

COVINGTON TOWNSHIP

LACKAWANNA COUNTY, PENNSYLVANIA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

2015-03

DRAFT
JULY 2015

TABLE OF CONTENTS

**ARTICLE I
GENERAL PROVISIONS**

100 Adoption	1
101 Title and Short Title	1
102 Jurisdiction	1
103 Purpose	2
104 Interpretation	3
105 Effect of Ordinance Changes	3
106 Effect of Official Map	4
107 Subdivision or Land Development Re-design	4
108 Liability	4
109 Pennsylvania Municipalities Planning Code Amendments	5
110 Severability	5
111 Conflicts	5
112 Effective Date	5

**ARTICLE II
DEFINITIONS**

201 Tense, Gender, and Number	6
202 General terms	6
203 Terms or Words Not defined	6
204 Specific Terms	6

**ARTICLE III
PLAN PROCESSING PROCEDURES**

301 General	20
302 Sketch Plan	23
303 Preliminary Plans for Major Subdivisions and for Land Developments	25
304 Final Plans for Major Subdivisions and Land for Developments	29
305 Minor Subdivisions	33
306 Reserved	
307 Lot Improvements Subdivisions	37
308 Subdivision From large Parcel	37
309 Contiguous Municipalities	37

**ARTICLE IV
PLAN REQUIREMENTS**

401 Sketch Plan Requirements for Formal Review	38
402 Preliminary Plan Requirements for Major Subdivisions and for Land Developments	39
403 Final Plan Requirements for Major Subdivisions and for Land Developments	48
404 Minor Subdivisions, Final Plan Requirements	49
405 Plan Requirements for Lot Improvement Subdivisions	53

406	Reserved	
407	Requirements for As-Built Plans	53
408	Environmental Impact Statement	54
409	Traffic Study	55

**ARTICLE V
IMPROVEMENT CONSTRUCTION GUARANTEES**

500	General	56
501	PA DOT Required Improvements	56
502	Sections/Stages	56
503	Improvement Construction Guarantees	56
504	Improvements Construction	59
505	Improvement Maintenance Guarantee	59
506	Continued Ownership and Maintenance of Improvements	60
507	Subdivision and/or Land development Improvements Agreement	62
508	Open Land and Recreation Land - Ownership and Maintenance	63

**ARTICLE VI
DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS**

601	General Standards	68
602	Blocks and Lots	73
603	Streets/Roads	74
604	Monuments and Markers	89
605	Stormwater and Drainage Control	90
606	Soil Erosion and Sedimentation Controls	92
607	Water Supply and Sewage Disposal	92
608	Commercial and Industrial Subdivision and Land Developments	93
609	Utilities	94
610	Reserved	
611	Multi-family Dwellings	95
612	Conservation design Subdivisions and Land Developments	95
613	Wetlands	101
614	Resource Conservation Standards for Site Preparation and Cleanup	101

**ARTICLE VII
MOBILE HOME PARKS**

701	Application	103
702	Procedures	103
703	Minimum Park Size and Location	103
704	Lot Size and Density	103
705	Design Standards	104
706	Non-Residential Uses	107

**ARTICLE VIII
RECREATIONAL SUBDIVISION AND LAND DEVELOPMENT STANDARDS**

801 Application	108
802 Procedures	108
803 Minimum Parcel Size	108
804 Campsite Size and density	108
805 Design Standards	110
806 Non-Residential Uses	113
807 Other General Requirements	113
808 Expansions	114
809 Application to Existing RSLD	114

**ARTICLE IX
ADMINISTRATION**

901 Amendment	115
902 Waivers/Modifications	115
903 Penalties for Violations	115
904 Fees	117
905 Records	117

**ARTICLE X
ADOPTION**

Adoption	118
----------------	-----

**ARTICLE I
GENERAL PROVISIONS**

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Covington Township, Lackawanna 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 ADOPTION

The Covington Township Subdivision and Land Development Ordinance of December 28, 1992, as amended, is hereby amended and restated in its entirety as hereinafter set forth.

101 TITLE AND SHORT TITLE

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF COVINGTON 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 *COVINGTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

102 JURISDICTION

102.1 Application

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

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, traffic control device, 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.
- B. 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 the 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.
- C. No individual person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any clearing of vegetation, cutting of trees, or 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.
- D. The proposed subdivision or land development plat shall be in general accordance with the Township Comprehensive Plan.

102.2 Agricultural Lease Exemption

The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres each, not involving any new street or easement of access or any residential dwelling, shall be exempted from regulation by this Ordinance.

102.3 Powers

The Township shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of the plans.
- F. To make conditional approvals where requirements specified, in writing, by the Township will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of this Ordinance.

102.4 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 the map or plan officially notes the approval of The Board of Supervisors.

102.5 Township Records

- A. Planning Commission - The Planning Commission shall keep a record of the findings, decisions, and recommendations relative to all subdivision and land development plans recommended for action to the Township Board of Supervisors. These records shall be open to the public for review.
- B. Board of Supervisors - The Secretary of the Board of Supervisors shall keep a record of the findings, decisions and recommendations relative to all subdivision and land development plans filed for action by the Board of Supervisors. These records shall be open to the public for review.

103 PURPOSE

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the Township and its residents by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of the Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment and, in particular, to preserve and conserve the rural and natural features of the Township. The basic tenet of subdivision and land development in the Township is to base design on land capability by encouraging flexibility of design via the conservation subdivision design process. Each development is based on the Existing Resources and Site Analysis and the four-step design process required by this Ordinance. This will

provide larger areas of open space within subdivisions and result in interconnected open space areas throughout the Township.

104 INTERPRETATION

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by the other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

105 EFFECT OF ORDINANCE CHANGES

Changes in this Ordinance shall affect plats or other applications to the Township for subdivision or land development follows:

105.1 Pending Action

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

105.2 Project Completion

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment to the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of the approval within five (5) years from the approval, except for an extension, if any, as provided for under the law.

105.3 Five Year Initiation

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period or any other longer or shorter period as defined by then current statute, shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for the approval was duly filed.

105.4 Substantially Completed Improvements

Where the landowner has substantially completed the required improvements within the five (5) year limit, or any extension thereof as may be granted by The Board of Supervisors, no change to a Township ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.

105.5 More Than Five Years

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

105.6 Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by The Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's schedule of submission of final plats for the various sections, then the protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the five (5) year period the protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section when approved by the Board of Supervisors in their complete discretion.

105.7 Landowner Failure

Failure of landowner to adhere to the schedule of submission of final plats for the various sections shall subject a section to any and all changes to subdivision or other governing ordinance or plan enacted by the Township subsequent to the date of the initial preliminary plan submission.

106 EFFECT OF OFFICIAL MAP (This §106 shall only apply if Covington Township adopts an Official Map per Article IV of the PA Municipalities Planning Code.)

106.1 Reservations; Options

All subdivisions and land developments shall be subject to the reservations shown and established by the Covington Township Official Map enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code, as amended. If any of the land is subject to the Official Map the Applicant is encouraged to contact the Township Zoning Officer prior to submitting the plan.

106.2 Final Plans

All public streets, public grounds and other public elements identified by the Official Map of Covington Township which are shown on final, recorded plats and which have been approved in accord with this Ordinance shall be deemed amendments to the Official Map. No public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plat which has been approved in accord with this Ordinance.

107 SUBDIVISION OR LAND DEVELOPMENT RE-DESIGN

In cases where a subdivision or land development has been approved under the provisions of Township ordinances which did not provide for conservation design and conservation open space, the Developer may, and is very strongly encouraged to, re-design and submit a new application for any undeveloped portions of the subdivision or land development. The re-design shall preserve the rights of any equitable owners of any lot or portion of the subdivision or land development.

108 LIABILITY

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation

or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Township body, consultant, official, or employee for any damage that may result pursuant thereto.

109 PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDMENTS

The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superceded and replaced by any applicable amendments to the provisions of the Pennsylvania Municipalities Planning Code at the date the amendments become effective as State law or by any regulation or case law that impacts the Pennsylvania Municipalities Planning Code.

1010 SEVERABILITY

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, the invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that the remainder shall be and shall remain in full force and effect.

1011 CONFLICTS

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

1012 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption.

ARTICLE II
DEFINITIONS

201 TENSE, GENDER AND NUMBER

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

202 GENERAL TERMS

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

203 TERMS OR WORDS NOT DEFINED; PA MPC AMENDMENTS

- A. 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 in that reference, as determined by Covington Township.
- B. Pennsylvania Municipalities Planning Code Amendments - The definitions of this Ordinance that only repeat, summarize or reference definitions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superceded and replaced by any applicable amendments to the definitions of the Pennsylvania Municipalities Planning Code at the date the amendments become effective as State law or by any regulation or case law that impacts the Pennsylvania Municipalities Planning Code.

204 SPECIFIC TERMS

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

ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING) - A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a

household swimming pool, or an accessory storage building to a business use. An accessory building is any accessory structure that meets the definition of a building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

AGRICULTURAL BUILDING - A building which houses an agricultural use, including, but not limited to, barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products including, but not limited to, slaughter houses, canning plants, dairy bottling, and sawmills.

AGRICULTURAL USE - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

ALLEY - A right-of-way, privately or publically owned, primarily for service access to the rear or sides of properties.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for a subdivision or development, including his authorized agent(s), authorized representatives or assigns.

APPLICATION - A form and associated plats and documents containing required and pertinent information and requesting a decision under this ordinance. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for approval of a subdivision plat or plan or for approval of a development plan.

BERM - See "Shoulder."

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

BOARD OF SUPERVISORS - The Board of Supervisors of Covington Township, Lackawanna 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. Mobile homes shall be considered buildings, but recreational vehicles and tents shall not.

BUILDING, ACCESSORY - See "ACCESSORY STRUCTURE."

BUILDING, PRINCIPAL - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

CAMPGROUND - See "RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT."

CAMPSITE - A defined area within a recreation subdivision used for camping purposes and acting as a site for travel trailers, recreational vehicles, truck campers, camper trailers, motor homes and tents; marked by the owner or

subdivider on a plan as numbered, lettered or otherwise identified tract of land to be offered for sale, lease, rent, membership or other means.

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

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

COMMERCIAL BUILDING - A building which houses a commercial use.

COMMERCIAL USE - An occupation, employment, or enterprise carried on by the owner, lessee, or licensee in a for profit or a recognized non-profit entity.

COMMISSION OR PLANNING COMMISSION - The Covington Township Planning Commission.

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

COMMON PROPERTY - All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees, and/or members of the subdivision or land development and identified as such by the subdivider or developer on any plan offered to the Township for approval.

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

CONSERVATION AREA, PRIMARY - Those areas of a development tract which are comprised of environmentally sensitive lands on which development is minimized.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are environmentally sensitive lands but 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 SUBDIVISION - A subdivision designed at the dwelling unit density specified in the Zoning Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION OPEN SPACE - That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Subdivision and Land Development Ordinance and which meets the conservation open space requirements of the Township Zoning Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

CONSTRAINED LAND - Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of adjusted tract area related to conservation design development.

CONVENTIONAL DESIGN DEVELOPMENT - A subdivision or land development designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lot reduction is not permitted.

COUNTY - The County of Lackawanna, 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. This shall not be construed as acceptance by the Township of responsibility for maintenance and/or ownership of the land and attendant facilities, except where appropriate legal documents specifically relating to the same have been executed.

DEP or PA DEP - The Pennsylvania Department of Environmental Protection.

DEVELOPER - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership, association, other entity or corporation that undertakes a subdivision or land development or any of the activities covered by this Ordinance, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of this project may vary.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to one or more buildings or other structures, the placement of one or more manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT IMPROVEMENTS - All the man-made physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional area that enhances the health and welfare of the citizens of the Township, including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DEVELOPMENT PLAN - A proposal, prepared in accord with this Ordinance and the Township Zoning Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces public facilities and other required information, and when approved and recorded governs all details of the development unless otherwise approved by the Township.

DISTURBANCE - Any action which results in the turning, displacement, grading or removal of any soil as it relates to any subdivision or land development governed by this Ordinance.

DISTURBED AREA - Any area of land where the soil has been turned, displaced, graded or removed.

DOUBLE FRONTAGE LOT - A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the minor street.

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

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

DRIVEWAY - A defined private access from a lot to a public or approved private right-of-way. Access ways intended to provide access to lots not fronting on a public or approved private right-of-way shall not be considered driveways for the purpose of this Ordinance.

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

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

DWELLING, MULTI-FAMILY - A building or buildings designed for occupancy 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 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 the Zoning Ordinance.

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

DWELLING, TWO-FAMILY - Dwelling accommodating two (2) families; either a unit attached side by side through the use of a party wall and having one (1) side yard adjacent to each dwelling unit; or an upstairs/downstairs unit with two (2) side yards.

EASEMENT - A right in land granted by one parcel of land to another parcel of land, and may include a right of way or other legal right.

ENGINEER - A person registered and licensed to practice engineering in the Commonwealth of Pennsylvania. The Township Engineer shall be an engineer officially retained by the Township.

EROSION - The removal of soil by the action of wind and/or water.

FAMILY - A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Not more than the number of residents of a group home meeting the requirements of the Township Zoning Ordinance.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a functional family) pursuant to the Township Zoning Ordinance.

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

FLAG LOT - See "LOT, FLAG."

FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source and which is delineated on the most recent Flood Insurance Rate Map issued by the Federal Emergency Management Agency for Covington Township.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot and which is delineated on the most recent Flood Insurance Rate Map issued by the Federal Emergency Management Agency for Covington Township.

INFORMATION WORKSHOP - An informal advertised work session of the Planning Commission where no action is taken.

INTERIOR WALK - A development improvement involving a right-of-way for pedestrian use extending from a street into or across a block or lot to another street.

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

INDUSTRIAL BUILDING - A building which houses an industry.

INDUSTRY - Establishments 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 manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, oil or natural gas refining, and any facility involving processes resulting in the non-incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

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 for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

HIGH WATER MARK - The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a definite mark, or where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

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

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

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless the units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;

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

LICENSE - Written approval, in whatever form, as issued by the Pennsylvania Department of Environmental Protection and/or Township of Covington, authorizing a person to operate and maintain a mobile home park or a recreational subdivision or land development.

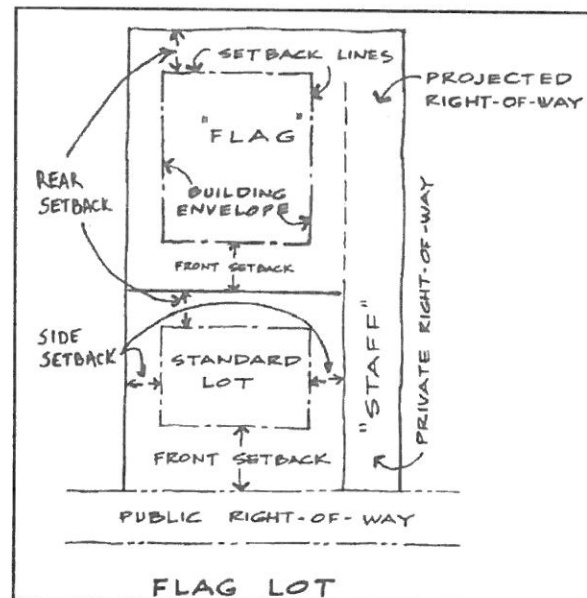
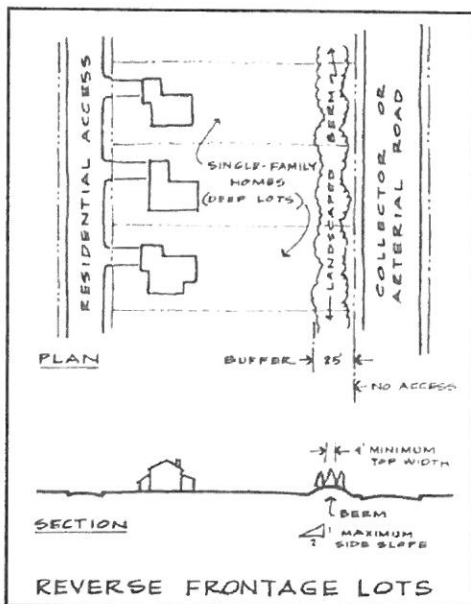
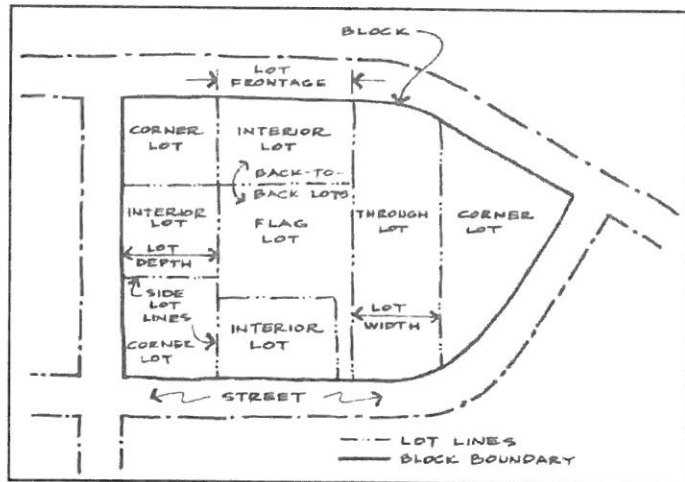
LOT - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how it is conveyed.

LOT, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

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

LOT, EXISTING OF RECORD - Any lot or parcel of property which was legally in existence and on file with the Lackawanna County Recorder of Deeds prior to September, 20, 1982, the effective date of the original Township Subdivision and Land Development Ordinance.

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



LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT, REVERSE FRONTAGE - A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

LOT, THROUGH - A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT AREA - The horizontal land area contained within the lot lines of a lot (measured in acres or square feet).

LOT AREA, REQUIRED MINIMUM - The net lot area not less than the minimum required lot size for the zoning district as determined by deducting the area of rights-of-way of existing public streets or highways from the total lot area.

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

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

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

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

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

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

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

MOBILE HOME LOT - A parcel of land in a mobile home park clearly identified and defined on a plat by division from other lots to include a given area in accord with this Ordinance, improved with necessary utility connections and other appurtenances required for the placement thereon of a single mobile home, and which is leased by the park owner to the occupants of the mobile home placed on the lot.

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

MOBILE HOME SITE - That part of an individual lot which has been reserved for the placement of a mobile home and accessory structures.

MODULAR HOME - A dwelling unit constructed in accord with State standards and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame.

MPC or PA MPC - The Pennsylvania Municipalities Planning Code.

MUNICIPALITY - Covington Township, Lackawanna 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.

OFFICIAL SEWAGE FACILITIES PLAN - A comprehensive plan for the provision of adequate sewage systems, adopted by the Township possessing authority or jurisdiction over sewage systems, and submitted to and approved by the State Department of Environmental Protection, as provided by the Pennsylvania Sewage facilities Act and Chapter 71, Rules and regulations, promulgated thereunder.

PA DOT OR PENNDOT - The Pennsylvania Department of Transportation.

PARCEL - An area of land, usually larger than a lot, resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

PAVEMENT - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Covington Township Road Dedication Ordinance or the applicable PennDOT requirements.

PERFORMANCE GUARANTEE - A written contract between the developer and the Township Supervisors in lieu of the requirement that improvements be made by the developer before a 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.

PERSON - Any individual, firm, trust, partnership, public, or private association or corporation, or other entity.

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

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Township.
- B. PRELIMINARY PLAN - A complete plan prepared by a registered professional engineer and/or by a registered professional land surveyor, identified as such with the wording Preliminary Plan in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a registered professional engineer's and/or a registered professional land surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements. A Final Plan includes all of the information on a Preliminary Plan.
- D. RECORD PLAN - The final plan which contains the original endorsements of the Township Planning Commission, the County Regional Planning Commission and the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds at Scranton, Pennsylvania.

PLANNING COMMISSION - The Planning Commission of Covington Township, Lackawanna County, Pennsylvania.

POSITIVE DRAINAGE - Sufficient slope to drain surface water away from buildings without ponding.

PRINCIPAL BUILDING - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building.

PRINCIPAL STRUCTURE - The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

PRINCIPAL USE - The primary or predominate use of a lot.

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

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

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

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

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

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

RECREATIONAL VEHICLE - A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power, and designed and used for temporary living quarters for recreational camping or travel use. This definition includes, but

is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

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

RE-SUBDIVISION - Any revision, re-platting or re-subdivision of land which includes changes to a recorded plan.

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

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

ROAD - See "Street."

RUN-OFF - That portion of rainfall or snow-melt which does not enter the soil but moves across the surface.

SEDIMENT - The resultant residue from erosion - mud.

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 building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines or lot lines.

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

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

SEWAGE PERMIT - A form filled out and issued by the Covington Township Sewage Enforcement Officer, based on applicable statutory requirements and his inspection of the proposed site for installation of an on-lot sewer system.

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

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

SOILS EVALUATION BY TEST PIT METHOD - The excavation of a hole on a lot, tract, or parcel to reveal soil and rock strata, followed by evaluation and preparation of a soils log by a qualified soils scientist or otherwise qualified individual as designated by the Supervisors, for the purpose of determining suitability for on-lot sewage disposal, soils bearing capacity, and other determinations.

STORMWATER MANAGEMENT ACT - Act of October 4, 1978, P.L. 864, No. 167, 32 P.S. 680.1 et seq., providing for the regulation of land and water use for flood control and stormwater management purposes.

STREET - A strip of land with a defined right-of-way designed to provide a permanent passage way for vehicular and/or pedestrian traffic.

- A. ARTERIAL STREET - Designed to PennDOT standards primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions; and, are designated as *limited, controlled, or partial* access streets, and average daily traffic is greater than four thousand (4,000) vehicles.
- B. CONNECTOR STREET - Collects traffic from collector and minor streets and also provides a connection to arterial streets and between connector streets and average daily traffic is greater than four thousand (4,000) vehicles.
- C. COLLECTOR STREET - Gathers traffic from minor, local and marginal access streets and feeds this traffic to connector and arterial streets. Collector streets carry heavier traffic volumes than minor and local streets although they also provide direct access to individual uses located along them. Average daily traffic on collector streets ranges from one thousand five hundred and one (1,501) to four thousand (4,000) vehicles.
- D. MINOR STREET - Gathers traffic from local and marginal access streets and feeds this traffic to collector and connector streets. Average daily traffic on minor streets ranges from five hundred and one (501) to one thousand five hundred (1,500) vehicles.
- E. LOCAL STREET - Provides direct access to individual uses and feeds this traffic to minor or collector streets. Average daily traffic on local streets does not exceed five hundred (500) vehicles.
- F. PRIVATE ACCESS DRIVE - Provides access to residential lots from a public or approved street and the lots do not have direct access to a public or approved street.

STREET, CUL-DE-SAC - A type of street which is terminated at one end by a permitted turnaround and which intersects another street at the other end.

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

SUBDIVIDER - See "Developer".

SUBDIVISION - The division of or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisee, transfer of ownership of buildings or lot development, further classified and defined as follows:

- A. MAJOR SUBDIVISION - Any of the following:
 - 1. A subdivision that initially creates ten (10) lots or more
 - 2. A subdivision that creates ten (10) lots or more in any five-year period.
 - 3. A subdivision that requires the construction or extension of any streets or municipal facilities and creates any public or private community facilities or improvements such as, but not limited to, drainage or stormwater facilities, a central water supply or a central sewage disposal system.

- B. MINOR SUBDIVISION - Any subdivision that is not a "major subdivision."
- C. LOT IMPROVEMENT MINOR SUBDIVISION - (Also known as *add-on subdivision*.) A type minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots.

SUBSTANTIALLY COMPLETED - Where, in the judgment of the Township 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 accord with the final plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPERVISORS - The Covington Township Board of Supervisors.

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

TOWNSHIP - Covington Township, Lackawanna County, Pennsylvania.

TRAVELWAY - The portion of the cartway used for steady movement of vehicles, not including the shoulders.

UNDISTURBED AREA - Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded or removed.

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

WATER SUPPLY, OFF-SITE - A public or private utility system designed to supply and transmit drinking water from a common source to two (2) or more dwelling units or uses in compliance with the applicable statutes and regulations.

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the applicable statutes and regulations.

WETLAND - An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the criteria of the U.S. Fish and Wildlife Service; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

ZONING ORDINANCE - The Covington Township Zoning Ordinance.

**ARTICLE III
PLAN PROCESSING PROCEDURES**

301 GENERAL

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

301.1 Procedures

The following is a list of steps that may be required for approval of any subdivision or land development. The Applicant may be required to complete each step at the discretion of the Planning Commission or the Board of Supervisors.

ALL PLANS

- A. A Sketch Plan showing the general concept is presented to the Planning Commission and recommendations are made by the Planning Commission.
- B. Formal application for subdivision or land development approval is made to the Township Secretary and the Plan is titled accordingly.
 1. Major Subdivision or Land Development
 - a. Preliminary Plan track - titled "Major Subdivision Preliminary Plan" or "Land Development Preliminary Plan".
 - b. Final Plan track - titled "Major Subdivision Final Plan" or "Land Development Final Plan".
 2. Minor Subdivision - titled "Minor Subdivision Final Plan."
- C. The Plan is presented to the Planning Commission showing required details.
 - Applicant requests any proposed modifications or waivers.
 - Recommendations are made by the Planning Commission and Township Engineer.
 - Applicant agrees to extend statutory action time as applicable.
- D. The Plan is submitted to the Lackawanna County Regional Planning Commission for the required 30-day review and comment period.
- E. The Plan is revised by the Applicant to address all comments and comply with ordinance requirements.
 - Several iterations of comments and plan revisions may be required.
- F. When the Plan is determined to be in compliance, the Planning Commission makes a recommendation for approval to the Board of Supervisors. (Note: If the Plan does not comply and the action time has not been extended, the Commission shall recommend denial of the Plan to the Board of Supervisors.)

**MAJOR SUBDIVISION OR LAND DEVELOPMENT PRELIMINARY PLAN TRACK
(Applicant chooses to construct improvements.)**

- G. If the Preliminary Plan is approved by the Board of Supervisors, the Applicant completes the improvements in accord with the Preliminary Plan.
- H. When the improvements are completed in accord with the approved Preliminary Plan, and this is confirmed by the Township Engineer, the Applicant files a Final Plan with Planning Commission.
- I. The Final Plan is forwarded by the Planning Commission to the Board of Supervisors with a recommendation.
- J. If the Final Plan is approved by the Board of Supervisors, the Applicant files the Final Plan at the Lackawanna County Recorder of Deeds Office and may begin the sale of lots, if applicable.

**MAJOR SUBDIVISION OR LAND DEVELOPMENT FINAL PLAN TRACK
(Applicant chooses to post a financial guarantee for completion of improvements.)**

- G. The Applicant completes an Improvement Construction Guarantee with the Board of Supervisors with a stated amount confirmed by the Township Engineer.
- H. If the Applicant posts the amount required by the Improvement Construction Guarantee, the Final Plan is approved by the Board of Supervisors and the Applicant receives a signed Final Plan.
- I. The Applicant files the Final Plan at the Lackawanna County Recorder of Deeds Office and may begin the sale of lots, if applicable.
- J. The Applicant petitions the Board of Supervisors for release of the Improvement Construction Guarantee, or a portion of the Guarantee, which is released by the Board of Supervisors only upon confirmation that the improvements have been completed in accord with the Final Plan.

MINOR SUBDIVISION FINAL PLAN

- G. If the Minor Subdivision Final Plan is approved by the Board of Supervisors, the Applicant files the Final Plan at the Lackawanna County Recorder of Deeds Office and may begin the sale of lots.

301.2 Applicant and Representatives

- A. Applicant - The Applicant shall provide evidence to the Township of ownership of the parcel to be subdivided or developed, and a notarized statement authorizing their representation and defining the extent of their authority.
- B. Representatives - A developer that is other than an individual landowner representing himself shall provide notarized documentation of the individuals authorized to represent the developer. The notarized documentation shall describe the extent of the authority of the representative.

301.3 Field Inspections

- A. Right of Entrance - It shall be implicit in any request for plan approval that the landowner automatically grants the Planning Commission, the Township Board of Supervisors, or anyone designated by either body,

the right to enter upon the area proposed for the subdivision for the purpose of becoming familiar with the property, making necessary observations or tests or any other reasonable and lawful purpose.

- B. Scheduling - The Planning Commission or The Board of Supervisors may, at the time of Sketch Plan or Preliminary Plan submission or at any other time deemed appropriate, schedule a Field Inspection of the parcel proposed for subdivision. The Applicant or his representative shall, upon request by the Township, accompany the Township official or designated representative, and to facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets marked with temporary stakes.

301.4 Sketch Plan

Sketch plans are not required but are very strongly encouraged for all types of subdivisions and land developments to facilitate the formal plan submission and review process. See §302.

301.5 Preliminary Plans for Major Subdivisions and Land Developments

Major subdivisions and land developments require preliminary plan approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied in detail on the plans. An approved Preliminary Plan, once any conditions of approval are completed, can then be prepared as a Final Plan for submission to the Township.

301.6 Final Plans for Major Subdivisions and Land Developments

Final plans for major subdivisions and land developments cannot be submitted to the Township until all conditions for approval have been satisfied. Lots in a subdivision cannot be sold until final plan approval is granted. The Applicant has the option of completing the improvements or providing a financial guarantee for the completion. See §304.

301.7 Minor Subdivision Plans

Minor subdivisions require only final plan approval. See §305.

301.8 Reserved

301.9 Lot Improvement Subdivisions

The combination of previously recorded lots are governed by a simplified deed recording process. Any lot improvement (*add-on*) subdivision involving the creation of new lot lines is considered a minor subdivision. See §306.

301.10 Meeting Attendance

The Applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda.

301.11 Electronic Documents

In addition to the required number of paper copies, all submissions shall include two (2) compact disks with all documents in electronic Portable Document File (PDF) format or other electronic format approved by the Township.

301.12 Official Map

The Applicant shall, prior to submitting any plan, determine if any of the land proposed for subdivision or land development is subject to the Covington Township Official Map per §106. If any of the land is subject to the Official Map, the Applicant is encouraged to contact the Township Zoning Officer prior to submitting the plan.

302 SKETCH PLANS

302.1 Optional - Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the formal submission of a plan. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the subdivision or land development is reached with the Planning Commission
- B. Identify the overall objectives of the Applicant 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 property.
- E. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- F. Ensure that the plan generally conforms with the provisions of this Ordinance
- G. Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to the Township comprehensive plan.

The critical part of the Sketch Plan review process for a major subdivision or a land development is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §402.2.2, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan shall be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources/Site Analysis Map.

302.2 Contiguous Holdings

When an application includes only a portion of a landowner's entire tract, or when the portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this §302 shall not constitute approval of the future subdivision shown thereon.

302.3 Informal Review; Filing Status

- A. Informal Review - Sketch Plans for informal review may be submitted to the Planning Commission at any scheduled meeting. In such cases eight (8) copies of the plan should be submitted, and the planning Commission may provide comments on same during the meeting at which the Sketch Plan is submitted.
- B. Filing Status - A Sketch Plan, either for informal review or detailed review, shall be considered a submission for discussion between the applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission or initiate the ninety (90) day review period. The developer shall provide a signed acknowledgment of same to the Township. All Sketch Plans submitted shall be so noted on the Plan and in the meeting minutes of the Planning Commission. Comments made about the Sketch

Plan by the Planning Commission, the Township Engineer or other Township Consultant shall not be binding with respect to any Minor Plan or Preliminary Plan submitted subsequent to the Sketch Plan.

302.4 Detailed Sketch Plans for Major Subdivisions and Land Developments

The following procedures shall apply to sketch plans for major subdivisions and land developments:

- A. Pre-Application Meeting - A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Township's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.
- B. Existing Resources and Site Analysis - Applicants shall submit an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §402.2.2. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).
- C. Site Inspection - After preparing the Existing Resources and Site Analysis, applicants shall arrange for a site inspection of the property by the Planning Commission and other Township officials, and shall distribute copies of the site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
- D. Pre-Sketch Conference - Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §612, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

302.4.1 Sketch Plan Distribution - The Township Secretary shall distribute the plans and supporting documentation as follows.

- A. One (1) copy to the Covington Township Board of Supervisors.
- B. One (1) copy to the Township Engineer.
- C. One (1) copy to the Township Zoning Officer.
- D. One (1) copy to any other Engineer or Consultant as the Commission may designate.
- E. The balance of the copies to the Township Planning Commission.

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

302.4.3 Review by the Township Planning Commission - When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the Township Planning Commission at the next regularly scheduled meeting. During the review of the Sketch Plan, the Township Planning Commission may consider the written reports of the Township Engineer, the Township Zoning Officer and other Consultants before making its comments. The review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. The Commission shall submit its written comments to the applicant. The Sketch Plan may also be submitted by the Planning Commission to the Lackawanna County Regional Planning Commission for its review and comment. The reviews shall include, but may not be limited to:

- A. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis and on the Municipality's Map of Potential Conservation Lands;
- B. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
- C. The location of proposed access points along the existing road network;
- D. The proposed building density and impervious coverage;
- E. The compatibility of the proposal with respect to the objectives and policy recommendations of the Township Comprehensive Plan; and
- F. Consistency with the Township Zoning Ordinance.

302.4.4 Detailed Sketch Plan Review Fee - The Township Secretary shall collect a Sketch Plan filing fee as established by resolution of the Board of Supervisors for all subdivisions and land developments.

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

303 PRELIMINARY PLANS FOR MAJOR SUBDIVISIONS AND FOR LAND DEVELOPMENTS

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

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township -Copies of the Preliminary Plan and all required supporting documentation shall be filed with the Township Secretary by the Applicant or his authorized representative at least ten (10) calendar days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Filed - The official filing of the Preliminary Plan shall include the following required number of paper copies.

- A. Five (5) completed copies of the subdivision plan review application.
- B. Five (5) legible paper prints of the Preliminary Plan.
- C. Five (5) copies of the zoning compliance report.
- D. Five (5) copies of the required DEP Sewage Planning Module(s).
- E. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

The Township Secretary shall only retain applications which include the correct number of copies of the required documents. Deficient applications shall be returned to the Applicant with the deficiencies noted. Upon receipt of the required number of documents, the Township Secretary shall forward one (1) copy to the Township Engineer and the balance of the copies to the Planning Commission for consideration at its regularly scheduled information workshop in accord with §303.1.4.

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

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
- B. The applicant shall pay the fee at the time of application for review of the preliminary plan.

303.1.4 Preliminary Plan Submission Verification -Upon receipt of the Preliminary Plan and supporting data, the Planning Commission, at its regularly scheduled information workshop, shall check the submission to confirm that it is complete.

- A. If the submission is not complete, the Planning Commission shall notify the Applicant of any and all deficiencies or omissions in the submission and return the plans to the Applicant.
- B. If the submission is complete, the Planning Commission shall retain the plans and documentation for consideration of acceptance at the next regularly scheduled meeting of the Commission in accord with §303.1.5.
- C. The plan verification at the information workshop shall only confirm that all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

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

- A. At the first regularly scheduled meeting of the Planning Commission following the submission at the information workshop of the required number of copies of all documents for the preliminary plan

submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.

1. If the Planning Commission determines that the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall not be accepted for review by the Planning Commission until the deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the meeting as the official date of the preliminary plan submission and forward it to the Applicant. This date shall initiate the ninety (90) day review period.
- B. If the next regular meeting of the Planning Commission following the filing of the application pursuant to §303.1.1 of this Ordinance occurs more than thirty (30) days following the date of filing, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the date of the filing of the application. (This Section provides compliance with §508 of the Pennsylvania Municipalities Planning Code.)
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the date of the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the date of the final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the date of the final order of the court.

303.1.6 Distribution of the Preliminary Plan

- A. Planning Commission Secretary - The Planning Commission Secretary shall, immediately after the official date of submission and at the direction of the Commission, refer the Preliminary Plan and applicable supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:
1. The Township Engineer
 2. The Township Zoning Officer
 3. The Township Solicitor
 4. Any other Engineer or Consultant designated by the Township.
- B. Applicant - When authorized by the Planning Commission, the Applicant shall provide the Plan and all required supporting documentation to the Lackawanna County Regional Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Township Sewage Enforcement Officer, the Lackawanna County Conservation District, PennDOT, and all other agencies.

303.2 Preliminary Plan Review and Action

- 303.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend

to the Board of Supervisors, denial, approval, or approval with conditions and modifications, of the plan as provided in this §303.2. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing the recommendation to the applicant within fifteen (15) days of when the decision was made.

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

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

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

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

303.3 Reviewing Agency and Officials Comments

Prior to taking action, the Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to §303.1.6 and may request additional information as deemed necessary.

303.4 Lackawanna County Regional 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 Lackawanna County Regional Planning Commission. Official action may be taken after thirty (30) days following transmittal of the Preliminary Plan to the County Regional Planning Commission and no response has been received from the County Regional Planning Commission.

303.5 Sewage Planning Modules

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

303.6 Driveway Permit / Highway Occupancy Permit

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

303.7 Public Hearing

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

304 FINAL PLANS FOR MAJOR SUBDIVISIONS AND FOR LAND DEVELOPMENTS

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

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when all required or proposed improvements have been completed or will be guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation

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

304.3 Sections

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

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

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be filed with the Township Secretary by the Developer or his authorized representative at least ten (10) calendar days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

304.4.2 Number of Copies to be Filed - The official filing of the Final Plan shall include the following required number of paper copies.

- A. Five (5) completed copies of the subdivision plan review application.
- B. Five (5) legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, at least five (5) prints shall be

submitted for final signature along with and one (1) copy of all documents in the electronic format approved by the Township.

- C. Five (5) copies of the zoning compliance report.
- D. Five (5) copies of all required approvals and or permits, from the Pennsylvania Department of Environmental Protection for sewage disposal.
- E. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

The Township Secretary shall only retain applications which include the correct number of copies of the required documents. Deficient applications shall be returned to the Applicant with the deficiencies noted. Upon receipt of the required number of documents, the Township Secretary shall forward one (1) copy to the Township Engineer and the balance of the copies to the Planning Commission for consideration at its regularly scheduled information workshop in accord with §304.4.4.

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

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
- B. The applicant shall pay the fee at the time of application for review of the Final Plan.

304.4.4 Final Plan Submission Verification - Upon receipt of the Final Plan and supporting data, the Planning Commission at its regularly scheduled information workshop, shall check the submission to confirm that it is complete.

- A. If the submission is not complete, the Planning Commission shall notify the Applicant of any and all deficiencies or omissions in the submission and return the plans to the Applicant.
- B. If the submission is complete, the Planning Commission shall retain the plans and documentation for consideration of acceptance at the next regularly scheduled meeting of the Commission in accord with §304.4.5.
- C. The plan verification at the information workshop shall only confirm that all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

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

- A. At the first regularly scheduled meeting of the Planning Commission following the submission at the information workshop of the required number of copies of all documents for the final plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.

1. If the Planning Commission determines that the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall not be accepted for review by the Planning Commission until the deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the meeting as the official date of the final plan submission and forward it to the Applicant. This date shall initiate the ninety (90) day review period.
- B. If the next regular meeting of the Planning Commission following the filing of the application pursuant to §304.4.1 of this Ordinance occurs more than thirty (30) days following the date of filing, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the date of the filing of the application. (This Section provides compliance with §508 of the Pennsylvania Municipalities Planning Code).
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the date of final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the date of final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the date of final order of the court.

304.4.6 Distribution of the Final Plan - The Planning Commission Secretary shall, immediately after the official date of submission and at the direction of the Commission, forward the final plan and supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. Planning Commission Secretary - The Planning Commission Secretary shall, immediately after the official date of submission and at the direction of the Commission, refer the Final Plan and applicable supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:
1. The Township Engineer
 2. The Township Zoning Officer
 3. The Township Solicitor
 4. Any other Engineer or Consultant designated by the Township.
- B. Applicant - When authorized by the Planning Commission, the Applicant shall provide the Plan and all required supporting documentation to the Lackawanna County Regional Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Township Sewage Enforcement Officer, the Lackawanna County Conservation District, PennDOT, and all other agencies.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to

the Board of Supervisors, denial, approval or approval with conditions and modifications of the plan as provided in this §304.5. The Planning Commission shall make its recommendation to the Board of Supervisors and communicate in writing the recommendations to the Applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but the approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for the denial and date shall be communicated to the Board of Supervisors and the Applicant.

304.5.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing the decision to the Applicant within fifteen (15) days of when the decision is made by the Board of Supervisors. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.5, A, or the date established by §304.4.5,B as the case may be.

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

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

304.6 Reviewing Agency and Officials Comments

Prior to taking action on the Plan, the Planning Commission and the Board of Supervisors may consider the comments and the recommendations provided pursuant to §304.4.6 and may request additional information as deemed necessary.

304.7 Lackawanna County Regional 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 Lackawanna County Regional Planning Commission. Official action may be taken after thirty (30) days following transmittal of the Preliminary Plan to the County Regional Planning Commission and no response has been received from the County Regional Planning Commission.

304.8 Public Hearing

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

304.9 Planned Improvements

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

304.10 Signature of Final Plan

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

304.11 Recording of the Final Plan

The Developer shall file the final record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The Recorder of Deeds shall not accept any plan for recording unless the plan contains the signatures of the Board of Supervisors confirming approval of the plan, and the plan contains the stamp and signature of the Lackawanna County Regional Planning Commission confirming the County Regional Planning Commission's review of the plan. If the Developer fails to record the final record plan in the Recorder's office within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a re-submission of the plan shall be made to the Planning Commission and the Board of Supervisors in accord with this Ordinance. The Developer may submit a request for waiver to the Board of Supervisors for updated signatures of the Board to be placed on the original plan. The Board of Supervisors may consider this request in their complete discretion.

305 MINOR SUBDIVISIONS

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

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Township - Copies of the Minor Subdivision Plan and all required supporting documentation shall be filed with the Township Secretary by the Applicant or his authorized representative at least ten (10) calendar days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".

305.1.2 Number of Copies to be Filed - The official filing of the Minor Subdivision Plan shall include the following required number of paper copies.

- A. Five (5) completed copies of the minor subdivision plan review application.
- B. Five (5) legible prints of the Minor Subdivision Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Minor Subdivision Plan, five (5) prints shall be submitted for final signature along with and one (1) copy of all documents in the electronic format approved by the Township.
- C. Five (5) copies of the Zoning compliance report.
- D. Five (5) copies of the required DEP Sewage Planning Modules.
- E. Five (5) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

The Township Secretary shall only retain applications which include the correct number of copies of the required documents. Deficient applications shall be returned to the Applicant with the deficiencies noted. Upon receipt of the required number of documents, the Township Secretary shall forward one (1) copy to the Township Engineer

and the balance of the copies to the Planning Commission for consideration at its regularly scheduled information workshop in accord with §305.1.4.

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

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Minor Plan Submission Verification - Upon receipt of the Minor Plan and supporting data, the Planning Commission at its regularly scheduled information workshop, shall check the submission to confirm that it is complete.

- A. If the submission is not complete, the Planning Commission shall notify the Applicant of any and all deficiencies or omissions in the submission and return the plans to the Applicant.
- B. If the submission is complete, the Planning Commission shall retain the plans and documentation for consideration of acceptance at the next regularly scheduled meeting of the Commission in accord with §305.1.5.
- C. The plan verification at the information workshop shall only confirm that all plans and documentation have been submitted and shall in no way be construed to be a plan submission receipt or initiate the ninety (90) day review period.

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

- A. At the first regularly scheduled meeting of the Planning Commission following the submission at the information workshop of the required number of copies of all documents for the final plan submission, the Planning Commission shall examine the submission to determine that all documents are complete and in proper form.
 - 1. If the Planning Commission determines that the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall not be accepted for review by the Planning Commission until the deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - 2. If the submission is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the meeting as the official date of the final plan submission and forward it to the Applicant. This date shall initiate the ninety (90) day review period.
- B. If the first meeting of the Planning Commission following the filing of the application, pursuant to §305.1.1 of this Ordinance occurs more than thirty (30) days following the date of filing, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the date of the filing of the application. (This Section provides compliance with §508 of the Pennsylvania Municipalities Planning Code).

- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) calendar day review period shall be measured from the date of the meeting of the Planning Commission next following the date of final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) calendar days following the date of final order of the court, the ninety (90) calendar day review period shall be measured from the thirtieth (30th) calendar day following the date of final order of the court.

305.1.6 Distribution of the Final Plan

- A. Planning Commission Secretary - The Planning Commission Secretary shall, immediately after the official date of submission and at the direction of the Commission, refer the Minor Plan and applicable supporting documents, after all required fees have been collected, to the following who may provide written comments and recommendations to the Planning Commission and the Board of Supervisors:
1. The Township Engineer
 2. The Township Zoning Officer
 3. The Township Solicitor
 4. Any other Engineer or Consultant designated by the Township.
- B. Applicant - When authorized by the Planning Commission, the Applicant shall provide the Plan and all required supporting documentation to the Lackawanna County Regional Planning Commission for review. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Township Sewage Enforcement Officer, the Lackawanna County Conservation District, PennDOT, and all other agencies.

305.2 Minor Subdivision Plan Review and Action

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

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

305.2.2 Board of Supervisors Review and Action Period - Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor Subdivision Plan and communicate in writing the decision to the Applicant within fifteen (15) days of when the decision is made by the Board of Supervisors. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to 305.1.5.

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

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

305.3 Reviewing Agency and Officials Comments

Prior to taking action on the plan, the Planning Commission and the Board of Supervisors may consider the comments and the recommendations pursuant to §305.1.6 and may request additional information as deemed necessary.

305.4 Lackawanna County Regional 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 Lackawanna County Regional Planning Commission. Official action may be taken after thirty (30) days following transmittal of the Preliminary Plan to the County Regional Planning Commission and no response has been received from the County Regional Planning Commission.

305.5 Sewage Planning Modules

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

305.6 Highway Occupancy Permit

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

305.7 Public Hearing

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

305.8 Signature of Minor Subdivision Plan

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

305.9 Recording of the Minor Subdivision Plan

The Developer shall file the Minor Subdivision record plan with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The recorder of Deeds shall not accept any plan for recording unless the plan contains the signatures of the Board of Supervisors confirming approval of

the plan, and the plan contains the stamp and signature of the Lackawanna County Regional Planning Commission confirming the County Regional Planning Commission's review of the plan. If the Developer fails to record the Minor Subdivision record plan in the Recorder's office within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a re-submission of the plan shall be made to the Planning Commission and the Board of Supervisors in accord with this Ordinance. The Developer may submit a request for waiver to the Board of Supervisors for updated signatures of the Board to be placed on the original plan. The Board of Supervisors may consider this request in their complete discretion.

306 RESERVED

307 LOT IMPROVEMENT SUBDIVISIONS

Lot improvement subdivisions shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions, however, sewage planning modules may not be required unless additional new sewage disposal areas are proposed.

308 SUBDIVISION FROM LARGE PARCEL

In cases where a parcel is being subdivided in order to convey one or more lots, such that the parent parcel when subdivided remains ten (10) acres or more in size, the requirement that the parent parcel be surveyed may be waived by the Board, provided all parcel(s) subdivided therefrom are surveyed and platted in accord with all the requirements of this Ordinance and the subdivided parcel(s) front on a public road. The subdivision, whether minor or major, shall in all other respects comply with the requirements of this Ordinance.

309 CONTIGUOUS MUNICIPALITIES

In accord with §502.1(b) of the MPC, the governing body of any municipality contiguous to the Township may appear before the Planning Commission and/or Supervisors to comment on a proposed subdivision, change of land use, or land development.

ARTICLE IV
PLAN REQUIREMENTS

401 SKETCH PLAN REQUIREMENTS FOR FORMAL REVIEW

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §402.2.2), a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name of the subdivision and/or development.
- B. Name and address and telephone number of land owner and/or land developer. (if corporation give name of officers.)
- C. Location map.
- D. North arrow.
- E. Graphic scale.
- F. Written scale.
- G. Date sketch plan was completed.
- H. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
- I. Proposed and existing street and lot layout on immediately adjacent tracts including street and subdivision names and right-of-way widths.
- J. Existing man-made and/or natural features:
 - 1. Water courses, lakes and wetlands (with names).
 - 2. Rock outcrops and stone fields.
 - 3. Buildings, structures, utility lines, wells and sewage systems within five hundred (500) feet of the proposed development.
 - 4. Approximate location of tree masses.
 - 5. Any and all other significant features.
- K. Location of permanent and seasonal high water table areas and 100 year flood zones.
- L. Tract boundaries accurately labeled.
- M. General street and lot layout showing approximate widths, depths and areas.

- N. Location and extent of various soil types by U.S. Natural Resource and Conservation Service classification.
- O. Location and type of rights-of-way or other restrictive covenants which might affect the subdivision and/or development.
- P. The following site data shall be labeled on the plan:
 - 1. Total acreage of the subdivision and/or development.
 - 2. Total number of lots proposed.
 - 3. Total lineal feet of new roads.
 - 4. County property tax assessment number.
 - 5. Zoning district of the subdivision and/or development and statement of compliance.
 - 6. Any and all other significant information.
- Q. A map of the entire contiguous holding of the owner and/or developer showing the plan for any future development.
- R. A statement of the type of water supply and sewage disposal proposed.

402 PRELIMINARY PLAN REQUIREMENTS FOR MAJOR SUBDIVISIONS AND FOR LAND DEVELOPMENTS

Preliminary Plans for major subdivisions and for land developments shall be prepared by a Qualified Professional and shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

402.2 Plan Information

The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- A. Site Context Map.
- B. Existing Resources and Site Analysis.
- C. Preliminary Resource Impact and Conservation Analysis.
- D. Preliminary Improvements Plan.
- E. Preliminary Studies and Reports as set forth in other parts of this ordinance.

402.2.1 Site Context Map

A map showing the location of the proposed project within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one inch equals two hundred feet (1"= 200'), and shall show the relationship of the subject property to natural and man-made features existing within one thousand (1,000) feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S. Natural Resources Conservation Service), woodlands over one-half (0.5) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

402.2.2 Existing Resources and Site Analysis

For all projects (except those subdivisions in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis shall be prepared to provide the Developer and the Township 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 such Plan to assess its accuracy, conformance with Township 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 (2) foot intervals. 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 fifteen (15) and twenty-five (25) percent and exceeding twenty-five (25) percent shall be clearly indicated. Topography for major subdivisions and for land developments 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 ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplain and wetlands, as defined in the Zoning Ordinance. 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, trees with a caliper in excess of fifteen (15) inches if not growing within any of the proposed conservation areas, the actual

canopy line of existing trees and woodlands. 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 unsewered areas, for on-site sewage disposal suitability).
- F. Identification of ridge lines and watershed boundaries.
- G. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands; and, showing views from the property to exterior points.
- H. Geologic formations on the proposed development parcel, including rock out-croppings, cliffs, sinkholes, and fault lines, 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 Recorder of Deeds of Lackawanna County.
- M. Total acreage of the tract, the Adjusted Tract Area, and the constrained land area with detailed supporting calculations.

402.2.3 Resource Impact and Conservation Analysis

- A. A Resource Impact and Conservation Analysis shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §402.2.2). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- B. Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories:
 - 1. Primary impact areas (i.e., areas directly impacted by the proposed project).
 - 2. Secondary impact areas (i.e., areas in proximity to primary areas which may be impacted).

3. Designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.
- C. The applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 1. Description of existing resources (as documented in §402.2.2).
 2. Impacts of the proposed development on existing resources, correlated to the areas depicted in the Resource Impact and Conservation Analysis.
 3. Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
 4. The qualifications and experience of the preparer of the report.
- D. This requirement for a Resource Impact and Conservation Analysis may be waived by the Board of Supervisors if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan, would be likely to cause no more than an insignificant impact upon the site's resources.

402.2.4 Improvements Plan

This plan shall include the following items:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or the Registered Professional Land Surveyor responsible for the preparation of subdivision and/or land development plan.
- E. Date, including the month, day and year that the Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.

- J. Existing and proposed street and lot layout including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including, but not limited to, the following:
 - 1. Water courses, ponds and lakes, with name of each.
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Approximate location of tree masses.
 - 5. Utility lines, wells and sewage systems.
 - 6. Location and description of any certified historic site or structure and stone walls.
 - 7. Location and size of culverts with the direction of water flow.
 - 8. Wetlands in accord with §613.
 - 9. All other significant man-made or natural features within the proposed project and one hundred (100) feet beyond the boundaries of the proposed project.
- L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.
- M. Location and extent of various soil types, U.S. Natural Resource and Conservation Service classification for each and location of soil test pits and percolation test locations.
- N. Location, width and purpose of any existing or proposed rights-of-way or other easements.
- O. Location and dimensions of conservation open space, playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- P. Limit-of-disturbance line and Location of proposed shade trees, plus locations of existing vegetation to be retained.
- Q. Location of proposed wells and subsurface sewage disposal fields when on site disposal is proposed. Location of all percolation tests as may be required under this Ordinance, including all failed test sites or pits, as well as those approved, and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- R. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest USGS Quadrangle map. Contour lines at a closer interval may be required if more detail is deemed necessary by the Township. If deemed appropriate by the Township, contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.

- S. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described.
- T. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location of all other streets and/or roads within the property.
- U. The full plan of the proposed development, including but not limited to the following information and data:
 - 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, stormwater management facilities and all other improvements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 - 2. All dimensions in feet and hundredths of a foot.
 - 3. All bearings to the nearest one second of the arc.
 - 4. Street names.
 - 5. Street widths and right-of-way and easement widths.
 - 6. A clear sight triangle shall be shown for all street intersections.
 - 7. Block and lot numbers.
 - 8. Total tract area and area of each lot in square feet or acres.
 - 9. Location and type of permanent monuments and markers which have been set in place.
 - 10. Building setback lines for each lot or the proposed placement of each building.
 - 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 - 12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the project and if the covenants are recorded, including the book and page.
 - 13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
 - 14. Lackawanna County tax map number.
- V. Zoning data, including all of the following, when applicable:
 - 1. Zoning district designations.
 - 2. Zoning district boundary lines transversing the proposed project.

3. Zoning district boundary lines within one thousand (1,000) feet of the proposed project. (Show on location map.)
 4. Statement of zoning requirements and details of compliance of lot size, setbacks, lot coverage, etc.
- W. The following items and notes shall be on all Plans when applicable, in the form of protective and/or restrictive covenants:
1. Building setbacks.
 2. Corner lot sight easements.
 3. Corner lot driveway locations.
 4. Utility and drainage easements including ownership and maintenance responsibility.
 5. "All lots shown on this plan are subject to the rules and regulation contained in the Covington Township Zoning Ordinance."
 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Covington Township."
 7. "Individual owners of lots must apply to the Township for a sewage permit and well permit prior to the construction of any on-lot sewage disposal system or well".
 8. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
- X. A title block shall be included on the lower right corner.
- Y. Approval/Signature blocks for the Board of Supervisors for Final Plans.
- Z. The following general notes shall be included on all Plans, if applicable:
1. When all roads and/or streets are to remain private, "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to Covington Township by the Developer, his heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Township Road Dedication Ordinance or any amendment thereto."
 2. In the event the project incorporates a private access street as defined in this Ordinance, the following, "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof".
 3. In the event of a "lot improvement" proposal, "Lot/parcel ____ shall be joined to and become an inseparable part of lot/parcel____ as recorded in Deed Book Volume____, page____ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
 4. Highway Occupancy Permit/Driveway Permit

- a. State Road - "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420)."
 - b. Township Road - "Driveway permits are required for and for access to roads under the jurisdiction of Covington Township pursuant to Covington Township Road Encroachment Ordinance."
5. In the case where wetlands are present, "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands, and, the Developer represents and warrants that the wetlands have been accurately and properly identified and delineated.
- "This approval by the Township Supervisors shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Township shall have no liability or responsibility for same to the Developer or purchaser(s)."
6. When on-site subsurface sewage disposal is proposed "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the plan approval process is for general suitability only; and a sewage permit will be required prior to any construction on any lot".
7. In cases where the requirement for sewage planning is waived by the Township "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the Township.
8. If an existing structure is located within any required building setback, add the following note, "Upon razing of any structure all new construction shall comply with the required building setbacks."
9. The following certification, "I, the undersigned, do hereby certify that I was responsible for this Plan, representing a survey made by me on the _____ day of _____, 20__, and that all monuments indicated hereon actually exist and that the location, size, and material of same are correctly shown. I further certify that, to the best of my knowledge, all of the requirements of the Subdivision and Land Development Ordinance have been met.

_____(seal)
Registered Surveyor."

10. The following statement, "The undersigned do hereby certify that they are, together, all of the record owners of the land shown on this Plan and that they do hereby consent to the subdivision and or land development of the land in the manner shown hereon and hereby dedicate to the use of the lot owners/unit owners forever, all streets, alleys, thoroughfares, public utility easements and other community uses and facilities so designated on this Plan.

ATTEST:

_____"

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

BB. Any waivers or modifications and reference to specific sections of this Ordinance.

402.3 Supporting Documents and Information

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

- A. Street cross-section drawings for all proposed streets showing the following:
 - 1. Cut sections.
 - 2. Fill sections.
 - 3. Superelevated sections.
 - 4. Parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the project plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. The latest deed of record.
- G. Water Supply Information
 - 1. A statement from a Professional Engineer of the type and adequacy of the water supply system proposed to serve the project.
 - 2. Design of any central water supply system.
 - 3. Publicly owned central system - A letter from the water company or authority stating that the company or authority will supply the development including a verification of the adequacy of service.
 - 4. Privately owned central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of the permits by PA DEP or PA PUC.
 6. A plan regarding water supply for fire-fighting purposes in accord with §607.4 of this Ordinance.
- H. Sewage Disposal Information
1. Completed sewage planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act, Act 537 as amended.
 2. Sewage treatment plants and community on-lot systems - A design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. All required public utility, environmental or other permits (e.g. wetlands, streams encroachment, certificate of public convenience) required and if none are required a statement to that effect.
- J. Approved highway occupancy permit.
- K. Soil erosion and sedimentation control plan approved by the Lackawanna County Conservation District.
- L. Drainage/stormwater management plan.
- M. Bridge designs and a statement by the applicants engineer regarding any state or federal approvals required.
- N. A statement indicating any existing or proposed zoning variances or waivers/modifications.
- O. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- P. Where the applicant proposes to install the improvements in phases, a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed shall be submitted.

402.4 Additional Information

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

402.5 Application Forms and Certifications

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

403 FINAL PLAN REQUIREMENTS FOR MAJOR SUBDIVISIONS AND FOR LAND DEVELOPMENTS

Final Plans for major subdivisions and for land developments shall be prepared by a Professional Engineer and/or a Registered Land Surveyor and be submitted in accord with this §403.

403.1 Final Plan Information and Drafting

The submission requirements for a Final Plan shall consist of all elements and shall be prepared in accord with the plan requirements and drafting standards required for a Preliminary Improvements Plan in §402 and the additional information required by this §403.

403.2 Additional Information

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

403.3 Application Forms and Certifications

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

403.4 Maintenance of Development Improvements

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

404 MINOR SUBDIVISION, FINAL PLAN REQUIREMENTS

Plans for minor subdivision shall be prepared by a Professional Engineer and/or Registered Land Surveyor and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. All dimensions shall be in feet and decimals to the nearest 100th; bearings shall be in degrees, minutes and seconds.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eight and one-half by eleven (8 ½ x 11) inches and no larger than twenty-four by thirty-six (24 x 36) inches.
- E. Plans shall be legible in every detail.

404.2 Minor Plan Information

- A. Name of subdivision
- B. Name, address, and telephone number of owner of record. (if a corporation give name of each officer).
- C. Name, address, and telephone number of Developer if different from land owner. (if a corporation give name of each officer).
- D. Name, address, license number, seal and signature of the Registered Professional Engineer or Registered Land Surveyor responsible for the preparation of the subdivision plan.

- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order.
- J. A plat of the area proposed to be subdivided, including the tract boundaries street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and width of all other roads within or abutting the property.
- Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, man-made or natural including utilities, wells and sewage systems. All buildings, structures, utilities, wells, sewage systems and certified historic sites and structures within five-hundred (500) feet of the proposed subdivision shall be shown.
- S. Wetlands in accord with §613 of this Ordinance.
- T. A clear sight triangle shall be clearly shown for all street intersections.
- U. Site data including, total acreage, number of lots, and tax map number.
- V. Zoning data, including all of the following, when applicable:

1. Zoning district designations.
 2. Zoning district boundary lines crossing the proposed subdivision.
 3. Zoning district boundary lines within one thousand (1,000) feet of the proposed subdivision, shown on location map.
 4. Statement of zoning requirements and details of compliance of lot size, setbacks, lot coverage, etc.
- 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 U.S. Natural Resource and Conservation Service classification for each type, and locations of soil test pits and wells.
- 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. The proposed areas for location 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. Approval/signature blocks for the Board of Supervisors.
- DD. A title block on the lower right corner.

404.3 General Notes

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

- A. In the event the subdivision incorporates a private access street pursuant to §603.7, the following: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof."
- B. In the event of a "lot improvement" proposal, "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, page ___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. Highway Occupancy Permit/Driveway Permit
 1. State Road - "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420)."

2. Township Road - "Driveway permits are required for and for access to roads under the jurisdiction of Covington Township pursuant to Covington Township Road Encroachment Ordinance."

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

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

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

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

- G. If an existing structure is located within any required building setback, add the following note, "Upon razing of any structure all new construction shall comply with the required building setbacks."
- H. The following certification, "I, the undersigned, do hereby certify that I was responsible for this Final Plan, representing a survey made by me on the _____ day of _____, 20__, and that all monuments indicated hereon actually exist and that the location, size, and material of same are correctly shown. I further certify that, to the best of my knowledge, all of the requirements of the Subdivision and Land Development Ordinance have been met.

_____(seal)
Registered Surveyor or Professional Engineer"

- I. The following statement, "The undersigned do hereby certify that they are, together, all of the record owners of the land shown on this Final Plan and that they do hereby consent to the subdivision of the land in the manner shown hereon and hereby dedicate to the use of the lot owners/unit owners forever, all streets, alleys, thoroughfares, public utility easements and other community uses and facilities so designated on this Plan.

ATTEST:

_____"

404.4 Supporting Documents and Information

- A. Four (4) copies of the required Planning Module(s) for Land Development along with the site investigation reports.
- B. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.
- C. Stormwater Management Plan.

404.5 Additional Information

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

404.6 Application Forms and Certifications

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

405 PLAN REQUIREMENTS FOR LOT IMPROVEMENT SUBDIVISIONS

The plan requirements set forth in §404 of this Ordinance for Minor Subdivisions shall also apply to Lot Improvement Subdivisions. In addition, copies of the deeds prepared for recording shall be provided and the deeds shall effect the lot improvements on the approved plans; and the deeds shall be recorded along with the approved plans, with a copy of the receipt of recording submitted to the Township within five (5) days of the recording.

406 RESERVED

407 REQUIREMENTS FOR AS-BUILT PLANS

The Applicant shall provide to the Township plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance or applicable law and may result in rescission of approval. The as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Township.

407.1 Submission

One (1) legible paper print of the As-Built Plans and one (1) compact disk with the Plans in PDF format shall simultaneously be submitted to the Township and one (1) of each to the Township Engineer.

407.2 Format

- A. The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.
- B. All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

407.3 Water and Sewer

Water and sewer As-Built Plans shall be coordinated with the respective authorities.

407.4 Plan Information

The following information shall be shown on the As-Built Plans . Deviations from the approved plans shall be subject to a request from the Township Engineer for calculations sealed by the applicable Qualified Professional which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this Ordinance.

- A. Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- B. Deviations in grade on gravity dependent improvements (e.g. ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- C. Light pole locations.
- D. Sidewalk locations.
- E. Road and traffic signs
- F. Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations, and shall include information across the entire improved section from tie slope to tie slope in order to document that the design ditch, shoulder and roadway sections have been met.
- G. Parking spaces including handicapped spaces and access points.
- H. Retaining wall locations and elevations.
- I. Where permanent monuments have been set for right of way or tract boundary, the 4-decimal state plane coordinates and 2-decimal elevation of the center of the monument.
- J. Building locations with tie distances to property lines.
- K. Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- L. Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- M. Field changes not otherwise required by this Section.
- N. Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.
- O. Other information as deemed necessary by the Township Engineer depending on site conditions.

408 ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement shall be provided in accord with §531 of the Township Zoning Ordinance. The requirements of this §408 shall also be applied to any other proposed major subdivision or land development, which for reasons of location, design, existing traffic or other environmental considerations, as determined by the Township, warrants the application of the study and development standards contained herein.

The purposes of this EIS is to disclose the environmental consequences of a proposed development for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

409 TRAFFIC STUDY

In cases where, upon the determination by the Township, any proposed major subdivision or land development would have a significant traffic impact on the area road network, the Township may require the Applicant to submit a traffic impact study. The Board of Supervisors shall use the results of the study as a basis for establishing conditions of approval which will mitigate to the greatest extent possible any impacts identified. The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by the proposed use as well as improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity and elimination of hazardous conditions.

409.1 Professional Requirements

The TIS shall be prepared by a registered professional engineer or transportation planner with verifiable experience in preparing such studies.

409.2 Study Methodology

- A. State Roads - In cases where PennDOT requires a TIS for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
- B. Township Roads - If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

**ARTICLE V
IMPROVEMENT CONSTRUCTION GUARANTEES**

500 GENERAL

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

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

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

501 PennDOT REQUIRED IMPROVEMENTS

An 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 §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law."

502 SECTIONS/STAGES

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

503 IMPROVEMENT CONSTRUCTION GUARANTEES

503.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

- A. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Township. The bond shall be payable to the Township.
- B. Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Township. The financial institution must be located in the Commonwealth of Pennsylvania, or must have a branch located in the Commonwealth of Pennsylvania.
- C. Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Township. The financial institution must be located in the Commonwealth of Pennsylvania, or must have a branch located in the Commonwealth of Pennsylvania.

D. Additional requirements - The following requirements shall apply to the financial guarantees set forth in this §503.1:

1. The funds of any guarantee shall be held in trust until released by the Township and may not be used or pledged by the Developer as security in any other matter during that period.
2. In the case of a failure on the part of the Developer to complete the improvements, the institution shall immediately make the funds available to the Township for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Board of.
3. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.
4. The term length of the guarantee shall be set forth not less than six (6) months beyond the scheduled time for completion of improvements and shall be automatically renewed unless released by the Township.
5. The guarantee shall not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security

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

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

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Township to assure

that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

503.4 Release of Improvement Construction Guarantees

- A. Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.
 - 1. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
 - 2. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer to inspect the subject improvements and certify 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 the portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements. If the Board of Supervisors fails to act within the 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 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 - 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 the 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 the improvements either in whole or in part, and if the improvements, or any portion thereof, shall not be approved or shall be rejected, the report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
 - 4. Action - At the next regularly scheduled monthly meeting, or the usual scheduled date of the monthly meeting, of the Board of Supervisors after receipt of the Township Engineer's report, the Board of Supervisors shall act upon the 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 guaranty.
 - 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 §503.4, shall be followed.

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

504 IMPROVEMENTS CONSTRUCTION

This §504 shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided. 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 applicable plans detailing the design and installation of all improvements and documenting compliance with this Ordinance.

504.1 Schedule

The Developer shall, at least fifteen (15) calendar days prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements.

504.2 Inspections

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

504.3 Notice

The Developer shall provide a minimum of five (5) working days notice to Township Engineer prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

504.4 Cost

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

505 IMPROVEMENT MAINTENANCE GUARANTEE

505.1 Guarantee

Before final approval is granted, the Developer shall provide to the Township a maintenance guarantee in an amount 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.

- A. 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 Township may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the eighteen (18) month period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

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

505.2 Guarantee for Central Sewage, Central Water and Storm Water Management

This §505.2 shall only apply if guarantees are not required by any governing municipal authority.

- A. Guarantee - In lieu of the requirements of §505.1 above, the Board of may require a guarantee from the Developer for the perpetual maintenance, operation and repair of any central sewage system, central water system or storm water management structure. The guarantee shall be posted immediately after the system receives final approval and before it is put into operation.
- B. Amount - The amount of the maintenance guarantee shall be determined by the Board of but shall generally not exceed twenty-five (25) percent of the estimated cost of the system as verified by the Township Engineer.
- C. Township Action - In the event the system is not so maintained and operated, the Board of, at any time during the term of the guarantee and upon thirty (30) calendar days notice, shall have the right to declare a forfeiture of a portion or all of the maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of the guarantee are insufficient to pay the cost of maintaining the improvements the Board of, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

506 CONTINUED OWNERSHIP AND MAINTENANCE OF IMPROVEMENTS

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

506.1 Private Operation and Maintenance

- A. Land Developments - In the case of land developments the provision the provision for succession of ownership and responsibility for maintenance shall be in the form of deed covenants and restrictions and a note on the Plan clearly placing the responsibility of maintenance of all development improvements with common areas with the owner of the land development.
- B. Residential Developments - In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions and with a reference to same on the Plan, for the creation of a Property Owners Association to assume the ultimate ownership of all development improvements and common areas and responsibility for maintenance of such improvements and common areas which are not dedicated to the

Township. Membership in the Property Owners Association shall be mandatory for all property owners in the development.

- C. 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. This fund shall be established on a permanent basis with administrative provisions approved by the Township and shall be in an amount of not less than fifteen (15) percent of the cost of system construction as required by the Township.
- D. Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of the improvements consistent with Township requirements and/or the needs of the users of the improvements, the Township shall have the right to perform the operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Board shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for the operation and maintenance of the private improvement to the person(s) responsible for or benefitting from the proper operation and maintenance. Such actions may include, but are not limited to, those prescribed in §903 of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

506.2 Dedication to Township

The offer of dedication to the Township and the acceptance by the Township of any roads or associated drainage facilities shall be governed by the Township Road Dedication Ordinance, as amended. The Township may accept only roads and associated drainage facilities, but shall not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements. In the case where roads are being constructed and offered for dedication as part of a subdivision or land development regulated by this Township Subdivision and Land Development Ordinance, the Road Dedication Ordinance shall be applied concurrently with respect to procedures.

506.3 Operation and Maintenance of PennDOT-Required Facilities

- A. Developer Responsibility - If the operation, ownership or control of any PennDOT-required facilities in relation to, or associated with, a subdivision or land development (e.g., traffic signals, other traffic controls or stormwater management facilities) is required by PennDOT to be with the Township, for so long as the facilities or any replacement or substitutions thereof shall be in existence and/or required by PennDOT, the Developer shall be responsible for the cost of maintaining the facilities. This shall include the costs and expenses incident to the ownership, operation, maintenance, control, repair, replacement, and insuring of the facilities ("Facility Maintenance Costs"). If two or more developers are involved in development projects that use the facilities either as a result of occurring simultaneously, or where one project is developed and there is subsequent development that contributes to the use of the facilities, then each developer shall contribute a proportionate share of the Facilities Maintenance Costs by paying a proportionate share into the Facility Maintenance Fund. The responsibility for the facilities shall be attached to the land via deed or other recorded agreement.
- B. Facility Maintenance Fund - The Developer shall deliver to the Township an initial amount reasonably determined by the Township Engineer to be equivalent to the estimated Facility Maintenance Costs for the ensuing two-year period, or in the case of multiple developers, a proportionate share of the estimated Costs for the ensuing two-year period (the "Initial Maintenance Fund"). The Initial Maintenance Fund and all Supplemental Deposits shall be held in a separate non-commingled account. The amount of the Facility

Maintenance Fund shall be annually increased by additional deposits delivered by the Developer or Developers in an amount reasonably determined by the Township Engineer to be equivalent to the estimated Facility Maintenance Costs for the ensuing two-year period ("Supplemental Deposits"). The annual review shall occur at the regular Township Supervisors meeting in February of each year. Interest shall accrue on the Facility Maintenance Fund, with the accrued interest calculated and included in the amount necessary to satisfy the estimated two years of the Facility Maintenance Costs. The Developer shall pay to the Township such amounts as are necessary to supplement the Facility Maintenance Fund following the annual review, within 30 days of the date of the Township's written invoice or statement.

- C. Surety and Use of Fund - The funds deposited into the Facility Maintenance Fund shall be deposited in a money market account, certificate of deposit, or other instrument or account of the Township's choice provided that such account or financial instrument is insured by the Federal Deposit Insurance Corporation or any similar agency of the United States of America. The Township shall have the right to withdraw funds from the Facility Maintenance Fund necessary to pay expenses incurred with respect to the Facility Maintenance Costs. In the event of any such withdrawal, the Township shall give written notice thereof to the Developer specifying the nature of the charge or expense and providing a written statement thereof. The Township shall be the sole signatory with respect to the Facility Maintenance Fund provided, however, such fund shall be considered a trust account and shall not be subject to lien or attachment.

507 SUBDIVISION AND/OR LAND DEVELOPMENT IMPROVEMENTS AGREEMENT

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Supervisors, and if so directed by the Board of Supervisors, enter into a legally binding development agreement with the Township of Covington guaranteeing the installation and maintenance of the required improvements in accord with the approved plan and all Township requirements. Prior to executing this agreement, the Board of Supervisors shall submit the agreement to the Township Solicitor and Township Engineer for their review and recommendation, and the Board of Supervisors shall consider the recommendations and shall specifically reference the approved project plans by name, date, and plan/project number as noted on the plan.

507.1 Contents

The development agreement shall be in a form suitable for execution by the Board of Supervisors shall specifically reference the approved project plans by name, date, and plan/project number as noted on the plan and shall provide for the following, where applicable:

- A. The construction of all facilities and improvements authorized by the approved plans (streets, drainage, etc.) in itemized format, and by section if sections are proposed.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for facilities and improvements contained herein.

- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. An itemized list of all waivers or modifications granted by the Board of Supervisors and reference to specific Ordinance sections.
- J. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of these improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of this policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering, consulting, and legal costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

507.2 Execution

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

508 OPEN LAND AND RECREATION LAND -- OWNERSHIP AND MAINTENANCE

This §508 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Board of (referred to as "common open space") as required by this Ordinance.

508.1 Purpose

The requirements of this §508 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 this responsibility and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

508.2 Plan and Legal Documents

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

- A. The Plan shall define ownership.
- 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 conservation open space 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 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 shall be approved by the Board of.

508.3 Use Restriction

The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Township Zoning Ordinance.

508.4 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 for the common open space. 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: "Common open land, common 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."

508.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

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 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 to establish the use dedication and require operation and maintenance of common open space, if the means established by the Developer fail.

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. 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.

508.5.1 Property Owners Association or Condominium Agreements

All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:

- A. The POA/CA is established by the Developer as a nonprofit 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 owners.
- C. Provision is made for the maintenance of common open space during the 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.

508.5.2 Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the 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 establish 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, as approved by the Board of.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement among the Developer, organization and Township is executed to the satisfaction of the Board of.

508.5.3 Deed Restricted (Non-Common) Private Ownership

Deed restrictions on privately held lands may be used to preserve open land 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. Up to eighty (80) percent of the required conservation open space may be included within one or more large conservancy lots of at least ten (10) acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses permitted for conservation open space by the Township Zoning Ordinance, and that the Board of Supervisors is given the ability to enforce these restrictions. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

508.5.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Board of, 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.

508.5.5 Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Board of 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/CA, 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.

508.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Board of 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 agrees to and has access to maintain such lands.

508.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

If the method established for the dedication of use, operation, and maintenance of common open space fails to do so in reasonable order and condition in accord with the approved development plan, the Board of shall have the right and authority to take all necessary legal action to enforce the use dedication, operation, and maintenance. The action of the Board of shall be in accord with the following:

508.6.1 Notice

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

508.6.2 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.

508.6.3 Public Hearing

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 this hearing, the Board of may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies. The assigned entity or property owners shall pay for the advertising costs for this hearing and one-half of the cost of any stenographer.

508.6.4 Failure to Correct

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

508.6.5 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 that the proper steps have been taken to modify the terms of use dedication, operation, and/or maintenance; and/or, to reorganize or replace the responsible entity so that use dedication, operation, and maintenance established by the approved development plan will be assured.

508.6.6 Appeal

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

508.6.7 Public Costs

The costs of the preservation of use dedication, maintenance and operation of any open land conducted by the Township in accord with this Article, 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 be made a lien on the properties; and, the Board of shall, at the time of the notice in §508.6.1 above, file the required notice of lien against the properties.

ARTICLE VI
DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS

601 GENERAL STANDARDS

The standards and requirements contained in this §601 shall apply to all subdivisions and land developments except as noted, and are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied by the Covington Township Planning Commission and by the Covington Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of Preliminary Plan application.

601.1 Site Requirements

- A. Planning - The development shall conform to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- B. Contiguous Lands - Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall cover all such contiguous lands. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract; provided, however, that the developer shall be required to submit not less than a prospective street layout and a topographic map of the contiguous lands at a scale of 1 inch equals 200 feet regardless of any such waiver.
- C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Township, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.
- D. Hazard Areas - Those areas which may present hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.
- E. Remnants; Development Design; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations.
- F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise

interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Lackawanna County Conservation District, the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers.

1. Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
2. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality and the health of aquatic communities, and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:
 - a. Disturbance to streams and drainage swales.
 - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
 - c. Because of extreme limitations, stream valleys, swales and other lowland areas warrant designation as conservation open space.
3. Woodlands - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.
 - a. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
 - 1) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge
 - 2) As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
 - 3) As a source of wood products, i.e., poles, saw timber, veneer and firewood
 - 4) As habitats for woodland birds, mammals and other wildlife.
 - 5) As recreation resources for walkers, equestrians, picnickers and other related outdoor activities
 - 6) As visual buffers between areas of development and adjacent roads and properties.
 - b. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which these woodlands should be designated partly or entirely as conservation open space or development lands. Evaluation criteria shall include:

- 1) Configuration and size.
 - 2) Present conditions, i.e., stocking, health and species composition.
 - 3) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
 - 4) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
 - 5) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- c. In the case of major subdivisions and land developments, the evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Subsections a and b above.
- d. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
- 1) Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
 - 2) Developments shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. These lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
 - 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board of Supervisors and on a limited, selective basis to minimize the adverse impacts of the disturbance or removal. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
 - 4) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before subdivision and land development preliminary plan approval. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.
4. Upland Rural-Agricultural Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. These areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. These include prime agricultural

soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

5. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.
 - a. Areas of steep slope shall be preserved in accordance with the Zoning Ordinance and as required below.
 - b. All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
 - c. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be completed to minimize disturbance of natural grades.
6. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by incorporating them into proposed conservation open space areas or avoiding their disturbance in areas proposed for development.
- G. Historic Structures and Sites - The Township's documented historical resources begin with the Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Board of Supervisors, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Board of Supervisors by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Township participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.
- H. Trails - When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Board of Supervisors may require the applicant to make provisions for continued recreational use of the trail.
 1. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
 - a. The points at which the trail enters and exits the tract remain unchanged.
 - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).

- c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
2. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.
3. The land area permanently designated for trails for public use may be credited toward the conservation open space land requirement of the Zoning Ordinance.
4. An applicant may propose and develop a new trail. If the trail is available for use by the general public and connects with an existing trail, the land area protected for this trail may be credited toward the open space requirement of the Zoning Ordinance.
5. Trail improvements shall demonstrate adherence to principles of quality trail design.
6. Trails shall have a vertical clearance of no less than ten (10) feet.
7. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
8. No trail shall be designed with the intent to accommodate motorized vehicles.
- I. Boundary Lines and Reserve Strips - Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- J. Water Frontage and Surface Drainage - The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Township, and, where required by state statute, the Pennsylvania Department of Environmental Protection, or other applicable state agencies.
- K. Community Facilities and Comprehensive Plan Requirements - Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of this area provided that such reservation is acceptable to the Township and the developer.
- L. Walkways - Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).
- M. Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Township.

601.2 Planned Improvements

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

601.3 Improvements Specifications

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

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, Lackawanna County, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- B. If there are no applicable Township or State regulations, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances

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

601.5 Modifications

The standards and requirements of this Ordinance may be modified pursuant to Section 902, by either increasing or decreasing the standards and/or requirements, by the Township Supervisors, upon recommendation of the Township Planning Commission, where the modifications achieve substantially the objectives of this Ordinance, will not unduly tax Township fiscal service obligations and which are further protected by those covenants or other legal provisions as will assure conformity to and achievement of the subdivision and/or development plan.

602 BLOCKS AND LOTS

602.1 Configuration

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

602.2 Blocks

- A. Residential - Residential blocks shall have a maximum length of one thousand eight hundred (1,800) feet unless another access is provided.
- B. Commercial - Commercial blocks shall have a maximum length of six hundred (600) feet.
- C. Two Tiers - Blocks shall be of sufficient width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

602.3 Lots

- A. Zoning Ordinance - Lot sizes and widths shall be governed by the Covington Township Zoning Ordinance.
- B. Municipal Boundaries - Lots shall not be divided by municipal boundaries.
- C. Street Frontage - All lots shall front on an approved street and double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road. 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 planting strip along the public right-of-way line.

- D. Side Lines - All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Common Driveway - In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever five (5) lots of an average of less than three hundred (300) feet width at the street line are proposed along one side of any improved primary or secondary road. In these cases, the developer shall include in the deeds to all affected lots, appropriate covenants and restrictions to establish the right of use for the interior streets and/or common driveways, and the responsibility for their maintenance. The covenants and restrictions will be reviewed and approved by the Township Solicitor.
- F. Remnants or Reserve Strips - All lands in a subdivision shall be included in plotted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- G. Right-of-Way Edge - Lots shall be laid out to the edge of any road right-of-way.

603 STREETS/ROADS

- A. Approved Plans - Streets/roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township. Streets/roads shall generally be classified in accord with the definition of street. However, the final determination as major, collector, or minor shall be made by the Board of Supervisors.
- B. Circulation System - In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
 - 1. Where a subdivision abuts or contains an existing or proposed arterial street, interior access streets may be required, in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.
 - 2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- C. Comprehensive Plan and Official Map - Proposed streets shall conform in all respects to the Township Comprehensive Plan and Official Map that may be developed and apply.
- D. Highway Plans - Proposed streets shall further conform to the County and State highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Planning Commission.
- F. Half or Partial Streets - New half or partial streets shall not be permitted, except where essential to reasonable subdivision of a tract in accordance with other requirements and standards of this Ordinance

and where, in addition, satisfactory assurance for dedication of the remaining parts of the street(s) is secured and the construction of the street is carried out simultaneously as a whole. Wherever a tract to be subdivided borders an existing half or partial street, the new part shall be platted to the existing street.

603.1 Topography

Streets shall be logically related to topography to produce reasonable grades, minimize site disturbance, and provide suitable building sites.

603.2 Access

Any road, right-of-way, street, easement or other defined way that provides access to a subdivision and/or land development, and by providing this access allows the subdivision or land development to enter upon a State, County or Township road, or other defined road in the subdivision or land development, shall be a street/road under this §603, and this road, right-of-way, street, driveway, easement or other defined way shall meet all of the design criteria for a street/road in this Ordinance. Existing roads, rights-of-way, streets, driveways, easements or other defined ways, which are not State, County or Township roads/streets, and which are proposed to provide access to a subdivision and/or land development shall meet the requirements of this §603 or shall otherwise be improved to meet all of the design criteria for a street/road in this Ordinance.

603.3 Street Continuation

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

603.4 Subdivision Names and Street Names

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Subdivision and street names shall not be repeated or be similar to those existing within the Township or adjacent areas; and, all street names shall be subject to the approval of the Board of Supervisors for conformance with the enhanced 911 emergency call system. Street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

603.5 Rights-of-Way

- A. Inadequate Rights-of-Way - Where a subdivision and/or land development abuts or contains an existing state, municipal or private street of inadequate right-of-way width, additional right-of-way width shall be provided by the Developer in conformance with Table VI-1 "Design Standards for Streets" or as otherwise established by the Board of Supervisors, Comprehensive Plan, or Official Map.
- B. Additional Subdivision - If lots resulting from the original subdivision are large enough to permit additional subdivision or, if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

603.6 Cul-de-Sac Streets

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

- A. Dead End Streets - Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties with this designation noted on the plan.

- B. Temporary Turn-Around - Any temporary dead end street, if designed to provide future access to adjoining properties, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area with a radius equal to that required for a permanent turnaround; and, the use of this turnaround shall be guaranteed to the public, but shall be removed when the street is extended.
- C. Units/Length - Permanently designated cul-de-sac streets shall not exceed a length of one thousand (1,000) feet measured from the centerline of the intersecting street to the center of the cul-de-sac turnaround.
- D. Turnaround - All cul-de-sac streets, whether permanent or temporary, shall terminate in a turnaround. (See illustrations.) A circular turnaround or off-center circular turnaround having a right-of-way with a minimum outside radius of fifty (50) feet, an outer pavement edge or curb line having a minimum radius of forty (40) feet and be improved to the required construction specifications.
- E. Connecting Arcs - The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet and the pavement by an arc of not less than forty (40) feet.
- F. Through Street - When the Planning Commission determines that a cul-de-sac street may be required to be converted to a through street to provide access to adjoining property, a right-of-way equal to the width of the cul-de-sac street shall be provided to the perimeter boundary of the development parcel.
- G. Snow Storage - All cul-de-sac turnarounds shall be provided with a plowed snow storage area designated by permanent easement with a capacity determined by the Township based on the size and configuration of the turnaround.

603.7 Private Access Drives

Private access drives may be used to provide access to residential lots which do not front on a public or approved private street in accord with the following:

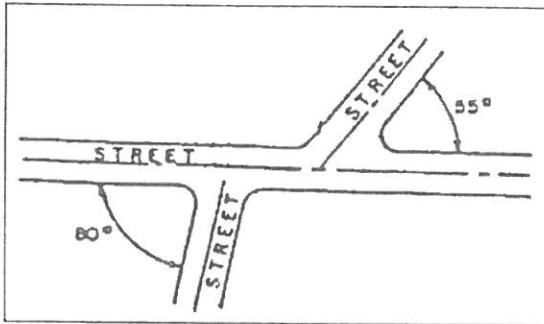
- A. Number of Dwelling Units - A private access drive shall be used only to provide access to a maximum of four (4) lots which cannot legally be further subdivided or improved with more than one (1) dwelling unit. If any of the lots are of a size to allow further subdivision or the development of one (1) or more additional dwelling units, a note such as follows shall be included on the plan and in the deed of conveyance for the lot: *Lot ___ shall be restricted from further subdivision and shall be limited to the development of one (1) dwelling unit unless otherwise approved by the Board of Supervisors pursuant to the terms of the Township's Subdivision and Land Development Ordinance in effect at the time application is made for this approval.*
- B. Length and Width - The private access drive shall not exceed eight hundred (800) feet in length as measured from the edge of the right-of-way of the abutting public street to the point of connection to the lot or the approved area for construction of the dwelling unit. Any subdivision proposing a street exceeding these limits shall be considered a major subdivision and all normal standards shall apply to the lot and drive construction. The width of the drive shall conform to Table VI-1 and Table VI-2:
- C. Turnaround - The private access drive shall be provided with a T- or Y-shaped turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.
- D. Further Development - If there is a potential for subdivision or development of any of the lots created such that eventually more than one (1) lot and/or dwelling unit might result, the subdivider shall provide

additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.

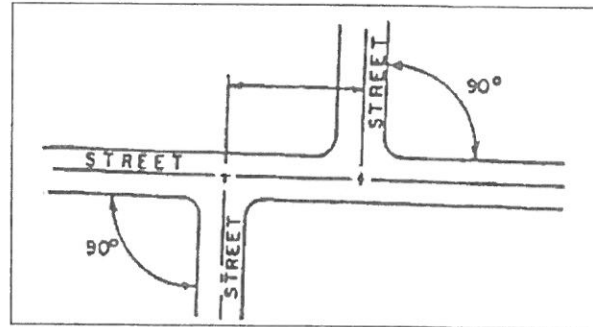
- E. Drive Construction - Private access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access drive and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access drive is constructed or guaranteed in accord with Article V of this Ordinance. The private access drive shall not under any circumstances be offered to the Township as a municipal street. The Applicant shall agree to the terms of this §603.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access drive and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: *The construction and maintenance of the private access drive and turnaround shall be the responsibility of the owner(s) of the lots served by the drive. No building permit shall be issued for any improvements on lots served by the drive until such time as the drive and turnaround is constructed. The private access drive shall remain private and shall not be offered for dedication to the Township as a public street.*
- F. Leveling Area - A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access drive intersects with the right-of-way of the adjoining street.
- G. Storm Water; Soil Erosion - Storm water management and soil erosion and sedimentation control shall be addressed in accord with §605 of this Ordinance.
- H. Through Street Grade - A private access drive shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8) percent for the private access drive intersection.
- I. Highway Occupancy Permit/Driveway Permit
 - 1. State Road - A highway occupancy permit shall be required for access to any road under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
 - 2. Township Road - A driveway permit shall be required for and for access to any road under the jurisdiction of Covington Township pursuant to Covington Township Road Encroachment Ordinance.

603.8 Intersections (See §603.13E for leveling areas.)

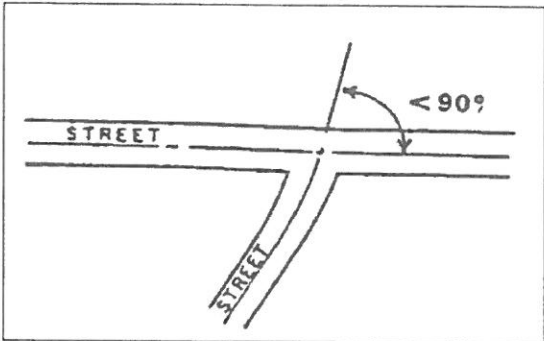
- A. Center-Lines - Center-lines of streets shall intersect as nearly at right angles as possible.
 - 1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
 - 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
- B. More Than Two Streets - Intersections of more than two (2) streets at one (1) point are not permitted.



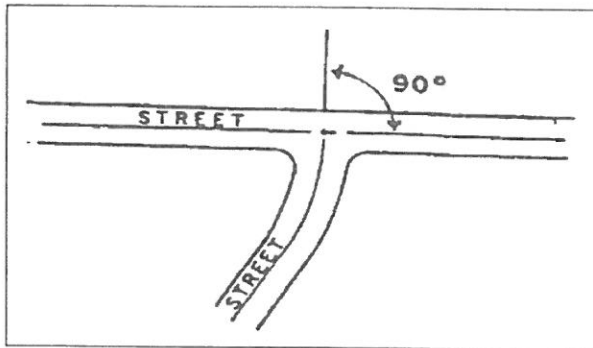
Unacceptable Street Intersection Design



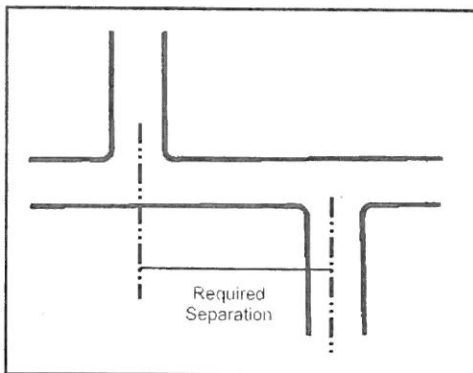
Acceptable Street Intersection Design



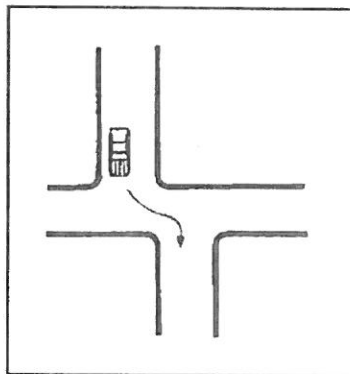
Unacceptable Street Intersection Design



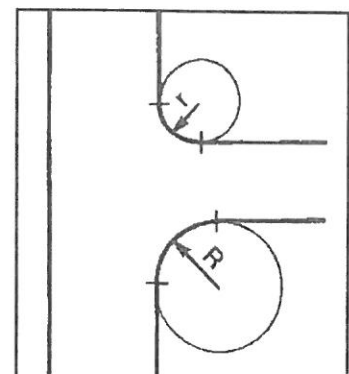
Acceptable Street Intersection Design



Required Centerline Separation



Corner Cutting



Cartway Edge Arc

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

1. One hundred fifty (150) feet for minor, local access and marginal access streets.
2. Two-hundred fifty (250) feet for collector streets.
3. Four hundred (400) feet for connector streets and County or State roads.

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

streets and streets of higher classification. The right-of-way arc shall be congruent with the cartway arc.

E. Traffic Signs and Signals - Traffic signs and traffic signals shall be required in accord with §617.

F. Leveling Area - A leveling area shall be provided in accord with PennDOT requirements.

603.9 Major Street Frontage

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

603.10 Construction Standards

A. Street Right-of-Way, Travelway, and Shoulder Widths, and, Cross Sections - Street right-of-way, travelway and shoulder widths and design shall be platted to the minimum standards provided in Table VI-1 and Table VI-2.

B. Basic Improvements Required - The developer shall construct streets or roadways as outlined below and pursuant to Table VI-2.

1. The developer shall install all required under drains and underground utilities within the right-of-way prior to the placement of the stone sub-base.
2. Once the PennDOT 2A stone mixture has been placed, the developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.

603.11 Easements

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Final Plan, and the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so. The Township shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement. Additional access, drainage or utility right-of-way, may be required by the Board of Supervisors to meet the intent of this Ordinance whenever topography, existing problems or other need exists to protect the public health and safety.

A. Access Easements

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

TABLE VI-1 DESIGN STANDARDS FOR STREETS						
DESIGN SPECIFICATION	Connector	Collector	Minor	Local & Marginal Access	Alley	Private Access
Design speed (mph)	45	45	40	30	20	20
Posted speed (mph)	40	40	35	25	NA	NA
Average daily traffic	> 4,000	1,501 - 4,000	501 - 1,500	≤ 500	NA	NA
CROSS SECTION STANDARDS						
Street right-of-way width (feet)	60	60	50	50	30	25 ⁴
Travelway width (feet)	24	22 ¹ / 24 ²	20	20 ³	16	12
Shoulder width, each side (feet)	8	6	4	4	NA	NA
Cartway width (feet)						
-with shoulders	40	34 ¹ / 36 ²	28	28	20	NA
-with curbs, no parking	26	24 ¹ / 26 ²	22	22	18	NA
-with curbs, parking one side	NA	NA	30	30	NA	NA
-with curbs, parking each side	NA	NA	40	40	NA	NA
Crown (%)	2	2	2	2	2	2
Superelevation per AASHTO, maximum (%)	8	8	8	8	NA	NA
Shoulder slope (%)	4	4	4	4	4	NA
Clear zone width (feet)	PennDOT spec	PennDOT spec	PennDOT spec	PennDOT spec	PennDOT spec	NA
GEOMETRIC STANDARDS						
Grade, maximum (%)	8	10	12	12	12	14
Grade, minimum (%)	1	1	1	1	1	1
Center line radius, minimum (feet)	600	400	300	200 ³	75	75
Stopping sight distance, minimum (feet)	360	360	305	200	115	100
Tangent between reverse curves, minimum (feet)	100	100	50	50	0	0
Minimum K, vertical curves - crest/sag	61 / 79	61 / 79	44 / 64	19 / 37	7 / 17	7 / 17
Vertical curve length, minimum (feet)	135	135	120	90	60	60
Swale or gutter grade, minimum (%)	1	1	1	1	1	1
¹ residential ² nonresidential ³ The Applicant may submit alternative designs for consideration in accord with §1003 for residential streets serving a limited number of lots provided AASHTO standards are met. ⁴ See §603.7D for increase right-of-way requirement. NOTE: Arterial streets shall be designed to PennDOT specifications.						

TABLE VI-2 MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET				
CONSTRUCTION SPECIFICATIONS	STREET CLASSIFICATION			
	Connector	Collector	Minor, Local, Marginal Access & Alley	Private Access
Wearing Course				
material	Superpave Asphalt Mixture Design, 9.5 mm			
compacted depth (inches)	1.5	1.5	1.5	not applicable
Binder Course				
material	Superpave Asphalt Mixture Design, 19 mm			
compacted depth (inches)	3.0	3.0	not applicable	not applicable
Base Course				
material	Superpave Asphalt Mixture Design, 25 mm			
compacted depth (inches)	5.0	5.0	5.0	not applicable
Sub-Base				
<ul style="list-style-type: none">- The Developer shall install <u>all</u> underground utilities within the right-of-way prior to the placement of the stone sub-base.- The stone sub-base shall extend under the required shoulder.- Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.				
material	PennDOT No. 2A Aggregate			
compacted depth (inches)	10.0	8.0	6.0	6.0
maximum construction lift (inches)	4.0	4.0	6.0	6.0
Shoulders				
material	PennDOT No. 2A Aggregate plus PennDOT Type 1 Shoulder		PennDOT No. 2A Aggregate	not applicable
compacted depth (inches)	20.25	17.5	15.5	
maximum construction lift (inches)	6.0	6.0	6.0	
<ul style="list-style-type: none">- All material shall meet PennDOT Specifications, Publication 408, latest edition.- Pavement base drains will be required for poor subgrade soils.				
NOTE: Arterial streets shall be designed to PennDOT specifications.				

B. Drainage and Utility Easements

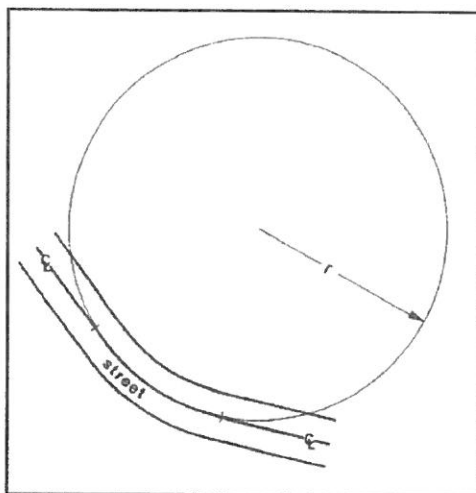
1. Drainage and utility easements may be provided within the required street right-of-way unless additional width is required to adequately accommodate the needed improvements.
2. Utility Easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way.

3. Utility easements shall be shown and labeled on the plan and included in the restrictive covenants recorded with the parcel deed.

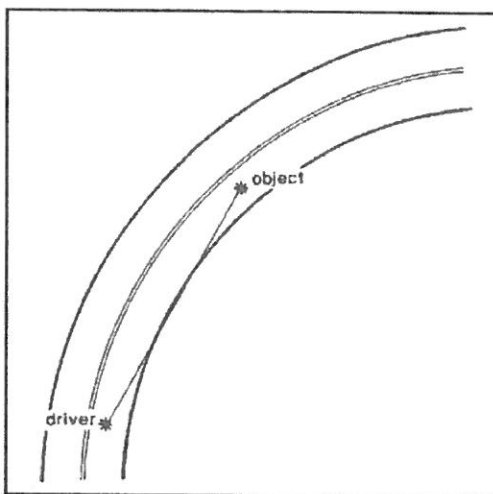
603.12 Street Alignment

Street alignment shall be designed per Table VI-1 and the following:

- A. Deflection - Whenever street lines are deflected in excess of five (5) degrees within one hundred (100) feet, connection shall be made by horizontal curves.
- B. Sight Distances - Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table VI-1.
- C. Stopping Sight Distance - Stopping sight distance is the length of highway over which an object is visible to the driver at all times. For the purpose of measuring the available stopping sight distance at a particular location, the driver's eye height is assumed to be three and one-half (3.5) feet above the roadway surface and the object height is assumed to be six (6) inches above the roadway surface.
- D. Tangents - Between reversed curves the following minimum tangents shall be provided:
 1. Two hundred (200) feet on arterial streets.
 2. One hundred (100) feet on collector and connector streets.
 3. Fifty (50) feet on minor, local access, and marginal access streets.



Horizontal Curves - the radius of the circle formed by the centerline of the curve.



Horizontal Curves - sight distance limited by sharpness, or radius, of the curve.

603.13 Street Grades

Street grades shall be designed as follows:

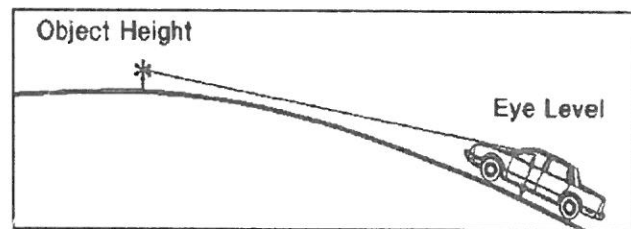
- A. Center-line grades shall not exceed the grades set forth in Table VI-1.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.

- D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- E. A leveling area for all street intersections shall be provided as follows:
 - 1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight (8) percent for collector, minor, local access, and marginal access street intersections; and, all other intersections shall comply with the grades as required on Table VI-1. Crest and sag vertical curves shall be provided in accordance with §603.14.
 - 2. The tangent grade of the connecting street(s) shall not exceed four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §603.14. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves

Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in accord with AASHTO requirements based on average daily traffic for the road. The following vertical curve information shall be shown on the road profiles:

- A. Length of vertical curve.
- B. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
- C. Road grades.
- D. Sight distances.

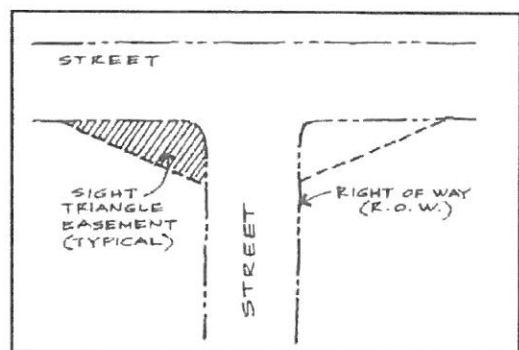


Sight Distance - on crest of hill (vertical curve).

603.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersecting streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure the clear sight triangle.
- B. The triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The point along the secondary street centerline shall be ten (10) feet back from the pavement line of the through street. The points along the centerline of the through street shall be set in accordance with the following table.
- C. Whenever a portion of the line of the triangle occurs behind (from the street) the required building setback line, this portion shall be shown on the final plan of the subdivision and shall be considered the required building setback line.



Clear Sight Triangle

Road Classification	Speed (miles/hour)	Distance (feet)
Local	30	335
Minor	40	445
Collector	50	555
Higher classes	50	555

603.16 Driveways

The Developer shall install driveway entrances, aprons, leveling areas, and required drainage for all proposed driveways. Driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Lots shall not be platted which would result in driveways which would exceed fifteen (15) percent in grade or as otherwise required by state or Township regulations.
- C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be shown on the Preliminary and Final Plans.
- E. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- F. Adequate provision shall be made for parallel drainage facilities.
- G. The minimum vertical curve for residential driveways shall be two (2) feet per one (1) percent change in grade.
- H. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

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

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

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures which are part of the proposed street system shall be designed by a Qualified Professional and shall be constructed in accord with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load. Evidence of compliance with any Lackawanna County, state or federal requirements shall be provided.

603.18 Clearing and Grubbing

The right-of-way for all streets shall be cleared of vegetation to the full width of the right-of-way and grubbed only to the extent necessary to provide the required street cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots, and other material deemed unsuitable by the Township for underlying the street improvements shall be removed from the grading area and shall be properly disposed of.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township Engineer prior to the subbase installation.

603.19 Cuts and Fills

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Board of Supervisors for special conditions.
- B. The maximum slope of any rock excavation shall not exceed four feet vertical to one foot horizontal.
- C. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township Engineer or according to Pennsylvania Department of Transportation Publication 408 specifications.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.
- G. Fills shall be placed and compacted so as to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner and the Board of Supervisors.

- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams and adequate provisions shall be made for the installation of culverts and bridges.

603.20 Sub-Grade, Base and Surface

A. Subgrade

- 1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
- 2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
- 3. Unsuitable soils, 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 these locations, and particularly, on soils identified in the Lackawanna County Soil Survey as subject to frost heave is proposed, the Township shall require those drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of these 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 a minimum of collector street standards.

F. Parking Lanes - The Board of Supervisors, with the advice of the Township Engineer, shall determine when and if curbs are required. Where curbs are required for connector or collector streets, if a parking lane (between the travelway 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. The parking lane shall be not less than eight (8) feet wide for minor streets and six (6) feet wide for local and marginal access 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.

603.21 Walls, Slopes, and Guide Rails

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

- B. Guide rails shall be installed in accord with the most current PennDOT standards.

603.22 Curbs, Gutters, and Swales

- A. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Board of for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.
- C. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- D. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.
- F. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PA DOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.
- G. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately with the profiles.

603.23 Street Lighting

Street lighting shall be the responsibility of the Applicant to provide, and the lot owners to maintain and operate. The Board of Supervisors with the advice of the Township Engineer shall 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 Applicant may be required to provide utility easements for future street lighting installation. All lighting shall comply with the Township Zoning Ordinance and the standards of the Illuminating Engineering Society (IES) of North America.

603.24 Shade Trees

Reasonable efforts shall be made by the subdivider to preserve existing shade trees. In addition, the Board of Supervisors may require that deciduous hardwood trees, with a minimum caliber of one and one-half (1 ½) inches, be provided, in accordance with conditions to be agreed upon by the Township and, if necessary, the appropriate public utility. Where provided, these trees shall be planted between the street right-of-way and the building reserve (setback) line at least ten (10) feet from the public street right-of-way. No trees or shrubs shall be planted between any sidewalk and the right-of-way line.

- A. Any tree planted in a commercial or industrial area shall have a minimum caliber of three (3) inches.
- B. A street tree planting plan shall be furnished for approval by the Township as to kind, size, and location of trees.

603.25 Sidewalks; Crosswalks

Sidewalks and street cross walks may be required by the Board of Supervisors, with the advice of the Township Engineer, where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the street right-of-way immediately adjacent to the curbs, except as may be approved by the Township to accommodate street trees or other landscaping. Sidewalks and street crossings shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.

603.26 Parking On Streets

Off-street parking for all uses shall be provided in accord with the Township's Zoning Ordinance; and, streets shall not be designed to accommodate on-street parking except in accord with §603.20F.

603.27 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §609 of this Ordinance. The cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at that depth and in that manner as dictated by the site; and, no pipe shall be installed that is less than eighteen (18) inches in diameter. (See §609 for additional requirements.)

603.28 Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the Board of to ensure safe traffic and pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

603.29 Road Striping

If required by the Township, all roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.

604 MONUMENTS AND MARKERS

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

604.1 Monuments for Boundary of Parent Parcel

- A. Monuments shall consist of either:
 - 1. A two (2) inch (inside diameter) galvanized pipe filled with concrete at least thirty-six (36) inches in length (preferred 42" to 48").
 - 2. A concrete cylinder four (4) inches in diameter and at least thirty-six (36) inches in length (preferred 42" to 58").
- B. Monuments shall be set flush with the finish grade of the surrounding ground.
- C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

D. Monuments shall be placed as follows:

1. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.2 Markers

A. Lot markers shall consist of either:

1. Solid steel rods not less than five-eighths (5/8) inch in diameter or not less than twenty-four (24) inches in length.
2. Steel pipes not less than three-quarters (3/4) inch in diameter or not less than twenty-four (24) inches in length.

B. Markers normally shall be set two (2) inches above the finish grade of the surrounding ground.

C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

D. Markers shall not be placed until road grading has been completed.

E. Lot markers shall be placed as follows:

1. At all points where lot lines intersect street right-of-way lines.
2. At all points where lot lines intersect exterior property lines.
3. At all interior lot corners.
4. At such other lot corners and locations as the Township may direct.

605 STORMWATER AND DRAINAGE CONTROL

605.1 Purpose

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

605.2 Plan

A stormwater drainage and management plan shall be required for all subdivisions and all land developments and shall be subject to the approval of the Township. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the

Planning Commission at the time of preliminary subdivision plan submission.

605.3 Compliance with State Regulations

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

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of twenty-five (25) years. Detention facilities shall be designed to retain a one hundred (100) year storm without facility failure. All designs shall comply with applicable PA DEP requirements and the most current Pennsylvania Stormwater Best Management Practices Manual.
- B. In cases where detention of stormwater is proposed, the post development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development.
- C. The Board of Supervisors shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where these facilities are not proposed by the developer.
- D. Watershed Ordinance - In cases where any part of a proposed subdivision or land development is located in a watershed where a Township Stormwater ordinance applies, stormwater management shall be provided in accord with that ordinance.

605.5 Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the preliminary drainage plan submitted with the preliminary subdivision plan and shall be considered "improvements" for the purposes of final subdivision approval.
- B. Natural drainage courses and points of natural drainage discharge shall not be unnecessarily altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or create the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of these properties and the provision by the developer of facilities to control the stormwater or drainage. A copy of this consent shall be provided to the township and shall be recorded in the Lackawanna County Recorder of Deeds Office.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the

developer a drainage easement conforming substantially with the line of this drainage way or channel, and of such width as determined by the Board of Supervisors adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting the drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.

- E. Unless otherwise required by the PA DEP or other Township ordinances, where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or that additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating that approval shall be presented to the Township prior to final plan approval.
- H. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- I. Drainage and utility easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- J. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

605.6 Maintenance of Stormwater Control Facilities

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

606 SOIL EROSION AND SEDIMENTATION CONTROLS

No grading, filling, excavating, removal of vegetation or topsoil or other earth disturbance shall be undertaken except in accord with an approved soil erosion and sedimentation control plan. All soil erosion and sedimentation control

plans shall meet the requirements and specifications of the Pennsylvania DEP and shall be approved by the Lackawanna County Conservation District. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Lackawanna County Conservation District.

607 WATER SUPPLY AND SEWAGE DISPOSAL

607.1 General Standards

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

607.2 On-lot Water Supply

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

607.3 Off-site Water Supply

If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land development plan, submit written evidence of compliance with all

Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations. If the proposed system is not regulated by PA DEP, it shall comply with the latest edition of the Recommended Standards For Water Works, Policies for the Review and Approval of Plans and Specifications for Public Water Supplies, A Report of the Water Supply Committee of the Great Lakes--Upper Mississippi River Board, of State and Provincial Public Health and Environmental Managers, 2012 Edition, or the most recent replacement thereof.

607.4 Water Supply for Fire Fighting Purposes

In the case of subdivisions of twenty-five (25) lots or more, or for any multi-family dwellings, the developer shall provide a plan for the supply of water for fire-fighting purposes. The plan shall meet the approval of the Board of Supervisors with advice of the Covington Township Independent Volunteer Fire Company, Inc.

607.5 On-lot Sewage Disposal

All on-lot sewage disposal systems shall comply with the applicable PA DEP standards and all Township Ordinances. Each residential lot in developments proposing the use of on-lot sewage disposal shall contain two areas suitable for such a disposal system, with each area and all percolation test holes indicated on the plan.

607.6 Central Sewage Disposal System

- A. Public Sewage Disposal - Where an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan" exists within one-thousand (1,000) feet of the proposed development, the development shall connect to this system in accord with the Township Sewage facilities Plan and PA DEP requirements.
- B. Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the subdivider shall, upon submission of the preliminary plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.
 - 1. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
 - 2. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP, the Covington Township Sewer Authority, and applicable Township Ordinances.
 - 3. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
 - 4. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards, and a suitable replacement area for the effluent disposal area shall be provided.

608 COMMERCIAL AND INDUSTRIAL SUBDIVISION AND LAND DEVELOPMENTS

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance. In addition, the following shall apply:

608.1 Access Roads

Access roads and interior roads serving commercial and industrial subdivisions and land developments shall be designed and constructed to a minimum of collector street standards. Two (2) common access roads to the development may be permitted if a separation distance of not less than six-hundred (600) feet is provided between such accesses. Otherwise, ingress and egress to the development shall be restricted to one common access road.

608.2 Ingress and Egress

- A. Driveways to individual lots shall not be permitted to have direct access to any Township, County, or State Road but shall be limited to interior roads.
- B. In order to provide safe and convenient means of access, grades on driveways shall not exceed eight (8) percent and a leveling area of sixty (60) feet in length with a grade not to exceed four (4) percent shall be provided for all driveways to connecting streets.
- C. The centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line and sixty (60) feet if abutting a residential zone.
- D. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all preliminary and final plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road:
 - 1. Township, County, or State Roads - 300 feet.
 - 2. Collector streets - 200 feet.
 - 3. Minor streets - 150 feet.
 - 4. Other driveways - 75 feet.

Note: The nearest intersection street shall be construed as being on the same side or the opposite side of the street on which the tract is located.

- E. Curbing or traffic barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s).

608.3 Block Layout

- A. Block layout shall be designed with due consideration given to site conditions, considering the best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length be less than six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.
- B. Wherever possible, commercial parcels, shall include sufficient land to provide for a group of commercial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved.

609 UTILITIES

All utility lines required to service the subdivision shall be planned in cooperation with the respective utility companies. A letter shall accompany the Preliminary Plan stating that the utility plan has been reviewed by the

applicable utility company and that such plan is approved 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.

610 RESERVED

611 MULTI-FAMILY DWELLINGS

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

612 CONSERVATION DESIGN SUBDIVISIONS AND LAND DEVELOPMENTS

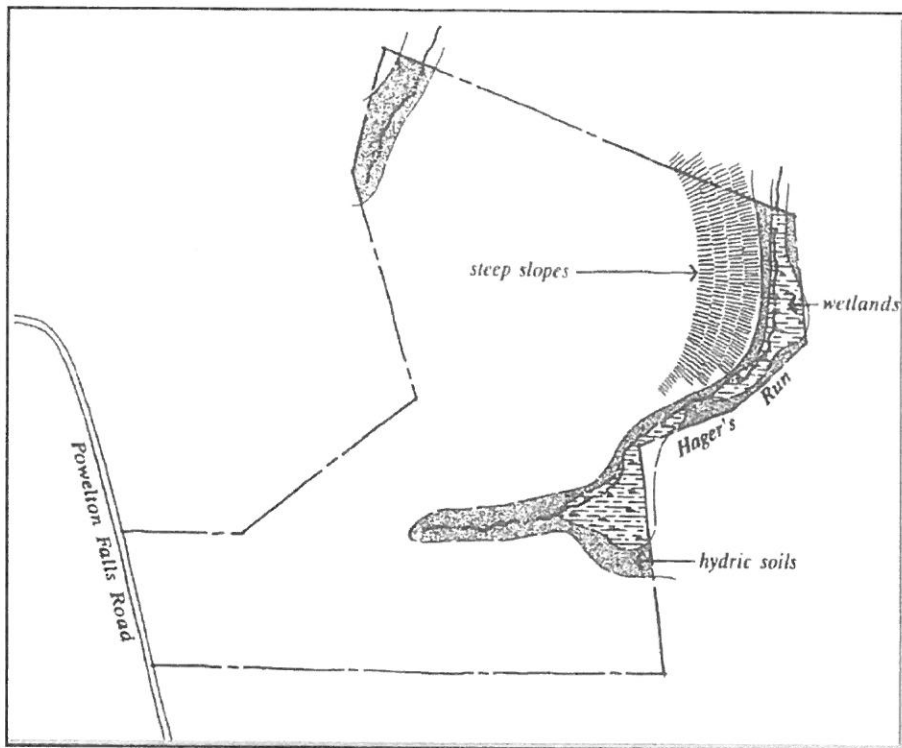
In addition to the other applicable requirements of this ordinance, conservation design subdivisions and land developments shall comply with the following:

612.1 Four-Step Design Process

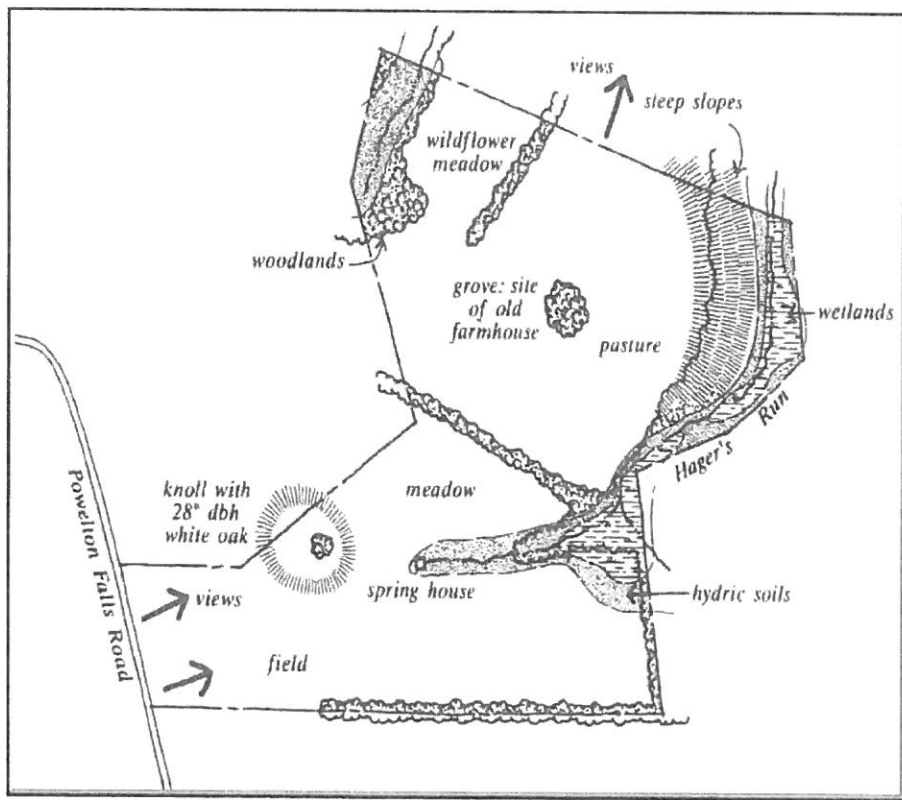
All Preliminary Plans for a Conservation Design Development shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets and lot lines, as described below. (Note: The figures in this section reproduced from *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*, Randall Arendt, MRTPI, Natural Lands Trust, Media, PA.)

A. Step 1: Delineation of Conservation Open Space

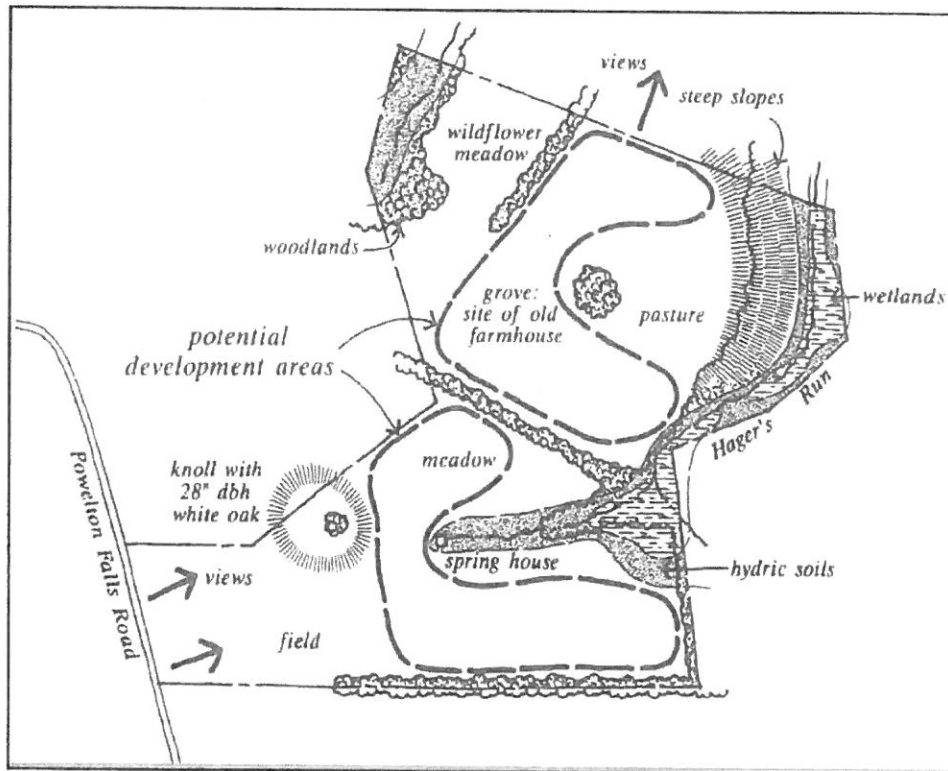
1. The minimum percentage and acreage of required conservation open space shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accord with the provisions of this Ordinance and §510 of the Zoning Ordinance. Conservation open space shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §612.3 and §612.4.
2. Proposed conservation open space shall be designated using the Existing Resources and Site Analysis as a base map and complying with §510 of the Zoning Ordinance and this Ordinance.
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 accord with §612.3 and §612.4.
4. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for conservation open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.
5. Development areas constitute the remaining lands of the tract outside of the designated conservation open space areas.



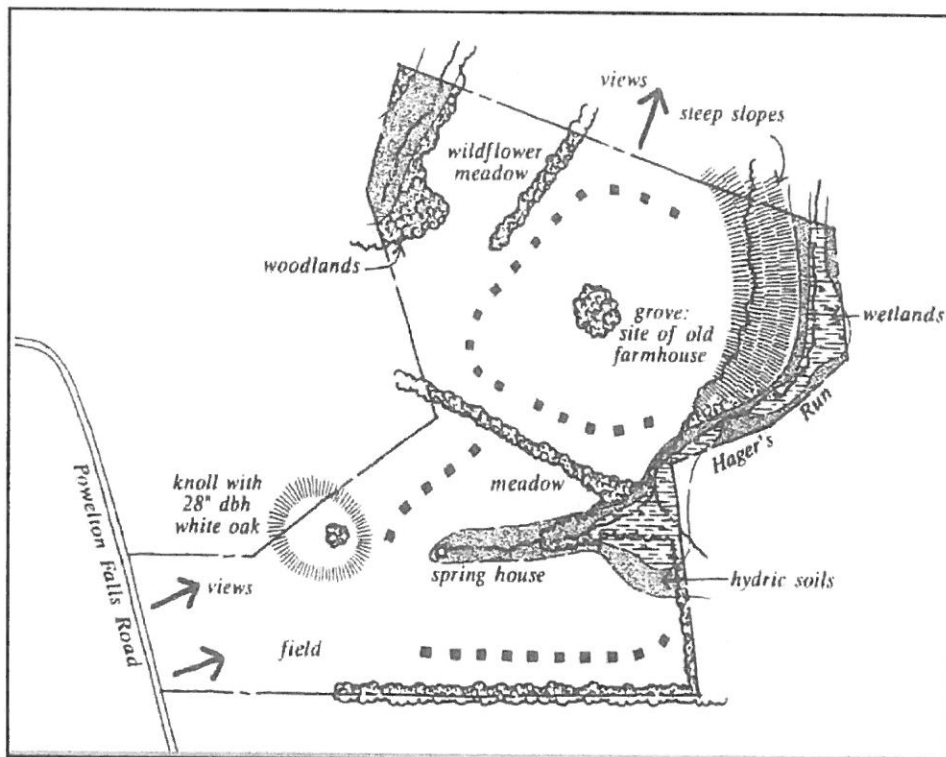
Step 1, Part 1 – Identifying Primary Conservation Areas



Step 1, Part 2 – Identifying Secondary Conservation Areas

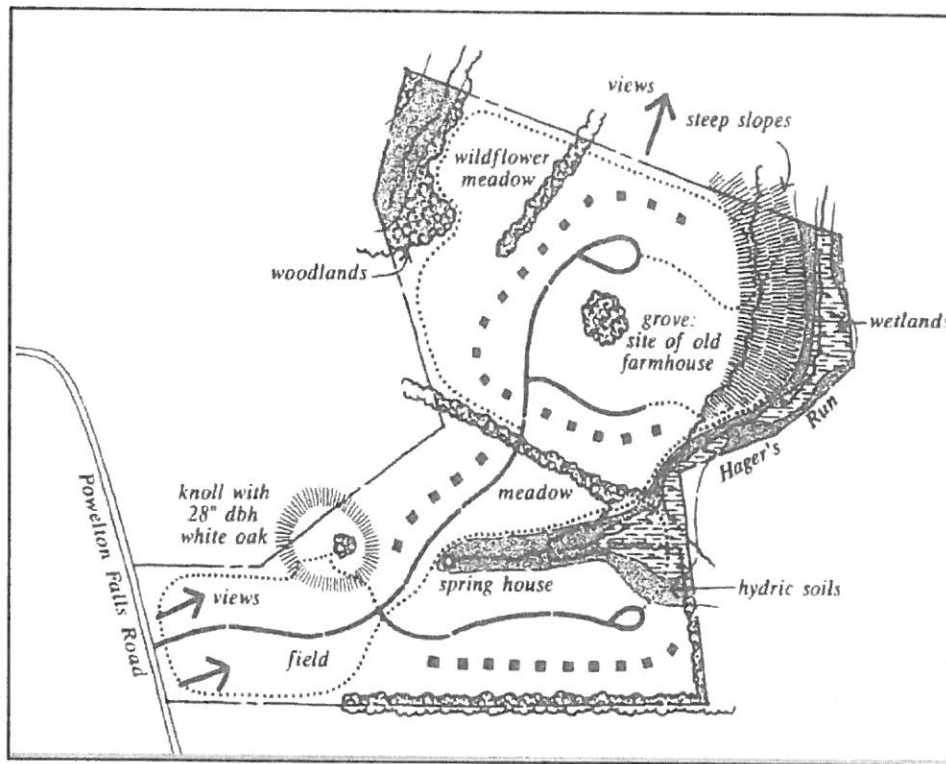


Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Locating Potential House Sites

- B. Step 2: Locating Potential 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 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.

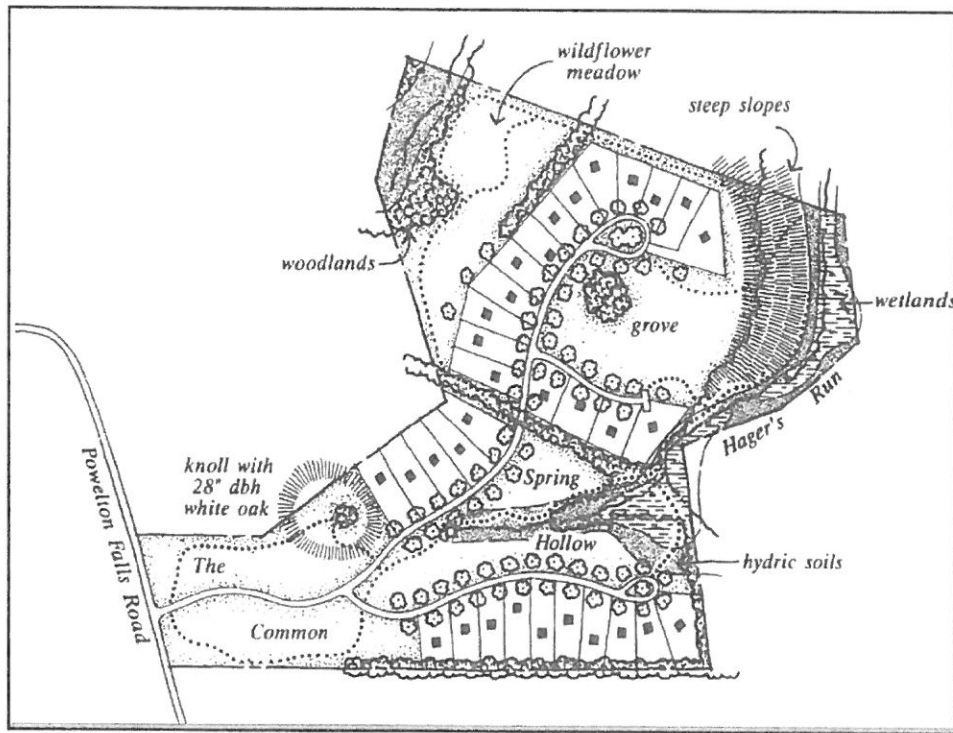


Step 3 – Layout of Infrastructure

C. Step 3: Layout of 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 fifteen (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 tentative 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 the stormwater and wastewater management facilities shall be identified using the Existing Resources and Site Analysis and proposed conservation open space as the base maps. Opportunities to use these facilities as an additional buffer between the proposed conservation open space and development area are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent. 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 generated by the development.



Step 4 – Drawing in the Lot/Development Lines

- D. 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..

612.2 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:

- A. Wetlands.
- B. Floodway.
- C. Floodplain.
- D. Slopes in excess of twenty-five (25) percent.
- E. Rock outcrops and boulder fields more than one thousand (1,000) square feet in size.

- F. The area within one hundred (100) feet of the top of bank of any stream classified as *high quality* or *exceptional value* by the Pennsylvania Department of Environmental Protection.

612.3 Prioritized List of Resources to be Conserved

The design of conservation open space shall, to the fullest extent possible, incorporate any of the following resources:

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

612.4 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. Conservation open space shall:

- A. Be free of all structures except historic buildings, stone walls, and structures related to Conservation open space uses. The Board of 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 would not be 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 acres, have a length-to-width ratio of less than 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 land.

- D. Be suitable for active recreational uses to the extent deemed necessary by the Governing body, 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 an agreement with the Township and with conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Board of Supervisors for the purpose of preserving the common open space for conservation uses.
- K. Be consistent with the Township's Comprehensive Plan.

612.5 Conservation Open Space Preservation and Use

Conservation open space shall be preserved in accord with §508 of this Ordinance and the Township's Zoning Ordinance; and, not less than thirty (30) percent of the conservation open space shall be accessible to the residents of the subdivision or land development.

613 WETLANDS

The Planning Commission or Board of Supervisors may require that wetlands be shown on the subdivision or land development plan. In general, wetlands shall be included on the plan as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. If the Planning Commission or the Board of shall determine that the extent of the wetlands is significant, or that wetlands exist where the maps do not show wetlands, or that any wetland may be adversely affected by the proposed development, a detailed, site specific wetland delineation shall be submitted by the applicant along with certification of same by the US Fish and Wildlife Service, US Army Corps of Engineers and/or PA DEP.

The wetland delineation shall be conducted by a person and/or firm meeting the approval of the Planning Commission or Board of Supervisors, as the case may be; or a certification from the appropriate state and federal agency may be required by the Planning Commission or Board of Supervisors. If any state or federal permit is required as part of the development process, this permit shall be submitted to the Township along with the subdivision or land development application.

614 RESOURCE CONSERVATION STANDARDS FOR SITE PREPARATION AND CLEANUP

614.1 Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Board of Supervisors shall require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. The

fencing shall be installed prior to commencing of earthwork, grading, or construction and shall be maintained throughout the period of construction activity.

614.2 Protection of Vegetation from Grading Change

Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect this vegetation and its root systems.

614.3 Protection of Vegetation from Excavations

When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

614.4 Protection of Topsoil

- A. No topsoil shall be removed from the site.
- B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

ARTICLE VII
MOBILE HOME PARKS

701 APPLICATION

701.1 Sale or Long Term Lease

Applications for development of mobile home parks in which mobile home lots or spaces are proposed for sale or longer term lease (exceeding twelve [12] months) shall meet all requirements and standards for a single family residence, residential subdivision as set forth in this Ordinance and other applicable Township Ordinances.

701.2 Rental or Short Term Lease

Applications for development of new mobile home parks or expansions of existing mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month lease period or rental basis only, shall meet the design standards and required improvements set forth in this Article VII.

702 PROCEDURES

A new mobile home park or expansion of an existing mobile home park shall be considered a land development 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 and land developments in addition to the requirements of §707 of this Ordinance.

703 MINIMUM PARK SIZE AND LOCATION

A mobile home park shall have a total contiguous land area of not less than five (5) acres. Mobile home parks shall not be located in any area subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare; nor shall they be located on any soils which are classified as unsuitable for subsurface sewage disposal according to the requirements of the Pennsylvania Department of Environmental Protection.

704 LOT SIZE AND DENSITY

704.1 Lot Size

Each mobile home lot shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths shall be fifty (50) feet. Lot area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public.

704.2 Density

Determination of the maximum number of permitted mobile home lots on a development tract shall be based upon the adjusted tract acreage of the site.

704.2.1 Adjusted Tract Acreage - The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting that total sum from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 20 and 25 percent	0.60
rock outcrops and boulder-fields more than 1,000 square feet	0.90
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the required minimum lot area.	

704.3 Lot Demarcation

All mobile home parks shall be specifically shown on the plans submitted, and the corners of each site shall be marked on the site with markers meeting the requirements of §604.2 of this Ordinance.

705 DESIGN STANDARDS

In addition to the other applicable standards contained in this Ordinance the design standards in this §705 shall apply to all mobile home parks.

705.1 Location

705.1.1 Floodplains - A mobile home park shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

705.1.2 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.

705.1.3 Slopes - The average natural slope of the area of the site intended for development of mobile home lots shall not exceed twelve (12) percent.

705.2 Mobile Home Placement

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 be placed in accord with the requirements contained in the Township Zoning Ordinance and Building Code, as amended.

705.2.1 Stability - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

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 devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home site. Each anchor and/or tie-down 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 vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Vegetation shall be maintained by the park owner to provide continued soil protection. §606 of this Ordinance shall apply to all mobile home parks.

705.4 Stormwater/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. The requirements of §605 of this Ordinance shall apply to all mobile home parks. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any stormwater control facility in any part of a mobile home park.

705.5 Setbacks, Buffer Strips and Screening

705.5.1 Mobile Home Setbacks - All mobile homes shall meet the following setbacks:

Front setback - 20 feet
Side setback - 15 feet
Rear setback - 15 feet

705.5.2 Accessory Structures - Accessory structures, including tool sheds, trash receptacles, patios, porches, garages, and bike racks, may be erected within required setback and buffer areas, provided that a fire lane of at least ten (10) feet in width is maintained clear of all obstacles, on each side of each mobile home. No structures of any kind may be erected within ten (10) feet of the mobile home lot line.

705.5.3 Buffers and Screening

- A. A buffer area shall be provided around the mobile home park. No mobile home shall be located closer than sixty (60) feet to the centerline of any public road right-of-way or closer than thirty-five (35) feet to any other exterior property line.
- B. 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.

- C. There shall be a minimum distance of thirty (30) feet between the adjoining pavement of a park street or common parking area and other common areas and structures.

705.6 Streets, Parking and Access

705.6.1 Streets - Mobile home park streets shall be provided, designed and constructed in accord with §603 and other applicable standards of this Ordinance.

705.6.2 Parking - 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. 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 to a grade not greater than eight percent (8%) and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.

705.6.3 Access - There shall generally 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. Ingress and egress points shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

705.6.4 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.

705.6.5 Illumination - 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.

705.7 Walks

705.7.1 General Requirements - All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

705.7.2 Common Walk System - Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of three and one-half (3 1/2) feet.

705.7.3 Individual Walks - All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. These individual walks shall have a minimum width of two (2) feet.

705.8 Utilities

705.8.1 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 of this Ordinance. Connections for water supply and sewage

disposal 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.

705.8.2 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.

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

705.9 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 lot. 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 insure that the containers shall not overflow.

705.10 Recreation Area

In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall be based on a minimum of five-thousand (5,000) square feet per area, with the total recreation area to be not less than ten (10) percent of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and shall where the topography permits, be centrally located.

705.11 Landscaping and Outdoor Living Requirements

705.11.1 Landscaping - Screen planting shall be provided adequate to effectively screen objectionable views within a reasonable time. Views to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Board of Supervisors. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

705.11.2 Private Area - Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of ten (10) feet.

706 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. Neighborhood commercial uses, not visible from any public road right-of-way such as grocery stores designed to serve the needs of the park residents may be permitted. These shall not include automobile service stations or other highway-oriented uses.

ARTICLE VIII
RECREATIONAL SUBDIVISION AND LAND DEVELOPMENT STANDARDS

801 APPLICATION

This Article VIII shall apply to transient Recreational Subdivision and Land Developments (RSLD) and non-transient RSLD.

801.1 Occupancy

RSLDs shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times, and any action toward removal of wheels or hitches is hereby prohibited. Wheels and hitches shall remain attached to the vehicle and shall be visible at all times. Moreover, no campsite shall be occupied by more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite shall be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of twenty-four (24) hours, unless the owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each RSLD and campsite by restrictive covenant.

801.2 Records

The management of every RSLD shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions.

802 PROCEDURES

802.1 Applications

A RSLD or expansion of a RSLD shall be considered a land development as defined by this Ordinance and the application for the development of a RSLD shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

802.2 Design

The design of the RSLD shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Township.

803 MINIMUM PARCEL SIZE

A RSLD shall have a total contiguous land area of not less than twenty (20) acres.

804 CAMPSITE SIZE AND DENSITY

804.1 Size

- A. Transient - Each campsite in a transient RSLD shall have a minimum area of five thousand (5,000) square feet exclusive of street rights-of-way and walkways; and each campsite shall be shown on the plans

submitted to the Township. Minimum site frontage shall be fifty (50) feet at the front setback line and minimum site depth shall be sixty (60) feet.

- B. Non-Transient - Each campsite in a non-transient RSLD shall have a minimum area of eight thousand (8,000) square feet exclusive of street rights-of-way and walkways; and each campsite shall be shown on the plans submitted to the Township. Minimum site frontage shall be seventy (70) feet at the front setback line and minimum site depth shall be seventy (70) feet.

804.2 Density

Determination of the maximum number of permitted campsites on a development tract shall be based upon the adjusted tract acreage of the site.

804.2.1 Adjusted Tract Acreage - The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting this total sum from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 20 and 25 percent	0.60
rock outcrops and boulder-fields more than 1,000 square feet	0.90
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the required minimum lot area.	

804.2.2 Density - The number of permitted mobile home lots is determined by multiplying the adjusted tract acreage by:

- A. Transient - Eight (8) sites per acre for transient RSLD.
- B. Non-Transient - Four (4) sites per acre for non-transient RSLD.

804.3 Campsite Demarcation

All campsites shall be specifically shown on the plans submitted and the corners of each site shall be marked on the site with markers meeting the requirements of §604.2 of this Ordinance.

805 DESIGN STANDARDS

In addition to the other applicable standards contained in this Ordinance, the design standards on this §805 shall apply to all RSLDs.

805.1 Location

805.1.1 Floodplains - A RSLD shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.

805.1.2 Nuisances - The site of any proposed RSLD 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.

805.1.3 Soils and Slopes - Sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve (12) percent.

805.2 Soil and Ground Cover

805.2.1 Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.

805.2.2 Erosion Control - All areas of a RSLD disturbed during the development process and not covered by improvements shall be stabilized and protected with vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. The vegetation shall be maintained by the park owner to provide continued soil protection. §606 of this Ordinance shall apply to all RSLDs.

805.3 Stormwater/Drainage

RSLDs shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of §605 of this Ordinance shall apply to all RSLDs.

805.4 Setbacks, Buffer Strips and Screening

805.4.1 Overall Property Line Setbacks - No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the RSLD, or to a public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the RSLD to a height of six (6) feet from the adjacent lands and to serve as a buffer. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of Supervisors.

805.4.2 Interior Setbacks - No recreational vehicle or tent shall be placed on a campsite less than:

- A. Twenty (20) feet from the front lot line
- B. Twenty (20) feet from the rear lot line

- C. Ten (10) feet from the side lot lines
- D. Fifty (50) feet from the normal high water mark of any lake, stream or other body of water.
- E. Campsites shall be separated from service, recreational or other occupied buildings and structures by a minimum of fifty (50) feet.

805.5 Streets, Access and Parking

805.5.1 Streets

- A. Non-transient recreational subdivision and land developments - The general and residential street design standards and improvement requirements of this Ordinance shall apply to streets within non-transient RSLDs.
- B. Transient recreational subdivisions and land developments - Transient RSLD streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors upon recommendation of the Township Engineer, based upon the size of the development, site conditions and existing neighborhood development.
- C. All other street standards of this Ordinance shall apply.
- D. No RSLD street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground or any responsible property owners association, and deed restrictions reflecting this requirement for same shall be a condition of Township approval for the RSLD.

805.5.2 Parking

- A. Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
- B. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.
- C. All campsites designed for tenting may be provided with on-site parking spaces in accordance with §805.5.2B or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum dimensions of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.
- D. In connection with the use of any RSLD, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way, any public grounds or any private grounds not part of the RSLD, unless the owner has given written permission for this use. Each RSLD operator shall provide off-street parking, loading, and maneuvering space located

~~and sealed~~ so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.

805.5.3 Access - There shall generally be at least two (2) points of ingress and/or egress for each RSLD from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Points of ingress and egress shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.

805.5.4 Entrances and Exits - Entrances and exits to RSLDs shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the RSLD shall be through the points of ingress and egress. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than five-hundred (500) feet of sight distance exists in either direction along the State or Township highway, nor shall this intersection be located within one-hundred fifty (150) feet of any other intersection on the State or Township road.

805.5.5 Site Frontage - RSLD sites and parking spaces shall have direct access to and frontage on the interior park street system. Campsites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RSLD and providing access to other parcels or developments.

805.6 Utilities

805.6.1 Water Supply and Sewage Disposal - RSLDs shall be served by a central water supply and a central sewage disposal system in accord with this Ordinance. No individual on-site sewage disposal system or on-site water supply system shall be permitted on any individual campsite.

- A. At least fifty (50) percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a central water supply and central sewage disposal system.
- B. No owner or occupant of any campsite shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. If there has been installed upon any campsite an apparatus for connection to the central sewage disposal system constructed within the RSLD, plumbing fixtures within the recreational vehicles placed upon the campsite shall be connected to that sewage disposal system.
- C. All campsites which are not provided with a connection to a central water supply and a central sewage system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.
- D. The RSLD shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.

805.6.2 Electric - Electric service shall be provided to at least fifty (50) percent of the campsites, and shall be installed underground in accord with the specification of the electric company providing the service.

805.7 Refuse Disposal

The storage, collection and disposal of refuse in the RSLD shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite 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 insure that the containers shall not overflow.

805.8 Recreation Area

At least ten percent (10%) of the RSLD shall be suitable for and improved to provide for open space and active recreation for users of the campground. Active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.

805.9 Landscaping

Plantings shall be provided adequate to screen objectionable views effectively within a reasonable time. Views to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the campgrounds and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Board of Supervisors. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

805.10 Other Requirements

There shall be provided in each RSLD such other improvements as the Board of Supervisors may require, and these requirements shall at all times be in the best interest of the public health, safety and general welfare.

806 NON-RESIDENTIAL USES

No part of any RSLD shall be used for non-camping purposes, except such uses that are required for the direct servicing and well-being of the users of the RSLD and for the management and maintenance of the RSLD. Neighborhood commercial uses, not visible from any public road right-of-way such as grocery stores designed to serve the needs of the RSLD residents may be permitted. These shall not include automobile service stations or other highway-oriented uses.

807 OTHER GENERAL REQUIREMENTS

807.1 Fences

All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.

807.2 Nuisances

No noxious or offensive activities or nuisances shall be permitted on any campsite.

807.3 Animals

No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

807.4 Trash, Garbage and Refuse Disposal

No person shall burn trash, garbage or other like refuse on any campsite. All trash, garbage or refuse shall be placed and kept in approved receptacles. No owner shall permit the accumulation of litter, refuse or junk on a campsite.

807.5 Camping Accessories

Picnic tables, benches, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

807.6 Ditches and Swales

Each owner shall keep drainage ditches and swales located on the campsite free and unobstructed and in good repair; shall provide for the installation of such culverts upon the campsite as may be reasonably required for proper drainage; and shall also prevent erosion on the campsite.

807.7 Drilling and Mining

No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.

807.8 Appurtenances

No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to any travel trailer or other recreational vehicle parked in a RSLD, and the removal of wheels or placement of the unit on a foundation is prohibited.

808 EXPANSIONS

The regulations of this Article VIII shall apply to any expansions of existing RSLDs, including increases in the number of campsites even though no addition to total land area is involved.

809 APPLICATION TO EXISTING RSLD

The standards of §807 shall also apply to existing RSLDs except to the extent to which the same have been modified through the filing and acceptance by the Township of restrictive covenants applying to a particular development.

ARTICLE IX
ADMINISTRATION

901 AMENDMENT

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

902 WAIVERS/MODIFICATIONS

902.1 Intent

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

902.2 Conditions

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

902.3 Procedure

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

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

902.4 Action

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

903 PENALTIES FOR VIOLATIONS

903.1 Preventive Remedies

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises.

- B. The Board of Supervisors may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any Township ordinance. This authority to deny a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of a violation.
 2. The vendee or lessee of the owner or record at the time of a violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of a violation without regard as to whether the current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether the vendee or lessee had actual or constructive knowledge of the violation.

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

903.2 Enforcement Remedies

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

903.3 Jurisdiction

The District Magisterial Judge shall have initial jurisdiction in proceedings brought under §903.2.

903.4 Transfer

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

903.5 Construction

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

904 FEES

904.1 Resolution

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

904.2 Supplemental Fees

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

904.3 Final Fees

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

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

904.4 Adjustment

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

904.5 Disputes

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

905 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 X
ADOPTION

BE IT HEREBY ENACTED AND ORDAINED THIS 2 DAY OF NOVEMBER, 2015 by the Board of Supervisors of Covington Township, Lackawanna County, Pennsylvania.

David J. Petrosky, Chairman

Thomas M. Yerke, Vice Chairman

Marlene Beavers, Supervisor

John Brostoski, Supervisor

William M. Fells, Supervisor

ATTEST:

Kate Tierney, Secretary/Treasurer