson and Secretary of the Board of Supervisors indicating the Board of Supervisors' approval of the Final Plan and date of the same. A separate three (3) inch by five (5) inch blocked space shall also be provided on the Final Plan for the appropriate signature and/or seal which indicates compliance with the Lackawanna County Regional Planning Commission.
- 504.6 The latest source of title to the property as shown by deed, page number and book of the Lackawanna 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 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.

504.9 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.

504.10 If applicable, the number of the approved Highway Occupancy Permit (Township, State or County).

504.11 A space shall be provided on the lower edge of the Final Plan for acknowledge of receipt and recording of the plan by the Lackawanna County Recorder of deeds Office.

#### 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 Board of Supervisors 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, (Township, State or County). If the location of driveways or points of access to a property cannot be determined under the submission of the final plan, Board of Supervisors may at its sole discretion consider approval of the final plan with the notation upon the plan that recorded deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured. No zoning permits or building permits shall be issued until an approved Highway Occupancy Permit is presented to the Board of Supervisors.

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, if applicable, from the Lackawanna 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 facilities, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts or other structures; and final profiles, cross-sections and specifications for proposed streets, sidewalks, easements and/or rights-of-way, floodplain delineation, gas distribution systems, sanitary sewer facilities, water distribution systems and storm drainage systems with a written Operation and Maintenance Plan along with an agreement (if privately owned) for all stormwater control facilities 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 and/or accepted 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 Township's Solicitor and approval by the Board of Supervisors, 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 Township'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 Township Engineer, to provide the needed improvements required for conformance to the Township's design specifications at the time of such dedication.

505.10 An agreement for any streets not offered and/or accepted 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 financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Board of Supervisors, 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 708 of this Ordinance.

505.13 If applicable, written certification from the applicable Authority granting final approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.

505.14 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.

505.15 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.

505.16 The cost of all consulting fees and costs incurred by the Township 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 ensure 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.

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## **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**

604.1 The Final Plan for a proposed Minor Subdivision or Minor Land Development 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.

604.2 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.

### **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 carries a Notarial Seal.
- 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 five thousand (5,000) 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 Lackawanna County Assessor's 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 rights-of-way, culverts, storm drains, bridges, railroad rights-of-way, and other significant man-made features located within the boundaries of the proposed subdivision or land development.

605.16 Existing 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 wetland 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 Township'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) Required fee, for the Lackawanna Regional County Planning Commission review.
- (d) If applicable, a copy of the Highway Occupancy Permit, (Township, State or County). If the location of driveways or points of access to a property cannot be determined under the submission of the final plan, Board of Supervisors may at its sole discretion consider approval of the final plan with the notation upon the plan that recorded deed restrictions prohibit development or improvements to the site or parcels to be created thereunder until the appropriate Highway Occupancy Permit is secured. No zoning permits or building permits shall be issued until an approved Highway Occupancy Permit is presented to the Board of Supervisors.
- (e) If applicable, a letter of commitment from the Lackawanna River Basin Sewer Authority, that said Authority 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) If applicable, 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 description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- (i) If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Lackawanna County Conservation District.
- (j) If applicable, an appropriate Planning Module for Land Development, approved by DEP.
- (k) Any other information as required by the Board of Supervisor.
- (l) The cost of all consulting fees incurred by the Township 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 ensure 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.

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**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 improvements as required by this Ordinance in accordance with the applicable design standards.
- b. Posts a form of financial security, acceptable to the Board of Supervisors, which shall be of sufficient amount to fully cover the costs of all required improvements in accordance with the applicable design standards.

**SECTION 702    TYPES OF FINANCIAL GUARANTEE**

702.1      A financial 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 Jefferson Township 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 Township may approve, which approval shall not be unreasonably withheld.

702.2      Such financial security 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 703    REVIEW BY TOWNSHIP SOLICITOR**

The financial guarantee shall be submitted to the Township Solicitor for its review not less than fourteen (14) days prior to the public meeting at which the plan will be submitted for final approval.

**SECTION 704    AMOUNT OF FINANCIAL SECURITY**

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial security 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 Board of Supervisors, upon the recommendation of the Township Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Township 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 Township 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 Township and the developer or applicant.

**SECTION 705 REQUIRED TIME PERIOD FOR COMPLETION**

**705.1** The financial security 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.

**705.2** If the applicant in posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the anniversary date from posting of the financial security 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 706 PHASING OF DEVELOPMENT**

In the case where development is projected over a period of years, the Board of Supervisors 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 707 RELEASE OF PORTIONS OF FINANCIAL SECURITY**

**707.1** As the work of installing the required improvements proceeds, the party may request the Board of Supervisors 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.

**707.2** Any such request shall be in writing addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify in

writing that such portion of the work upon the improvements has been completed in accordance with the approved plan.

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

707.4 The Board of Supervisors 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 708** **FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS**

708.1 Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure the structural integrity 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.

708.2 Said financial security shall be of the same type as otherwise required in Section 701 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 709** **FINANCIAL SECURITY FOR 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 which is separate distinct from the Township, the 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.

**SECTION 710** **ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED**

710.1 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 Township 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.

710.2 If a financial security, has been provided, occupancy permits for any building or buildings shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a permanently passable condition, as well as 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 711 COMPLETION OF REQUIRED IMPROVEMENTS

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

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

711.3 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.

711.4 The Board of Supervisors shall notify the developer, in writing, within fifteen (15) days of receipt of the Township's Engineer's report, by certified or registered mail.

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

## SECTION 712 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements are not approved or are rejected by the Board of Supervisors, the applicant shall proceed to correct and

complete the noted deficiencies and, upon completion, the same procedure of notification, as outlined in Section 711 shall be followed.

## SECTION 713 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 Board of Supervisors or Township Engineer.

## SECTION 714 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- 714.1 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 Board of Supervisors can enforce any corporate bond or other security by appropriate legal and equitable remedies.
- 714.2 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 Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.
- 714.3 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 715 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 111 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Township may incur as related to Sections 703, 704, 706, 707 and 710 of this Ordinance. The developer shall be required to fully reimburse the Township for said engineering fees. The developer shall also be required to fully reimburse the Township for any engineering and/or other consulting fees which the Township 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 Township of such costs, the developer shall provide a certified check or money order to the Township to fully reimburse the Township for said engineering fees. An approved plan shall not be signed by the Board of Supervisors until all fees are paid in full.

## SECTION 716 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

- 716.1 An applicant may contest the amount to be reimbursed to the Township

for consulting fees. The applicant shall notify the Township, 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 Township for consulting fees if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.

716.2 In such cases, the Board of Supervisors 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.

716.3 If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Board of Supervisors 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.

716.4 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.

716.5 In the event that the municipality 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 Court of Common Pleas of the judicial district in which the municipality is located (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 Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

716.6 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 Township shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the Township 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

801.1 The design standards and requirements as outlined in this Article shall be utilized by the Board of Supervisors in evaluating the plans for all proposed subdivisions and land developments.

801.2 Any request to modify the design standards and requirements of this Article shall be in accordance with Section 110 of this Ordinance.

### SECTION 802      GENERAL STANDARDS

- (a) All applicable Township, County, State and Federal statutory provisions and/or regulations;
- (b) All governing rules and regulations of the Pennsylvania Department of Environmental Protection;
- (c) The applicable regulations and design standards of Pennsylvania Department of Transportation;
- (d) Whenever another Township, 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.
- (e) All applicable regulations and design standards for compliance with the American with Disabilities Act, and any subsequent amendments thereto.

### SECTION 803      SITE SUITABILITY FOR DEVELOPMENT

803.1 The land for any proposed subdivision or land development shall be suited for the purpose of intended use.

803.2 Land which the Board of Supervisors 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 methods are formulated by the applicant and approved by the Board of Supervisors upon the recommendation of the Township Engineer.

803.3 The approval of a plan for any proposed subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Township, any official, any employee, or agent thereof of the practicability or safety of the use of such land or development, and shall create no liability upon the Township, its officials, employees or agents.

## SECTION 804      MONUMENTS AND MARKERS

The applicant shall place permanent reference monuments and markers by a Registered 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.

### 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 major streets, railroads, or waterways.

## 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 Jefferson Township 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 Board of Supervisors but pointed or very irregular shaped lots shall be avoided.
- 806.5 Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.
- 806.6 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.

## 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 Township 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.
- 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 rights-of-way.

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 Board of Supervisors such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.

807.8 Any residential subdivision and/or land development containing ten (10) or more 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.

#### SECTION 808      STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Township, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Township shall be vested with the Board of Supervisors. Final approval of street names for streets to remain under private ownership shall be vested with the Board of Supervisors.

#### 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 Board of Supervisors.

#### SECTION 810      TRAFFIC CONTROL SIGNS

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 design standards. All traffic control signs shall be consistent with the most recent requirements found in Manual on Uniform Traffic Control Device (MUTCD) as published by the Federal Highway Administration or the most recent publication of PennDOT publication 236. The applicant shall be responsible for line painting on all new streets, including the extension of existing streets, in accordance with Title 67 - Chapter 212 and PennDOT Publication 111.

The following line painting requirements will be required on a case-by-case basis by the Board of Supervisors in relationship to any given major subdivision or land development.

### Centerlines

Four (4) inch wide double yellow center lines shall be painted along the centerline of the travel way 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

Twenty-four (24) inch wide white stop lines shall be painted that completely traverse all traffic lanes on each approach to a stop sign and/or crosswalk.

### Crosswalks

Six (6) inch wide white lines spaced at 6 feet apart. Where Stop Lines are located adjacent to crosswalks, they shall be located a minimum of 4 feet behind the 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 CONSTRUCTION OF ROADS AND DEAD-END ROADS

The arrangement of streets shall provide for the 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 Township's goals as provided for within the Statement of Community Development Objectives of the Jefferson Township Zoning 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 turnaround 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)

Permanent roads shall require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities as necessary. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Township 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 the design standards of this Ordinance.

## SECTION 813 ACCESS TO ARTERIAL STREETS

Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Board of Supervisors 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 814 INTERSECTIONS

- 814.1 Streets shall intersect as nearly as possible at right angles.
- 814.2 Multiple intersections involving the junction of more than two streets shall be prohibited unless they terminate in a roundabout.
- 814.3 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 two (2%) percent to the nearest right-of-way of the intersecting street and then four (4%) percent for a distance of sixty (60) feet as measured from the nearest right-of-way of the intersecting street.
- 814.4 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 provide an adequate sight distance.
- 814.5 The cross-slopes on all streets, including intersections, shall be a maximum of three (3%) and a minimum of one (1%).

## SECTION 815 STREET DESIGN, CONSTRUCTION AND PAVING STANDARDS

- 815.1 Streets within a subdivision/land development shall have suitable locations, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment and shall be coordinated to compose a convenient street system and to avoid undue hardships to adjoining properties.
- 815.2 The classification of any street, when not identified within any Comprehensive Plan adopted by Jefferson Township, shall be determined by utilizing applicable definitions of this Ordinance.

### **815.3 Subgrade and Base Specifications**

(a) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT Specifications as contained in the applicable sections of the most recent edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade:

1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.
2. All unsuitable subgrade material shall be removed or stabilized.
3. Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall be approved by the Township Engineer.
4. Areas requiring fill shall be made with suitable materials and compacted for full width in uniform layers not more than eight (8) inches thick per layer.
5. The subgrade shall be compacted by rolling with a vibratory drum roller and or a sheep's foot roller in layers not greater than six (6) inches.
6. Backfill for trenches within the cartway and curb area shall be compacted prior to the application of the base course.
7. All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Township Engineer.

(b) The base for all streets, unless otherwise specified, shall contain a minimum of six (6") inches of stone subbase placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone subbase material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT Specifications as contained in the applicable sections of the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the base course:

1. The base course shall consist of a minimum of six (6) inches of 2A Subbase placed upon an acceptable rolled subgrade.
2. After compaction of the base stone, a vibratory roller of PennDOT approved design, must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or wacker.
3. No base materials shall be placed upon a wet or frozen subgrade.

#### 815.4 Slope

All streets shall have a crown of not less than one (1%) percent, nor greater than three (3%) percent as measured from the centerline of the street to the edge of each side of the cartway.

#### 815.5 Use of Fill Material

If fill material is proposed to be used for the roadway bed, subgrade or any other aspect of the design and construction of a street, the fill material shall be acceptable material for such use as determined by the Township Engineer. The type of compacting equipment and use of fill material shall comply with PennDOT Specifications of Section 206 of the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The regulations within this Section shall apply to the use of fill material within the area of the cartway and the shoulder of the roadway.

#### 815.6 Slope of Embankments

The recommended slope of any required road embankment shall be three (3) horizontal to one (1) vertical, but under no circumstances shall the embankment have a slope greater than two (2) horizontal to one (1) vertical.

#### 815.7 Local Streets

The minimum pavement structure for a Local Streets shall be governed by Super Pave Standards as set forth by PennDOT but shall not be less than four and half (4.5") inches compacted depth of twenty five (25) mm Superpave Base Course along with one and one half (1.5") inches compacted depth of 9.5 mm of Superpave Wearing Course.

#### 815.8 Collector Streets

The minimum pavement structure for a Collector Street shall be governed by Super Pave Standards as set forth by PennDOT but shall not be less than five (5") inches compacted depth of twenty five (25) mm Superpave Base Course along with two and one half (2.5") inches compacted depth of 9.5 mm of Superpave Wearing Course.

#### 815.9 Arterial Streets

The pavement structure for an Arterial Street or Highway shall be governed by Super Pave Standards as set forth by PennDOT but shall not be less than five (5") inches compacted depth of twenty five (25) mm Superpave Base Course along with two and one half (2.5") inches compacted depth of 9.5 mm of Superpave Wearing Course.

#### 815.10 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. Said right-of-way 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 not less than six (6) inches of acceptable base as recommended by the Township Engineer. All other design specifications for street, 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.,
2. A maintenance agreement and appropriate provisions which outline the parties responsible for the continued maintenance of the street.
3. An agreement with the Township under which elected officials, appointed officials, representatives and/or employees of Jefferson Township 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. The Fire Company shall confirm its ability to access properties along a private street.
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.

#### SECTION 816 STREET RIGHT-OF-WAY WIDTHS

Street right-of-way widths in a proposed subdivision or land development shall conform to the following minimum standards:

Arterial & Collector Street	60 feet
Local Street	50 feet
Turnaround of Cul-De-Sac	140 feet

#### SECTION 817 STREET CARTWAY WIDTHS

Street cartway widths, measured from curb to curb, shall conform to the following minimum standards.

Collector Street:	40 feet
Local Street:	34 feet
Diameter of Turnaround of Cul-De-Sac:	120 feet
Arterial Streets: As determined by the Governing Body and Planning Commission after consultation with the Pennsylvania Department of Transportation.	

#### SECTION 818 HORIZONTAL VISIBILITY

All applicable regulations contained in the most recent addition of the AASHTO "Green Book," Chapter 3, shall govern all design features of roads and driveways related to horizontal visibility.

818.1 The centerline grades shall not exceed the following:

- Arterial Street – five (5%) percent
- Collector Street – seven (7%) percent
- Local Street – nine (9%) percent

818.2 Vertical curves shall be used at changes of grade exceeding one (1%) percent. Vertical curves shall be designed to produce the minimum sight distances based on the proposed speed limit of the street.

818.3 Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than two and one half (2 1/2) feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be in conformance with PA Code Title 67, Transportation, Chapter 441

## SECTION 819 CUL-DE-SAC STREETS

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

819.2 Cul-de-sac streets, permanently designed as such and/or single access streets, shall not exceed 800 feet in length and furnish access to not more than eighteen (18) dwelling units, subject to all proposed lots being in compliance with the applicable zoning regulations for the minimum front footage for the zoning district in which the subdivision is located.

819.3 Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 120 feet and 100 feet diameter to the outer pavement edge or curb line.

819.4 The entire area within a cul-de-sac shall be paved. Physical obstructions may be permitted within the cul-de-sac including, but not limited to, islands, vegetative cover, trees, and/or any other types of decorative features.

819.5 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 820 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 821 DRIVEWAY ENTRANCES

821.1 Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be required. The adequacy of each

proposed driveway shall be made based upon the recommendation of the Township Roadmaster in relationship to existing site conditions.

- 821.2 Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of entrance.
- 821.3 Driveway entrances or aprons shall be stabilized and maintained by the property owner in a manner to prevent erosion of driveway material onto any adjoining public right-of-way.
- 821.4 All driveway entrances with access onto a public road shall be required to secure a Highway Occupancy Permit from either Jefferson Township or PennDOT prior to construction and the establishment of the same, otherwise 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 which prohibits vehicular access and/or development upon the property until said Permit is secured.
- 821.5 All driveways shall be designed and constructed in accordance with all applicable provisions within PA Code Title 67, Transportation, Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads).

## SECTION 822 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 Township.

### 822.1 General Standards:

- a. Erosion and Sedimentation Control Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been referred to and reviewed by the Township Engineer and/or the Lackawanna County Conservation District and approved by the Board of Supervisors, or there has been a determination by the Board of Supervisors after consultation with the above entities that such plans are not necessary.
- 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 Township 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 Township 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 Township 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 Township 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 Township of certifications and "As-Built" drawings as required under Articles 5 and 6 herein.

- c. **Minimum Requirements of County 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 Lackawanna County Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the County Conservation District.

**822.2 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 manage 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.

822.3 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 condition 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 fifty (50) 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 shall be implemented for dust control.
- 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.

822.4 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 Township 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 Board of Supervisors or Pennsylvania Department of Environmental Protection, whichever has jurisdiction.

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

#### 822.5 Compliance with Regulations and Procedures

- a. 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 823 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 Board of Supervisors that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable as evidence.

### SECTION 824 CENTRALIZED WATER SYSTEM

824.1 All major subdivisions and land developments shall be served by an approved public distribution system for water supply when such a system is within two thousand (2,000) feet from any point of the proposed subdivision or land development.

824.2 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.

824.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. 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.

824.4 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 Township 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 Board of Supervisors as part of the public record.

## SECTION 824 SEWAGE DISPOSAL FACILITIES

All major subdivisions and land developments shall be served by a centralized sewage system which meets or exceeds 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 centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Township Sewage Plan and be approved by the appropriate agencies prior to Final Plan approval.

825.2 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.

825.3 All individual lateral connections shall be installed to the right-of-way line at the time of initial installation of the system and shall have an accessible clean out and clean out box installed at the right-of-way line consistent with the Township's requirements.

825.4 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 Lackawanna River Basin Sewer Authority. Construction material for sewers shall comply with the Lackawanna River Basin Sewer Authority regulations and the requirements of Jefferson Township Sewer Authority.

## SECTION 826 STORM WATER MANAGEMENT PLAN

A Storm Water Management Plan, when required, shall be governed by Jefferson Township by the Jefferson Township Storm Water Management Ordinance and subsequent amendments thereto, as enacted by the Jefferson Board of Supervisors. Should any conflict arise between the requirements of this Ordinance and aforementioned Ordinances, the more restrictive shall apply.

## SECTION 827 DESIGN FEATURES FOR DRAINAGE FACILITIES

Storm water drainage facilities shall be designed in accordance with the following provisions:

- (a) No storm water runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly managing such conditions.
- (b) Storm drainage systems shall be designed to convey through the proposed development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonably projected during the next twenty-five (25) years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
- (c) Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided which substantially conforms to the line of such watercourse at a width adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be established on both sides of the watercourse at least twenty (20') feet from any recognized high-water mark of the watercourse, but in no case shall said drainage easement be less than twenty (20') feet from the top of the bank of the watercourse. The terms of the easement shall prohibit any form of development within any portion of the easement, including fill material, trees, fences and activities related to grading or excavation.
- (d) Drainage facilities that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Board of Supervisors.
- (e) All streets shall be designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be two (2%) percent.
- (f) When it can be shown to the satisfaction of the Township Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed which substantially conform to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the applicable procedures as contained in the most recent edition of the "Erosion and Sedimentation Control Manual" as published by the Pennsylvania Department of Environmental Protection.
- (g) Whenever storm sewers are required by the Board of Supervisors, such storm sewers shall be separate from the sanitary sewer system. Storm sewer facilities shall be

provided where the Board of Supervisors, with the advice of the Township Engineer, determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.

- (h) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- (i) Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- (j) The minimum size diameter of a drainage pipe shall be fifteen (15") inches, unless otherwise approved by the Board of Supervisors, based upon a recommendation by the Township Engineer. The minimum value for "v" in pipes shall be based on engineering judgment and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least one (1') foot below ground level. Pressure heads up to twenty-five (25') feet can be used with concrete pipe with rubber gasket joints.
- (k) Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. The design of inlets must account for any bypass flows from upgrade inlets. Capacity calculations for inlets shall be submitted with the design report.
- (l) All storm water drainage facilities shall be designed to manage, at minimum, the peak discharges from a 10-Year post-development storm event. The Board of Supervisors shall have the discretion to require that certain drainage facilities be designed for peak discharges which may exceed a 10-Year post-development storm event, if so warranted in the recommendation of the Township Engineer.
- (m) Drainage facilities shall be large enough to accommodate potential runoff from upstream drainage areas, whether inside or outside the subdivision. The Township Engineer shall give approval to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate calculated by the applicant and reviewed by the Township Engineer. The calculation of this runoff rate shall take into account any land use and development regulations including runoff controls in effect in the tributary areas.
- (n) The developer's Engineer shall also study the effect of the subdivision or land development on existing downstream drainage facilities outside the area of the subdivision or land development. Such studies will be subject to review and approval by the Township Engineer. Authorized Township drainage studies, together with such other studies as deemed appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident related to the development of the subdivision will overload an existing downstream drainage facility, the Board of Supervisors may withhold approval of the development until provisions are made to correct and/or mitigate potential adverse downstream drainage conditions.

- (o) Any proposed or required storm drainage facilities or structures located on private property shall require the submission and approval of a detailed maintenance plan to the Board of Supervisors. Included within said plan shall be the provision of an annual inspection of such private storm drainage facilities or structures by the Township. A written agreement to reimburse the Township for any cost incurred for such inspections shall be submitted with the required maintenance plan. Any deficiencies determined as a result of the required inspection shall be subject to correction within sixty (60) days upon receipt of notification from the Township.
- (p) If conveyance facilities are tributary to storm water management BMPs that are designed for storm events larger than the conveyance design requirements, an analysis of the conveyance facilities using the design storm used for the BMP shall be provided demonstrating that site runoff can be safely conveyed to the BMP.

## SECTION 828 DRAINAGE EASEMENTS

Required drainage easements shall be provided in accordance with the following:

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements twenty (20') feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. A greater width may be required for proper maintenance as determined by the Township Engineer. A reduction in the width, when warranted by the topography and circumstances, will be permitted, if approved by the Board of Supervisors after consulting with the Township Engineer, but in no case shall the width be less than fifteen (15') feet. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision or land development, appropriate drainage rights must be secured and indicated upon the plat and shall be conveyed with any upstream dedications.
- (c) A drainage easement of twenty (20') feet from the recognized high-water mark of a watercourse shall be provided, but in no case shall the required drainage easement be less than twenty (20) feet from the top of the bank of the watercourse.

## SECTION 829 STORM WATER DETENTION

It shall be the policy of the Board of Supervisors to discourage areas of extremely poor drainage. Should a developer wish to overcome drainage problems through the inclusion of stormwater detention facilities, the following provisions shall apply:

- (a) Stormwater detention facilities shall be utilized whenever the Stormwater Management Plan indicates post-development runoff rates for each point of discharge exceed the pre-development runoff rates.
- (b) Stormwater detention facilities shall be designed to provide that the peak runoff rate at

all points of discharge from the site following the proposed development will not exceed pre-development runoff rates.

- (c) Detention facilities shall be designed so that they return to ninety (90%) percent dry conditions within approximately twelve (12) hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
- (d) The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
- (e) Emergency overflow facilities shall be provided for detention facilities to manage runoff in excess of design flows. If the lands of the proposed development will remain in common ownership, the developer shall provide written assurances to the Board of Supervisors that the detention ponds will be properly maintained in accordance with the approved Operation and Maintenance Plan. The Board of Supervisors shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.
- (e) If the lands of the proposed development will be conveyed to two (2) or more separate owners, the developer shall provide written assurances to the Board of Supervisors that the detention ponds will be properly maintained in accordance with the approved Operation and Maintenance plan. The Board of Supervisors shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.

## **SECTION 830 DESIGN OF STORM DRAINAGE SYSTEM**

Storm drainage systems required by this Ordinance shall be designed to provide protection from a 10 to 100-year storm as determined by the Township Engineer and shall comply with the provisions of the Township's Storm Water Management Ordinance.

- (a) Stormwater control system the design shall be based upon methods described most recent edition of the "Erosion and Sediment Pollution Control Manual" as prepared by the Pennsylvania Department of Environmental Protection.
- (b) Stormwater control system design calculations shall be based on methods described in the "Erosion and Sediment Pollution Control Manual".
- (c) All inlets and manholes shall be either precast or poured-in-place concrete and shall be consistent with PennDOT's RC Standards. No block construction will be allowed. Inlets and manholes shall be provided with grade precast concrete adjustment rings to facilitate raising or lowering as may be required. All inlet grates proposed in streets shall have bicycle safe grates.
- (d) Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, polyethylene, PVC or other material approved by the Pennsylvania Department of Transportation and Jefferson Township.
- (e) Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians. Inlets shall be provided so that surface water is not carried

across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(f) All detention and retention basins shall be designed and constructed with silt post detectors.

## SECTION 831    UTILITY EASEMENTS

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

831.1    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 a minimum of twenty (20) feet in width.

831.2    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.

831.3    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.

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 832    STREET LIGHTING

Street lights shall be installed at all street intersections and other such locations as recommended by the Township Engineer and the applicable utility company.

## SECTION 833 CURBS

Curbs shall be required and installed to the following minimum construction standards or PennDOT construction standards and design specifications, where applicable:

- (a) Straight curbs of Portland Cement Concrete shall be eighteen (18") inches in depth; seven (7") inches wide at the top, and eight (8") inches wide at the bottom and shall have an exposed face between seven (7") inches and eight (8") inches in height.
- (b) Expansion joints shall be provided at least every twenty (20') feet. Each expansion joint shall contain  $\frac{1}{2}$ " premolded bituminous expansion joint material. Contraction joints shall be provided at least every ten (10') feet.
- (c) Portland cement concrete used in the construction of curbs and gutters shall meet the minimum 3300 P.S.I. 28-day strength test according to A.S.T.M Standards, air entrained and shall not have slag incorporated into the mix.
- (d) All curbs shall be depressed at intersections with the sidewalk to accommodate handicapped individuals. The design standards and specifications shall comply with all governing Federal and/or State standards.

## SECTION 834 SIDEWALKS

Sidewalks shall be required in all major residential developments containing twenty (20) or more lots. In other major subdivisions or land developments, sidewalks or pedestrian interior walkways may also be required by the Board of Supervisors based upon features of the site and the proposed use and/or development of the property.

### (a) Location

Sidewalks, where required or provided, shall be located within the street right-of-way and no closer than one (1') foot from the right-of-way line, no closer than three (3') feet from the curb line. A grass planting strip shall be planted between the curb and sidewalk.

### (b) Width

Sidewalks shall have a minimum width of five (5') feet.

### (c) Required Construction

Sidewalks shall be constructed with air entrained class "A" concrete that does not incorporate slag into the mix, a minimum of four (4") inches thick, underlain by a minimum of six (6") inches of compacted gravel or crushed stone and meet the minimum 3300 PSI 28 day compressive strength test according to ASTM Standards.

Sidewalks at driveway crossings and driveway aprons shall be constructed of air entrained class "AA" concrete that does not incorporate slag into the mix, minimum of six (6") inches thick reinforced with W/6x6 W4.0/4.0 welded wire mesh underlain by

six (6") inches of compacted gravel were crushed stone and meets the minimum 3750 PSI 28-DAY compressive strength test according to ASTM standards. All sidewalk areas and driveway crossings shall be sprayed with anti-spalling compound.

## SECTION 835

## NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT

835.1 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 Board of Supervisors requires.

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

835.3 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 Board of Supervisors 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 commercial or 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 Board of Supervisors with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by the Board of Supervisors 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.

## **ARTICLE 8** **MANUFACTURED HOME PARKS**

### **SECTION 901 GENERAL REQUIREMENTS**

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating manufactured home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of manufactured home parks. The development and/or expansion of a manufactured home park, shall be deemed as a subdivision and 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. Manufactured Home Lot Design Requirements**

1. **Minimum Area**. An area of not less than 7,500 square feet shall be provided for each manufactured home lot. The minimum width of each manufactured home lot shall be 60 feet and the minimum depth of each manufactured home lot shall not be less than 125 feet.
2. **Lot Grade**. The longitudinal gradient and cross slope of any manufactured home lot shall not exceed (3) three percent, except for terracing at the periphery and the minimum slope in any direction shall be (1) one percent.
3. **Setbacks**. Each manufactured home shall be located not less than 50 feet from the front lot line of the manufactured home park, nor less than 30 feet from the side or rear lot lines of the park. Manufactured homes shall also be setback a minimum of 30 feet from the edge of the right-of-way of any street in the internal park street system and 30 feet from any park building or other manufactured home. Units shall also be setback no less than 15 feet from any side or rear manufactured home lot line.
4. **Lot Improvements**.
  - a. **Pad or Stand**. Each manufactured home lot shall be improved to provide an adequate foundation for the placement of the manufactured home, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand. Such pad or stand must be designed and constructed as per accepted industry standards. Appropriate designs, calculations and details must be submitted as part of the application.
  - b. **Anchors**. The manufactured home pad or stand shall be provided with an anchoring system designed and constructed as per accepted industry standards. Appropriate designs, calculations and details must be submitted as part of the application.
  - c. **Manufactured Home Enclosure**. A note shall be placed on the plan stating that a durable enclosure shall be installed around the entire base of each

manufactured home with any ventilating openings providing adequate protection against the intrusion of rodents, other vermin, and debris.

#### **B. Park Streets**

The Street Design and Construction Standards contained in Article 8 of this Ordinance shall apply to streets being proposed as part of the park's internal street system, except as provided below.

1. Cul-de-sac streets shall be provided with a turn-around having an outside right-of-way dimension of 90 feet.
2. The pavement edge at all intersections shall have an inside radius of at least 30 feet.
3. Street grades shall not exceed (8) eight percent and adequate transition shall be made at grade changes for the maneuvering of manufactured home units.

#### **C. Curbs and Sidewalks**

Curbs and sidewalks shall be provided throughout the manufactured home park and shall be constructed in accordance with the standards set forth Article 8 of this Ordinance.

#### **D. Buffer Yards and Screening**

All manufactured home parks ~~located~~ shall be provided with a vegetative buffer yard of not less than 50 feet along all property lines of the park or be fenced.

#### **E. Open Space/Recreation Area**

A minimum of (8) eight percent of the gross park area or 700 square feet per unit, whichever is greater, shall be reserved by the developer as a common open space/recreation area for the use of all residents of the park. Applications for manufactured home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common area.

#### **F. Park Lighting**

Each manufactured home park shall be furnished with lighting as follows:

1. At each entrance and exit to the manufactured home park.
2. At all intersections within the manufactured home park.
3. At any community building or facility.
4. Along all walkways to provide for the safe movement of pedestrians throughout the park at night.
5. Elsewhere as needed for public safety and convenience.

6. Lighting types and levels shall be designed based on recommended intensities specific to the area being lighted; however, in no case shall lighting leaving the property exceed 0.5 foot-candles intensity.
7. All light fixtures, standards, and foundations shall be approved by the Township engineer and all lighting plans shall be prepared by a person qualified in the design field.

G. Water Supply System

An adequate supply of water shall be provided for all manufactured homes, service buildings and other accessory facilities within the park. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install and maintain an approved privately owned community water supply system according to the standards of the PA Department of Environmental Protection. In addition:

Water supply systems shall conform to any federal, state and local regulations concerning fire protection. A hydrogeologic study may be required to assess the effect that the water supply system may have on adjacent properties.

H. Sewage Disposal System

An adequate and safe sewage system shall be provided in all manufactured home parks for conveying and disposing of sewage from the manufactured homes, services buildings and other accessory facilities within the park. Manufactured home parks shall be connected to public sewer systems, where possible. If a satisfactory public sewage system is not available, the applicant shall design, install and maintain an approved privately-owned community sewage system according to the standards of the PA Department of Environmental Protection

I. Off-Street Parking

There shall be (2) two off-street parking spaces provided for each manufactured home in the park. Such spaces shall be designed as per the standards and shall be located on the lot which they are intended to serve. At a minimum these spaces shall be constructed of (4) four inches of compacted 2A stone.