

# SHOHOLA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

## SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**REVISED**

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

**ARTICLE I  
GENERAL PROVISIONS**

**100     Title and Short Title**

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF SHOHOLA TOWNSHIP AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS *THE SHOHOLA TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

**101     Jurisdiction; Authority**

101.1     Application

This Ordinance shall apply to all subdivisions, lot improvement subdivisions and land developments in Shohola Township proposed after the effective date of this Ordinance.

- A.     The responsibilities of the Planning Commission are specifically enumerated throughout this Ordinance. All other power and authority is specifically reserved by the Board of Supervisors.
- B.     No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- C.     No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- D.     No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Board of Supervisors the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Board of Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- E.     The proposed subdivision or land development plat shall be in general accordance with the Lackawaxen-Shohola Multi-Municipal Comprehensive Plan.

101.2     Recording of Plans

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan

officially notes the approval of the Board of Supervisors and the acknowledgment of review by the Pike County Office of Community Planning.

## 102 Purpose

- A. General - This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Shohola Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to ensure adequate community facilities while protecting the private property rights of the landowners of the Township.
- B. Comprehensive Plan - This ordinance has also been adopted to accomplish the goals and objectives of the Township Comprehensive plan and to establish the resource inventory maps and the Map of Conservation Opportunities in the Comprehensive Plan as the basis for the design of projects and conservation area protection

## 103 Effect of Ordinance Changes

Changes in this Ordinance shall affect pending applications and approved plats as follows:

### 103.1 Pending Application

An application for approval of a subdivision or land development pursuant to this Ordinance shall be considered "pending" from the time that such application is duly filed in accordance with this ordinance, until such time as said application is either formally approved or denied by the Board of Supervisors, or until such time as the application is either voluntarily withdrawn by the applicant or the applicant fails to act within the time frames set forth within this ordinance. During the pendency of an application, no change or amendment to this or any other governing ordinance or plan shall adversely affect such application; the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if the pendency of an application is interrupted for any reason, including but not limited to formal denial of the application by the Board of Supervisors, any subsequent application shall be subject to intervening changes in governing regulations.

### 103.2 Project Completion and Effect of Litigation; Five Year Limitation

Following approval of an application for subdivision or land development, no subsequent change or amendment to this or any other governing ordinance or plan shall 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 of filing of the preliminary plat, provided the landowner has complied with the conditions of the preliminary plat approval and any schedule of submission of final plats as set forth in Section 103.4. The five-year period shall be extended for the duration of any litigation, including appeals, which prevents the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition (provided that such moratorium or prohibition was imposed subsequent to the filing of an application for preliminary approval).

### 103.3 Substantially Completed Improvements

Where the landowner has substantially completed the improvements set forth in the plat within the aforesaid five (5) year limit, including any extension granted by the Board of Supervisors, no change of municipal ordinances enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.

**103.4**     Schedule of Submission of Final Plats Required to Extend Five Year Limitation

Should a preliminary plat call for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner (contemporaneously with the preliminary plat) stipulating their respective dates of completion. 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 require approval by the Board of Supervisors upon landowner's application for same.

**103.5**     Subdivision/Land Development in Sections

- A.     Each section in any residential subdivision or land development shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, except that the final section may contain less. The Board of Supervisors may, at its discretion, may waive this minimum requirement for each section upon a request for waiver.
- B.     When a Final Plan is proposed to be submitted by sections, a proposed layout of the sections, their boundaries, the order of submission, and a schedule of submission shall be submitted to the Township for approval prior to submission of the first section.
- C.     Provided the landowner has complied with the conditions of the preliminary plat approval and any schedule of submission of final plats for the various sections, then the aforesaid protections provided by Section 103.3 shall be extended for each additional section for a period not to exceed three (3) years from the date of final plat approval for the immediately preceding section.

**104**     Conflict With Other Laws

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the appropriate standards and provisions shall apply.

**105**     Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, superceded, preempted by State or Federal Laws, or is otherwise held unlawful, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

**106**     Effective Dates

This Ordinance shall take effect immediately upon its adoption.

## ARTICLE II DEFINITIONS

### 200 Tense, Gender and Number

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

### 201 General Terms

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

### 202 Terms or Words Not Defined

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

### 203 Specific Terms

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

ACCESSORY STRUCTURE, BUILDING OR USE - A use of land or of a building or portion thereof incidental and subordinate to the principal use of the land or building and customarily on the same lot with such principal use and which is not used for any dwelling purposes.

ADD-ON SUBDIVISION – See *lot improvement subdivision*.

AGRICULTURAL USE - The use of any parcel of land for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products, and forest products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvacultural and aquacultural crops and commodities. The term includes an enterprise that

implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes any necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels as defined by the Shohola Township Zoning Ordinance.

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

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

APPLICATION - A written submission, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

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

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

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

BUILDING ENVELOPE - An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions, deed covenants and restrictions, and other factors, and are specifically designated on the development plan.

BUILDING, PRINCIPAL - A building in which the main or principal activity is conducted on a lot; not an accessory building or use.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS - A tract of land, or any portion thereof, with approved sites for the temporary use of tents or recreational vehicles for camping purposes, with or without a charge for the leasing, renting or occupancy of such space, and which are not be used for long term residency or occupancy. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

CAMPSITE - An area within a recreational vehicle park or campground, defined on a plan as a numbered, lettered, or otherwise identified tract, to be used for camping purposes and acting as a temporary site for travel trailers, truck campers, camper trailers, motor homes, or tents.

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

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

COMMERCIAL BUILDING - A building which houses a commercial use.

COMMERCIAL USE - Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

COMMISSION, PLANNING - The Shohola Township Planning Commission.

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

COMPREHENSIVE PLAN - The Lackawaxen-Shohola Multi-Municipal Comprehensive Plan including all maps, charts and textual matter.

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

CONSERVATION DESIGN DEVELOPMENT - A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

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

CONSERVATION, OPEN SPACE - See *open space, conservation*.

COUNTY - The County of Pike, Commonwealth of Pennsylvania.

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

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

DEP - The Pennsylvania Department of Environmental Protection.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. "Developer" shall include but not be limited to any corporation, unincorporated association, partnership, individual, or other legal entity constituting an applicant, subdivider, and/or landowner as otherwise defined herein.

DISTURBED AREA - Any area of land altered by grading, excavating, or other earth moving activities disrupting the surface and/or exposing the soil.

DRIP IRRIGATION FIELD – See Sewage Effluent Drip Irrigation Field.

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

DWELLING - A structure or portion thereof which is erected on a permanent foundation and is used exclusively for human habitation; but not including recreational vehicles, rooming house, tourist home, hotel or motel.

DWELLING, MULTI-FAMILY - A building or buildings designed for long term residency by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units and units for sale, rental or time share, including the following construction types:

- A. RESIDENTIAL CONVERSION TO APARTMENTS - Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 ½) stories in height.
- B. GARDEN APARTMENT - Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. TOWNHOUSE - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. APARTMENT BUILDING - Multi-family dwellings of more than two and one half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

DWELLING PROJECT, MULTI-FAMILY - Any development of single parcel of property that includes one or more buildings each containing two (2) or more dwelling units; and that includes common open space and facilities. Two-family dwellings in a multi-family project shall be considered townhouses.

DWELLING, SINGLE-FAMILY - A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side setbacks.

DWELLING, TWO-FAMILY - Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side setback adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

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

EARTH DISTURBANCE ACTIVITY - A construction or other human activity which disturbs the surface of land.

EASEMENT - A right of limited use established or granted over private land for a public, quasi-public or community purpose, within which the lessee or owner of the property (servient tenement) shall not erect any permanent structure, encroachment, or undertake any activity which adversely affects the rights of the easement holder (dominant tenement). (See also *right-of-way*).

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

ENGINEER, MUNICIPAL - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors as the engineer for the Township.

IMPERVIOUS SURFACE - Any surface of the soil which has been covered by any building, structure, driveway, and road, sidewalk, parking area or other material which inhibits the percolation of precipitation into the soil.

IMPROVEMENT - A physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

INDUSTRIAL BUILDING - A building which houses an industrial use.

INDUSTRIAL USE - Any commercial use engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, or other basic production processes; or any commercial use producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like.

INSTITUTIONAL BUILDING - A building which houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including for example public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or uses operated by non-profit, community-based organizations for the general use of the public, including, but not limited to, churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. As authorized by Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, the definition of land development shall not include the following:
  1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), or a lessee, if he is

authorized under the lease to exercise the rights of the landowner or other persons having a proprietary interest in the land.

LONG-TERM RESIDENCY - Occupancy of any dwelling or structure, generally for periods of more than 180 days which serves as the legal residence of an occupant. Long-term residency is contrasted with visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and other temporary occupancies.

LOT - A plot or parcel of land used, or intended for use, as a unit of ownership, transfer of ownership, use, rent, improvement, or development.

LOT AREA - The land area measured in acres or square feet contained within the lot lines of a lot. Lots created by subdivisions must meet the minimum lot size for the zoning district in which the lot is located.

LOT COMBINATION/CONSOLIDATION – See Lot Improvement Subdivision.

LOT, CORNER - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE - That percentage of the lot area which is covered by buildings; roads, driveways, walkways, and parking areas of all construction types; and impervious surfaces.

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

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on two (2) streets and where vehicular access to the lot may be permitted only from one (1) street.

LOT, FLAG OR PANHANDLE - A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public or private road.

LOT IMPROVEMENT SUBDIVISION - (Also known as *lot consolidation, add-on subdivision* or *lot combination*.) The combination of multiple lots, and resulting reconfiguration of lot lines, to increase the size or optimize conformity of the resulting lot or lots.

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

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

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

LOT WIDTH - The horizontal distance between the side lot lines of a lot at the required front setback line measured on a line parallel to the front lot line.

MINOR RESIDENTIAL LAND DEVELOPMENT - See *Subdivision, Minor Subdivision*.

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

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land designated and improved to contain two or more mobile home lots.

MULTI-FAMILY DWELLING PROJECT – See Dwelling Project, Multi-Family.

MUNICIPALITY - Shohola Township, Pike County, Pennsylvania.

NONRESIDENTIAL BUILDING - A building which houses a nonresidential use.

NONRESIDENTIAL USE - Any commercial, industrial or institutional use of land, or any other use of land which is not for residential purposes, but excluding agricultural uses.

OPEN SPACE - That part of a particular development tract set aside for the protection of sensitive natural features or for a particular restricted use, and which contains no project improvements except as permitted by this Ordinance, is restricted from further development, and cannot be used as a basis for density for any other development.

OPEN SPACE, CONSERVATION - Open space set aside in a conservation design development for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas.

OPEN SPACE, PUBLIC - Open space that is dedicated or reserved for the use of the general public.

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

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

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the *Existing Resources and Site Analysis*.

- B. PRELIMINARY PLAN - A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a *qualified professional* (see definition of *qualified professional*).
- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a *qualified professional's* seal (see definition of *qualified professional*) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN - The copy of the final plan which contains the original endorsements of the Township Planning Commission, the County Planning Commission and the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of Shohola Township, Pike County, PA.

PRIMITIVE TYPE CAMPING - Overnight camping utilizing tents or similar apparatus (and not utilizing any wheeled vehicle), no improvements beyond those required by law, and no permanent structures other than tent platforms, privies and maintenance buildings.

PROPERTY OWNERS ASSOCIATION - A non-profit corporation organized, pursuant to Pennsylvania law, by the developer or home owners for the purpose of establishing an association of all property owners in a private development the purposes of which shall include the ownership and maintenance of open space common areas and all development improvements.

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

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

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

PUBLIC OPEN SPACE – See *Open Space, Public*.

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code 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.*

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transportation of ownership to provide a site for temporary occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE - A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

- A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.
- B. MOTOR HOME - A vehicular unit built on a self-propelled motor vehicle chassis.
- C. TRAVEL TRAILER - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.
- D. TRUCK CAMPER - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. SELF-CONTAINED UNIT - A unit which:
  - 1. Can operate without connections to external sewer, water and electrical systems, and
  - 2. Has a toilet and holding tank for liquid waste, and
  - 3. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

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

RESIDENTIAL BUILDING - A building or portion thereof which is used exclusively for human habitation, including, but not limited to, single-family, two-family and multi-family dwellings, and mobile homes.

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

REVERSE FRONTAGE LOTS - Lots which front on one street and back on another with vehicular access solely from one (1) street.

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

SETBACK - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any structure. Front setbacks shall be measured from the edge of the highway, street, or road right-of-way and side and rear setbacks from property lines.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any 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, or which constitutes pollution under the act of June 22, 1937 (P.L.1987, No.394), known as *The Clean Streams Law*, as amended.

SEWAGE COLLECTION AND CONVEYANCE SYSTEM - The system of pipes, tanks, pumps and other equipment used to carry sewage from individual lots or dwelling units to an off-site sewage disposal system. Septic tanks and grinder pumps serving individual lots or dwelling units connected to an off-site sewage disposal system shall be considered part of the collection and conveyance system.

SEWAGE DISPOSAL, OFF-SITE OR COMMUNITY - A sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

SEWAGE DISPOSAL, ON-SITE - A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling/unit as any single family unit.

SEWAGE EFFLUENT DRIP IRRIGATION FIELD - Piping and the ground surface to the outside edges of the irrigated perimeter used for the application of sewage effluent.

SEWAGE EFFLUENT SPRAY FIELD - Piping, spray heads and the ground surface to the outside edges of the wetted perimeter, used for the application of sewage effluent.

SEWAGE FACILITY - 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. (See *sewage disposal, off-site* and *sewage disposal, on-site*.)

SEWAGE TREATMENT PLANT - Any part of a sewage facility which is used to provide mechanical, chemical or biological treatment of sewage, including but not limited to screens, settling tanks, aeration tanks, sedimentation tanks, digestion tanks, nitrogen and phosphorus removal tanks, treatment ponds and lagoons, filters, and disinfection equipment. This shall not include on-site sewage disposal systems, treated effluent storage lagoons, *soil absorption* areas, *spray fields*, drip irrigation fields and constructed wetlands.

SEWAGE TREATMENT PLANT, SMALL FLOW - An on-site or community sewage facility designed to adequately treat sewage flows not greater than two thousand (2,000) gallons per day for final disposal using a stream discharge or other methods approved by DEP.

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

SLOPE – 1. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. 2. The change in elevation, measured in consistent units, from one point to another measured perpendicular to the contours (lines of equal elevation) of the land, expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance or as a percentage.

SPRAY FIELD – See Sewage Effluent Spray Field.

STORMWATER MANAGEMENT FACILITY - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality and quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STREAM - See *watercourse*.

STREET - A public or private strip of land, including the entire right-of-way, designed to provide access by vehicular traffic or pedestrians.

- A. COLLECTOR STREET - Provides access to abutting properties, intercepts minor streets, and serves more than two hundred (200) dwelling units.
- B. MINOR STREET - Provides access to abutting properties and serves eleven (11) to two hundred (200) dwelling units.
- C. LOCAL - Provides access to abutting properties and serves not more than ten (10) dwelling units.
- D. ALLEY - Provides rear access to abutting property and not intended for general traffic circulation.
- E. PRIVATE ACCESS STREET - Provides access to abutting properties and serves not more than three (3) dwelling units.

STRUCTURE - A combination of materials constructed for use or occupancy, whether installed on, above, or below the surface of land.

STRUCTURE, PRINCIPAL - A structure in which the main or principal activity is conducted on a lot; not an accessory structure or use.

SUBDIVIDER - See *Developer*.

SUBDIVISION -The division or redivision of a lot, tract, or parcel of land by any means into two (2) 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION - A subdivision that creates 10 lots or less from any original tract of record and which creates no public or private community facilities such as, but not limited to, storm water control facilities, a central water supply, a central sewage disposal system, or other improvements. Minor Subdivisions allow for the construction of a single private local road to provide ingress and egress from a public highway.
- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision.

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

SUPERVISORS - The Shohola Township Board of Supervisors.

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

TENT - A moveable camping shelter made of canvas or other similar material and supported by a pole or poles.

TOWNSHIP SECRETARY - The Shohola Township Secretary or other person authorized by the Board of Supervisors to act on behalf of the Township Secretary to carry out the duties established for the Township Secretary by this Ordinance.

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

WATERCOURSE - A natural watercourse; a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER SUPPLY, OFF-SITE OR COMMUNITY - A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated.

WATER SUPPLY, ON-SITE - A single system of piping, tanks or other facilities serving only a single lot and providing drinking water from a source on the lot.

WETLAND - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

ZONING ORDINANCE - The Shohola Township Zoning Ordinance.

### ARTICLE III PLAN PROCESSING

#### 300 General

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

#### 301 Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan containing the relevant elements of a preliminary plan §403 or final plan §406 to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan, or Minor Subdivision Plan. The purpose of the Sketch Plan is to:

- A. Assist the Applicant and Planning Commission in the early identification of issues, with the goal of saving the Applicant delay and costly revisions to detailed Preliminary Plans.
- B. Help to identify the Applicant's overall objectives, using a diagrammatic approach showing broad areas of development and broad areas of conservation.
- C. Determine if the plan is a major or a minor subdivision and/or land development.
- D. Assist applicants and officials to develop a better understanding of the subject property.
- E. Determine the extent to which the plan generally conforms to the provisions of this Ordinance.
- F. Determine any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan and applicable ordinances.

#### 302 Plan Submission for All Subdivisions and Land Developments

All applications for minor and major subdivisions and land developments shall be submitted to Shohola Township and processed in accord with this Section. Prior to receiving and processing an application as complete, the Township Secretary may require proof that the Applicant is the owner of the subject property, an authorized agent of the owner, or has a sufficient legal interest in the subject property to make the application.

##### 302.1 Filing of Preliminary Plan With Township Secretary

Prior to submitting a plan to the Planning Commission, an Applicant must file a Preliminary Plan (and all required supporting documentation) with the Township Secretary, and shall provide the fee required pursuant to 302.3. The Township Secretary shall verify the completeness of an Applicant's submission, and receipt of the required fee, prior to accepting an application for filing.

- A. If the submission is verified, the Township Secretary shall accept the said plans and documentation, complete the *Submission Verification* on the status log and checklist, and provide a copy to the Applicant.
- B. If the submission is not verified, the Township Secretary shall complete the plan *Submission Verification*, noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission verification to the Applicant, and return all documents to the Applicant. A returned submission is not "filed" for purposes of this section.

- C. The Plan *Submission Verification* shall only verify that the correct number of copies of all plans and documentation have been submitted and shall in no way be construed to be the *Official Date of Plan Submission*.
- D. That a Plan is verified by the Township Secretary is not determinative of the completeness of the plan. The Planning Commission may reject a verified plan as incomplete if it does not contain the requisite information, numbers of copies, or is otherwise in non-compliant form.

#### 302.2 Number of Copies to be Submitted

Submission of the Plan pursuant to Section 302.1 shall include the following:

- A. One (1) completed copy of the Plan review application.
- B. Seven (7) legible paper prints of the Plan.
- C. Three (3) copies of the required sewage planning module and associated documentation.
- D. Three (3) copies of all other required supporting data and information as required in Article IV of this Ordinance.

#### 302.3 Plan Filing Fee

All applicants providing submissions pursuant to this ordinance shall pay fees in accordance with a fee schedule adopted by the Board of Supervisors to cover the costs of examining plans and other administrative expenses associated with the review of plans. Fees shall be standardized, but may vary based on the type of submission.

#### 302.4 Applicant Public Notice for Subdivisions Lot Improvement Subdivisions and Land Developments

Prior to official submission of a Preliminary Plan in accordance with Section 302.5, the Applicant shall provide public notice of the date of the meeting at which the application will be submitted to the Planning Commission. Such notice shall be made in accordance with the definition of *Public Notice* set forth in Section 203 of this ordinance, and published in the Township's newspaper of record. Prior to official submission, the Applicant shall separately notify the Planning Commission of the Applicant's intended date of submission and provide proof of the aforesaid publication. Applicant shall be required to again make public notice prior to the initial submission of the Plan to the Board of Supervisors for action.

#### 302.5 Official Date of Plan Submission

A Preliminary Plan is officially submitted to the Planning Commission when the Applicant, having previously filed copies of the plan and all required supporting documentation with the Township Secretary at least seven (7) days prior, appears before the Planning Commission and presents a complete application.

The *Official Date of Plan Submission* shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form, the Planning Commission Secretary shall notify the Applicant in writing of the deficiencies and the submission shall be rejected as incomplete.
- B. If the submission is complete and acceptable, the Chairman of the Planning Commission shall complete the status log and checklist with the date of the said meeting as the *Official Date of Plan Submission* and provide a copy to the Applicant.

**302.6**      Mandatory Distribution of Major Subdivision Plan By Applicant

In the case of any major subdivision or any land development, the Applicant shall, within seven (7) days of the official date of plan submission, mail or deliver a complete copy of the submission to the Township Engineer.

**302.7**      Optional Distribution of the Plan By Planning Commission

Following official submission of a Plan, the Planning Commission may refer the Plan and applicable supporting documents to the Township Engineer, Zoning Officer, Solicitor, Sewage Enforcement Officer, and/or any other Township employee or consultant with a request for written comments and recommendations:

**302.8**      Submission to County and Other Agencies By Applicant

The Applicant shall submit the Plan to the Pike County Planning Commission for review 30 days prior to submission to the Planning Commission, pursuant to the Pennsylvania Municipalities Planning Code. The Applicant shall be responsible for submission of the Plan and all required supporting documentation to the Pike County Conservation District, PennDOT, and all other governing agencies. Submission to such agencies may be initiated prior to the *Official Date of Plan Submission*.

**303**            Plan Review and Action**303.1**      Planning Commission Review and Action Period

The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and recommend that the Board of Supervisors deny or approve the Plan, or approve same with conditions and modifications. The Planning Commission recommendation to the Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant's last known address not later than (15) days following the recommendation.

- A.      A site inspection may be requested by the Planning Commission as part of the review process. An Applicant shall facilitate a requested inspection.
- B.      If approval is recommended, the complete submission shall be forwarded to the Board of Supervisors with the written notice of recommendation; Applicant shall be notified in writing.
- C.      If approval is with conditions, the Applicant shall also be notified in writing of such conditions.
- D.      If denial is recommended, the specific reasons for such denial (citing specific provisions of this Ordinance or other applicable law) shall be forwarded to the Board of Supervisors and communicated to the Applicant by the Planning Commission Secretary.

**303.2**      Board of Supervisors Review and Action Period

Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Plan. The Board of Supervisors' decision shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant's last known address not later than (15) days following the decision. In no case shall the period for Township review and action, including the written communication to the Applicant, exceed ninety (90) days from the *Official Date of Plan Submission* as established pursuant to §302.5.

- A. Board of Supervisors Approval - When a Plan is approved, such approval shall be entered in the minutes of the Board of Supervisors meeting at which the approval is granted.
- B. Board of Supervisors Approval with Conditions - When a Plan is approved with conditions:
  - 1. Such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the action is taken and shall be communicated in writing to the Applicant.
  - 2. If the Applicant does not agree and accept the said conditions and/or modifications, in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Plan shall be deemed an automatic disapproval. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial.
- C. Board of Supervisors Denials - When a Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at the action is taken and shall be communicated in writing to the Applicant.

### 303.3 Calculation of Time for Review and Action

- A. The ninety (90) day period for review and action by the Township shall run ninety (90) calendar days from the date of official date of plan submission, exclusive of the date of submission.
- B. If the first meeting of the Planning Commission following the date of plan filing with the Township Secretary occurs more than thirty (30) days following that filing, the ninety (90) day period for review and action shall be measured from the thirtieth (30th) day following the date *Submission Verification*.
- C. If the application is being submitted pursuant to a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

### 303.4 Signature of Plans

- A. Preliminary Plans – Upon approval, Preliminary Plans shall be marked as *Preliminary Plan Not for Recording Purposes* and shall, for identification purposes, be dated and signed by a majority of the Board of Supervisors. If approval is granted, the status of the Plan – *approved* or *approved with conditions* – shall also be marked on the Plan, with reference made to the Applicant notification document for details of any *approval with conditions*.
- B. Final Plans - No Final Plan shall be signed by the Board of Supervisors until all conditions of any Preliminary approval have been satisfied, including the installation or guarantee of all improvements.

### 303.5 Pike County Planning Commission Comments

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

### 303.6 Sewage Facilities Planning Modules

Concurrently with review and action on a submission as aforesaid, the Township shall also review and act upon any applicable Sewage Facilities Planning Module, provided that one has been timely submitted by the Applicant. If approval of the module is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval and no Final Plan for development involving community sewage disposal or community water supply shall be approved until a DEP permit for the community system has been issued.

### 303.7 Highway Occupancy Permit

If it appears that a subdivision or land development may require a state highway occupancy permit, approval of the Plan shall be conditioned upon the Applicant's timely application for such a permit.

### 303.8 Public Hearing

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

### 303.9 Time Extension

The time period for review of and action upon the Plan may be extended by mutual agreement of the Applicant and the Township, in writing.

## **304 Final Plans for Major Subdivisions**

### 304.1 Final Plan Application

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

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval, or the Plan was approved with conditions and all conditions have been fulfilled by the Applicant.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II) which are shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

### 304.2 Planned Improvements

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

### 304.3 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain at least one endorsed print.

**304.4**     Recording of the Final Plan

The Applicant shall file the final record plan with the Pike County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Board of Supervisors.

**305**     Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with §§302, 303.

**306**     Lot Improvement Subdivisions - (Also known as *lot consolidations, add-on subdivisions or lot combinations.*)

Preliminary Plans for lot improvement subdivisions shall not be required. The Final Plan for lot improvements shall be submitted to the Township and be processed in accord with §§302, 303 of this Ordinance, except that sewage facilities planning modules shall not be required unless additional, new sewage disposal areas are proposed.

**306.1**     Existing Easements

The Applicant shall document that any legally existing easements will not be affected.

**306.2**     Resultant Non-Conforming Lots

A lot improvement may result in non-conforming lots, provided that the resultant lots are larger in size and more closely conforming to the requirements of the ordinances of Shohola Township than the lots being consolidated. However, the resultant non-conforming lot shall be restricted to use for one single-family dwelling only, and such restriction shall be noted on the plan.

**307**     Subdivision from Large Parcel

In cases where a parcel is being subdivided in order to convey one or more lots, such that the parent parcel when subdivided remains twenty-five (25) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided all parcel(s) subdivided there from are surveyed and platted in accord with all requirements of this Ordinance and said parcel(s) front on a public road. In no event shall more than four (4) lots shall be platted from the parent parcel in this manner during any twelve (12) month period. The entire parcel to be subdivided and existing lots of record within the entire parent parcel shall be shown on the Plan using a tax map reproduction/reduction.

**308**     Contiguous Municipalities

In accord with §502.1(b) of the Pennsylvania Municipalities Planning Code, the governing body of any municipality contiguous to Shohola Township may appear before the Township to comment on a proposed subdivision, change of land use, or land development.

## ARTICLE IV PLAN REQUIREMENTS

### 400 General

This Article establishes the requirements for the contents of plans and all other associated documentation submitted to the Township. Nothing herein shall restrict the right of the Township to require any additional information deemed necessary to meet the requirements and effectuate the purpose of this Ordinance. The Township may further require any relevant notation on any plan, such notations not being limited to those specifically required by this Ordinance

### 401 Application Forms and Certifications

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

### 402 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch. A single sheet showing the entire plan shall be included if the plan is provided on multiple pages. The drawing may be scaled to fit the page.
- B. Dimensions shall be in feet and hundredths of feet and bearings shall be in degrees, minutes and seconds for all existing and proposed parcel lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eleven by seventeen (11x17) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail and must meet Federal, State and local regulations.
- F. Plans shall conform to the requirements of the Pike County Recorder of Deeds.

### 403 Preliminary Plan Requirements for Major Subdivisions

The Plans and accompanying supplementary data shall contain the following information:

- A. Proposed name of the subdivision. This name, to be provided in a "Preliminary Plan" title block shall not duplicate in spelling or pronunciation any recorded subdivision within Pike County. The name and address of the present landowner as well as sub-divider (if different) shall also be provided.
- B. Location by municipality and County (to be placed in the title block). The plan shall also include current deed book references, tax map numbers for affected parcels and a 1" = 2000' location map taken from the applicable U.S.G.S. map(s). It should depict the boundaries of all parcels within 1,000 feet of the subdivision or land development.

- C. The map shall include a title block with the name of the municipality and County and name of the existing owner of record. The North Point, graphic scale, preparation date and all revision dates shall also be indicated. A signature approval block shall be provided along with a blank area beneath sufficient in size to record any conditions of approval as shall be specified by the Township.
- D. Boundaries of total tract with accurate bearings and distances and the total tract area in square feet (or acres).
- E. Locations, names and widths of rights-of-way of all streets, widths of utility rights-of-way and other easements, parks and public grounds and existing buildings and other significant physical features in, or adjacent to, the subdivision which will have an effect on the design, and all common open space easements.
- F. Approximate locations of existing and proposed sewage systems (including on-site systems), sanitary sewer lines, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with size, direction of flow and pressure details as may be appropriate or required by the Township Engineer.
- G. Names of current owners of adjoining properties (including those across a public highway) with deed book references, and lines showing where they intersect.
- H. Existing contours at intervals of at least every twenty (20) feet. The Township reserves the right to request greater detail when the scope or nature of the development demands the same. Contours at intervals of two (2) feet shall be required wherever improvements are planned to be installed.
- I. Proposed layout and dimensions of streets or other public rights-of-ways with proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposal shall be accompanied by a submission of plans as required by Article VI, including profiles, cross-sections, and preliminary designs for bridges and culverts as applicable.
- J. The proposed layout, numbering (in consecutive order) and approximate dimensions and area of lots (in square feet or acres) along with the types of dwellings proposed on each lot and remaining acreage. Development phasing plans and schedules, if any, shall also be provided.
- K. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents. These shall be marked as such.
- L. The applicable Zoning District and building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall also be shown.
- M. All drainage easements, marked as such
- N. Approximate final grades in areas of cut or fill
- O. Proposed uses for all lots shall be indicated.
- P. Proposed covenants and restrictions along with any other documents associated with the formation of a Property Owners Association (POA), if any. Such documents shall, at a minimum, require that all property owners be members and pay assessed dues. They shall also address the responsibilities of lot purchasers for management of common property.

- Q. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the sub-divider shall supply acceptable evidence of the availability of other potable water source and designate proposed sites for individual on-site wells. This evidence may be in the form of logs from test wells, logs from existing wells or other documentation or explanation, based on geology or hydrology, acceptable to the Board of Supervisors.
- R. A letter from each electric, telephone, cable television or other utility company servicing the area indicating that the utility company is aware of the subdivision and identifying the conditions under which such utility will provide service to the proposed subdivision, unless exempted from PUC or municipal franchise requirements to do so. The plan shall also include the PA One Call number, the One Call telephone number, the date the One Call number was assigned and other information required by Pennsylvania law (73 P.S. § 179).
- S. An Erosion and sedimentation plan where required prepared in consultation with and approved by the Pike County Conservation District.
- T. Storm water management plan prepared in compliance with of this Ordinance.
- U. Copies of permits and/or permit applications from either Shohola Township or the Pennsylvania Department of Transportation, as the case may be, for street encroachment or highway occupancy. The Township, however, may waive this requirement where no immediate plans exist to improve the property, provided a notice has been placed on the plat that such permits are required. Notwithstanding any exceptions granted, such permits shall be obtained prior to starting construction or guaranteeing any road construction required.
- V. Floodplain and wetland boundaries from official maps prepared by the Federal government, if applicable, and evidence of compliance with Township, Commonwealth and Federal requirements pertaining to such areas. The Township Planning Commission may also require, or the applicant may submit, more detailed wetland delineation studies for purposes of identifying the boundaries of such areas where Federal mapping is of insufficient detail. Such studies shall be certified by an approved wetlands delineator. Any plans that include wetlands mapping shall include the following language:  
*"The delineation of wetlands on the plan is not approved or certified by Shohola Township. Any delineation is subject to approval by the appropriate Commonwealth and Federal agencies."*
- W. Other prominent or significant natural or man-made features such as ledges, stone walls and foundations.
- X. All existing watercourses, streams, ponds, lakes and other bodies of water.
- Y. Any other information the Planning Commission or Board of Supervisors may require determining the plans are in compliance with this Ordinance.

**404 Final Plan Requirements for Major Subdivisions** (See §408 for Land Developments.)

Final Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Final Plans shall be submitted pursuant to the following:

#### 404.1 Final Plan Information

The Final Plan shall be drawn to the same drafting standards and contain all of the information required on the Preliminary Plan and the following additional information:

- A. Exact locations, widths and names of all streets and all crosswalks within the subdivision or land development, including centerline profiles.
- B. Complete curve data for all curves included in the Plan.
- C. Exact descriptions of all easements being provided for services or utilities in the subdivision or land development, and any limitations placed on the use of such easements.
- D. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision or land development, or for general public use, with the purpose indicated thereon.
- E. Accurate depictions in metes and bounds of all lots, including front, side and rear building lines shown graphically with dimensions. All lots shall be numbered consistent with the Emergency 9-1-1 addressing system. Locations of proposed sewage absorption and/or infiltration areas, proposed water wells any existing or proposed structures shall also be indicated.
- F. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision or land development. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included. Covenants and restrictions may not be modified following Final Approval without the consent of the Township Board of Supervisors.
- G. The proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas in accord with Article V. The Township shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.
- H. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the sub-divider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all permanent boundary line (perimeter) markers shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify the placement of permanent lot markers for all lots proposed for final approval.
- I. The Final Plan shall contain a certificate signed by the project engineer indicating that; 1) all improvements have either been installed and approved by the proper officials or agencies, or 2) that a guarantee has been submitted to the Township in an amount determined by the Board of Supervisors, on advice from the Township Engineer, to be sufficient to ensure their installation.
- J. Complete final construction (as built) plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless private septic tanks are to be used. Also, complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations off valves and

fire hydrants, if any, shall be provided unless private wells are to be used. Locations of all test pits for on-lot sewage and water well sites shall also be indicated on a map.

- K. Complete final construction (as built) plans for all other improvements proposed on the Final Plan.
- L. Evidence in writing of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision or land development.
- M. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2,000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4,000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- N. A signature approval block along with a blank area beneath sufficient in size to record any conditions of approval as shall be specified by the Township. This shall appear on every sheet of the set of plans.
- O. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and approved by the Pike County Conservation District. Storm water management plans shall also require the specific approval of the Township Engineer.
- P. Copies of street encroachment or highway occupancy permits (to be secured prior to any actual road construction) if preliminary approval was conditioned on obtaining such permits.
- Q. Elevations, rough floor plans and architectural drawings of typical buildings to allow the Fire Department to assess fires safety needs.
- R. Zoning Districts.
- S. Floodplain and wetland delineations (see Preliminary Plan requirements) along with the following statement:  
*"The delineation of wetlands on the plan is not approved or certified by Shohola Township. Any delineation is subject to approval by the appropriate Commonwealth and Federal agencies."*
- T. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
  - 1. Building setbacks.
  - 2. Corner lot easements for clear sight triangles.
  - 3. Corner lot driveway locations.
  - 4. Utility and drainage easements including ownership and maintenance responsibility.

Each Final Plan submission shall, in addition to the items required above, include new submissions of Preliminary Plan data in any instance where there has been a change in the plans or the circumstances surrounding them.

**405 Major Subdivision Plan General Notes**

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

- A. All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance.
- B. Wells shall be developed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Shohola Township; and Township approval of this Plan in no way certifies or guarantees the quality or capacity of any well.
- C. No Certificate of Compliance pursuant to the Zoning Ordinance shall be issued for any dwelling or building in any subdivision or land development, nor shall any dwelling or building be used or occupied, until such time as all improvements required to service and provide access to said dwelling or building have been installed by the Developer and approved by the Township.
- D. In the event the Plan incorporates a private access street as defined in this Ordinance: The maintenance of any private access street shall be the sole responsibility of those persons who have the right to use the private access street. Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.
- E. Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law and for access to roads under the jurisdiction of Shohola Township pursuant to the Shohola Township Road Encroachment Ordinance.
- F. In the case where wetlands are present: The developer assumes full responsibility for obtaining any and all necessary permits and/or approvals, relating to the existence and designation of any wetlands on this Plan, as may be required by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or any other State or Federal agency having appropriate jurisdiction over wetlands. The Developer represents and warrants that it has accurately and properly delineated the areas of wetlands on this subdivision/land development; that it will give a copy of same to any prospective purchaser(s), together with the name, address, and telephone number of the governmental agencies having jurisdiction over wetlands; and that it will advise any prospective purchaser(s) of the existence of wetlands, if any, on any lot proposed to be purchased. After conveyance or sale of any lands in this subdivision/land development to any purchaser(s), the purchaser(s) shall assume and bear continuing responsibility for compliance with any and all governmental regulations regarding the use of wetlands. Any purchaser(s) of any lands set forth in this subdivision/land development agree to look solely to the Developer and/or to the appropriate governmental agency for compliance with any wetlands regulations or requirements.

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

- G. When on-site sewage disposal is proposed: This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The Pennsylvania Department of Environmental Protection planning conducted as part of the Plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit.
- H. In cases where the requirement for sewage planning is waived by the Township: The lot(s) shown on this Plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township.

#### **406 Minor Subdivisions, Application Forms and Final Plan Requirements**

The applicant shall complete and submit the required application forms and certifications as prescribed by the Township for minor subdivisions. Plans for minor subdivisions shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law; and shall be submitted pursuant to the following:

##### **406.1 Minor Plan Information**

- A. Name of minor subdivision and identification number assigned by the project Qualified Professional.
- B. Name and address of owner of record (if a corporation, give name of each officer).
- C. Name and address of Developer if different from landowner (if a corporation, give name of each officer).
- D. Name, address, license number, original seal and original signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the minor subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of an arc.

- L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §606 of this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- Q. The location and design specifications of the private local road providing access to the public highway, if applicable.
- R. A clear sight triangle shall be clearly shown for all street intersections.
- S. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- T. Water courses, lakes, streams, ponds with names, and other significant features, constructed or natural including utilities, wells and sewage systems.
- U. Wetlands delineation. If no wetlands are present, a certification to such effect shall be provided by the Applicant.
- V. Site data including, total acreage, number of lots, existing zoning district (if zoning is in effect) and tax map number.
- W. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- X. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- Y. The location and extent of various soil types by NRCS classification for each type.
- Z. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the Plan.
- AA. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- BB. A key map for the purpose of locating the property being subdivided.

- CC. Signature blocks for the Township Planning Commission recommendation and Board of Supervisors' approval and a block for the acknowledgement of review by the Pike County Office of Community Planning.
- DD. A title block on the lower right corner.
- EE. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
1. Building setbacks.
  2. Corner lot easements for clear sight triangles.
  3. Corner lot driveway locations.
  4. Utility and drainage easements including ownership and maintenance responsibility.

#### 406.2 Minor Plan General Notes

The following general notes shall be on all Minor Plans, if applicable:

- A. *All lots shown on this plan are subject to the rules and regulation contained in the Township Zoning Ordinance.*
- B. *Wells shall be developed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Shohola Township; and Township approval of this Plan in no way certifies or guarantees the quality or capacity of any well.*
- C. *No Certificate of Compliance pursuant to the Zoning Ordinance shall be issued for any dwelling or building in any subdivision, nor shall any dwelling or building be used or occupied, until such time as all improvements required to service and provide access to said dwelling or building have been installed by the Developer and approved by the Township.*
- D. *In the event the Plan incorporates a private access street as defined in this Ordinance: The maintenance of any private access street shall be the sole responsibility of those persons who have the right to use the private access street. Each lot served by the private access street shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit.*
- E. *Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law and for access to roads under the jurisdiction of Shohola Township pursuant to the Shohola Township Road Encroachment Ordinance.*
- F. *In the case where wetlands are present: The developer assumes full responsibility for obtaining any and all necessary permits and/or approvals, relating to the existence and designation of any wetlands on this Plan, as may be required by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or any other State or Federal agency having appropriate jurisdiction over wetlands. The Developer represents and warrants that it has accurately and properly delineated the areas of wetlands on this subdivision; that it will give a copy of same to any prospective purchaser(s), together with the name, address, and telephone number of the governmental agencies having jurisdiction over wetlands; and that it will advise any prospective purchaser(s) of the*

*existence of wetlands, if any, on any lot proposed to be purchased. After conveyance or sale of any lands in this subdivision to any purchaser(s), the purchaser(s) shall assume and bear continuing responsibility for compliance with any and all governmental regulations regarding the use of wetlands. Any purchaser(s) of any lands set forth in this subdivision agree to look solely to the Developer and/or to the appropriate governmental agency for compliance with any wetlands regulations or requirements.*

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

- G. *When on-site sewage disposal is proposed: This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The Pennsylvania Department of Environmental Protection planning conducted as part of the Plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit.*
- H. *In cases where the requirement for sewage planning is waived by the Township: The lot(s) shown on this Plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and other applicable approvals by the Township.*

**407 Plan Requirements for Lot Improvement Subdivisions** (Also known as *lot consolidations, add-on subdivisions or lot combinations.*)

Preliminary Plans for lot improvement subdivisions shall not be required. In addition to the plot plan, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot improvements on the approved plans; and said deeds shall be recorded along with the approved plans. Applicant shall also provide copies of the recorded deeds detailing the Applicant's ownership of each lot to be combined.

In cases requiring the combining of two (2) or more whole contiguous lots that have been previously platted and which do not involve the creation of any new lot lines, the applicant may submit a plat plan or an extract from an existing plat plan of record prepared by a licensed land surveyor or professional engineer, indicating the lots to be consolidated.

The plot plan shall contain the following:

- A. A key map showing the general location of the subject lots.
- B. A reference to the zoning district in which the lots are located.
- C. Name and address of owner of record (if a corporation, provide the name of each officer).
- D. Tax map reference numbers that correspond to the lots being consolidated.
- E. The Deed Book Volume and page number reference of the latest source(s) of title to the lots being consolidated.
- F. Identification of all boundary lines being eliminated and the new boundary lines established after consolidation.

- G. The location of all existing buildings, wells & sewage systems showing the distances from the boundary lines and between each other.
- H. The location of all roads, driveways or right-of-ways that provide access to the lots.
- I. References to all lot designations prior to and after consolidation with corresponding acreage.
- J. Identification of all adjoining landowners.
- K. Name, address, license number, original seal and original signature of the Qualified Professional responsible for the preparation of the plan.
- L. Date, including the month, day and year that the Plan was completed and the month, day and year of each Plan revision along with a description of the revision.
- M. North arrow (true or magnetic).
- N. Graphic scale and written scale.
- O. A title block on the lower right corner.
- P. The following statement: *'Lot/parcel \_\_\_ shall be joined to and become an inseparable part of lot/parcel \_\_\_ and cannot be subdivided, conveyed or sold separately or apart there from without prior Shohola Township approval. The combined lot shall be identified as Lot \_\_\_.'*
- Q. Signature blocks for the Township Planning Commission recommendation and Board of Supervisors' approval, and a block for the acknowledgment of review by the Pike County Office of Community Planning.

Copies of the deeds prepared for recording shall be provided for review and said deeds shall be recorded along with approved plans. The deeds shall contain the identical statement as referenced in (P) above.

Should the plat submission be deemed inadequate, the Township may require that the submission comply with portions or all of Section 406.

#### **408 Plan Requirements for Land Developments**

Land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other applicable requirements.

##### **408.1 Plan Requirements**

The plan requirements for final plans for major subdivisions in §404 of this Ordinance shall serve as the guide for the types of information which may be required. In any case, the plan shall include all information and details necessary to confirm compliance with this Ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, storm water facilities, and buffer areas.

**408.2**     Survey

A survey of the parcel of property containing the proposed land development shall generally be required; however, the Township shall have the right to waive the requirement for a survey in cases where circumstances do not dictate the need for a survey to ensure compliance with applicable requirements.

**408.3**     Design Standards and Improvements

All design standards and required improvements specified by this Ordinance shall apply to land developments. The Township shall also have the right to apply any reasonable additional standards and requirements necessary to affect the purposes of this Ordinance.

**409**     Plan Requirements for Minor Land Developments

Minor land development plans and applications shall contain all information required by the Township to determine compliance with this Ordinance and any other requirements. The plan requirements for minor subdivisions in §406 of this Ordinance shall serve as the guide for the types of information that may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Township shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Township shall also have the right to apply any of the standards and requirements contained in this Ordinance.

**ARTICLE V**  
**PERFORMANCE GUARANTEES**  
**Improvements & Common Open Space**

**500**    **General**

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance. No final plan shall be signed by the Board of Supervisors for recording in the office of the Pike County Recorder of Deeds until:

- A.     All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are certified by the Township Engineer; or,
- B.     A proposed Development Agreement and an Performance Guarantee in accord with §503 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Board of Supervisors.

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

**501**    **PennDOT Required Improvements**

The Applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the State *Highway Law*. The Applicant shall provide documentation that the required performance guarantee has been provided to PennDOT

**502**    **Sections/Stages**

In cases where Final Plan approval is proposed in sections or stages, the Board of Supervisors shall either require the construction or the guarantee of any final plan improvements that in its absence would adversely affect the use of the portion being considered for approval.

**503**    **Performance Guarantees**

The following are acceptable forms of Performance Guarantees:

503.1    **Escrow Account**

A deposit of cash either with the Board of Supervisors or in escrow with a federal or Pennsylvania chartered financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Board of Supervisors.

503.2    **Irrevocable Letter of Credit**

A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Board of Supervisors.

### 503.3 Other Forms

Other forms of collateral, including, but not limited to, surety performance bonds from a financially secure bonding company authorized to conduct such business in Pennsylvania, in such form and content as the Board of Supervisors may require or accept as part of the security.

### 503.4 Additional Requirement

The following requirements shall apply to the Performance Guarantees set forth in this Article:

- A. The funds of any guarantee shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the Developer as security in any other matter during that period.
- B. In the case of a failure on the part of the Developer to complete said improvements, the financial institution shall immediately make the funds available to the Board of Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Supervisors.
- C. The applicable financial institution/surety shall guarantee the availability of funds in an amount equal to the established cost of completing all required improvements pursuant to §503.5.
- D. The Performance Guarantee shall not be withdrawn, or reduced in amount, until released by the Board of Supervisors.

### 503.5 Amount of Performance Guarantee

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

- A. The amount of Performance Guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Board of Supervisors are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Board of Supervisors and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Board of Supervisors and the applicant or developer.
- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first

anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1) year period as estimated using the procedure established by this Article.

- C. Prevailing wage rates shall be used to determine the amount of the Performance Guarantee if the cost of the completion of the improvements exceeds the current public work prevailing wage monetary threshold established by the Prevailing Wage Act, as amended.

#### 503.6 Terms of Guarantee

Performance Guarantees shall be submitted in a form and with such surety as approved by the Board of Supervisors to ensure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval unless the Board of Supervisors agrees to a longer term.

#### 503.7 Release of Performance Guarantees

- A. Partial Release – The developer may request the release of portions of the Performance Guarantee for completed improvements.
1. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
  2. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify in writing to the Board of Supervisors the completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the Performance Guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Supervisors fails to act within said forty- five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. 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.
- B. Final Release – When the Developer has completed the construction of all required improvements the Developer shall so notify the Board of Supervisors.
1. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
  2. Inspection - Within ten (10) days of receipt of said notice, the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
  3. Report - The Township Engineer shall within thirty (30) days of receipt of said authorization, file a detailed written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.

4. Action - Within fifteen (15) days of receipt of the Township Engineer's report, the Board of Supervisors shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. 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 developer shall be released from all liability pursuant to its Performance Guarantee.

5. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.7.B.1, shall be followed.

6. Remedies to Effect Completion of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any Performance Guarantee by appropriate legal and equitable remedies. If proceeds of the Performance Guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the Performance Guarantee, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such Performance Guarantee and not for any other municipal purposes except for reimbursement of Township court costs, reasonable attorney fees and other costs of enforcement.

#### **504 Improvements Construction**

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided. Improvements construction shall in all cases be coordinated with the Township Engineer and conform to current information and inspection requirements adopted by the Township.

##### **504.1 Construction Plans and Drawings**

The construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal shall be accomplished only in accord with the approved preliminary construction plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

##### **504.2 Schedule**

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Board of Supervisors a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

##### **504.3 Inspections**

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to ensure the construction of the required improvements in accord with the approved plan. In addition to all final inspections required for all improvements, inspections shall be required at all

phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., backfilling of sewer or water line trenches). This may require a full-time inspector and may include, but not be limited to, such tests as pressure testing of conveyance lines or vacuum testing.

#### 504.4 Notice

The Developer shall provide a minimum of two (2) working days' notice prior to the time that an inspection is required according to the Township Inspection Schedule.

#### 504.5 Cost

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

### **505 Improvement Construction Maintenance Guarantee**

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

#### 505.1 Form; Amount; Action

Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Board of Supervisors may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Board of Supervisors, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

#### 505.2 Release

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

### **506 Continued Ownership and Maintenance of Improvements**

(Note: See §507 for open space and recreation land ownership and maintenance.)

The Developer shall provide to the satisfaction of the Board of Supervisors and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for the operation and maintenance of development improvements.

#### 506.1 Plan Required

The Developer shall provide a plan for the succession of ownership, operation and maintenance prepared by the Applicant for consideration and approval by the Township, and such plan shall be made part of the development deed covenants and restrictions.

#### 506.1.1 Responsibility

The plan shall establish responsibilities for the continuing ownership, operation and maintenance of all proposed improvements and facilities and an acceptable process and time line shall be established for the transfer of the improvements and maintenance responsibilities, if transfer to another body or entity is planned.

#### 506.1.2 Required Actions; Schedules

The plan shall detail required routine operation and maintenance actions and schedules necessary to ensure proper operation and maintenance of all improvements and facilities.

#### 506.1.3 Maintenance Determination

The Board of Supervisors, upon recommendation of the Township Engineer and Township Solicitor, shall make the final determination on the continuing operation and maintenance responsibilities prior to approval of the Final Plan.

#### 506.1.4 Transfer of Maintenance Funds

The plan shall include provisions for the transfer of any operation and maintenance funds required by this Ordinance to the Property Owners Association (POA) or other successors in ownership and include a requirement that such funds will be dedicated to the intended use.

### 506.2 Private Operation and Maintenance

#### 506.2.1 Land Developments

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

#### 506.2.2 Residential Developments

In the case of subdivisions, conservation design developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. (Note: See §507 for open space and recreation land ownership and maintenance.) Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be subject to the approval of the Board of Supervisors.

#### 506.2.3 Any Improvements Which Will Remain Private

In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Board of Supervisors. The amount of said fund shall be fifteen (15) percent of the construction cost of the system as verified by the Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint

responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be subject to the approval of the Board of Supervisors.

#### 506.2.4 Failure to Maintain

The bylaws and covenants shall also provide that, if the maintenance is not performed by the Association as required, the Township may have the maintenance work performed, in which event, after providing notice to the unit/lot owners, the Township shall have the authority to place municipal liens upon any or all units/lots in the subdivision/land development association to recover the maintenance costs and expenses, as well as all legal costs and expenses (including, but not limited to, attorney fees) if the property-owners association does not fulfill its responsibilities.

### **507 Open Space and Recreation Land -- Ownership and Maintenance**

This §507 shall apply to any development which involves the ownership and maintenance of open space or recreation land held in common or owned and maintained through other arrangements approved by the Board of Supervisors (referred to as *common open space*) as required by this Ordinance.

#### 507.1 Purpose

The requirements of this §507 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

#### 507.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of establishing, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Board of Supervisors, deed covenants and restrictions, or other legal document which will affect the Plan and which can be enforced by the Board of Supervisors.

- A. The Plan shall define ownership and an acceptable process and time line shall be established for the transfer of the lands and maintenance responsibilities to the body or entity so designated, if transfer is proposed by the Plan.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Board of Supervisors may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.
- E. Any changes to the maintenance plan must first be approved by the Board of Supervisors.

### 507.3 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

### 507.4 Methods for Use Dedication and Common Open Space Ownership and Maintenance

- A. Ownership - Required common open space may be offered for dedication to the Township, Delaware Valley School District, Pike County, PA Bureau of State Parks, PA Bureau of Forestry, the PA Fish and Boat Commission, the PA Game Commission, a homeowner association, a single property owner in the case of agricultural or forest land or an environmental organization or land trust acceptable to the Board of Supervisors.
- B. Dedication - The Board of Supervisors is under no obligation to accept an offer of dedication to the Township, but shall have the authority to ensure that an appropriate long-term method will be in place to own and maintain common open space.
- C. Deed Restrictions / Conservation Easements - Common open space shall be protected from future development and subdivision by a permanent conservation easement or deed restriction, acceptable to and enforceable by the Board of Supervisors. Such restriction may also be enforceable by other parties. Such restrictions shall prohibit the construction of any buildings, except buildings for non-commercial recreation or that are necessary to support maintenance of the open space.
- D. Rental Development - In the case of a rental development, the Township may permit the common open space to be retained by the owner of the adjacent residential rental buildings.
- E. Private Parcel - Where another form of ownership is not practical, the Board of Supervisors may permit the required open space to be added onto a privately owned parcel, provided a permanent conservation easement protects the open space from development.

The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods shall establish a mechanism for the Board of Supervisors to effect the use dedication and require operation and maintenance of common open space, should the means established by the developer fail to provide the same.

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

#### 507.4.1 Property Owners Association or Condominium Agreements

All common open space may be owned and maintained by a property owners association (POA) or condominium association (CA) including all lot and/or condominium owners in the development provided: (The provisions of §705(f) of the Pennsylvania Municipalities Planning Code should serve as a model, in concept, for the maintenance responsibilities /enforcement provisions of such agreement.)

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot/unit owners.
- C. Provision is made for the maintenance of common open space during the lot/unit sale period and the orderly transition of responsibility from the developer to the POA/CA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- E. The bylaws and covenants shall also provide that, if the maintenance is not performed by the association as required, the Township may have the maintenance work performed, in which event, after providing notice to the unit/lot owners, the Township shall have the authority to place municipal liens upon any or all units/lots in the subdivision/land development to recover the maintenance costs and expenses, as well as all legal costs and expenses (including, but not limited to, attorney fees) if the POA/CA does not fulfill its responsibilities.

#### 507.4.2 Transfer to a Private Conservation Organization

In the case of open space and recreation land, the developer may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, acceptable to the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper transfer to another qualified organization should the organization be unable to continue to fulfill its responsibilities and obligations.
- D. A maintenance agreement is entered into among the developer, the organization and the Township, in form and substance acceptable to the Board of Supervisors.

#### 507.4.3 Deed Restricted (Non-Common) Private Ownership

Deed restrictions on privately held lands may be used to preserve open space provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space.

#### 507.4.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

#### 507.4.5 Conservation Easements Held by the Township

In the case of open space and recreation lands, the Board of Supervisors may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominiums, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

#### 507.4.6 Fee Simple and/or Easement Dedication to the Township

In the case of open space or recreation lands, the Board of Supervisors may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Board of Supervisors agrees to and has access to maintain such lands.

### **508 Failure to Preserve Use and Operation and Maintenance of Improvements or Common Open Space**

Should the method established to preserve the use, operation and maintenance of improvements or common open space (including any required recreation land) fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

#### 508.1 Notice

The Board of Supervisors shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to the use dedication and operation and maintenance.

#### 508.2 Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

#### 508.3 Public Hearing

If requested by a party within ten (10) days of the date of the notice, a public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of public notice contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

**508.4**      Failure to Correct

In the event the deficiencies in the notice, as may have been modified at a public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any improvement or common open space, nor vest in the public the right to use any improvement or common open space unless such right was previously established.

**508.5**      Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

**508.6**      Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.

**508.7**      Public Costs

The costs of the preservation of use dedication and the cost of maintenance and operation of any improvements or open space conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and / or use of the common open space. The assessment shall constitute a lien on said properties.

**509**      Subdivision and/or Land Development Improvements Agreement

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

**509.1**      Contents

The development agreement shall be in a form and substance acceptable to the Board of Supervisors. It shall provide for all matters determined necessary by the Board of Supervisors and the following, where applicable:

- A.      The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B.      Installation of survey markers.
- C.      Installation of all public utility lines.
- D.      Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.

- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates and such other details as the Township deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee.
- H. Security in the form of a Performance Guarantee approved by the Board of Supervisors to insure the installation of the required improvements, and provisions for the administration of the same.
- I. Security in the form of a maintenance guarantee approved by the Board of Supervisors for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date formal acceptance of any dedication of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible AS BUILT plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems and all other improvements.
- K. A clear statement of when the Developer responsibility for any development open space, improvements and facilities ends, and the succession of ownership, operation and maintenance of all open space, improvements and facilities, and the transfer of any operation and maintenance funds required by this Ordinance to the POA or other successors of ownership.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Board of Supervisors.
- M. An indemnification and hold harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement and enforcement remedies.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

#### 509.2 Execution

The final plan shall not be unconditionally approved by the Board of Supervisors prior to the execution of this agreement, if so required by the Board of Supervisors.

## Article VI Design Standards

### 601 Application

The design standards and requirements set forth in this Article shall be observed as minimums by the developer in the design of each subdivision or land development within Shohola Township. The Township may require more restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

### 602 General Site Requirements

Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be developed for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.

The Township, in determining and evaluating potential hazards, shall rely upon information contained in its Comprehensive Plan or any regional and County plans in which it has participated, including storm water and solid wastes management plans. It shall also use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies as may be applicable.

All portions of a tract being developed or subdivided shall be taken up in lots, streets, designated open spaces, or other proposed uses, so that remnants and land-locked areas shall not be created. All land developments shall also be planned with consideration of impacts on adjacent properties and neighborhoods, including traffic, storm water drainage, off-street parking, noise, odors, vibrations, landscaping and aesthetics, nuisance activities and other impacts.

Care shall be taken with all land developments to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land.

Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where required, the Pennsylvania Department of Environmental Protection.

Wherever possible, lot lines shall follow municipal and county boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.

### 603 Blocks and Lots

#### 603.1 Blocks

- A. Blocks shall ordinarily not exceed 1,200 feet in length.
- B. Pedestrian interior walks may be required, where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than 10 feet and be of an all-weather surface of not less than 4 feet in width.
- C. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier.

- D. Where a subdivision adjoins a major state highway (one which is designated and marked for two lanes or more and carries at least 100 vehicles per day), the greater dimension of the block shall front along said highway, and interior or marginal access streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of 10 lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Planning Commission or the Township Board of Supervisors determines, after inspection, that such is necessary for the above stated reasons.

#### 603.2 Lots

- A. Minimum lot sizes, widths and depths shall comply with the Township Zoning Ordinance.
- B. All side lines of lots shall be at approximate right angles to straight street lines and approximately radial to curved street lines, except where a variation to this rule will provide a safer or more practical layout.
- C. Double frontage lots shall ordinarily not be platted, except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a buffer strip along the public right-of-way line.
- D. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and, no remnants of privately owned land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- E. All corner lots shall have a curve with a minimum radius of twenty-five (25) feet adjoining the intersecting right-of-way lines.
- F. All lots shall front on an approved street or have direct access to an approved street.

#### 603.3 Lot Frontage Modifications

The required minimum lot frontage may be reduced in accord with the following:

- A. Along the curve of a cul-de-sac turnaround, the minimum lot frontage may be reduced to seventy-five (75) percent of the standard lot width required if the required minimum width is achieved at the required front setback line.
- B. Along the outside of a curve in a street, the minimum lot frontage may be reduced to eighty (80) percent of the standard lot width requirement provided the required minimum width is achieved at the required front setback line.

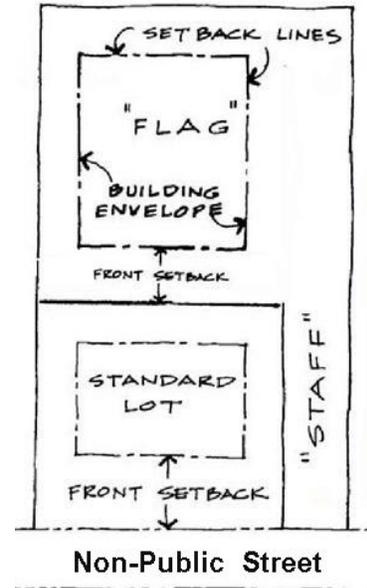
#### 603.4 Flag Lots

Flag lots shall be permitted in accord with the following:

- A. The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not

result in a greater number of lots on the tract than would otherwise be feasible and permitted.

- B. The flag lot shall not be permitted to have direct access to a Township or State road and shall share its driveway with an adjoining standard lot.
- C. The flag lot shall be restricted from further subdivision.
- D. Not more than twenty (20) percent of the lots within a subdivision may be approved as flag lots.
- E. The access corridor (Staff) portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300) feet in length, as measured from the street right-of-way.
- F. The access corridor shall, at a minimum, meet the right-of-way width requirement for a limited access road per Table VI-1.
- G. The proposed driveway shall not exceed the grade limitations in Table VI-1 and shall otherwise provide adequate access for emergency vehicles. The Township may require the installation of the driveway as part of final approval.
- H. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor.
- I. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.



**604 Street & Road Requirements**

**604.1 Design and Arrangement**

The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.

- A. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be laid out incorporating the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
- B. Where a subdivision abuts or contains an existing or proposed collector or minor street, local access streets may be required, in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.
- C. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this and other Township Ordinances.
- D. New half or partial streets will not be permitted. Wherever a tract to be subdivided borders an existing half or partial street, the remaining portion of the street shall be platted within such tract.

- E. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Temporary cul-de-sacs shall be provided in the case of the former.
- F. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
- G. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one hundred fifty feet (150').
- H. Street and driveway intersections with collector or minor streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- I. Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
- J. Whenever the principal access (whether public or private) of a subdivision is by virtue of bridge having weight limits of less than twenty (20) tons or other comparable limitations that would restrict access to the property by emergency vehicles or school buses, the subdivider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Township Board of Supervisors as to form.
- K. All streets and driveways shall be designed to sufficiently accommodate the weight and width of construction and emergency vehicles.
- L. Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.

#### 604.2 Street Design & Construction

- A. All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary Plan approved by the Supervisors and in conformity with the street requirements contained herein. Where such Ordinance does not provide a clear standard, the Township may rely upon the standards promulgated by the Pennsylvania Department of Transportation for local streets. These standards may also be modified wherever necessary to preserve shade, address aesthetic concerns or otherwise avoid unnecessary earth disturbance, provided the construction standards applicable to the road base are not modified and the full right-of-way is obtained as required.

- B. Four-way street name signs of a design approved by the Board of Supervisors shall be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Township and shall be subject to Township approval.
- C. Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Township Engineer will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.
- D. The subdivider shall preserve existing shade trees along any proposed street right-of-way unless their removal is clearly required for safety of construction and use.
- E. Streets shall be designed and constructed in accordance with the standards set forth in Tables VI-1 and VI-2 of this ordinance. In addition it is the responsibility of the landowner's engineer to conform the street design to the latest PENNDOT guidelines for construction and safety. Additional considerations are as follows:

- 1. Street Grades
  - a. Profiles: No street grade shall be less than 1/2 percent or exceed the maximum cited in Table VI-1, with due allowances for reasonable vertical curves.
  - b. Streets shall have a grade not to exceed three (3) percent for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.
- 2. Cross Section: On streets where curbs, gutters, and sidewalks are not required there shall be shoulder.
- 3. Minimum Sight Distance (measured from a vehicle ten (10) feet back of the pavement edge):

<b>Posted Speed (Classification)</b>	<b>Sight Distance to Left</b>	<b>Sight Distance to Right</b>
<b>55 mph (Major Streets)</b>	<b>845 feet</b>	<b>875 feet</b>
<b>45 mph (Major Streets)</b>	<b>635 feet</b>	<b>570 feet</b>
<b>35 mph (Collector Streets)</b>	<b>440 feet</b>	<b>350 feet</b>
<b>25 mph (Minor Streets )</b>	<b>250 feet</b>	<b>195 feet</b>

- 4. Street and Alley Width
  - a. The width of all major thoroughfares shall conform to the width designated on Tables VI-1 and VI-2 of this ordinance.

- b. The minimum right-of-way widths for streets and alleys are as follows:
  - i. Where the proposed subdivision fronts on an existing public right-of-way of less than the required width as specified above, the subdivider shall provide additional right-of-way as may be required to conform to these standards. Where the proposed subdivision fronts on only side of such a road, the entire additional width required shall be provided on that side.
  - ii. On all dead-end roads a Cul-de-Sac turn-about area with a one hundred (100) foot diameter right-of-way and seventy (70) foot diameter traveled portion shall be provided.
  - iii. The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving, drainage structures, curbs and gutters, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards depicted in Tables VI-1 and VI-2 of this ordinance.

5. Pavement

- a. The width of pavement required shall vary, depending on the type of street as set forth in Tables VI-1 and VI-2 of this ordinance.
- b. The pavement shall be constructed in accordance with specifications and standards contained in Tables VI-1 and VI-2 of this ordinance or by the latest PENNDOT specifications.

6. Shoulders and Embankments

- a. Street shoulders shall be constructed with materials approved by the Township Engineer and consistent with the standards in Tables VI-1 and VI-2 of this ordinance or by the latest PENNDOT specifications. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Township Engineer.
- b. Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of one and one-half (1.5) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Township Engineer may require more rigid standards.

7. Curbs and Gutters

- a. Curbs shall ordinarily be required for public safety purposes. In the case of commercial developments and other instances where intensive uses exist or are anticipated along a major or collector street.
- b. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.

- c. Curbs shall not be constructed where pavements are less than 20 feet in width, the public street is not paved or the lot fronts on a private street. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing.
  - d. Curbs may be of the wall type or may be combined with gutters built of concrete. Curbs, combined curbs and gutters, and graded gutters shall be constructed in accordance with standard engineering practice.
8. Walls, Slopes and Traffic Guards
- a. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township, and shall be sufficient to support the street or the adjacent land, as the case may be.
  - b. Where the adjoining embankment has a slope exceeding one and one-half (1.5) feet horizontally to one (1) foot vertically and the grade of the street is two (2) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Township Engineer.
9. Requirement for Road Occupancy and Other Permits.
- a. No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the Pennsylvania Department of Transportation shall be altered or connected onto without first obtaining a permit from PennDOT.
  - b. No driveway, local road or drainage facility or structure shall be constructed or altered within a township right-of-way, and no drainage facility of Shohola Township shall be altered or connected onto without first obtaining a permit from the Shohola Township Supervisors.

10. Limited Access Roads (Private Driveways)

Private driveways may be used to access a maximum of three (3) single-family dwellings and shall be subject to the street design referenced in Tables VI-1 and VI-2 of this ordinance. Driveways must be designed to accommodate the width, length and weight of fire trucks and emergency vehicles operated within the Township. In the case of a shared driveway, the deed for each lot (a copy of which shall be submitted) shall contain appropriate restrictive covenants:

- (a) setting forth the manner in which the costs of repairs, upgrade and maintenance shall be apportioned between the owners,
- (b) restricting each parcel from further subdivision,
- (c) providing for the maintenance of a minimum right-of-way of fifty (50) feet in width for said driveway, and

- (d) documenting that the parties understand the driveway is the not the responsibility of the Township and that they have no recourse to the Township for repairs, upgrades or maintenance.

#### 11 Parking Areas:

All lots intended for single-family residential use shall be of sufficient size and design to allow for a minimum of two (2) off-street parking spaces per residence. The Township Planning Commission may require prospective sites for such parking areas or other improvements be designated on Final Subdivision Plans. Parking areas for other land developments shall be provided and depicted in accordance with the applicable standards for those developments.

**TABLE VI-1  
DESIGN STANDARDS FOR STREETS**

DESIGN SPECIFICATION	COLLECTOR (b)	MINOR	LOCAL (f)	ALLEY (g)	LIMITED ACCESS ROAD (c)
Number of dwelling units served	> 200	11 - 200	≤10	NA	≤3
Design speed, mph	35	25	20	NA	NA
<b>CROSS SECTION STANDARDS</b>					
Street right-of-way width (feet) (a)	60	40	40	16	25
Additional road width (a)	as required for drainage, slope and utility easements				
Travelway width, feet	20	18	16	12	12
Shoulder width, each side, feet (d)	4	2	2	2	NA
Cartway width, feet	28	22	20	16	NA
Crown, feet/foot	0.02	0.02	0.02	0.02	0.02
Superelevation, maximum, feet/foot	0.08	NA	NA	NA	NA
Shoulder slope, feet/foot	0.04 (e)	0.04 (e)	0.04 (e)	0.04 (e)	NA
<b>GEOMETRIC STANDARDS</b>					
Grade, maximum, percent	8	12 (h)	12 (h)	same as frontage	15
Grade, minimum, percent	0.5	0.5	0.5	0.5	0.5
Center line radius, minimum, feet	Refer to the most current edition of <i>A Policy on Geometric Design of Highways and Streets</i> published by the American Association of Highway and Transportation Officials.				NA
Stopping sight distance, minimum, feet					NA
Tangent between reverse curves, minimum, feet					NA
Vertical curves	Per Engineer's plan, subject to Township approval				NA
Swale grade, minimum, percent	0.5	0.5	0.5	0.5	0.5

**Note:**

**a.** Additional road width and cartway widths may be required by the Township to provide for additional construction requirements such as drainage or utility easements, cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety for fire, panic, or other dangers, to facilitate the adequate provisions for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.  
**b.** Collector standards apply to all commercial and industrial subdivisions and land developments.

**c.** Curbs not permitted.  
**d.** If curbs are provided, shoulders shall not be provided.  
**e.** 0.06 where warranted.  
**f.** Maximum street type allowed for minor subdivision.  
**g.** (reserved)  
**h.** Street segments up to fifteen (15) percent in grade and five hundred (500) feet in length may intervene segments meeting the maximum grade requirement and exceeding five hundred (500) feet in length.

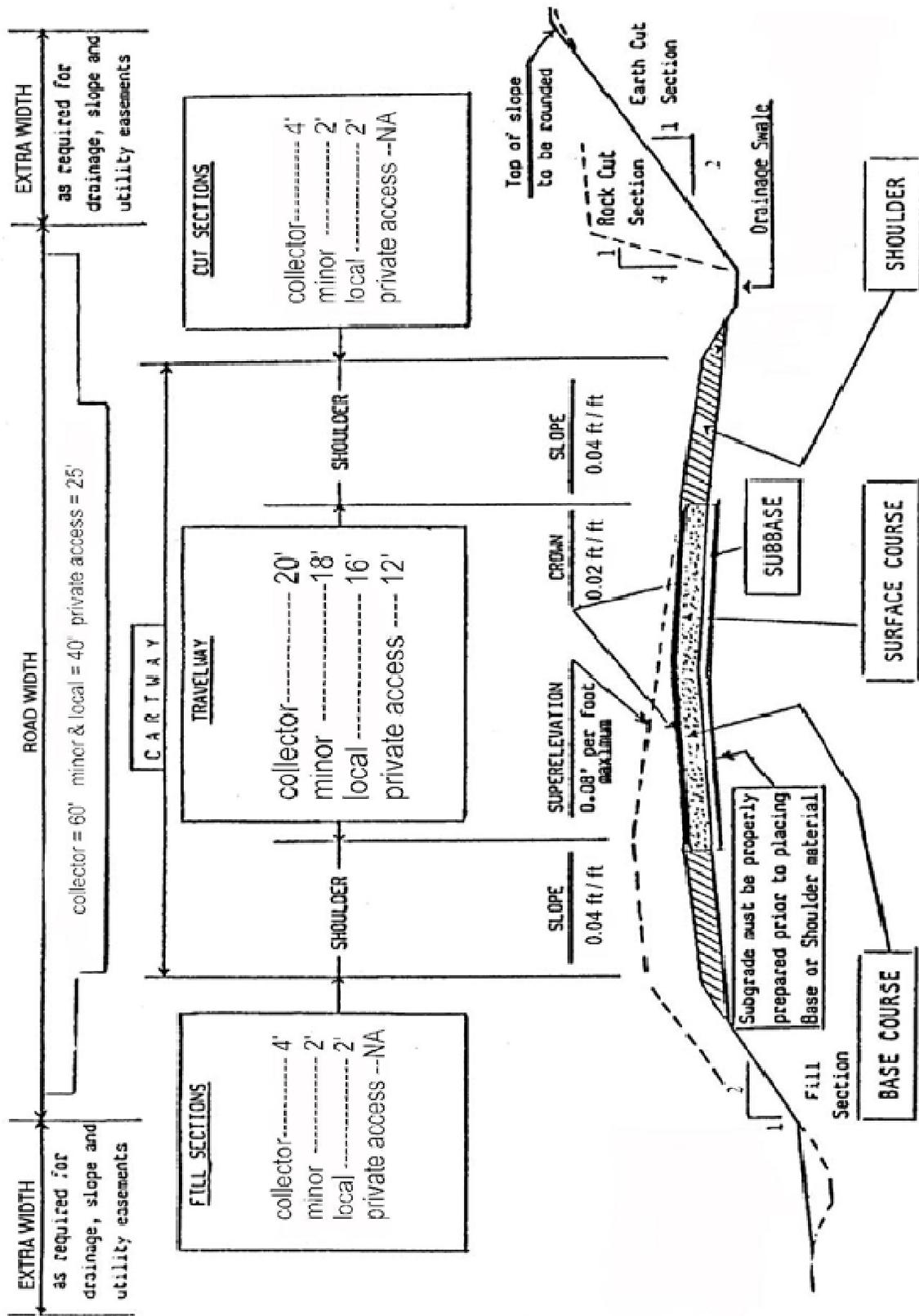


TABLE VI-2 TYPICAL STREET CROSS SECTION

<b>TABLE VI-2 CONTINUED</b>						
<b>Residential Subdivisions and Land Developments</b>						
TRAVELWAY CROSS SECTION						
COURSE	MATERIAL*	MINIMUM DEPTHS (inches)				
		ROAD CLASSIFICATION				
		Collector	Minor	Local	Alley	Limited Access Road
Surface	2A Coarse Aggregate**	NA	NA	8.0	8.0	4.0
Bituminous Surface	Superpave Asphalt Mixture Design, 9.5 mm Mix, PG 64-22, HMA, 0.3 To <0.3 M ESALS	1.5	1.5	1.5 if paved	1.5 if paved	NA
Bituminous Base	Superpave Asphalt Mixture Design, 25 mm Mix, PG 64-22, HMA	4.0	4.0	4.0 if paved	4.0 if paved	NA
Subbase	Subbase (No. 2A)	6.0	6.0	6.0 if paved	6.0 if paved	4.0
Subgrade	<b>See Notes</b>					
Shoulders	2A Coarse Aggregate**	6.0	6.0	6.0	6.0	NA
<b>Commercial And Industrial Subdivisions And Land Developments</b>						
TRAVELWAY CROSS SECTION						
COURSE	MATERIAL*	MINIMUM THICKNESS (inches)				
Bituminous Surface	Superpave Asphalt Mixture Design, 9.5 mm Mix, PG 64-22, HMA, 0.3 to <0.3 M ESALS	1.5				
Bituminous Base	Superpave Asphalt Mixture Design, 25 mm Mix, PG 64-22, HMA	4.0				
Subbase	Subbase (No. 2A)	6.0				
Subgrade	<b>See Notes</b>					
Shoulders	2A Coarse Aggregate**	6.0				
Parking and Accessways						
Commercial	Same materials and thicknesses for commercial and travelway cross section.					
Industrial	Same materials for commercial and travelway cross section. Thicknesses determined by a Full-Depth Flexible Pavement Design to show that the minimum thicknesses provide sufficient structure. In cases where the pavement design results in a structure in excess of the minimum, the Design structure shall be used.					
<b>TABLE VI-2 NOTES</b>						
* All material shall meet PennDOT specifications, Publication 408, latest edition.						
** 2A Coarse Aggregate = Coarse aggregate treated with PennDOT-approved oil for dust control at the application rate specified in Publication 408, latest edition.						

**TABLE VI-2 NOTES Continued**  
**Sub-Grade, Base and Surface**

**A. Sub-grade**

1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
2. No forest mat, roots or stones larger than six (6) inches shall be incorporated into the subgrade.
3. The subgrade shall be compacted to not less than one-hundred (100) percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with PennDOT Publication 408.
4. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
5. Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Township's Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed in such locations, and particularly, on soils identified in the Pike County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

**B. Subbase and Base Course** - Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Township.

**C. Surface Course** - The bituminous surface course shall conform in type and be compacted to the depths shown in Table VI-2 of this Ordinance in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Township.

**D. Shoulders** - Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table VI-2 of this Ordinance.

**E. Commercial / Industrial Areas** - Any street serving a commercial or industrial area shall be designed and constructed to collector street standards.

**F. Parking Lanes** - Where curbs are required and/or provided for collector streets, if a parking lane (between the travel way and the curb) is approved by the Township, it shall be not less than ten (10) feet wide and shall be constructed to the same standards as the travelway. Such parking lane shall be not less than eight (8) feet wide for minor and local streets; and, it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.

**G. Alternative Designs** - Alternative road bed designs may be proposed and will be considered in accord with §1004. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.

**605      Off Street Transportation and Postal Access Area**

For subdivisions or expansions of subdivisions that result in total of twenty-five or more dwelling units, provision shall be made for both off street transportation stops (i.e. for school buses, senior transportation, etc.) and parking areas sufficient to accommodate the needs of the subdivision. An area shall also be used to locate all mailboxes associated with such subdivisions. Location and design shall be subject to U.S. Postal Service standards.

**606      Survey Markers**

Survey markers shall be established or located at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plat. Survey markers shall be steel bars being a minimum of one-half (0.5) inches in diameter and twenty (20) inches long, set at a minimum of two (2) inches above finished grade but no more than eight (8) inches above finished grade. A permanent cap shall be attached to the top of each survey marker and shall be labeled with the name and license number of the surveyor responsible for setting the marker. A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

**607      Water Supply**

All subdivisions and land developments shall be served with an adequate water supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

Where a public water supply is available within 1,000 feet of a proposed subdivision or land development of twenty (20) lots or more, the Township Board of Supervisors may require the subdivider to construct a system of water mains tied to such system, and to provide a connection for each lot.

Plans and specifications for off-site water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a Professional Engineer and shall conform to accepted engineering practices. The system shall be designed to furnish adequate main sizes and, where necessary, fire hydrants located to meet the specifications of the Association of Fire Underwriters and the applicable Fire Department. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

The applicant must demonstrate ability to provide a minimum of 150 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards. New off-site water supply wells shall be sited, drilled, and tested under the direct supervision of a Registered Professional Engineer or a professional groundwater geologist. Tests shall include analyses of impacts on neighboring wells. Wells shall be so located that no potential pollution sources can exist within a 100 foot radius. The well shall also be located on a reserved parcel.

**608 Sewage Disposal**

All subdivision and land developments shall be provided with an adequate sewage disposal system(s). When a public sewage disposal system is located within 1,000 feet of a proposed subdivision or land development of twenty (20) lots or more, the Township Board of Supervisors may require the subdivider to provide a system of collection lines to connect to said system.

All lots shall contain suitable areas for on-lot sewage disposal systems or be served by an approved off-site sewage disposal system. Plans and specifications, including a Planning Module for Land Development complete with all appropriate components as required by the Pennsylvania Department of Environmental Protection (to revise or supplement the Township Official Plan), shall be submitted with all preliminary subdivision or land development plans (final plans in the case of Minor Subdivisions). Following preliminary plan approval, the Township will submit copies of the module and necessary documentation to the Commonwealth for review. Commonwealth approval of the module and the Township's revision or supplement to its Official Plan shall be required prior to final approval. Off-site sewage disposal systems are required for all residential lots and non-residential developments where the Township SEO (Sewage Enforcement Officer) or DEP determine that on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.

Design standards, materials and specifications shall meet Pennsylvania Department of Environmental Protection requirements. Where connection to an off-site sewage system is not required, on-site systems shall be provided in accordance with criteria set forth by the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer's site and soils evaluation by the test pit method and favorable report is required prior to preliminary plan approval. The Sewage Enforcement Officer shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision or land development for on-lot subsurface sewage disposal. Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Protection standards and Township standards. Sanitary sewers shall not be used to carry storm water.

**609 Stormwater and Drainage Control**

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments, and shall comply with any applicable Township Stormwater Management Ordinance and DEP, PennDOT, and other agency rules and regulations.

**610 Soil Erosion and Sedimentation Controls**

- A. All soil erosion and sedimentation control plans shall meet the specifications of the Pike Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.
- B. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Pike Conservation District and/or PA DEP.
- C. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Pike County Conservation District and/or the Township. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

**611 Fire Fighting -- Adequate and Reliable Water Source**

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for firefighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Township for compliance with this Ordinance. The water source may be established through a pressurized water system, static water source, or combination thereof.

- A. Pressurized System - When electing to use a pressurized water distribution system, the system shall be designed in accord with generally accepted engineering standards and practice.
- B. Static Water Sources - When electing to use a static water source, the Developer shall ensure that access to the water source is provided within one-half (½) mile road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township requires different standards.
  - 1. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the one-half- mile requirement.
  - 2. The dry hydrant shall be capable of supplying a one thousand five hundred-gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a dry hydrant head providing two forty-five degree fittings with six-inch female *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
  - 3. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet.
  - 4. Adequate road access shall be provided as determined by the Township.

## **612 Utilities**

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the subdivision or land development plan stating that the utility plan has been approved by the applicable utility company, and that service will be available. All cables, wires, conduits, pipes, and lines servicing the development shall be subject to the requirements set forth in this Ordinance.

## **613 Conservation Design Subdivisions and Land Development Option**

A conservation subdivision is a residential development in which the lots are allowed to be smaller than otherwise required in the zoning district as delineated in the Township's zoning ordinance. Conservation subdivisions are intended to create a more compact residential development to preserve and maintain open areas and natural lands in excess of what would otherwise be required by this Ordinance.

### **613.1 Resource Inventory and Analysis**

The tract's resources shall be thoroughly delineated as required by Article IV. In addition an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Commission shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included in this Plan:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (Although 20-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for major subdivisions 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.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland. Vegetative types shall be described by plant community, relative age and condition.

- E. 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 un-sewered areas, for septic suitability).
- F. Ridge lines and watershed boundaries shall be identified.
- G. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- H. Geologic formations on the proposed development parcel based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the County Recorder of Deeds shall be shown on the plan.
- M. Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations.

#### **613.2 Four-Step Design Process for Conservation Design Subdivisions and Land Developments**

All Preliminary Plans for all conservation design subdivisions and all land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (NOTE: The diagrams below are for illustrative purposes only.)

##### **Step 1: Delineation of Conservation Open Space**

1. Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §613.1 and §613.2.
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with this §613 and §614. The Township's Map of Potential Conservation Lands shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25) percent.

3. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission and in accordance §613.1 and §613.2.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.

### **Step 2: Location of House Sites**

Potential house sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

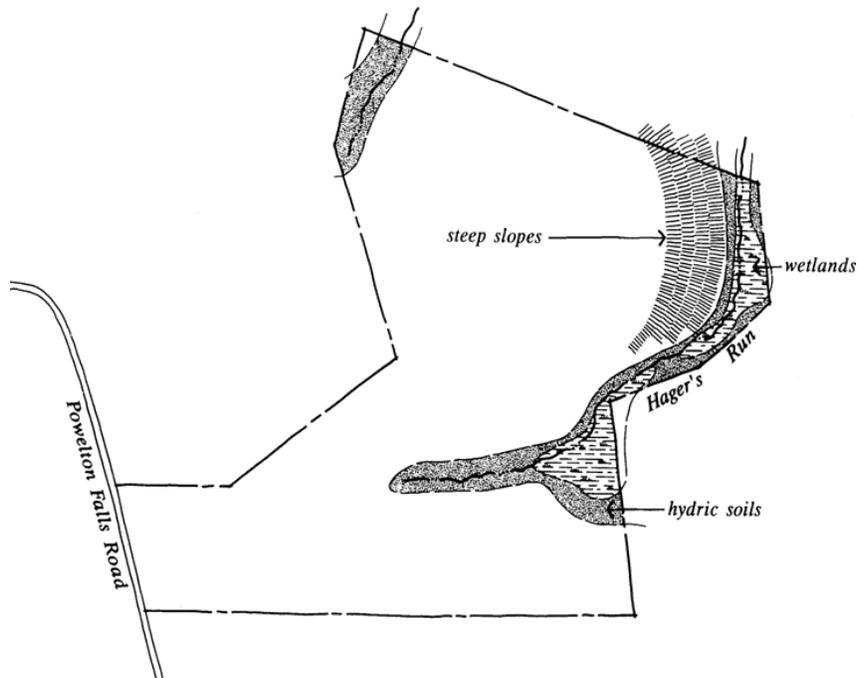
### **Step 3: Designing Infrastructure**

1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
3. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
4. A proposed network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.
5. Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed conservation open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater.

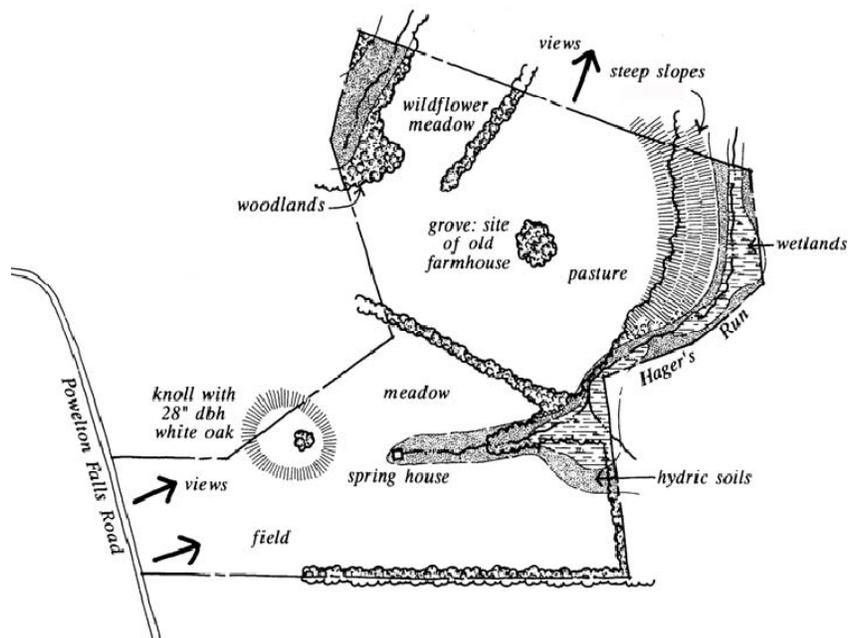
**Step 4: Drawing in the Lot / Development Lines**

Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.

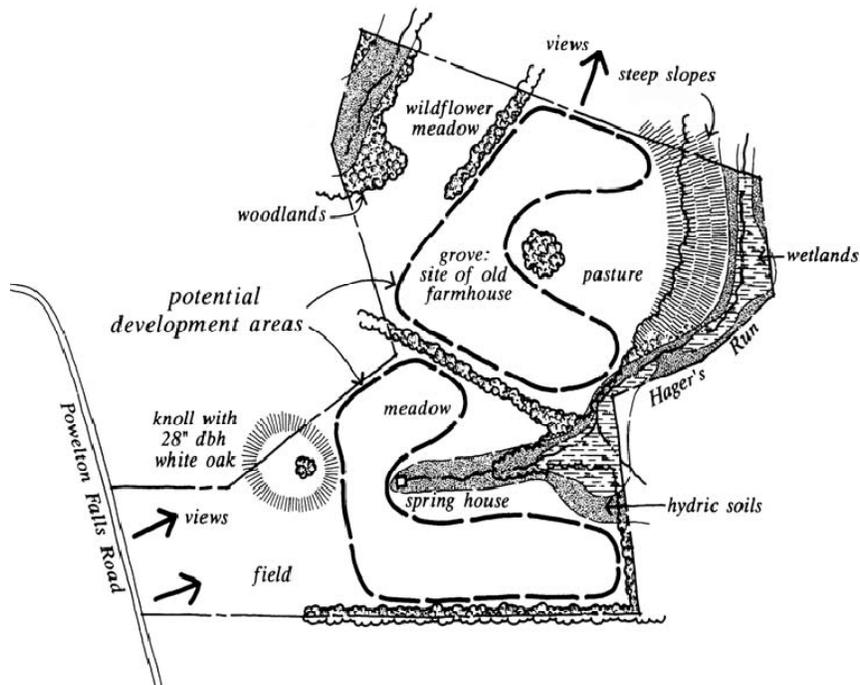
**Illustrations of 4 step design process**



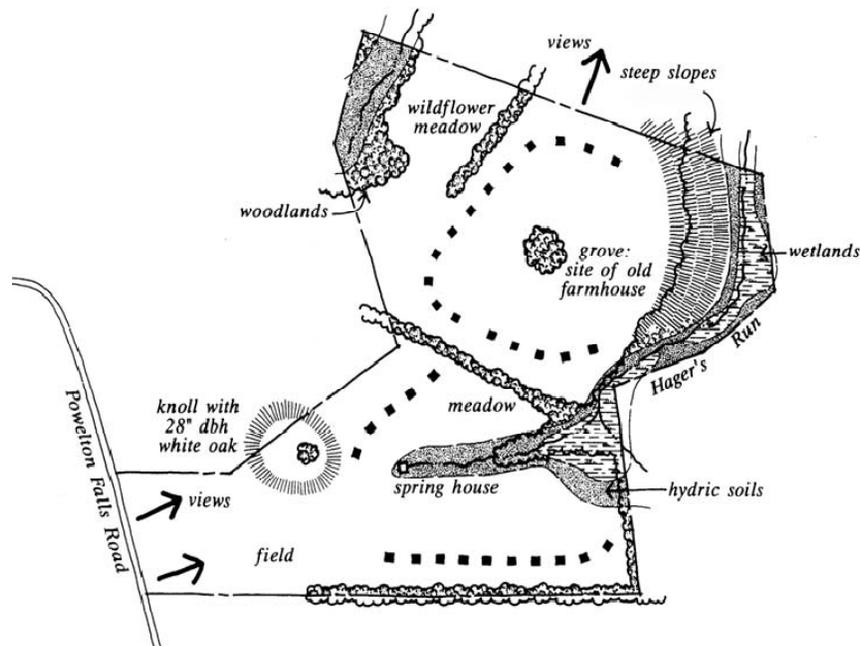
Step 1, Part 1 – Identifying Primary Conservation Areas



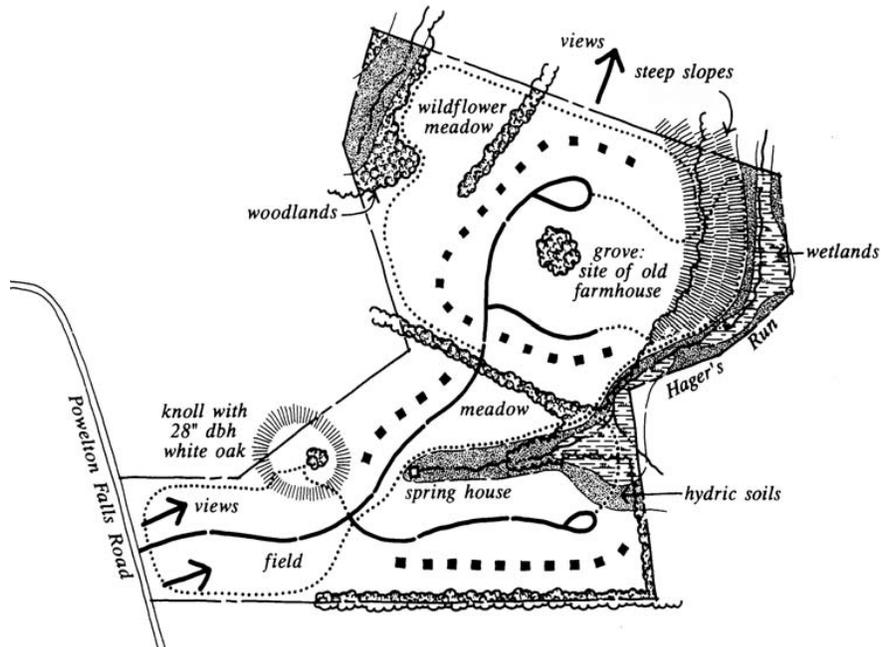
Step 1, Part 2 – Identifying Secondary Conservation Areas



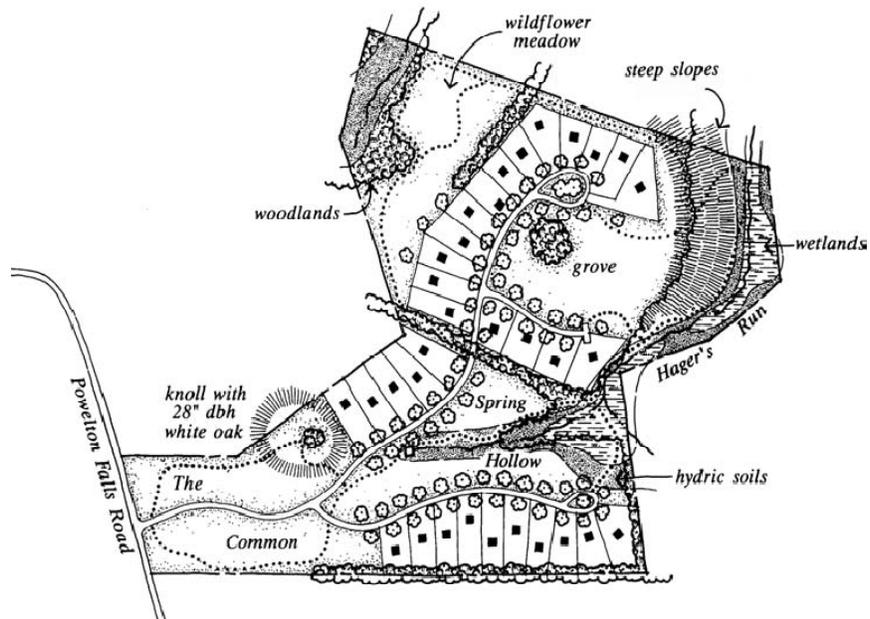
Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Locating Potential House Sites



Step 3 – Aligning Streets and Trail Links



Step 4 – Drawing in the Lot/Development Lines

**614 Conservation Open Space Standards****614.1 Primary Conservation Areas**

The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:

- Map
- A. Wetlands.
  - B. Floodway and floodplain as shown on the Township Flood Insurance Rate issued by FEMA.
  - C. Slopes in excess of twenty-five (25) percent.

**614.2 Prioritized List of Secondary Conservation Areas**

The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (Listed in higher to lower order of significance):

- A. Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- B. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Pike County Natural Areas Inventory.
- C. Moderately steep slopes (15%-25%) particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
- G. Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
- H. Historic structures and sites.
- I. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view-sheds as seen from public roads (particularly those with historic features).
- J. Existing trails connecting the tract to other locations in the Township.

**615 Other Design Considerations**

The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:

- A. Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- B. Generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than four-to-one (4:1), or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- C. Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- D. Be suitable for active recreational uses to the extent deemed necessary by the Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.
- E. Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- F. Provide buffers to adjoining parks, preserves or other protected lands.
- G. Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- H. Be undivided by public or private streets, except where necessary for proper traffic circulation.
- I. Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- J. Be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the Pike County Recorder of Deeds as may be required by the Planning Commission for the purpose of preserving the conservation open space for such uses.
- K. Be consistent with the Township's Comprehensive Plan and any other duly adopted Township plan.

## ARTICLE VII MOBILE HOME PARKS

### 701 Application

#### 701.1 Lots for Lease

In addition to the other applicable requirements in this Ordinance, development of new mobile home parks or expansions of existing mobile home parks shall meet the design standards and required improvements set forth in Article VII and other applicable Township Ordinances.

#### 701.2 Lots for Sale

Mobile home developments involving the transfer of lot ownership shall comply with all requirements applicable to single-family residential subdivisions.

### 702 Procedures

A mobile home park or expansion of a mobile home park shall be considered a major subdivision as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions in addition to the requirements of this Article VII.

### 703 Minimum Park Size

A mobile home park shall have a total contiguous land area of not less than ten (10) acres.

### 704 Design; Lot Size and Density

#### 704.1 Lot Size

Each mobile home lot shall have a minimum area of ten thousand (10,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths shall be eighty (80) feet. Each mobile home lot shall be defined by metes and bounds and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

#### 704.2 Density

The total number of lots in any mobile home park shall not exceed a density of four (4) lots per acre of adjusted tract acreage. Density shall be calculated by calculating the adjusted tract acreage in accord with §510.4.D of the Township Zoning Ordinance and dividing by four (4) lots per acre.

### 705 Standards

In addition to the other applicable standards contained in this Ordinance the following standards shall apply to all mobile home parks:

#### 705.1 Location

- A. Floodplain. A mobile home park shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- B. Nuisances. The site of any proposed mobile home park shall be free from adverse

influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

- C. Slopes. Mobile home sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

#### 705.2 Mobile Home Sites

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless the wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

##### 705.2.1 Stability

The mobile home site shall be designed and situated so as to avoid heaving, shifting or uneven settling under the weight of the mobile home, taking into consideration frost action, drainage, vibration, or other forces acting on the superstructure.

##### 705.2.2 Anchors

The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other industry-standard devices designed to properly ensure the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

##### 705.2.3 Skirting

All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.

#### 705.3 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.

#### 705.4 Stormwater/Drainage

Mobile home parks shall comply with the stormwater management requirements in §607 and shall be designed to ensure that all surface water is drained in a safe and efficient manner away from mobile home sites.

#### 705.5 Setbacks, Buffer Strips and Screening

- A. Dimensions. All mobile homes and/or improvements shall be located not less than seventy-five (75) feet from any existing public road right-of-way and not less than fifty (50) feet from other park property lines.

All mobile homes shall be located not less than twenty-five (25) feet from the right-of-way of any park street, common parking area or other common area or structure; fifteen (15) feet from any side or rear lot line; and fifty (50) feet from the normal high water mark of any lake, stream or other body of water.

- B. Accessory Structures. Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback areas, provided that no part of any accessory structure shall be located less than ten (10) feet from any side lot line and front and rear setbacks are maintained as required for the mobile home.
- C. Buffers and Screening. All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

#### 705.6 Streets

Mobile home park streets shall be provided, designed and constructed in accord with §604 and other applicable standards of this Ordinance. The Township shall not accept any mobile home park street for dedication.

#### 705.7 Parking

To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved with a stable all weather surface and having a grade not greater than eight percent (8%).

#### 705.8 Access

Where permitted there shall be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

#### 705.9 Lot Frontage

Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

### 705.10 Illumination

A lighting plan shall be provided. All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

## 706 Utilities

### 706.1 Water Supply and Sewage Disposal

Mobile home parks shall be served by a central water supply and a central sewage disposal system as required by §607 and 608 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home lot.

### 706.2 Electric, Telephone and Cable T.V.

All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

### 706.3 Central Fuel System

Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable state and federal regulations.

### 706.4 Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to ensure the containers do not overflow.

### 706.5 Off Street Transportation and Postal Access Area

Provision shall be made for both off street transportation stops (i.e. for school buses, senior transportation, etc.) and parking areas, sufficient to accommodate the needs of the trailer park. An area shall also be established to locate all mailboxes of which the location and design shall be subject to U.S. Postal Service standards.

### 706.6 Recreation Area

A common recreational area of land, consisting of a minimum of ten (10%) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10%) percent slope and free of hazards to permit recreational use. Fifty (50%) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Board of Supervisors.

**707 Non-Residential Uses**

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

**708 Individual Mobile Homes**

The installation of individual mobile homes not located in a mobile home park shall not require a mobile home park permit. However, a building permit shall be required for the installation of such homes, in accord with applicable Township ordinances and regulations. Individual mobile homes shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

**ARTICLE VIII  
RECREATIONAL AND SEASONAL LAND DEVELOPMENT  
RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

**801     General Requirements**

A recreational and seasonal land development includes the improvement and development of land for seasonal and/or leisure-time activities. Such developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include travel trailers, motor homes, campers, lots intended for tents and land intended for various other outdoor recreational activities such as hunting and fishing. However, developments comprised of cottages, cabins, second homes, other permanent and fixed dwelling structures are excluded from this Article and constitute residential subdivisions. All recreational developments and campgrounds shall conform to the provisions of this Article. Such developments shall also conform to any Zoning Ordinance or master plan adopted by the Township of Shohola Board of Supervisors which is in effect at the time of submission of the preliminary plan.

Proof of approval by the Department of Environmental Protection must be provided in accordance with the regulations of Title 25, Chapter 191- Organized Camps and Campgrounds of the Pennsylvania Department of Environmental Protection.

A single, permanent dwelling may be located within the seasonal development site for the full year occupancy of a manager.

All recreational and seasonal land development must comply with the Plan submission requirements and procedures applicable to major subdivisions.

**802     Minimum Recreational Vehicle Park and Campground Size**

A RV Park or Campground shall have a total contiguous land area of not less than ten (10) acres.

**803     Design; Lot Size and Density**

Each recreational vehicle lot shall have a minimum area of five thousand (5,000) square feet. Minimum lot widths shall be fifty (50) feet. Each lot shall be defined by metes and bounds and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot. The total number of lots in any Recreational Vehicle Park shall not exceed a density of six (6) lots per acre of adjusted tract acreage.

Campgrounds that provide campsites with a shelter (lean-to) or tent platform shall have a minimum campsite area of nine hundred (900) square feet. Minimum lot widths shall be 20 feet. These campsites may be clustered in groups of 10 and have a maximum overall density of fifteen (15) sites per acre. The location of each campsite shall be depicted on the development plan.

Campgrounds that provide undeveloped or unimproved campsites that are used for primitive type camping shall have a density of no greater than twenty (20) campsites per acre. The location of all campsite areas shall be depicted on the development plan.

**804 General Standards****804.1 Location**

- A. Floodplain. A RV Park or Campground shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
- B. Nuisances. The site of any proposed RV Park or Campground shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- C. Slopes. RV sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

**804.2 Soil and Ground Cover**

All areas of a RV Park or Campground disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.

**804.3 Setbacks, Buffer Strips and Screening**

- A. Dimensions. All RV Park or Campgrounds and/or improvements shall be located not less than seventy-five (75) feet from any existing public road right-of-way and not less than fifty (50) feet from other adjoining property lines. No campsite shall be placed closer than one hundred (100) feet to an adjacent property.
- B. Buffers and Screening. All RV Park or Campgrounds shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

**804.4 Access**

Where permitted there shall be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

**804.5 Lot Frontage**

RV lots, campsites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

**804.6**      Illumination

A lighting plan shall be provided. All RV parks and Campgrounds shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

**804.7**      Utilities and Sanitary Facilities

Seasonal RV Parks or campgrounds shall include such utilities and sanitary facilities as are necessary for the health, safety and welfare of those persons using the recreational or seasonal land development or subdivision.

**805**      Roads and Parking

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

**805.1**      Parking

To provide for emergency vehicle access, parking shall not be permitted on roads or drives within the RV park or Campground, but shall be restricted to designated parking areas either at each RV or campsite site, or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each RV lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) RV lots. One parking space shall be provided for each campsite with additional separate parking area for visitors provided at a rate not less than one (1) space per five campsites. All parking spaces shall be improved with a stable all weather surface and having a grade not greater than eight percent (8%)

**806**      Refuse Disposal

The storage, collection and disposal of refuse in the RV Park or campground shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to ensure the containers do not overflow.

**807**      Recreation Area

A common recreational area of land, consisting of a minimum of ten (10%) percent of the total area of the RV park or campground shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10%) percent slope and free of hazards to permit recreational use. Fifty (50%) percent of this area shall be designed, equipped and properly maintained for active recreational use in the RV park or campground. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Board of Supervisors.

**ARTICLE IX**  
**LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

**901 Land Developments and Commercial and Industrial Subdivisions**

All land developments, and commercial and industrial subdivisions shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article IX.

**902 General Design and Site Standards**

In addition to the other considerations set forth in this Ordinance, Commercial and industrial development areas shall be designed with consideration of site conditions to ensure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- F. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Township.
- G. Ingress and egress shall meet minimum State specifications.

**903 Plans**

Proposed plans shall be submitted by the developer showing all information necessary to demonstrate compliance with this Ordinance, including but not limited to:

- A. All information required by this Ordinance for major subdivisions and land developments.
- B. Location of all project improvements including:
  - 1. Buildings
  - 2. Streets, access ways and parking areas
  - 3. Landscaping and planting strips
  - 4. Stormwater management facilities
  - 5. Water supply and distribution systems
  - 6. Sewage collection and treatment systems
  - 7. Street lighting and parking area lighting

8. Building setbacks from property lines and other improvements shall be specifically shown
- C. Building construction specifications including floor plans and profiles and an architectural rendering.
- D. Construction specifications for all other project improvements.
- E. Designated open space and common use or ownership areas.

## ARTICLE X ADMINISTRATION

### 1001 Purpose

This Article establishes the procedures for the amendment, administration, and enforcement of this Ordinance.

### 1002 Amendments to the Pennsylvania Municipalities Planning Code

Where future amendments to the Pennsylvania Municipalities Planning Code conflict with specific provisions of this Ordinance, and where such amendments supercede or preempt conflicting local laws, such provisions shall be interpreted and applied as being so affected. That a specific provision of this Ordinance may be superceded or preempted in the future shall not affect the validity of any other provisions of this Ordinance or of this Ordinance as a whole.

### 1003 Amendments to this Ordinance

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

### 1004 Waivers/Modifications

#### 1004.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant to be unreasonable or to cause undue hardship because of peculiar conditions pertaining to the land in question, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provision where consistent with the public interest and the purpose and intent of this ordinance. The granting of a waiver/modification in a particular instance shall not have the effect of making null and void the intent and purpose of this Ordinance.

#### 1004.2 Conditions

In granting waivers/modifications, the Board of Supervisors may impose such conditions as are necessary to further the objectives of this Ordinance, and to allow the smallest/least deviation from the standards and restrictions of the Ordinance required to permit the intended use.

#### 1004.3 Procedure

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

- A. The specific sections of this Ordinance in question;
- B. The nature and extent of the waiver/modification sought (which must constitute the smallest/least deviation from the subject provision required to permit the intended use); and
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship, or demonstration that the waiver/modification will allow for equal or better results.

The Planning Commission shall recommend approval or disapproval of the request for a waiver/modification to the Board of Supervisors.

#### 1004.4 Action

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

### **1005 Remedies**

In addition to all other remedies at law or in equity, the Township may avail itself of the preventative and enforcement remedies set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, Section 515, *et seq.*

#### 1005.1 Transfer

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

### **1006 Fees**

#### 1006.1 Establishment of Fees

Fees to be paid by the Applicant shall be established by resolution of the Board of Supervisors to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Township administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

#### 1006.2 Application Fees

At the time of the filing of any application, the Applicant shall pay to the Township a fee sufficient to cover the administrative costs associated with the review of the application.

#### 1006.3 Review and Inspection Fees

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

- A. Reviewing compliance with ordinance and engineering details.
- B. Inspecting the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or re-inspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.

- G. Any other review costs incurred by the Township.

1006.4 Supplemental Fees and Adjustment

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

1006.5 Disputes

Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.

1006.6 Failure to Pay Fees

Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

**1007 Records**

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

**ARTICLE XI  
ADOPTION**

**1101 Severability**

If any section, subsection, or requirement of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the legality of the remaining provisions of this Ordinance or of this Ordinance as a whole.

**1102 Effective Date**

This Ordinance shall apply to all Subdivision and Land Development applications filed subsequent to enactment, and shall not be applied retroactively. For all such applications subsequent to adoption of this Ordinance, the standards and requirements of this Ordinance replace and supplant all standards and requirements contained in Shohola Township Ordinance #36, enacted January 10, 1991, and all amendments thereto.

This Ordinance ordained and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania, to be effective immediately.

SHOHOLA TOWNSHIP BOARD OF SUPERVISORS

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

ATTEST:

\_\_\_\_\_  
Diana Blume, Township Secretary