

SUBDIVISION AND LAND DEVELOPMENT

**SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE**

FOR THE

**BOROUGH OF DUNMORE
LACKAWANNA COUNTY, PA**

NOVEMBER 2000



SUBDIVISION AND LAND DEVELOPMENT

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ARTICLE 1 General Provisions

§ 100. Short title.

This ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Borough of Dunmore.

§ 101. Purpose.

This ordinance is established to regulate and control the subdivision and development of land within the Borough of Dunmore so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community and generally consistent with the goals of the Dunmore Borough Comprehensive Plan, and the Lackawanna Valley Corridor Plan adopted in 1996.

§ 102. Scope.

From and after the effective date of this Ordinance, any subdivision or land development shall be in conformity with this Ordinance and all standards and specifications adopted as a part of such Ordinance.

§ 103. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. When provisions of this Ordinance and all standards and specifications adopted under it impose greater restrictions than those of any statute, other Ordinance or regulations, the provisions of this Ordinance and its standards and specifications shall be controlling unless specified to the contrary. The illustrations in this Ordinance are not a part of the Ordinance, but are included herein for purposes of explanation and clarification only.

§ 104. Definitions and word usage.

- A. For the purpose of this Ordinance, the words and terms used herein shall be interpreted as follows:
- (1) Words used in the present tense include the future.
 - (2) The singular includes the plural.

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- (3) The word "person" includes a corporation, partnership, association, or other legal entity, as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel".
- (5) The term "shall" is mandatory.
- (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
- (7) The word "Commission" and the words "Planning Commission" shall mean the Dunmore Borough Planning Commission.

B. Any word or term not defined herein shall be used with a meaning of standard usage.

C. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings given in the following clauses:

AGRICULTURAL PURPOSE - Those land uses that are devoted to the production of agricultural, horticultural, orchards, viticultural and dairy products, livestock, ranch-raised fur-bearing animals, poultry, bee raising, forestry, sod crops, and any and all products raised on farms intended for human consumption.

ALLEY - A right-of-way that is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

APPLICANT - A subdivider (or agent authorized thereby) requesting the approval of a proposed subdivision or land development under this Ordinance.

APPLICATION, PRELIMINARY - All plans and other documents required to be submitted for the review of a proposed subdivision or a land development. Approval of the Preliminary Application authorizes the applicant to proceed with the Final Application process.

APPLICATION, FINAL - All documentation and legally binding commitments which the applicant must submit for approval based on the plans approved under the Preliminary Application Process. Approval of the Final Application authorizes the applicant to proceed with the sale of lots and or the sale of improved parcels; such authorization, however, may be subject to additional requirements of this ordinance as well as other Municipal ordinances.

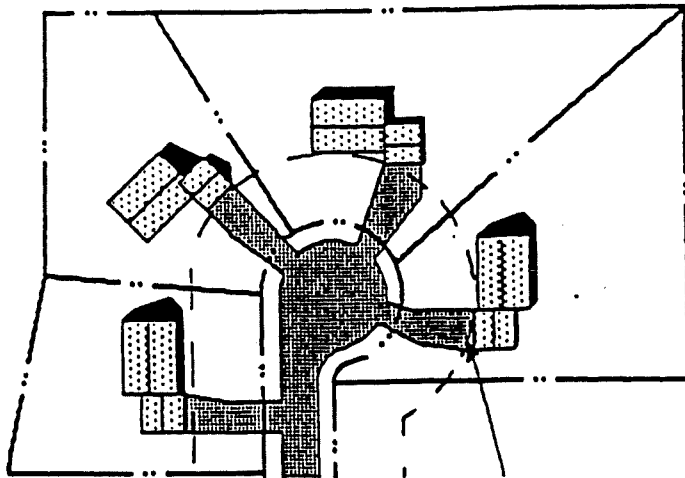
AVERAGE DAILY TRAFFIC (ADT) - The actual or calculated total vehicular trips that occur, or are expected to occur, on a specific street within a typical weekday.

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BERM - A linear earth mound with a maximum slope of three to one (3:1) with a grass cover or a maximum slope of two to one (2:1) when shrubbery or ground cover is used.

BLOCK - An area bounded by three (3) or more streets.

BUILDING SETBACK LINE - The line parallel to the proposed right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located; provided that, in the case of a lot where the side lines are not parallel, the building setback line shall be where lot width first coincides with the required minimum lot width but in no case closer to the street line than the required front yard.



BUILDING SETBACK LINE

CALIPER - The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six (6) inches above natural ground line for trees up to four (4) inches in caliper and at a point twelve (12) inches above the natural ground line for trees over four (4) inches in caliper.

CARTWAY - The paved portion of a street right-of-way intended for vehicular use.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the streets, as regulated in § 512 hereof.

CLUSTER DEVELOPMENT - A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance either through the dedication of such area to the Municipality and the Municipality's acceptance thereof, or through the creation of a homeowners association, or the developer's acceptance of such responsibility including such legally binding agreements as may be required to achieve such assurances.

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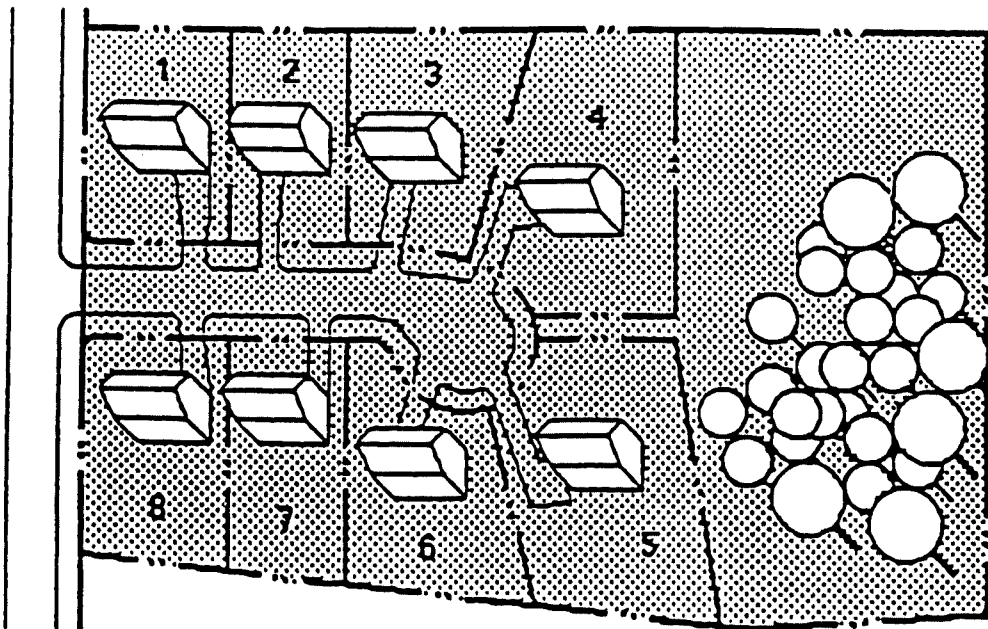
COMPREHENSIVE PLAN - A plan prepared for the Borough of Dunmore intended to provide a long range plan for the development of the municipality. The Comprehensive Plan may or may not have been formally adopted by the municipality.

CONDOMINIUM - As defined within the Uniform Condominium Act #82 of 1980, as amended: Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the included interests in the common elements are vested in the unit owners.

CROSSWALK - A publicly or privately owned right-of-way for pedestrian use that crosses a cartway or cuts across a block so as to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC - A street intersecting another street at one (1) end and terminating in a vehicular turnaround at the other end.

DENSITY - A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net area of the site.



DESIGN STANDARDS - Regulations, as stated in Article V, imposing standards in the layout by which a subdivision or land development is governed.

DEVELOPER - See definition of "subdivider".

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DRIVEWAY - A private vehicular service road providing access to a single lot, building, dwelling or garage.

DWELLING - A building designed and occupied for residential purposes, excluding hotels, rooming houses, tourist homes, institutional homes, residential clubs, mobile home parks, and the like.

- (1) **SINGLE-FAMILY DETACHED DWELLING** - A building designed for or occupied as a dwelling for one (1) family,
- (2) **SINGLE-FAMILY ATTACHED DWELLING** - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure,
- (3) **DWELLING, TWO-FAMILY** - A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- (4) **DWELLING, TOWN HOUSE** - A town house shall include a group of not more than eight (8) single-family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.
- (5) **DWELLING, GARDEN APARTMENTS** - A group of rental units, generally under single ownership (but a condominium is not precluded) where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartment units are generally less than four (4) stories in height although in the Municipality they shall not exceed a height of 2.5 stories or thirty-five feet.
- (6) **DWELLING GROUP** - A group of two (2) or more residential buildings on a single zone lot.
- (7) **MULTI-FAMILY DWELLING** - A building designed for, occupied or used for dwelling purposes by three (3) or more families living independently of one another, including, but not limited to garden apartments and town houses.

DWELLING UNIT - A single habitable living unit occupied by one or more persons living together and maintaining a common household. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area. No dwelling unit may include more than 1 kitchen, except:

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- (1) Cooking facilities may be located in two abutting rooms that open into each other,
- (2) If a kitchen was installed prior to the adoption of this Ordinance under a valid Borough permit, or
- (3) For Care of Relative.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a private, public or quasi-public purpose.

ENGINEER - A professional engineer registered by the Commonwealth of Pennsylvania.

EXCESSIVE SLOPE - Areas with a slope of 20% or more which are deemed by the Planning Commission as unsuitable for development, and thereby deducted from the gross site area for purposes of calculating residential densities.

FAMILY - Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Notwithstanding the definition in the preceding paragraph, a family shall also be deemed to include not more than 7 unrelated persons occupying a dwelling units and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined herein. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

A family does not include a group living in a boarding house or hotel, or fraternities, sororities, and clubs, or other forms of congregate living arrangements, except as otherwise provided herein.

FIRE CHIEF - The Fire Chief of the Borough of Dunmore.

FLOODPLAIN - A relatively flat or low land area adjoining a river, stream, or watercourse that is subject to partial or complete inundation; and/or an area subject to the unusual and rapid accumulation or run-off of surface waters from any source; the boundaries of which are delineated and more fully described in the Zoning Ordinance.

FLOODPLAIN SOILS - Soils in areas subject to periodic flooding and listed in the Soil Survey of Lackawanna and Wyoming Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, March 1982, as being on the floodplain or subject to flooding. "Floodplain soils" include, but are not limited to:

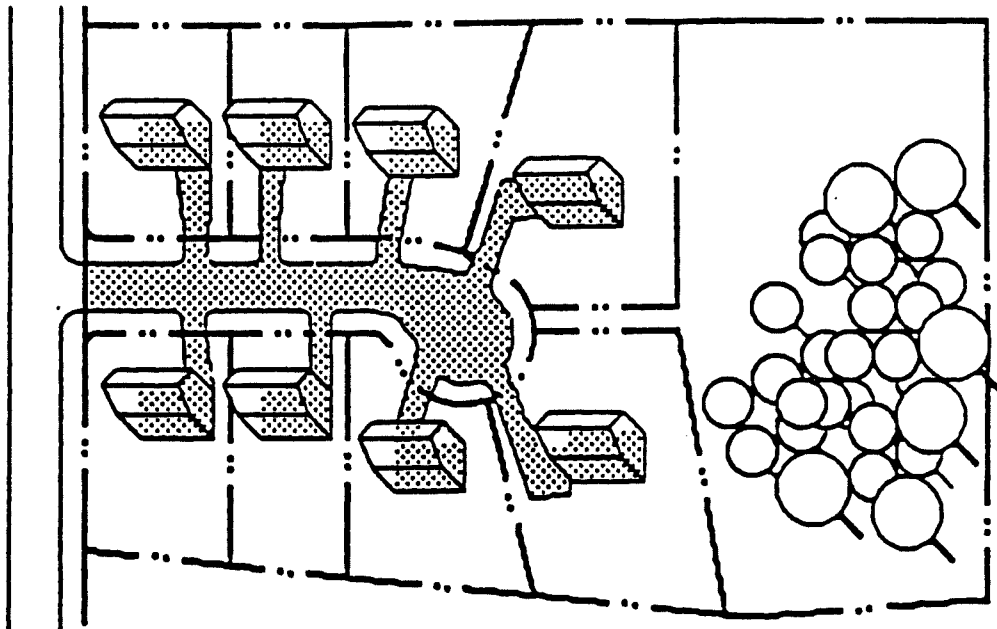
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- (1) Fluents and Fluvaquents
- (2) Holly
- (3) Philo
- (4) Pope
- (5) Urban land, occasionally flooded

HIGHWAY CLASSIFICATION MAP - A map contained in the Lackawanna Valley Corridor Plan, 1996 that serves to categorize existing streets.

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

IMPERVIOUS SURFACE RATIO - A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.



IMPERVIOUS SURFACE RATIO (example)

$$\frac{\text{Total area of impervious surfaces}}{\text{Net Site Area}} = \frac{.80 \text{ acres}}{9.17 \text{ acres}} = .087$$

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IMPROVEMENTS SPECIFICATIONS - Regulations, as stated in Article VI, imposing minimum standards for the construction of required improvements, including, but not limited to, streets, curbs, sidewalks and sewers.

LAKES and PONDS - Natural or artificial bodies of water that retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the permanent pool elevation. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.

LAND DEVELOPMENT - Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) 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.
- (2) A subdivision of land.
- (3) The following are excluded from classification as a land development and are not required to be reviewed by the Planning Commission:
 - (i) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; and
 - (ii) The addition of an accessory building, including farm buildings on a lot or lots subordinate to an existing principal building.

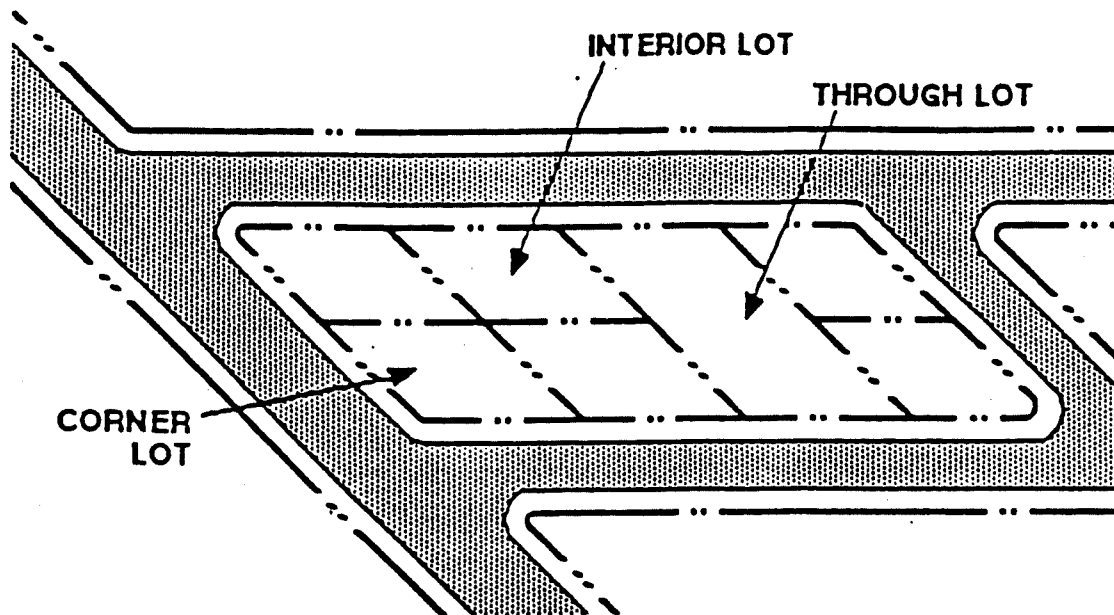
LANDSCAPE ARCHITECT - A professional landscape architect registered by the Commonwealth of Pennsylvania.

LEVEL OF SERVICE - As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.

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LOT OR ZONE LOT - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.

- (1) **LOT, CORNER** - A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".
- (2) **LOT, DEPTH** - The mean horizontal distance between the front and the rear lot lines.
- (3) **LOT, INTERIOR** - any lot that is not a corner lot.
- (4) **LOT, THROUGH** - An interior lot having frontage on two (2) parallel or approximately parallel streets.



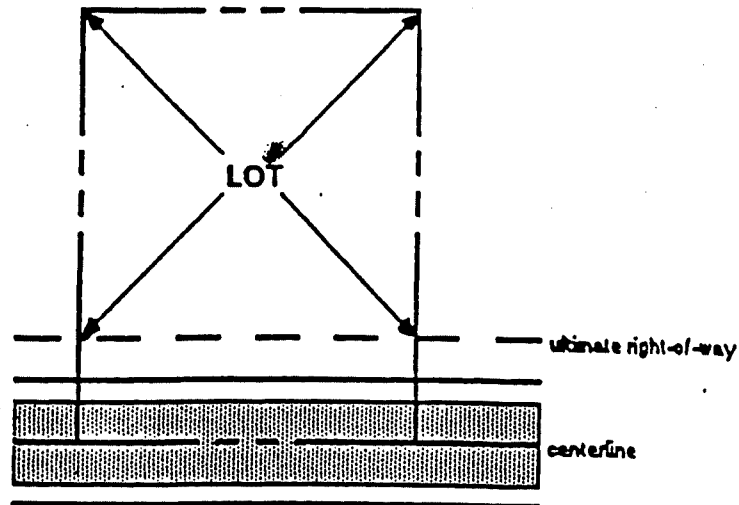
- (5) **LOT LINES** - The property lines bounding the lot.
 - a. **Lot Line, Front.** The ultimate right-of-way line of the street or road.
 - b. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
 - c. **Lot Line, Side.** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

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- d. Lot Line, Street or Alley. A lot line separating the lot from a street or alley.
- (6) **LOT WIDTH** - The mean width of the lot measured at right angles to its depth. Such a line along which the minimum lot frontage shall be measured at a point which shall coincide with the building set back or front yard line.

LOT AREA - The computed area contained within the lot lines and the ultimate right-of-way line.

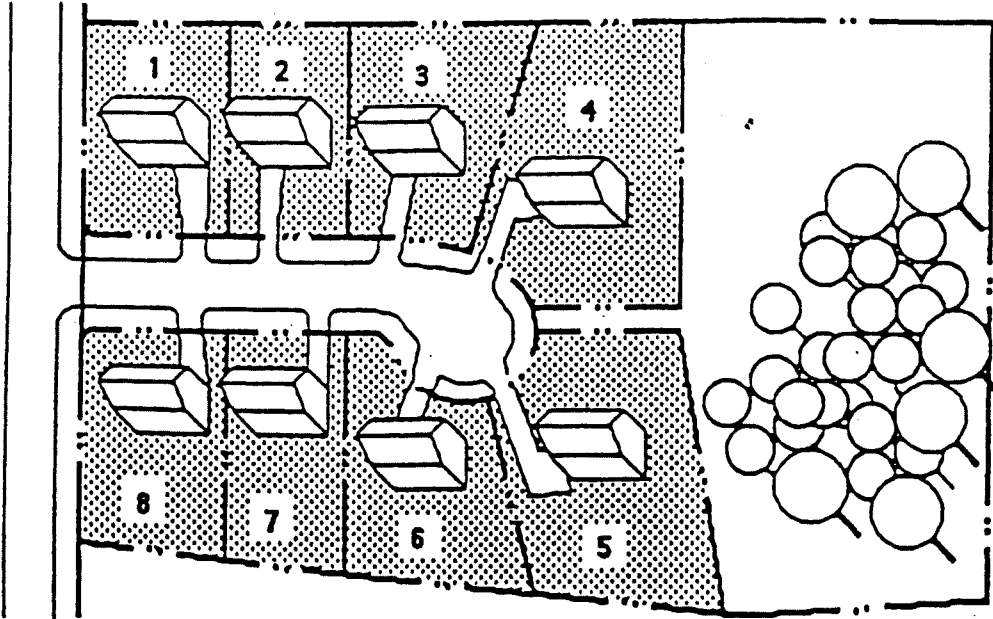
- (1) **GROSS LOT AREA** - The area contained within the property lines of a lot without regard for portions of the lot that may be restricted or preempted as easements for roadways or utility rights-of-way or similar requirements.
- (2) **NET LOT AREA** - The area contained within the property lines of a lot (as shown on the development plan), excluding space within an existing or ultimate street right-of-way and within all permanent drainage easements, but including the areas of all other easements, such as pipelines and overhead transmission lines assigned an individual owner or to a given collective use by means of a subdivision of land. Land constrained by environmental features such as floodplains, wetlands, and excessive slopes of 20% or more shall also be excluded from the calculation of the net lot area. Open space required under this Ordinance shall not be counted as a portion of the lot area for the purposes of measuring lot area per dwelling unit.



NET LOT AREA = Total area minus area in ultimate right of way.

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LOT AREA PER DWELLING UNIT, AVERAGE (Minimum) - The minimum lot area that is expressed as an average of all lots for a single type of dwelling unit.



AVERAGE LOT AREA PER DWELLING UNIT (example)

$$\frac{\text{area lot 1} + \text{area lot 2} + \dots + \text{area lot 8}}{\text{total lots}} = \text{average lot area/dwelling unit}$$

MAJOR INTERSECTION - Any intersection of one (1) or more collector or arterial streets.

MARKER - A metal pipe or pin of at least one-half inch (0.5) diameter and at least twenty-four inches (24") in length.

MONUMENT - A stone or concrete monument with a flat top of at least four inches (4") square; scored with an "X" to mark the reference point; at least thirty inches (30") in length; the bottom sides of which are at least two inches (2") greater than the top to minimize movements caused by frost.

MUNICIPAL ENGINEER - A registered professional engineer designated by the governing body to perform the duties of engineer as herein specified; provided, however, that the municipal engineer shall not represent any Applicant or be employed by a firm representing an Applicant before any official body of the municipality.

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OPEN SPACE -

- (1) **OPEN SPACE, COMMON** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.
- (2) **OPEN SPACE, DEVELOPED (ACTIVE)** - Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
- (3) **OPEN SPACE, UNDEVELOPED (PASSIVE)** - Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.

OPEN SPACE RATIO - The total amount of open space within a site divided by the net site area.

OPEN SPACE RATIO (example)

$$\frac{\text{Open Space}}{\text{Base Site Area}} = \frac{3.67 \text{ acres}}{9.17 \text{ acres}} = 0.31$$

PEAK HOUR TRAFFIC - The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.

PLAN, FINAL - A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

PLAN, PRELIMINARY - A tentative formal subdivision plan (and including all supplementary data), showing proposed street and lot layout as a basis for consideration prior to preparation of the final plan.

PLAN, RECORD - A copy of the final plan that contains the original required endorsements of the Borough of Dunmore and that is intended to be recorded with the Lackawanna County Recorder of Deeds.

PLAN, SKETCH - An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

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PLANNING COMMISSION - The Planning Commission of the Borough of Dunmore.

PLANNING MODULE - An application required by the Pennsylvania Sewage Facilities Act, § 5 (a) and (d); and § 71.15 (b) and (c) of the Pennsylvania Department of Environmental Protection (or any successor agency), Title 25: Rules and Regulations, Chapter 71, Administration of the Sewage Facilities Program, as amended.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC TRANSPORTATION - Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.

RECREATION -

- (1) **RECREATION COMMERCIAL** - Recreation facilities operated as a business and open to the general public for a fee.
- (2) **RECREATION, PRIVATE, NON-COMMERCIAL** - Clubs or recreation facilities, operated by a non-profit organization and open only to bonafide members of such organization.
- (3) **RECREATION, PUBLIC** - Recreation facilities operated as a non-profit enterprise by the Municipality, and other governmental entity or any non-profit organization and open to the general public.

RECREATION COMMITTEE - The Dunmore Borough Recreation Committee, appointed by the governing body. Where no recreation committee has been created, the municipal planning commission may perform the functions of the recreation committee.

RESUBDIVISION - Any replatting or new division of land. Replatting shall be considered as constituting a new subdivision of land. See definition of "subdivision".

REVIEW - An examination of a plan to determine compliance with this Ordinance, the Zoning Ordinance and other pertinent requirements.

RIGHT-OF-WAY - Land set aside for passage, such as utility, street, alley or other means of travel. The legal right-of-way as established by the Commonwealth, or other appropriate governing authority, and currently in existence.

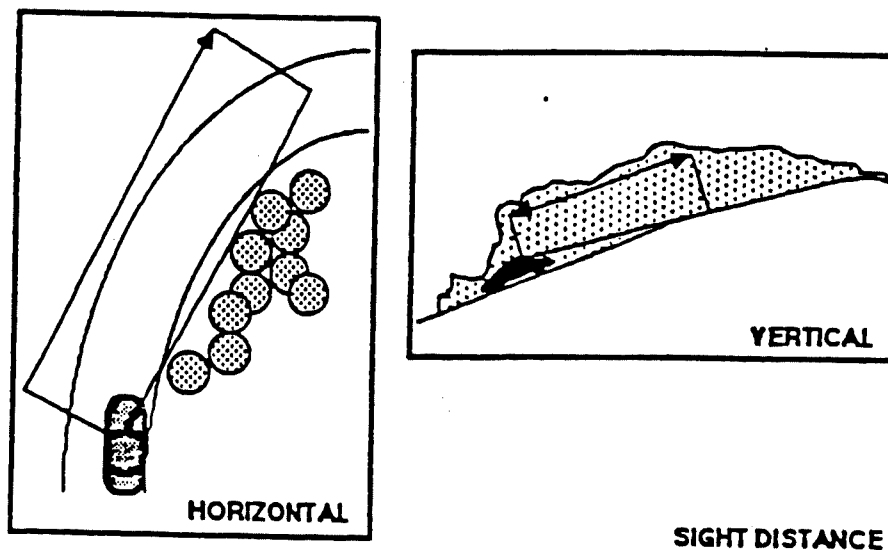
SECRETARY - The Recording Secretary of the Planning Commission of the Borough of Dunmore.

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SEWER - A public or private sanitary sewer system.

- (1) **PUBLIC SEWER SYSTEM** - A sewer that is owned by the municipality, or under the jurisdiction of PUC, or a sewer that serves or has the potential of serving more than one individual tract of land.
- (2) **PRIVATE SEWER SYSTEM** - Any other sewer.

SIGHT DISTANCE - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point five-tenths feet (0.5') above the center line of the cartway surface.



SITE - A parcel or contiguous parcels of land intended to have one (1) or more buildings or intended to be subdivided into two (2) or more lots. Also a tract.

SITE AREA -

- (1) **GROSS SITE AREA** - All land area within the site as defined in the deed. Area shall be determined from an actual site survey rather than from a deed description.
- (2) **NET SITE AREA** - The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements, and other environmental constraints such as excessive slope, wetlands and floodplains.

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SITE CAPACITY CALCULATION - A computation intended to determine the appropriate intensity of use for a given tract.

SOIL PERCOLATION TEST - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SOLICITOR - The Solicitor of the Dunmore Borough Council or the Solicitor of the Dunmore Borough Planning Commission.

STEEP SLOPES - Areas where the slope exceeds fifteen percent (15%) that, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.

STREET - A public or private thoroughfare not less than thirty (30) feet in width if in existence prior to the passage of this ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this ordinance which affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfares except an alley.

(1) THOROUGHFARES

- (a) **APPROACH HIGHWAYS** - Those which intersect with and have interchange connection with limited access arterial highways.
- (b) **EXPRESSWAYS** - Limited access highways with full grade separation, serving a large volume of high speed through traffic.
- (c) **PRINCIPAL ARTERIALS** - Major regional highways, with full or partial access control, designed for a large volume of through traffic, with an expected average daily traffic count of four thousand one (4,001) trips or greater.
- (d) **MINOR ARTERIALS** - Routes providing interstate and inter-county service with an expected average daily traffic count of three thousand one (3,001) to four thousand (4,000) trips.
- (e) **MAJOR COLLECTORS** - Streets designed to provide access between local, feeder or minor collector streets and arterials and expressways. Access is controlled by limiting curb cuts and providing marginal access areas. An average daily traffic count of two thousand one (2,001) to three thousand (3,000) trips is expected.
- (f) **MINOR COLLECTORS** - Streets that primarily serve to connect feeder and local streets with major collectors and arterials. An average daily traffic count of twelve hundred one (1,201) to two thousand (2,000) trips is expected.

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(2) LOCAL STREETS

- (a) **FEEDER STREETS** - Streets providing connection between local streets and collectors having an average daily traffic count of from six hundred fifty-one (651) to twelve hundred trips and designed for an operating speed of thirty-five (35) miles per hour.
- (b) **LOCAL STREETS** - Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to six hundred fifty (650) trips is expected and designed for an operating speed of thirty (30) miles per hour.
- (c) **MARGINAL ACCESS STREETS** - Minor streets parallel and adjacent to arterials or minor or major collectors, but separated from said arterials or collectors by a planted strip of land, that provide access to abutting properties.
- (d) **HALF OR PARTIAL STREETS** - Streets parallel and adjacent to a property line that have a lesser right-of-way width than required by this Ordinance.
- (e) **SIDE STREET** - Any street, the length of which shall be not more than 50 percent of the length of the largest street line of the Municipality's blocks of which it is part.
- (f) **RESIDENTIAL STREET** - A street between two intersecting streets upon which an R-District abuts, or where 50 percent or more of the abutting street frontage is in predominantly residential use.

STREET LINE - The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where an ultimate right-of-way width for a street has been established, that width shall determine the location of the street line.

STUDY AREA - An area encompassing a one-half (0.5) mile radius from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

SUBDIVIDER - Any individual, copartnership or corporation (or agent authorized thereby) that undertakes the development or subdivision of land, as defined by this Ordinance, as the owner (or agent authorized thereby) of the land being developed or subdivided.

SUBDIVISION - The division or redivision of a lot or tract of land by any means into two (2) or more lots or tracts or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, building or lot development, mortgage liens or auctions; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or residential dwellings shall be exempted.

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SUBDIVISION, MAJOR - The division of a lot or tract of land, or part thereof, into two (2) or more lots or tracts for the purpose, whether immediate or future, of transfer of ownership or of building development, that requires the installation of public improvements.

SUBDIVISION, MINOR - The division of a lot or tract of land into five (5) or fewer lots for the purpose, whether immediate or future, of transfer of ownership or of building development, provided that the proposed lots thereby created have frontage on an improved street or streets, and provided further that there is not created by the subdivision any new street, any required public improvements, or the need therefor. No parcel of land held in single or separate ownership at the time of application for a minor subdivision may be further subdivided into an aggregate of more than 5 lots, tracts or parcels of land at any time subsequent to that date except in accordance with the requirements for a major subdivision.

SURVEYOR - A surveyor registered by the Commonwealth of Pennsylvania.

SWALE - A low lying area that is designed to accommodate the proper channeling of storm water.

TRACT - One (1) large lot or two (2) or more contiguous lots that are held in single and separate ownership. Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.

TRIP GENERATION RATES - The total count of trips expected to and from a particular land use.

VOLUME/CAPACITY ANALYSIS - A procedure, as described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), that compares the volume of a street or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period).

WARRANTS FOR TRAFFIC SIGNAL INSTALLATION - A series of justifications that detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation, Federal Highway Administration, 1971, § 4C-1 through 4C-10, as may be amended from time to time.

WATER SUPPLY, CENTRAL - Any municipal water supply system, or any system for the supply and distribution of water to more than one (1) user unit (dwelling, business, institution, or combination thereof).

WATER SUPPLY, PRIVATE - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

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WETLANDS - Marshes, swamps, bogs and areas over one-fourth (1/4) acre where soils are slowly permeable, a high water table exists and there is a slope of less than one percent (1%).

WOODLAND ASSOCIATION - Areas, groves, or stands of mature or largely mature trees [i.e., greater than six (6) inches caliper as measured at a point four (4) feet above grade] covering an area greater than one-quarter (1/4) acres; or groves of mature trees [greater than twelve (12) inches caliper as measured at a point four (4) feet above grade] consisting of more than ten (10) individual trees. Woodlands consist of three (3) different associations that can be determined by field survey in combination with aerial photo interpretation:

- (1) **FLOODPLAIN ASSOCIATION** - A woodland association that occurs primarily on floodplain soils. Mature trees within this association consist of:
 - (a) Silver maple/black walnut/sycamore;
 - (b) Ash/red maple/elm;
 - (c) Red maple/white oak/pin oak;
 - (d) Silver maple/red birch; or
 - (e) Silver maple/sycamore/elm.

- (2) **MEISIC ASSOCIATION** - A woodland association that occurs on poorly drained soils, and that will, over time, consist mainly of beech trees. Mature trees within this association consist of:
 - (a) Sweet gum/red maple;
 - (b) Red maple/ash/tulip poplar;
 - (c) Oak/sweet gum/red maple;
 - (d) Oak/red maples/ash/tulip poplar; or
 - (e) Oak/hickory/beechn.

- (3) **UPLAND ASSOCIATION** - A woodland association that occurs on slightly drier and more well drained soils, and that will, over time, consist mostly of mixed oaks. Mature trees within this association consist:
 - (a) Black locust, or
 - (b) Oak/hickory.

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ZONING OFFICER - The Dunmore Borough Zoning Officer.

ZONING ORDINANCE - The Zoning Ordinance of the Borough of Dunmore, as amended.

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ARTICLE II Administration

§ 200. Applicability.

It is the intention of the governing body to exercise, through adoption of this Ordinance, the maximum lawful jurisdiction over subdivision and land development permitted by the Pennsylvania Municipalities Planning Code, its amendments or successors. Without limitation, in the exercise of this power, the following are subject to the provisions hereof:

- A. Any subdivision.
- B. Any land development.
- C. Any resubdivision.

§ 201. Approval Authority.

All applications for subdivision and land developments shall be submitted to the Borough Zoning Officer or the Recording Secretary of the Borough Planning Commission, who shall then submit such applications to the Borough Planning Commission for review and recommendation to the governing body; and all such applications shall be approved by the governing body of the Borough of Dunmore prior to being recorded; provided, however, that the governing body hereby delegates the Dunmore Borough Planning Commission all such power of review, approval or rejection of minor subdivision applications.

§ 202. Enforcement.

- A. This Ordinance shall be enforced by the person or agency specifically so directed in any provision hereof, or by any person or agency designated by the governing body from time to time.
- B. Inspection of actual construction under any approved subdivision or land development plan shall be the sole responsibility of the municipality, which shall undertake reasonable measures to provide an adequate inspection of all projects.
- C. Any action not in accordance with the provisions of this Ordinance shall be subject to a cease-and-desist order and other appropriate measures necessary to obtain or produce compliance with this Ordinance.

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§ 203. Fees.

A. Review Fees.

1. **Borough Review Fees.** Applicants shall furnish an escrow fund sufficient to pay all fees and costs required by this Ordinance. The escrow fund shall be paid when preliminary or final applications are submitted for review and approval. At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Municipality in the amount specified below. An application shall be deemed incomplete until all fees are paid and the applications are properly signed. Such fees shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively. Said escrow fund shall be replenished upon the submission of any revised subdivision or land development plan. The escrow fund shall be sufficient to guarantee the payment of:
 - (a) The services of the Borough Engineer and the Borough Solicitor related to review and consideration of the application, and all other costs for engineering, traffic surveys, professional certification and other services deemed necessary by the governing body in reviewing plans.
 - (b) The actual cost of all drainage, water and material tests.
 - (c) The cost of municipal inspection services.
 - (d) Legal fees, advertising and other costs involved in the dedication of street easements and public improvements to the Borough of Dunmore.
 - (e) Actual costs of recording.
2. Borough Review Fees for Subdivisions.

SCHEDULE I

REVIEW FEE DEPOSITS

PRELIMINARY APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$20.00	\$ 300.00
10 - 19	\$20.00	\$ 400.00
20 - 49	\$20.00	\$ 600.00
50 - 99	\$20.00	\$1,200.00
100 or more	\$20.00	\$2,000.00

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FINAL APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$20.00	\$ 300.00
10 - 19	\$20.00	\$ 400.00
20 - 49	\$20.00	\$ 600.00
50 - 99	\$20.00	\$1,200.00
100 or more	\$20.00	\$2,000.00

3. **Borough Review Fees for Land Developments.**
- (a) All land development fees shall also be subject to the review fee provisions of this Section 203.
 - (b) Review fee deposits shall be paid for all land development applications in accordance with the following schedule:

SCHEDULE II

REVIEW FEE DEPOSITS

LAND DEVELOPMENTS

<u>Building Area in Square Feet</u>	<u>Amount of Fee</u>
2,000 sq. ft. or less	\$200.00
2,001 sq. ft. or more	\$0.10 per sq. ft. up to a maximum deposit of \$1,000.00

4. **Procedure for Borough Review Fees.**
- a. Review fees shall include the reasonable and necessary charges by the Borough of Dunmore's professional consultants and engineer for review and report to the Borough of Dunmore. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough of Dunmore when fees are not reimbursed or otherwise imposed on applicants. A review fee deposit shall be submitted with each application, preliminary and final, in accordance with Schedule I and Schedule II hereof.

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- b. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Borough of Dunmore that such fees are disputed, in which case the Borough of Dunmore shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- c. In the event that the Borough of Dunmore and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Municipality shall follow the procedure for dispute resolution set forth herein.
- d. If within 20 days from the date of billing, the Municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- e. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- f. In the event that the Municipality and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Lackawanna County shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Municipality or the applicant within the preceding five years.
- g. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Municipality shall pay the fee of the professional engineer, but otherwise the Municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

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5. Other Review Fees. The applicant shall be required to submit additional fees to all governmental agencies required to review subdivision and land development plans. An application shall be deemed incomplete until all fees are paid and the applications are properly signed.

B. Administrative Fees.

In addition to the above, each application for a Subdivision/Land Development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. **Such fees shall be \$20.00 per lot, but not less than \$50.00 per minor subdivision, \$100.00 per major subdivision, or \$200.00 per land development.**

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**ARTICLE III
Procedures**

§ 300. General outline of procedures.

- A. There are three (3) stages in the procedure for approval of subdivision and land development plans. These stages are necessary to enable the Planning Commission and the governing body to have an adequate opportunity to review the submissions and to ensure that their formal recommendations are reflected in the final plans.
- B. The separate stages of approval include the submission of an optional sketch plan, a Preliminary Application and a Final Application. The table below indicates the recommended and required plans for the different types of submissions.

Plan Approval Stage	Type of Submission		
	Minor Subdivision	Major Subdivision	Land Development
Sketch (See §301)	Recommended (Not required)	Recommended (Not required)	Recommended (Not required)
Preliminary	Not required	Required	Required
Final	Required (See §304)	Required (See §303)	Required (See §303)

- C. Sketch plans should require no more than a sixty (60) day review period. The review process required for preliminary and final applications shall include no more than ninety (90) days starting from the date of the regular meeting of the Planning Commission next following the date the application is accepted by the Secretary, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been accepted, and ending with the applicant being notified of the decision of the governing body.

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- D. The submission of a preliminary or final application that, in the opinion of the governing body, has been substantially revised shall constitute a new and separate submission.
- E. Except as required by the Pennsylvania Municipalities Planning Code, the time periods for review set forth in this Article shall be construed as directory rather than mandatory.
- F. Prior to the initial submission, the applicant is encouraged to meet informally with the Borough Planning Commission to obtain information regarding zoning, and subdivision/land development requirements.
- G. No plan will be considered for review by the Borough Planning Commission unless it is submitted at least 10 days prior to its subsequent meeting.

§ 301. Sketch plan.

A. Purpose.

- (1) The purpose of the sketch plan, which is an optional submission, is to afford the applicant the opportunity to consult early and informally with both the Planning Commission and the Lackawanna County Regional Planning Commission before the preparation of the preliminary or final application for approval.
- (2) During the sketch plan process, the applicant can advantageously make use of the services of both planning commissions to help analyze the problems of the development and plan more adequately for its sound coordination with the community. The sketch plan process also affords the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official action and save unnecessary expense and delay.

B. Deposits and fees.

- (1) Deposits and fees for the different types of subdivision and land development submissions are listed in §203 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission Fee Schedule, shall also be required.
- (2) The Secretary shall collect and immediately deposit all municipal fees in the proper bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

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C. Procedure.

- (1) The applicant may prepare the sketch plan and application form, including the data specified in §400 and §401.
- (2) The applicant shall submit nine (9) copies of the sketch plan and one (1) application form to the Secretary or to the **Zoning Officer**.
- (3) The Secretary or the **Zoning Officer** shall check the submission for completeness and if the submission is incomplete shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary or the **Zoning Officer** shall accept the sketch plan and application form.
- (4) The Secretary shall immediately distribute copies of the sketch plan, application forms and applicable fees in the following manner:
 - (a) One (1) copy to the Lackawanna County Regional Planning Commission.
 - (b) One (1) copy to the Municipal Engineer.
 - (c) One (1) copy to the Zoning Officer.
 - (d) Five (5) copies to be retained by the Secretary for use of the Borough of Dunmore officials.
- (5) The Municipal Engineer shall, within thirty (30) days following acceptance of the sketch plan application:
 - (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (6) The Zoning Officer shall, within thirty (30) days following acceptance of the sketch plan application:
 - (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.

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- (7) The Planning Commission may, within thirty (30) days following acceptance of the sketch plan application, meet with the applicant or applicant's representative to review the submission.
- (8) The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the sketch plan was forwarded to said Commission, review the sketch plan and prepare a report for the municipality.
- (9) The Planning Commission should, within sixty (60) days following acceptance of the sketch plan application:
 - (a) Review the report of the Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, Zoning Officer and Planning Commission;
 - (b) Determine whether the sketch plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (c) Recommend revisions, if any, so that the subsequent preliminary or final plan will conform to municipal regulations and ordinances; and
 - (d) Forward their recommendations to the applicant and to the governing body for informational purposes.

§ 302. Preliminary Application for major subdivision or land development.

- A. Purpose. The purpose of the preliminary application is to arrive at a final plan that is acceptable to both the applicant and the municipality.
- B. General.
 - (1) A preliminary application shall be submitted conforming to the changes recommended during the sketch plan process, if any.
 - (2) The preliminary application, and all plans and information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be requested pursuant to §204.

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C. Deposits and fees.

- (1) Deposits and fees for the different types of subdivision and land development submissions are **specified in §203 hereof**. Fees, pursuant to the Lackawanna County Regional Planning Commission, and the Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
- (2) The Secretary shall collect and immediately deposit all municipal fees in the proper bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

D. Procedure.

- (1) The applicant shall prepare the preliminary application, including the application form, including the data specified in §400 and §402.
- (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- (3) The applicant shall submit to the Secretary or the **Zoning Officer**:
 - (a) Twelve (12) copies of the preliminary plan.
 - (b) The Dunmore Borough subdivision and land development application form.
 - (c) Six (6) copies of the planning module for land development.
 - (d) All applicable fees.
- (4) The Secretary or the **Zoning Officer** shall check the submission for completeness. No application shall be deemed complete unless and until all items in Subsections (3)(a) to (d), hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary or the **Zoning Officer** shall accept the preliminary application, application form and fees.
- (5) The Secretary shall immediately distribute copies of the preliminary plan, application forms and applicable fees in the following manner:

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- (a) Two (2) copies of the preliminary plan and application forms and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission.
 - (b) Two (2) copies of the preliminary plan and application forms and one (1) copy of the planning module to the Municipal Engineer
 - (c) One (1) copy of the preliminary plan and application forms to the Zoning Officer.
 - (d) One (1) copy of the preliminary plan and application forms to the Fire Chief
 - (e) One (1) copy of the preliminary plan and application forms to the Lackawanna County Soils Conservation Service
 - (f) Five (5) copies of the preliminary plan and application forms and one (1) planning module for land development to be retained by the Secretary for the use of municipal officials.
- (6) The Municipal Engineer shall, within thirty (30) days following acceptance of the preliminary application:
- (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (7) The Zoning Officer shall within thirty (30) days following acceptance of the preliminary application:
- (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (8) The Fire Chief shall, within thirty (30) days following acceptance of the preliminary application:
- (a) Review the fire protection considerations, in conjunction with the local fire company, in the applicant's submission; and

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- (b) Make recommendations to the Planning Commission and governing body.
- (9) The Planning Commission may, within thirty (30) days following acceptance of the preliminary application, meet with the applicant to review the submission.
- (10) The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the preliminary application was forwarded to said Commission, review the preliminary application and prepare a report for the municipality's Planning Commission and governing body.
- (11) The Planning Commission should, within sixty (60) days following acceptance of the preliminary application:
 - (a) Review the reports of the Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation Service and the recommendations of the Municipal Engineer, Fire Chief and Zoning Officer;
 - (b) Discuss the submission with the applicant at the discretion of the Planning Commission;
 - (c) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (d) Recommend revisions, if any, so that the plan will conform to municipal codes and ordinances; and
 - (e) Recommend approval or disapproval of the preliminary plan in a written report to the governing body.
- (12) The governing body should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the preliminary application:
 - (a) Review the reports of the Planning Commission, Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation Service and the recommendations of the Municipal Engineer, Fire Chief, Zoning Officer; and other reviewing agencies;

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- (b) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
 - (c) Approve or disapprove the preliminary application. If approved the governing body shall express its approval and state the conditions of approval, if any. If disapproved, the governing body shall state the reasons for this action.
- (13) The decision of the governing body shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- (14) Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings.
- (15) If the preliminary application is disapproved, the applicant may file a revised preliminary application with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for preliminary application and shall replenish the escrow deposit to its original amount.

§ 303. Final Application for major subdivision or land development.

- A. Purpose. The purpose of the final application is to require formal approval by the governing body before plans for all subdivisions and land developments are recorded as required by §405.
- B. General.
 - (1) The final application shall conform to the preliminary application, as approved.
 - (2) The final application and all plans, information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically approved by the governing body pursuant to §204.

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C. Deposits and fees.

- (1) Deposits and fees for the different types of subdivision and land development submissions are **specified in §203 hereof**. Fees, pursuant to the Lackawanna County Regional Planning Commission, and the Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
- (2) The Secretary shall collect and immediately deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

D. Procedure.

- (1) The applicant shall prepare the final plan and application form, including the data specified in §400 and §403.
- (2) The applicant shall submit to the **Secretary or the Zoning Officer**:
 - (a) Ten (10) copies of the final plan.
 - (b) The Dunmore Borough subdivision and land development application form.
 - (c) Written agreements, offers of dedication, covenants and deed restrictions pursuant to §530 and §701.
 - (d) All applicable fees.
- (3) The **Secretary or the Zoning Officer** shall check the submission for completeness. No application shall be deemed complete unless and until all items in (2)(a) to (d) hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the **Secretary or the Zoning Officer** shall accept the final application, including the application form and fees.
- (4) The Secretary shall immediately distribute copies of the final application, and applicable fees in the following manner:
 - (a) Two (2) copies to the Lackawanna County Regional Planning Commission.
 - (b) Two (2) copies to the Municipal Engineer.
 - (c) One (1) copy to the Zoning Officer.

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- (d) One (1) copy to the Solicitor.
 - (e) Five (5) copies to be retained by the Secretary for use of municipal officials.
- (5) The Municipal Engineer should, within thirty (30) days following acceptance of the final application:
- (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (6) The Zoning Officer shall, within thirty (30) days following acceptance of the final application:
- (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (7) The Solicitor shall, within thirty (30) days following acceptance of the final application:
- (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (8) The Planning Commission may, within thirty (30) days following acceptance of the final application, meet with the applicant to review the submission.
- (9) The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the final plan was forwarded to said Commission, review the final plan and prepare a report for the municipality's Planning Commission and governing body.
- (10) The Planning Commission should, within sixty (60) days following acceptance of the final application:
- (a) Review the reports of the Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, Zoning Officer and Solicitor;

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- (b) Discuss the submission with the applicant at the discretion of the Planning Commission;
 - (c) Determine whether the final application:
 - [1] Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
 - [2] Complies with any conditions of preliminary application approval.
 - (d) Recommend revisions, if any, so that the application will conform to municipal regulations and ordinances; and
 - (e) Recommend approval or disapproval of the final application in a written report to the governing body.
- (11) The governing body should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final plan application:
 - (a) Review the reports of the Planning Commission, Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor and other reviewing agencies;
 - (b) Determine whether the final application:
 - [1] Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
 - [2] Complies with and conditions of preliminary application approval; and
 - (c) Approve or disapprove the final application. If disapproved, the governing body shall state the reasons for this action.
- (12) The decision of the governing body shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.

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- (13) If the final plan is approved:
 - (a) The governing body shall adopt a resolution approving the final plan.
 - (b) Approval shall not be final until entry into contract and production of completion guaranty as set forth in Article VII, when applicable.
 - (c) Two (2) exact mylar copies and two (2) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §405, shall be submitted to the Planning Commission.

- (14) If the final plan is disapproved, the applicant may file a revised final plan with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final plans and shall replenish the escrow deposit to its original amount.

- (15) When requested by the applicant, in order to facilitate financing, the governing body shall furnish the applicant with a signed copy of a resolution indicating approval of the final application contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

§ 304. Final application for minor subdivision.

- A. **Purpose.** In the case of minor subdivisions it is the purpose of this section to provide a simplified procedure by which said minor subdivisions may be submitted and approved.

- B. **General.** In the event that the proposed subdivision shall involve a change in the location of streets, sanitary or storm sewers, water mains, culverts, or other municipal improvements, then the provisions of this section on minor subdivisions shall not be applicable, and the applicant shall be required to comply with the requirements of §303.

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C. Deposits and fees.

- (1) Deposits and fees for the submission of a final minor subdivision plan are **specified in §203 hereof**. Fees, pursuant to the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
- (2) The Secretary shall collect and immediately deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

D. Procedure.

- (1) The applicant shall prepare the final minor subdivision application form, including the data specified in §400 and §404.
- (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- (3) The applicant shall submit to the **Secretary or the Zoning Officer**:
 - (a) Twelve (12) copies of the final minor subdivision plan.
 - (b) The Dunmore Borough subdivision and land development application form.
 - (c) Six (6) copies of the planning modules for land development.
 - (d) All applicable fees.
- (4) The **Secretary or the Zoning Officer** shall check the submission for completeness. No application shall be deemed complete unless and until all items in (3)(a) to (d) hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the **Secretary or the Zoning Officer** shall accept the final minor subdivision plan, application form and fees.
- (5) The Secretary shall immediately distribute copies of the final minor subdivision plan, application form and applicable fees in the following manner:
 - (a) Two (2) copies of the preliminary plan and application forms and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission.

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- (b) Two (2) copies of the preliminary plan and application forms to the Municipal Engineer.
 - (c) One (1) copy of the preliminary plan and application forms to the Zoning Officer.
 - (d) One (1) copy of the preliminary plan and application forms to the Solicitor.
 - (e) One (1) copy of the preliminary plan and application forms and four (4) copies of the planning module for land development to the Lackawanna County Soils Conservation Service.
 - (f) Five (5) copies of the preliminary plan and application forms and one (1) planning module for land development to be retained by the Secretary for use of municipal officials.
- (6) The Municipal Engineer shall, within thirty (30) days following acceptance of the final minor subdivision application:
- (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (7) The Zoning Officer shall, within thirty (30) days following acceptance of the final minor subdivision application:
- (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Commission and governing body.
- (8) The Solicitor should, within thirty (30) days following acceptance of the final application:
- (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
 - (b) Make recommendations to the Planning Commission and governing body.

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- (9) The Planning Commission may, within thirty (30) days following acceptance of the final minor subdivision application, meet with the applicant to review the submission.
- (10) The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the final minor subdivision application was forwarded to said Commission, review the final minor subdivision application and prepare a report for the municipality's Planning Commission.
- (11) The Planning Commission should, within sixty (60) days following acceptance of the final minor subdivision plan application:
 - (a) Review the reports of the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation Service; and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor, and other reviewing agencies;
 - (b) Discuss the submission with the applicant at the discretion of the Planning Commission;
 - (c) Determine whether the final minor subdivision application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (d) Recommend revisions, if any, so that the plan will conform to municipal regulations and ordinances; and
- (12) The Planning Commission should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final minor subdivision plan application:
 - (a) Review the reports of the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation Service; and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor and other reviewing agencies;
 - (b) Determine whether the final minor subdivision plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
 - (c) Approve or disapprove the final minor subdivision application. If disapproved, the Planning Commission shall state the reasons for this action.

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- (13) The decision of the **Planning Commission** shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- (14) If the final minor subdivision application is approved:
 - (a) The **Planning Commission** shall adopt a resolution approving the final minor subdivision application.
 - (b) Two (2) exact mylar copies and two (2) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §405, shall be submitted to the **Planning Commission**.
- (15) If the final minor subdivision application is disapproved, the applicant may file a revised final minor subdivision plan with the **Secretary or the Zoning Officer** in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final minor subdivision plans and shall replenish the escrow deposit to its original amount.

§ 305. Recording of final plan.

- A. Prior to recording the approved final plan, the applicant shall submit two (2) mylar copies and two (2) paper copies of said plan to the Secretary in order to obtain the seals and signatures of municipal officials, as required by §405.
- B. Copies of the approved final plan shall, within ninety (90) days of the date of approval, be recorded by the applicant in the office of the Recorder of Deeds of Lackawanna County. The applicant shall notify the governing body or the **Planning Commission as the case may be** in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void.
- C. Effect of recording.
 - (1) After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the municipality.

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- (2) Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the municipality by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the municipality.
 - (3) Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the municipality and accepted, by resolution, and recorded in the office of the clerk of the Court of Common Pleas of Lackawanna County, or until it has been condemned for use as a public street, park or improvement.
- D. Recorded plan. All plans recorded shall contain the information specified in §405.

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ARTICLE IV Application and Plan Requirements

§ 400. Application requirements.

For the purpose of having a subdivision or land development considered and approved by the governing body, the applicant shall file with the Secretary the following items at the initial submission, in addition to the required number of plans:

- A. A signed subdivision and land development application.
- B. A list of all encumbrances and, if appearing on record, the book and page numbers.
- C. A statement setting forth in detail the character of the improvements the applicant proposes to make on the property to be developed, if known.
- D. A development schedule indicating the approximate date when construction can be expected to begin and be completed, if known.
- E. A copy of all restrictions, covenants and limitations, if any, under which lots are to be sold.

§ 401. Sketch plan application

The sketch plan application shall show the following information:

- A. Site plan, showing:
 - (1) Name of subdivision or land development.
 - (2) Name and address of the owner/applicant.
 - (3) Tax parcel number(s) of the site.
 - (4) Name and address of the engineer, surveyor, architect, landscape architect or planner responsible for the plan.
 - (5) Zoning requirements, including:
 - (a) Applicable district and district boundaries.
 - (b) Maximum density permitted and proposed density, if applicable.

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- (c) Lot size and yard requirements.
- (d) Required and/or proposed open space and impervious surface ratios.
- (e) Any variances or special exceptions granted.
- (6) Location map showing relation of site to adjoining properties and streets, within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
- (7) North point.
- (8) Written and graphic scales (including scale of location map).
- (9) Total acreage of the site, both gross and net.
- (10) Site boundaries.
- (11) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- (12) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- (13) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within one hundred (100) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within five hundred (500) feet of and within the site, including properties across streets.
- (14) Outline of the net site area.
- (15) Proposed general street layout, if applicable.
- (16) Proposed general lot layout, if applicable.
- (17) Types of buildings proposed.
- (18) Number of dwelling units proposed or square footage of non-residential buildings.
- (19) Open space areas, existing and proposed.

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(20) Recreation areas, existing and proposed.

(21) Parking areas with dimensions and number of parking spaces.

B. Natural features map (on separate sheet). This plan is required for all major subdivision and land development submissions. For minor subdivisions, the information below may be included on the site plan in Subsection A above. The following information shall be indicated:

(1) Contour lines measured at vertical intervals of two (2) feet. Slopes may be determined by interpretation of United States Geological Survey maps at this stage.

(2) Floodplain areas.

(3) Floodplain soil areas.

(4) Steep slope areas.

(a) Fifteen percent (15%) to twenty-five percent (25%).

(b) Twenty-five percent (25%) and over.

(5) Class I and Class II agricultural soils areas.

(6) Woodland association areas.

(a) Floodplain association.

(b) Meisic association.

(c) Upland association.

(7) Lakes and ponds.

(8) Wetlands.

C. Acknowledgments.

(1) A written statement indicating the method of administration and maintenance of open space pursuant to §530.

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§ 402. Preliminary application

A. Drafting standards.

- (1) The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a scale of one (1) inch equals fifty (50) feet.**
- (2) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.**
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.**
- (4) Where a resubdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.**
- (5) Notations of revisions shall be dated.**
- (6) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.**
- (7) The boundary line of the subdivision or land development shall be shown as a solid heavy line.**

B. The preliminary plans shall show or be accompanied by the following information:

- (1) Site plan (on separate sheet), showing:**
 - (a) Name of subdivision or land development.**
 - (b) Name and address of owner/applicant.**
 - (c) Tax parcel number(s) of the site.**
 - (d) Name, address, and seal of surveyor and other applicable names, addresses and seals.**
 - (e) Zoning requirements, including:**

[1] Applicable district and district boundaries

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- [2] Maximum density or intensity permitted, if applicable.
 - [3] Lot size and yard requirements.
 - [4] Open space and impervious surface ratios, if applicable.
 - [5] Any variances or special exceptions granted.
- (f) Proposed standards:
- [1] Density.
 - [2] Open space ratio.
 - [3] Impervious surface ratio.
 - [4] Dwelling unit or non-residential use mix, if known.
 - [5] Size of units (in bedrooms) or square footage of non-residential buildings, if known.
- (g) Location map showing relation of site to adjoining properties, streets, and sewer and water lines within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
- (h) North Point.
- (i) Written and graphic scales (including scale of location map).
- (j) Total acreage of the site, both gross and net.
- (k) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
- (l) Location of all existing monuments.
- (m) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- (n) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.

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- (o) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within two hundred (200) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within two hundred (200) feet of and within the site, including properties across streets.
- (p) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:
 - [1] Ownership.
 - [2] Size.
 - [3] Widths of rights-of-way or easements.
- (q) The proposed layout:
 - [1] Outline of the net site area.
 - [2] The layout of streets, including widths of cartways, and existing and ultimate rights-of-way; and proposed improvements pursuant to Subsection B (8)(d)[6] below. The governing body shall retain exclusive jurisdiction to name all proposed streets.
 - [3] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
 - [4] The arrangement and use of buildings and parking areas in non-residential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.
 - [5] Open space areas, and indication as to whether offered for dedication.
 - [6] Recreational facilities.
 - [7] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
 - [8] Sidewalks and pedestrian paths.
 - [9] Street lights.

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- [10] Fire hydrants.
 - [11] Monuments.
 - [12] Gas mains.
 - [13] Water mains.
 - [14] Driveway locations.
 - [15] Locations of public and/or private sewer systems, if applicable.
- (r) Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.
 - (s) Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.
- (2) Natural Features map (on separate sheet), showing:
- (a) Unless the proposed development is to be served by a central sewage disposal system, soil types within the site, based on maps contained in the Soil Survey of Lackawanna and Wyoming Counties, U.S. Department of Agriculture, Soil Conservation Service, March 1982, as amended. An attached table shall indicate each soil's limitations for community development.
 - (b) Contour lines overlaid on a street and lot layout, measured at vertical intervals of two (2) feet. Such elevations shall be determined by on-site or photogrammetric survey, not by interpretation of United States Geological Survey maps.
 - (c) Datum to which contour lines refer. Where practicable, data shall refer to established elevations.
 - (d) Floodplain areas.
 - (e) Base flood elevation data, if available.
 - (f) Floodplain soil areas.

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- (g) Slope areas.
 - [1] Fifteen percent (15%) to twenty-five percent (25%).
 - [2] Twenty-five percent (25%) and over.
- (h) Agricultural soil areas.
 - [1] Class I.
 - [2] Class II.
- (i) Vegetation map, showing:
 - [1] Woodland association areas.
 - [2] Large trees over ten (10) inches caliper standing alone.
 - [3] Other significant vegetation.
- (j) Water resources map (on separate sheet), showing:
 - [1] Streams.
 - [2] Swales.
 - [3] Lakes and ponds.
 - [4] Wetlands.
 - [5] Major and minor watersheds.
- (3) Sedimentation and erosion control plan pursuant to the Pennsylvania Clean Streams Law, prepared in accordance with standards and specifications of the Lackawanna County Soil Conservation District (on separate sheet).
- (4) Storm water management plan pursuant to the Borough's Storm Water Management Ordinance.
- (5) Sewer plan (on separate sheet), showing:
 - (a) Public sanitary sewer facilities, if applicable.
 - (b) Central water supply facilities, if applicable.

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- (6) Landscaping plan (on separate sheet), showing:
 - (a) Existing and proposed grades for the entire site.
 - (b) Existing vegetation to be removed.
 - (c) Existing vegetation to be preserved.
 - (d) Proposed planting schedule indicating the locations, species and sizes of plantings as required by §514, §523 and §527.
 - (e) When applicable the landscaping plan shall be in accordance with the requirements of the Municipality's zoning ordinance.
- (7) Tentative typical cross sections and center-line profiles for each proposed street shown on the site plan (on separate sheet).
- (8) Transportation impact study.
 - (a) A transportation impact study, as defined in subsection B(8)(d) below may be required of all major subdivisions and land developments. This study, if required, will enable the Borough of Dunmore to assess the impact of a proposed development on the local transportation system. The study purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study will assist in the protection of air quality, the conservation of energy, and the encouragement of public transportation use.
 - (b) Subdivisions and land developments for which a transportation impact study will be required.
 - [1] A transportation impact study shall be required for all subdivisions and land developments that meet one (1) or more of the following criteria:
 - [a] A residential subdivision/land development of one hundred (100) or more dwelling units.

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- [b] A nonresidential land development of one hundred thousand (100,000) square feet or more of gross leasable floor space.
 - [c] A development which will generate an ADT of at least 1500 vehicles; provided, however, that the Municipal Engineer may determine that a study shall be required for an ADT of less than 1500 vehicles on heavily traveled roads or roads with poor sight distances; and, provided further that all vehicular traffic projections shall be based on ultimate build-out, and shall be subject to verification by the Municipal Engineer.
 - [d] For any Conditional Use as specified in the Dunmore Borough Zoning Ordinance, for which an environmental assessment is required.
- 2] The governing body, upon the recommendation of the Borough Engineer, shall have the discretion to require the preparation of a traffic impact study for any other subdivision or land development if, in their opinion, such a study is required.
- (c) The Borough of Dunmore shall select a qualified engineer and/or transportation planner with previous traffic study experience to review the applicant's transportation impact study. The Borough of Dunmore may utilize applicant's fees, placed in escrow, to fund such studies. The procedures and standards for the traffic impact study, which shall be adhered to by the consultant, are set forth in subsection B(8)(d) below.
 - (d) The transportation impact study shall contain, but not be limited to, the following information:

 - [1] General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided and shall be addressed by the traffic impact study. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they might affect the transportation needs of the site (for example, the number of senior citizens).

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- [2] **Transportation facilities description.**
- [a] **The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelter and sign locations shall be designated where appropriate.**
- [b] **The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation 12-Year Highway Capital Improvements Program, the Lackawanna Valley Corridor Plan, the Lackawanna County Comprehensive Plan and from the Municipality's Comprehensive Plan and Official Map. The applicability of current updates prior to the application under consideration shall be determined by the Municipal Engineer. Any proposed roadway improvements resulting from proposed surrounding development shall also be recorded.**
- [3] **Existing traffic conditions.**
- [a] **Existing traffic conditions shall be measured and documented on all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for the land development's peak hour traffic. Complete traffic counts at all major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall**

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be included in the report. A volume/capacity analysis based upon existing volumes shall be performed for the peak hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location.

- [b] This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.
- [4] Transportation impact of the development. Estimation of vehicular trips to result from the proposed development shall be completed for both the street system and the development-generated peak hours. Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated. The reference source(s) and methodology followed shall be cited. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.

Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of that site that will cause unusual trip generation rates and/or traffic flows shall be noted.

- [5] Analysis of transportation impact.
- [a] The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated. This demand shall consist of the combination of existing traffic expanded to the completion year, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed using the peak highway hour(s) and peak development-generated hour(s) for all

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streets and major intersections in the study area.
Volume/capacity calculations shall be completed for all major intersections.

- [b] All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation. Levels of service for all streets and intersections shall be listed.
- [6] Conclusions and recommended improvements.
 - [a] All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design; site access location and design; external street and intersection design and improvements; traffic signal installation and operation, including signal times; and transit design improvements.
 - [b] Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
 - [c] The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.
 - [d] The Planning Commission shall review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development and make recommendations to the governing body.
 - [e] The governing body may decide that certain improvements contained in the study within the study area are required for preliminary application approval and may attach these conditions to the preliminary approval.

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- [f] For projects that require a Highway Occupancy Permit (HOP) no preliminary application shall be approved without evidence of an approved HOP.
- (9) Planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended.
- (10) Acknowledgments.
 - (a) Letter from utility companies indicating the availability of required utilities.
 - (b) Schedule of all proposed sections of the subdivision or land development, if applicable. Said schedule shall propose deadlines within which final subdivision or land development plans for each section are intended to be filed.
 - (c) General proposal for the maintenance of open space and/or private streets, sewer systems, central water supply and other major improvements; and method of management. A formal contract is not required at this point.

§ 403. Final plan for major subdivision or land development.

A. Drafting standards.

- (1) The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a scale of one (1) inch equals fifty (50) feet.
- (2) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (4) Where a resubdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
- (5) Notations of revisions shall be dated.

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- (6) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (7) The boundary line of the subdivision or land development shall be shown as a solid heavy line.
- (8) Final plans shall be on sheets either eighteen by twenty-four (18 x 24) inches, twenty-four by thirty-six (24 x 36) inches or thirty-six by forty-eight (36 x 48) inches, and all lettering shall be so drawn as to be legible if the plan should be reduced to half size.

B. The final plan shall show or be accompanied by the following information:

- (1) Site plan (on separate sheet), showing:
 - (a) Name of subdivision or land development.
 - (b) Name and address of owner/applicant.
 - (c) Tax parcel number(s) of the site.
 - (d) Name, address and seal of the engineer or surveyor responsible for the plan.
 - (e) Zoning requirements, including:
 - [1] Applicable district and district boundaries.
 - [2] Maximum density or intensity permitted, if applicable.
 - [3] Lot size and yard requirements.
 - [4] Open space and impervious surface ratios, if applicable.
 - [5] Any variances or special exceptions granted.
 - (f) Proposed standards:
 - [1] Density.
 - [2] Open space ratio.
 - [3] Impervious surface ratio.
 - [4] Dwelling unit or non-residential use mix, if known.

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- [5] Size of units (in bedrooms) or square footage of non-residential buildings, if known.

- (g) Location map showing relation of site to adjoining properties and streets, within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet.)

- (h) North point.

- (i) Written and graphic scales (including scale of location map).

- (j) Total acreage of the site, both gross and net.

- (k) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.

- (l) Location of all existing monuments.

- (m) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).

- (n) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.

- (o) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within one hundred (100) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within five hundred (500) feet of and within the site, including properties across streets.

- (p) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:
 - [1] Ownership.
 - [2] Size.
 - [3] Widths of rights-of-way or easements.

- (q) The proposed layout:
 - [1] Outline of the net site area.

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- [2] The layout of streets, including widths of cartways and existing and ultimate rights-of-way; and proposed improvements pursuant to §402 B (8)(d)[6]. The governing body shall retain exclusive jurisdiction to name all proposed streets.
 - [3] The lot layout with exact dimensions, areas and uses of lots, building setback lines, and rear and side yard lines.
 - [4] The arrangement and use of buildings and parking areas in nonresidential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.
 - [5] Open space areas, and indication as to whether offered for dedication.
 - [6] Recreational facilities.
 - [7] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
 - [8] Sidewalks and pedestrian paths.
 - [9] Street lights.
 - [10] Fire hydrants.
 - [11] Monuments.
 - [12] Gas mains.
 - [13] Water mains.
 - [14] Driveway locations.
 - [15] Locations of private sewer systems, if applicable.
- (2) Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.

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- (3) Where the final plan covers only a portion of the applicant's entire tract, a sketch plan shall be submitted of a feasible future subdivision or land development of the remainder of the site. Said sketch plan shall be drawn in accordance with the approved preliminary plan and the approved schedule of sections.
- (4) Sedimentation and erosion control plan pursuant to the Pennsylvania Clean Streams Law, prepared in accordance with standards and specifications of the Lackawanna County Soil Conservation District (on separate sheet).
- (5) Storm water management plan (on separate sheet), as specified in §402B(4) hereof.
- (6) Sewer plan in accordance with §402B(5) hereof.
- (7) Landscaping and grading plan in accordance with §402B(6) hereof.
- (8) Improvement construction plan (drainage and construction) prepared by an engineer. The improvement construction plan shall be at a horizontal scale on the plan and profile of fifty (50) feet to the inch and a vertical scale on the profile of five (5) feet to the inch. It shall contain the following:
 - (a) Horizontal plan (streets):
 - [1] Center line with bearings, distances, curve data and stations corresponding to the profile.
 - [2] Right-of-way and curb lines with radii at intersections.
 - [3] Beginning and end of proposed construction.
 - [4] Tie-ins by courses and distances to intersections of all public streets, with their names and widths.
 - [5] Location of all proposed monuments with reference to them.
 - [6] Property lines and ownership of abutting properties.
 - [7] Location and size of all drainage structures, sidewalks, public utilities, lighting standards, street trees and street name signs.

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(b) Profile (streets):

- [1] Profile of existing ground surface along the center line and both right-of-way lines of streets.**
- [2] Proposed center line grade with percent on tangents and elevations at fifty-foot intervals, grade intersections and either end of curb radii.**
- [3] Vertical curve data, including length, tangent elevations and minimum sight distance as required in Article V.**

(c) Cross section (streets):

- [1] Right-of-way width and location, and width of paving.**
- [2] Type, thickness and crown of paving.**
- [3] Type and size of curb.**
- [4] Grading of sidewalk area.**
- [5] Location, width, type and thickness of sidewalks.**
- [6] Typical location of sewers and utilities, with sizes.**

(d) Horizontal plan (storm drains and sanitary sewers):

- [1] Location and size of line with stations corresponding to the profile.**
- [2] Location of manholes or inlets with grades between and elevations of flow line and top of each manhole or inlet.**
- [3] Property lines and ownership, with details of easements where required.**
- [4] Beginning and end of proposed construction.**
- [5] Location of laterals and wyes.**
- [6] Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.**
- [7] Hydraulic design data for culverts and/or bridge structures.**

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- (e) Profile (storm drains and sanitary sewers):
 - [1] Profile of existing ground surface with elevations at top of manholes or inlets.
 - [2] Profile of storm drains or sanitary sewers showing type and size of pipe, grade, cradle, manhole and inlet locations.
- (9) Management information. A formal contract for the maintenance of open space and/or private streets, sewer systems, central water supply and other major improvements; and method of management.
- (10) Acknowledgments.
 - (a) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Borough Solicitor.
 - (b) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided.
 - (c) All required permits and related documentation from the Pennsylvania Department of Environmental Protection or its successor agency where any alteration or relocation of a stream or watercourse is proposed.
 - (d) A notice on the plan stating that access to any highway under the jurisdiction of the Pennsylvania Department of Transportation shall be only as authorized by 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".
- (11) A written agreement regarding public improvement guarantees pursuant to §701.

§ 404. Final plan for minor subdivision.

- A. Drafting standards shall be in accordance with §402A hereof.
- B. The minor subdivision plan shall show or be accompanied by the following information:

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- (1) Site plan (on separate sheet), showing:
 - (a) Information specified in §402B(1)(a) through (1)(p) hereof.
 - (b) Proposed layout, including the requirements of §402B(1)(q)[1], [3], [5], [7], [14] and [15].
- (2) Natural features map (on separate sheet). The following information shall be indicated:
 - (a) Contour lines measured at vertical intervals of two (2) feet. Slopes may be determined by interpretation of United States Geological Survey maps.
 - (b) Information required under §401B(2)(d), (g), (j)[3], and (j)[4] hereof.
 - (c) Floodplain areas.
 - (d) Steep slope areas.
 - [1] Fifteen percent (15%) to twenty-five percent (25%).
 - [2] Twenty-five percent (25%) and over.
 - (e) Lakes and ponds.
 - (f) Wetlands.
- (3) Management information. A formal contract for maintenance of open space and method of management and maintenance, if applicable.
- (4) Planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended.
- (5) Acknowledgments.
 - (a) All offers of dedications and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Borough Solicitor.
 - (b) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided.

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- (c) A notice on the plan stating that access to any highway under the jurisdiction of the Pennsylvania Department of Transportation shall be only as authorized by 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".

§ 405. Lot Line Change.

Whenever the application is only for a change in lot lines which will not create additional lots, the following shall be provided:

- A. Drafting standards shall be in accordance with §402A hereof.
- B. Information specified in §402B(1)(a) through (1)(p).

§ 406. Record plan.

- A. The record plan shall be a clear and legible blue or black line mylar and shall be an exact copy of the approved final plan on a sheet of the size required for final plans.
- B. The following information shall appear on the record plan, in addition to the information required in § 403 and §404 for the final plan:
 - (1) Seals.
 - (a) The impressed seal of the engineer or surveyor who prepared the plan, and the engineer, if applicable.
 - (b) The impressed corporate seal, if the subdivider is a corporation.
 - (2) Acknowledgments.
 - (a) A statement to the effect that the applicant is the owner of the land proposed to subdivided and/or developed and that the subdivision and/or land development shown on the final plan is made with his or their free consent and that it is desired to record the same.
 - (b) An acknowledgment of said statement before an officer authorized to take acknowledgments.

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- (c) A certification by a surveyor that shall read as follows:

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA: THAT THIS IS A TRUE AND ACCURATE SURVEY MADE ON THE GROUND COMPLETED BY ME ON _____(DATE); THAT ALL THE MARKERS SHOWN THEREON ACTUALLY EXIST; THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN; AND THAT NO ENCROACHMENTS, RIGHTS-OF-WAY OR EASEMENTS EXIST EXCEPT AS SHOWN HEREIN.

Signature

Date

Seal

- (3) Signatures, in black ink:
- (a) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and Secretary of the corporation shall appear.
 - (b) The signature of the notary public, or other qualified officer, acknowledging the owner's statement of intent.
 - (c) The signature of the Borough Engineer.
 - (d) The signatures of the titular head and Secretary of the governing body.
 - (e) The signatures of the titular head and Secretary of the Planning Commission.
 - (f) The signature of the plan reviewer of the LCRPC to evidence review by the LCRPC.

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ARTICLE V Design Standards

§ 500. Scope; minimum standards; adjustment of standards.

- A. The following subdivision and land development principles, standards and requirements will be applied in evaluating plans for proposed subdivisions and land developments.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety and general welfare.
- C. Where literal compliance with the standards specified herein is clearly impractical, the governing body may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.
- D. Pursuant to the provisions of §531, substantive changes may be made with regard to selected standards in keeping with §503(5) of the Pennsylvania Municipalities Planning Code.

§ 501. General standards.

- A. All portions of a site being subdivided shall be taken up in lots, streets, public lands or other proposed uses such as common open space or other common areas, so that remnants and landlocked areas shall not be created.
- B. In general, lot lines shall follow municipal boundary lines rather than cross them.
- C. The developer shall conform to all applicable performance standards, including, but not limited to, those contained in the Zoning Ordinance.
- D. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- E. Land subject to subsidence and land deemed to be topographically unsuitable, may not be platted for residential use or for such other uses as may increase danger to health, life or property until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plan for uses that shall not endanger life or property or further aggravate or increase the existing menace.

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§ 502. Community facilities.

In accordance with the provisions of the Zoning Ordinance and other ordinances and regulations of the municipality:

- A. In reviewing subdivision plans, the governing body shall consider the adequacy of existing or proposed community facilities to serve the additional dwellings or non-residential uses proposed by the subdivision or land development.
- B. Where deemed necessary by the governing body, upon consideration of the particular type of development proposed and especially in large-scale residential developments, the governing body may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes. Where such areas proposed for public use are within the subject subdivision/land development area, they shall be reserved for public use in accordance with the Municipality's Official Map Ordinance.
- C. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- D. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision or land development, the governing body may require the dedication or reservation of such area within the subdivision or land development, in those cases in which the governing body deems such requirements to be necessary.

§ 503. Streets generally.

- A. Proposed streets shall conform to such municipal, county and state street and highway plans as have been prepared, adopted and/or filed, as prescribed by law.
- B. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- C. All streets shall be graded to the full width of the right-of-way. In wooded areas this may be modified to preserve existing trees.
- D. Streets shall be laid out to avoid hazard areas such as floodplains, cliffs, steep slopes or ravines. A secondary means of access to a higher order street that avoids the same hazard area shall be provided when one of the access streets serving a subdivision of more than twenty dwelling units traverses a hazard area.

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- E. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and/or proper access to adjoining undeveloped tracts suitable for future subdivision.**
- F. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.**
- G. Improvements shall be made to existing streets abutting the proposed subdivision or land development. The type of improvements shall be determined by the classification and standards required of said street, pursuant to §504 and §505.**
- H. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Stub streets shall be properly closed to through traffic until such time as the street is extended.**
- I. Stub streets greater in length than one (1) lot depth shall be provided with a turnaround designed to meet the standards required for cul-de-sacs and shall be provided with sufficient rights-of-way to permit the further extension of the street onto the adjacent property.**
- J. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the municipality or postal delivery area, and all street names shall be selected by the governing body.**
- K. Any applicant who encroaches within the legal right-of-way of a state highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation.**
- L. No street required to provide access shall be a private street, except as otherwise provided herein.**

§ 504. Classification of streets.

- A. Streets shall be classified in accordance with the definitions included in Article I hereof.**
- B. The determination of traffic volumes applicable to the classification of streets shall be based on the data presented from the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities.**

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- C. New streets will be classified according to the ADT that may be expected to use the street, pursuant to the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities. If, however, such streets shall be classified on the basis of a traffic impact study (§ 402B.(8) hereof) and such a classification shall be approved by the governing body. If a new street will serve as a stub, its classification must be based on the ultimate traffic to be generated upon full development.

§ 505. Street standards.

- A. The following chart indicates the required basic dimensional standards for the various classifications of streets as defined herein:

Table 1

Basic Street Dimensional Standards

	Right-of-way Class	Cartway (feet)	Each Shoulder** (feet)	Curbs	Sidewalks
Expressways	*	*	*	*	No
Arterials	100	*	*	*	*
Collectors	60	40	10	Yes	4 ft.ea.
Local Streets	50	22	8	Yes	4 ft.ea.
Marginal Access Streets	50	20	6	Yes	No
Service Road (Internal)	33	20	No	Yes	No

* As recommended by the Pennsylvania Department of Transportation.

** Or Curb Parking Lane.

- B. The following Table indicates the required design standards for streets within special identity areas designated in the Lackawanna Valley Corridor Plan and the Dunmore Borough Comprehensive Plan:

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Table 2

Street and Roadway Design Standards

Design Factor	RC Zone
	Local Access Road
Right of Way Width	50 feet
Cartway Width	18 feet
Type of Curb	Ref. §521
Sidewalk Width	4 feet, special circumstances only *
Sidewalk Distance from Curb	N/A
Design Speed	25 mph
Minimum Sight Distance Looking Ahead	200 feet
Minimum Sign Distance From Side Street	350 feet
Maximum Grade	Ref. our Ordinance
Minimum Intersection Spacing	150 feet
Minimum Centerline Radius	180 feet
Minimum Tangent Between Reverse Curves	50 feet
Maximum cul-de-sac length	1,000 feet, loop streets preferred, 25 units maximum

* Multi-family (density)

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- C. Additional right-of-way and/or cartway widths may be required by the governing body in order to lessen traffic congestion, to secure safety from fire, panic and other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare.
- D. Short extensions of existing streets with lesser cartway widths than generally prescribed may be permitted; provided, however, that no section of new cartway be less than sixteen (16) feet in width and such extensions shall be less than one hundred (100) feet in length.
- E. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, the governing body may require the reservation or dedication of rights-of-way to conform to the current standards. The center line of the future right-of-way shall be the same center line as the existing right-of-way.
- F. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- G. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

§ 506. Culs-de-sac

- A. Permanent cul-de-sacs shall have a minimum length of two hundred fifty (250) feet, but shall neither exceed one thousand (1000) feet in length nor furnish access to more than twenty-five (25) dwelling units.
- B. Cul-de-sacs shall have at the closed end a turnaround with a right-of-way having a minimum outside right-of-way radius of sixty (60) feet and shall be paved to a radius of not less than fifty (50) feet.
- C. Grades across cul-de-sacs shall not exceed three percent (3%).
- D. Cul-de-sacs shall be constructed with a maximum paved area of twelve (12) feet in width, and shall be designed for one-way counter-clock-wise circulation. The internal circle area shall be seeded and maintained as a grassy area.

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§ 507. Private streets.

- A. Private residential streets are not permitted.

§ 508. Street alignment.

- A. Whenever the lines of a local street or lower classification are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. No other streets shall be permitted to have angle points in their alignments, except as otherwise provided herein.
- B. Minimum center line radii for horizontal curves shall be as follows:
 - (1) Local streets: one hundred fifty (150) feet.
 - (2) Collectors: three hundred (300) feet.
 - (3) Arterials: five hundred (500) feet.
- C. On local streets and lower classification, a minimum tangent of fifty (50) feet shall be required between curves; on all other streets, the minimum tangent shall be two hundred fifty (250) feet.
- D. A long radius curve shall be preferred to a series of curves and tangents.
- E. The approaches to an intersection shall follow a straight course for a least one hundred (100) feet.

§ 509. Street grades.

- A. Center line grades shall not be less than one percent (1%).
- B. The maximum street grades shall be as follows:
 - (1) Local streets: twelve percent (12%).
 - (2) Collectors: seven percent (7%).
 - (3) Arterials: four percent (4%).

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- C. Vertical curves shall be used at changes of grade exceeding one percent (1%).
- D. A leveling area, measured from the point of intersection of the ultimate rights-of-way, shall be provided at the approach to an intersection as follows:
 - (1) Four percent (4%) grade or less for a minimum distance of fifty (50) feet for local and feeder streets.
 - (2) Three percent (3%) grade or less for a minimum distance of one hundred (100) feet for arterials and collectors.

§ 510. Street intersections.

- A. No street shall intersect another at an angle of less than eighty degrees (80).
- B. Streets intersecting a street of higher classification, as defined herein, shall be designated as a stop street and shall be provided with proper signage.
- C. Multiple intersections involving the junction of more than two (2) streets shall be prohibited.
- D. Minor collectors, feeder streets and local streets shall not intersect on the same side of a major collector or arterial at an interval of less than six hundred (600) feet.
- E. Streets entering opposite sides of another street shall be laid out directly opposite one another or have a minimum offset of two hundred (200) feet between their center lines.
- F. The minimum curb radii at street intersections, which shall be concentric with the street line, shall meet Pennsylvania Department of Transportation standards. In no instance shall curb radii be less than ten (10) feet for local streets and thirty-five (35) feet for higher order streets. Where streets of different categories intersect, the radius requirement of the higher order street shall apply.
- G. The minimum curb radius for driveways serving an expected average daily traffic (ADT) count of twenty (20) or fewer trips shall be seven and one-half (7.5) feet. For driveways serving an expected ADT of more than twenty (20) trips, the curb radius shall be increased to ten (10) feet, unless a greater radius is required by the Borough Engineer to safely accommodate expected traffic.

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§ 511. Street access.

- A. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the municipality may require marginal-access streets, reverse-frontage lots, or such other treatment as will provide separate local and through traffic.
- B. Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of two hundred (200) feet between points of access. For access to commercial uses, service roads or common access drives shall be provided where feasible.
- C. Private driveways, where provided, shall be located not less than forty (40) feet from the tangent point of the curb radius of any intersection and shall provide access to the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as defined herein.
- D. Driveway grades shall not exceed fifteen percent (15%).
- E. In general, no private driveway shall have direct access to an arterial or major collector street. Driveways shall be so located and designed as to provide a reasonable sight distance in accordance with §512.

§ 512. Sight distance.

- A. The control of grades, curvature and obstructions at intersections is required to ensure adequate sight distance for safety and efficient vehicular operation. There are three (3) types of sight distance:
 - (1) For intersections to ensure safe crossing or entering of an intersecting street.
 - (2) For stopping.
 - (3) For passing overtaken vehicles on two- and three-lane streets.
- B. Corner sight distance.
 - (1) At intersections, the street of lower order shall be designed to provide a minimum corner sight distance as specified in the accompanying diagram and table:
 - (2) The entire area of the clear sight triangle, described by points a, b and c in the attached diagram, shall be designed to provide an unobstructed view across it from point b to all points three and five tenths (3.5) feet above the cartway along the center line from point a to points c and d.

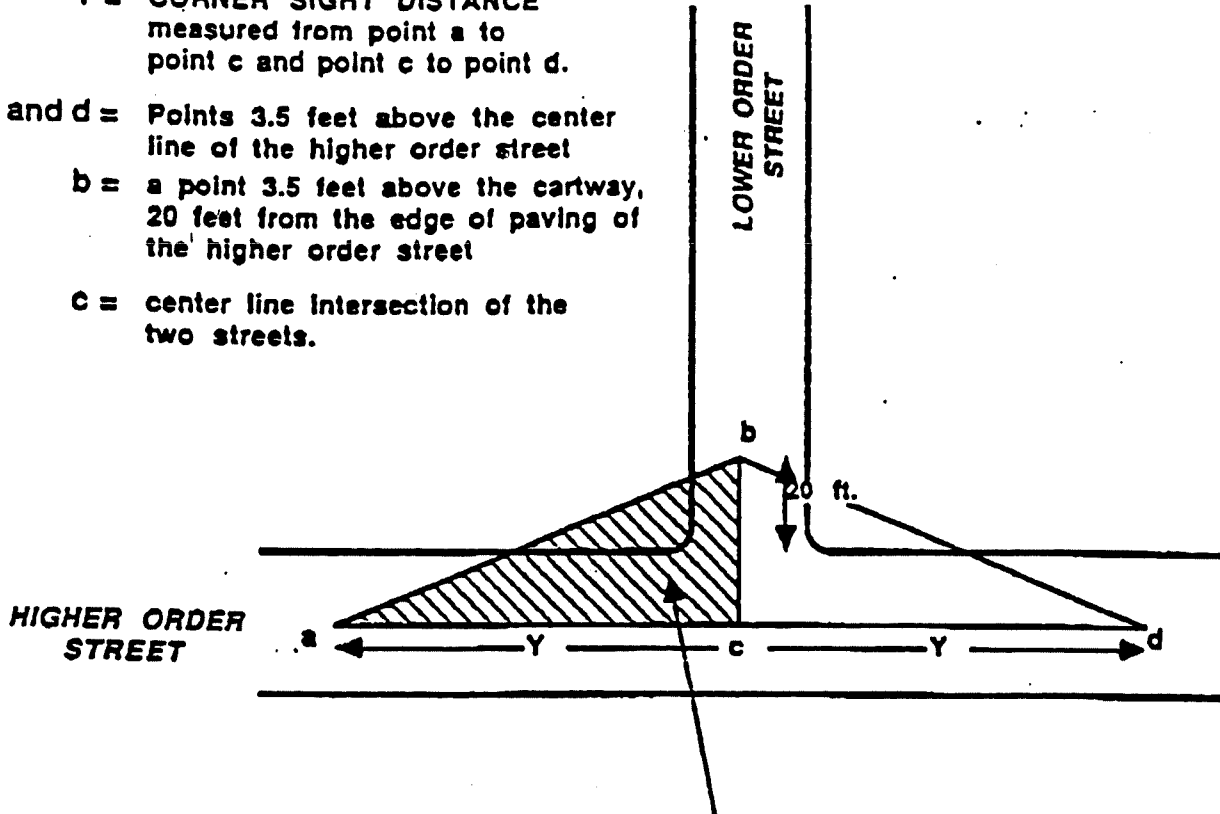
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Y = CORNER SIGHT DISTANCE
 measured from point a to
 point c and point c to point d.

a and d = Points 3.5 feet above the center
 line of the higher order street

b = a point 3.5 feet above the cartway,
 20 feet from the edge of paving of
 the higher order street

c = center line intersection of the
 two streets.



shaded area represents:
 CLEAR SIGHT TRIANGLE

MINIMUM CORNER SIGHT DISTANCE (Y)

<u>Design Speed</u>	<u>Y (in feet)</u>
50 mph	500
40 mph	400
35 mph	350
30 mph	300
25 mph	250

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- C. The following table indicates the minimum sight distance required for stopping and passing on the various street types:

Sight Distance	Street Classification		
	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Design Speed	60 mph	50 mph	30 mph
Stopping	500 feet	350 feet	200 feet
Passing	1,950 feet	1,650 feet	1,100 feet

§ 513. Off-street parking facilities.

The design standards specified below shall be required for all off-street parking facilities with a capacity of five (5) or more vehicles.

- A. The minimum dimensions of stalls and aisles shall be as follows:

<u>Angle of Parking</u>	<u>Parking</u>		<u>Aisle</u>	
	<u>Stall Width*</u> <u>(feet)</u>	<u>Stall Depth</u> <u>(feet)</u>	<u>One-Way</u> <u>(feet)</u>	<u>Two-Way</u> <u>(feet)</u>
90	8.5	18	20	24
60	8.5	19	18	21
45	8.5	18	15	20
Parallel	8	22	12	18

* For handicapped-accessible parking spaces, the minimum width shall be not less than 13.5 feet.

- B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- C. All parking spaces shall be marked so as to provide for safe and orderly parking.
- D. At no time shall angle or perpendicular parking be permitted along public streets.

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- E. Except at entrance and exit drives, all parking areas shall be set back from the right-of-way line and all property lines pursuant to the provisions of the Zoning Ordinance. The distance between this required setback and the cartway shall be maintained as a planting strip or planting strip and sidewalk.**
- F. No more than twenty (20) parking spaces shall be permitted in a continuous row without being interrupted by landscaping for a minimum of ten (10) feet.**
- G. No one (1) area for off-street parking of motor vehicles shall exceed eighty (80) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten-foot-wide planting strips.**
- H. Parking lots shall not have a grade exceeding five percent (5%). No grade cut, fill, or height difference between terraced parking areas shall exceed four (4) feet unless approved by the governing body.**
- I. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot.**
- J. Entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic.**
- K. For the purpose of servicing any property under single and separate ownership, entrance and exit drives crossing the street line shall be limited to two (2) along the frontage of any single street for each five hundred (500) feet of frontage, and their center lines shall be spaced at least eighty (80) feet apart. On all corner properties, there shall be a minimum spacing of sixty (60) feet, measured at the street line, between the center line of any entrance or exit drive and the street line of the street parallel to said drive.**
- L. The width of entrances and exit drives shall be:**

 - (1) A minimum of fourteen (14) feet for one-way use only.**
 - (2) A minimum of twenty-five (25) feet for two-way use.**
 - (3) A maximum of thirty-five (35) feet at the street line.**
- M. Tire bumpers shall be installed so as to prevent vehicle overhang on any sidewalk area.**
- N. No less than a five-foot radius of curvature shall be permitted for all curbs in parking areas.**

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- O. All dead-end parking areas shall be designed to provide sufficient backup area for the end stalls of parking area.
- P. Pedestrian crosswalks in parking areas shall not be subject to passage or concentration of surface water.
- Q. All common parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.
- R. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets, nor shall any high brightness surface of the luminaries be visible from neighboring residential properties or from a public street.
- S. Handicapped accessible spaces shall be provided as follows:

Total Parking in Lot	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

§ 514. Landscaping of parking facilities.

- A. The following requirements shall be applied to all parking lots with ten (10) or more spaces.
- B. All parking areas shall have at least one (1) tree of one-and-one-half-inches minimum caliper for every ten (10) parking spaces in single bays and one (1) tree of one-and-one-half-inches caliper minimum for every twenty (20) parking spaces in double bays.
- C. Trees shall be planted in such a manner to afford maximum protection from the sun for parked vehicles.

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- D. A minimum of ten percent (10%) of any parking lot facility shall be devoted to landscaping, inclusive of required trees.
- E. Plantings shall be able to survive soot and gas fumes.
- F. Trees that have low growing branches, gum or moisture that may drop on vehicles, blossoms, thorns, seeds or pods that may clog drainage facilities shall be avoided. Approved trees include, but are not limited to, those listed in §523 (H) or as recommended by the PA Bureau of Forestry.
- G. Interior landscaping shall not be required for any lots of less than 20 spaces.

§ 515. Off-street loading facilities.

Off-street loading facilities shall be designed to conform to the following specifications:

- A. Each space shall be no less than fifteen (15) feet wide, fifty (50) feet long and have a vertical clearance of sixteen (16) feet, exclusive of drives and maneuvering space, and located entirely on the lot being served.
- B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
- C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be fourteen (14) feet.
- D. All accessory driveways and entrance ways shall be graded, have a bituminous surface, and be drained to the satisfaction of the Borough Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public streets or sidewalks.
- E. Such facilities shall be designed and used in such a manner so as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.
- F. The lighting requirements of §513 (Q) and (R) shall be met, if applicable.

§ 516. Storm water management and surface runoff control.

- A. General. The developer shall construct and/or install such drainage structures, on- and off-site, as necessary to comply with the Municipality's Storm Water Management Ordinance.

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- (1) Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.
- (2) Encourage run-off control measures that percolate the storm water into the ground to aid in the recharge of ground waters.
- (3) Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility.
- (4) Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
- (5) Handle the anticipated peak discharge from the property being subdivided or developed and the existing run-off being contributed from all land at a higher elevation in the same watershed.
- (6) Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of run-off discharge to these water courses, so as to avoid increasing the occurrence of stream bank overflow.
- (7) Preserve the adequacy of existing culverts. Bridges and similar structures shall be preserved by suppressing the new flood peaks created by new land development.

B. Retention of existing watercourses and natural drainage features.

- (1) Whenever a watercourse, stream, or intermittent stream is located within a development site, such a watercourse, stream, or intermittent stream shall remain open in its natural state and location and shall not be piped.
- (2) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- (3) No stormwater run-off or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands.

C. Design criteria

All plans and designs for storm water management facilities shall determine the maximum expected discharge and run-off in accordance with the Borough's Storm Water Management Ordinance.

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§ 517. Erosion and sediment controls; grading.

A. General provisions and compliance.

- (1) No changes shall be made in the contour of the land and no grading excavation, removal nor destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time that a plan for minimizing erosion and sedimentation has been:**
 - (a) Processed and reviewed by the Borough Engineer and the Lackawanna County Soil Conservation District; and**
 - (b) Approved by the governing body.**
- (2) The governing body, in its consideration of all preliminary subdivision and land development plans, shall condition its approval upon the execution of erosion and sediment control measures as contained in the standards and specifications of the Lackawanna County Soil Conservation District, and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation or its successor agency.**
- (3) Final approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final subdivision or land development plans, and become a part thereof.**
- (4) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required by the municipality. (See Article VII.)**
- (5) No subdivision or land development plan shall be approved unless:**
 - (a) There has been an erosion and sedimentation plan approved by the Borough Engineer that provides for minimizing erosion and sedimentation and an improvement bond or other acceptable security is deposited with the municipality in the form of an escrow guaranty that will ensure installation and completion of the required improvements; or**
 - (b) There has been a determination by the governing body that a plan for minimizing erosion and sedimentation is not necessary. The governing body may waive the above requirement for minor subdivisions.**

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- (6) The Borough Engineer shall review plans submitted with building permits and inspect the development site during the construction of site improvements to insure compliance with the approved plan.
- (7) The Borough Engineer shall review stream channel construction on watersheds with a drainage area in excess of three hundred twenty (320) acres, or in those cases where downstream hazards exist, and shall submit a review of said construction to the Pennsylvania Department of Environmental Protection or its successor agency. Said construction shall be approved by the Department of Environmental Protection or its successor agency prior to final plan approval.

B. General erosion control standards.

Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Lackawanna County Soil Conservation District, and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation or its successor agency.

In cases where the Lackawanna County Soil Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications approved by the Borough Engineer may be used.

§ 518. Blocks.

- A. The length, width and shape of blocks shall be determined with due regard to the following:
 - (1) Provision of adequate sites for the types of buildings proposed.
 - (2) Zoning requirements as to lot sizes, dimensions and minimum lot areas per dwelling unit.
 - (3) The limitations and opportunities of the topography.
 - (4) Requirements for safe and convenient vehicular and pedestrian circulation and access.
- B. Blocks shall have a maximum length of one thousand six hundred (1,600) feet and minimum length of three hundred (300) feet. In the design of blocks longer than one thousand one hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

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§ 519. Lots.

- A. Lot dimensions and areas shall not be less than specified by the Zoning Ordinance.
- B. Residential lots shall front on an existing or proposed public street.
- C. Through lots are prohibited, except where employed to prevent vehicular access to arterial and collector streets.
- D. Side lot lines shall be substantially at right angles or radial to street lines.
- E. The depth of single-family detached residential lots shall not be less than one (1) nor more than two and one-half (2-1/2) times their width. All lots shall be designed to provide a building envelope (depth minus front and rear yards) of at least forty (40) feet in depth.
- F. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or offered for dedication to public use for recreation or open space. The Municipality may or may not accept such offer of dedication.
- G. The subdivision of a tract that creates nonconforming side and rear yards for existing buildings will not be approved unless variances have been granted by the Zoning Hearing Board prior to final application submission.

§ 520. Easements.

- A. Easements with a minimum width of twenty (20) feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. No structure requiring a building permit or plantings, except for lawn, shall be set or put within the area of a utility easement.
- D. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and afford adequate access for maintenance but not less than fifty (50) feet in width, or as may be required or directed by the municipal engineer and/or the Pennsylvania Department of Environmental Protection or its successor agency. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the municipal engineer.

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- E. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby; such easements shall be adequate for discharge or drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same vehicles, machinery and other equipment for such purposes, and shall be of sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the municipality upon demand.
- F. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

§ 521. Curbs.

- A. Curbs shall be provided along streets pursuant to Table 1 and Table 2 unless swales are substituted pursuant to §531(A)(2).
- B. Curbs shall be constructed in accordance with municipal specifications, and as follows:
 - (1) Curbs shall be provided on all streets and parking compounds located within all major subdivisions and land developments.
 - (2) All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
 - (3) Curbs may be either the vertical type or curb gutter type. The transition from one type of curb to another shall occur only at street intersections.
 - (4) All curbs shall be constructed of cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards, as follows:
 - (a) Straight Portland cement curb, 24" x 6", top rolled and battered to 8" at bottom, 8" face exposed above finish road surface.
 - (b) Integral curb and gutter, 24" x 6" x 6", battered and rolled Portland cement concrete.
- C. When the sole purpose of the curb is to protect the pavement edge, cement concrete headers may be utilized, subject to the approval of the governing body.

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§ 522. Sidewalks and pedestrian paths.

- A. Sidewalks and pedestrian paths shall minimize pedestrian-vehicular conflict and shall be provided where the development density will be five (5) dwelling units or more per net acre, unless waived by the governing body pursuant to §531 (B).
- B. The minimum width of all sidewalks and pedestrian paths shall be four (4) feet. There shall be a minimum five (5) foot wide planting strip between the back of the curb and the sidewalk.
- C. Sidewalks and public paths shall be installed for convenience and access to all dwelling units from streets, driveways, parking areas or garages and located within a public right-of-way, a public easement or a common open space area.
- D. At corners and other pedestrian street-crossing points, sidewalks shall be extended to the curbline with ramps for adequate and reasonable access of physically handicapped persons, including those in wheelchairs, across curbs.
- E. Sidewalks and pedestrian paths away from streets shall be adequately lighted.
- F. The grades and paving of sidewalks and pedestrian paths shall be continuous across driveways. Where heavy traffic volume is expected, a special paving treatment may be required by the governing body. Small jogs in the alignment shall be avoided.
- G. Sidewalks and pedestrian paths shall be laterally pitched at a slope of not less than three-eighths (3/8) inch per foot to provide for adequate surface drainage. The concentration of surface waters shall be prevented from passing on or across sidewalks. The design of sidewalks shall not cause surface waters to pocket.
- H. Where sidewalk grades exceed five percent (5%), a non-slip surface texture shall be used.
- I. Sidewalks and pedestrian paths shall be of a hard surface composition if heavy pedestrian or bicycle traffic will be served and shall be constructed according to municipal specifications. An occasionally-utilized footpath may use gravel, pine bark chips, or other material approved by the governing body.
- J. Sidewalks adjacent to angle parking areas shall be set back a minimum of five (5) feet to prevent car overhang from restricting pedestrian movement along the sidewalk.

§ 523. Street trees.

- A. Within any land development or major subdivision, street trees shall be planted along all streets where suitable street trees do not exist.

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- B. Large street trees shall be planted at intervals of not more than forty-five (45) feet, and small street trees at intervals of not more than thirty (30) feet along both sides of new streets and along one (1) or both sides of an existing street within the proposed subdivision or land development. An equivalent number may be planted in an informal arrangement, subject to the approval of the governing body.
- C. Street trees shall not be planted opposite each other, but shall alternate.
- D. At intersections, trees shall not be located within the clear sight triangle.
- E. Street trees shall be planted in the right-of-way, within the planting strip, rather than on lots.
- F. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.
- G. The minimum trunk diameter, measured at a height of six (6) inches above the finished grade level, shall be two and one-half (2-1/2) inches.
- H. Species shall be as specified herein and as otherwise approved by the PA Bureau of Forestry. In general, trees shall be mature shade trees. Trees such as Norway Maple and Amur Cork trees shall be prohibited.

§ 524. Crosswalks.

- A. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand six hundred (1,600) feet in length.
- B. Such crosswalks shall have an easement width of not less than ten (10) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.

§ 525. Residential developments.

- A. Approval of the preliminary application must be obtained for the entire proposed development. Final approval may be obtained section by section, but such sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be resubmitted and processed pursuant to Article III.

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B. Design standards.

- (1) The land development shall be designed to be harmonious and efficient in relation to topography, the size and shape of the site, the character of adjoining properties and the type and size of proposed buildings.**
- (2) Buildings shall be well-related to the natural topography, existing desirable vegetation, bodies of water, views within and beyond the site, and exposure to the sun and other existing and proposed buildings.**
- (3) Attached dwelling types shall incorporate varied designs, architectural modes and setbacks.**

C. Access and circulation.

- (1) Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.**
- (2) Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.**
- (3) Walking distances from the main entrance of a building or a single-family dwelling unit to a parking area shall be less than one hundred (100) feet. Exceptions to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaption to topography. In no case shall the distance exceed two hundred fifty (250) feet.**
- (4) Access easements having a minimum width of three (3) feet shall be provided on each attached dwelling lot along all rear lot lines. In instances where the side lot line does not pass through a common wall, an easement having a minimum width of three (3) feet shall also be provided on each side lot line. Said easements shall remain unobstructed for the use of residents and emergency personnel.**

D. Grading.

- (1) Grading shall be designed for buildings, lawns, paved areas and other facilities to assure adequate surface drainage, safe and convenient access to and around the buildings, screening of parking and other service areas and conservation of desirable existing vegetation and natural ground forms.**
- (2) Grading around buildings shall be designed to be in harmony with the natural topography.**

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E. Streets and driveways.

- (1) Streets and/or driveways shall be provided on the site where necessary for convenient access to dwelling units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Internal streets and driveways shall enter public streets at safe locations.
- (2) Streets and/or driveways shall be planned for convenient circulation suitable for traffic needs and safety.
- (3) All streets and/or driveways shall be laid out to conform with the design, service, and access standards contained herein for public streets based upon projected average daily traffic.
- (4) Streets and/or driveways shall be paved and constructed in accordance with municipal standards.

F. Refuse collection stations.

- (1) Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- (2) Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.

G. Planting.

- (1) The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.
- (2) Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

§ 526. Non-residential developments.

- A. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the governing body to assure the free flow of through traffic from vehicles entering or leaving parking/loading areas.

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- B.** When two (2) adjacent lots proposed for non-residential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for non-residential uses, the applicant may be required to provide a service road for common ingress and egress.
- C.** Dead-end alleys shall be avoided; but where this proves impossible, they shall be terminated with a paved turnaround of adequate dimensions as approved by the governing body.
- D.** Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.

§ 527. Buffer yards.

- A.** Buffer yards are required between subdivisions and land developments and along existing streets to soften visual impact, to screen glare, and to create a visual barrier between conflicting land uses. Buffer areas shall be developed in accordance with the standards set forth in the Municipality's zoning ordinance.

§ 528. Recreation areas.

- A.** In accordance with the Municipality's recreation plan, upon consideration of the particular type of development proposed; the governing body may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the need created by such development for parks and recreation areas.
- B.** The following standards shall apply to the provisions of parks, other recreation areas and permanent open space:
 - (1)** Single-family detached developments. In the case of residential developments designed exclusively with single-family detached dwellings, the applicant shall provide a minimum of one thousand (1,000) square feet per dwelling unit for parks and recreation areas.
 - (2)** Single-family cluster developments. In single family cluster developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.

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- (3) Multi-family developments. In multi-family residential developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
- C. Recreation areas, as required by the Zoning Ordinance, shall be laid out in accordance with the best principles of site design. The recreation areas shall form part of an interconnecting open space system that extends throughout the development. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:
 - (1) Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the municipality, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.
 - (2) Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
 - (3) When active recreation activities are proposed that entail the construction and installation of equipment or playing surfaces, a buffer, as described in §527, shall be provided when such activities abut residential uses.
 - (4) Recreational areas shall not be traversed by streets or utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
 - (5) The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents.
- D. The municipality may accept or reject the dedication of any recreation area.
- E. Except as otherwise provided herein, for any development of ten (10) or more dwelling units under one (1) or more applications, the developer shall, as a condition precedent to final plan approval, either pay a recreation fee or dedicate land to the Municipality in lieu of such a recreation fee. The Municipality, however, may reject an offer of dedication of land. Such decision shall be rendered by the Municipality prior to the approval of the Preliminary Application for the subject development. The procedure for both alternatives shall be as described in §528 F, and 528 G hereof.

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- F. Alternative Procedure for Payment of a Recreation Fee. Where it is determined that a recreation fee shall be paid, such fee shall be used only for the purpose of providing park or recreational facilities accessible to the subject development. The amount of such recreation fee shall be three hundred dollars (\$300.00) per dwelling unit included in the subject land development; provided, however, that said fee shall be refundable, with interest, upon request of the payer of the fee in the event that the Municipality has failed to utilize such funds for the purpose set forth herein within three (3) years of the date of payment of said fee.
- G. Alternative Procedure for Dedication of Land in Lieu of a Recreation Fee. This option shall only be considered for developments of 20 or more dwelling units. The developer may be required to dedicate 1,000 square feet of land for each dwelling unit. The delineation of the area to be dedicated shall be the choice of the developer; provided, however, that such lands shall be suitable for recreational use as determined by the Municipality. If, however, the Municipality fails to develop the dedicated site within three (3) years of the date of dedication, the site shall be returned to the developer.

§ 529. Open space designation.

- A. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in the categories listed in subsection B below:
- "Open space land may not be separately sold, nor shall such land be further developed or subdivided."
- B. In designating the use of open space and the type of maintenance to be provided on the plan, the following classes may be used:
- (1) **Lawn.** A grass area with or without trees that may be used by the residents for a variety of purposes and that shall be mowed regularly to insure a neat and tidy appearance.
 - (2) **Natural area.** An area of natural vegetation, undisturbed during construction or related activities. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.
 - (3) **Recreation area.** An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfield and tot lot. Such areas shall be maintained so as to avoid creating a nuisance, and shall perpetuate the proposed use.

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- (4) **Agricultural area.** An area designated for the preservation of Class I, II and III agriculture soils for agricultural usage, as may be required by the Zoning Ordinance. Such open space areas shall be designed to provide the maximum amount of farmland for usable fields or garden plots.

§ 530. Conveyance and maintenance of open space.

All open space shown on the final plan as filed with the municipality and subsequently recorded in the Office of the Recorder of Deeds of Lackawanna County must be conveyed in accordance with the procedures set forth in the Municipality's zoning ordinance.

§ 531. Varying of design standards.

The governing body, recognizing that a situation may arise where additional flexibility is warranted, is authorized to alter the design standards specified below. The applicant shall present evidence and demonstrate that the variation requested will result in improving the proposed subdivision or land development.

- A. **Streets.** Standards for streets expressed in this Ordinance are intended to provide for the safe and intelligent layout of streets that can be easily maintained at minimum cost.
 - (1) **Cartway width.** The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.
 - (a) Where a street is designed so that all dwelling units face on local streets and where on-street parking is not anticipated and no safety hazard will be created, the cartway width may be reduced. This reduction is limited to twenty-eight (28) feet on collector or twenty (20) feet on local streets.
 - (2) **Curbs.** Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. Where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:
 - (a) Ensures adequate means for the protection of pavement edges.
 - (b) Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
 - (c) Has the approval of the Borough Engineer.

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- (3) **Right-of-way widths.** Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks are not run along streets, cartway widths are reduced, utilities are located outside of the right-of-way, or dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of-way width be reduced to less than thirty-three (33) feet.
 - (4) **Street Paving.** If a street will ultimately service five (5) or fewer dwelling units and such street is over two hundred fifty (250) feet in length, a gravel or crushed stone surface may be utilized. Such streets shall have a base meeting applicable municipal specifications to minimize heaving and potholing.
- B. Sidewalks.** Sidewalks are intended to provide a separate means of movement for pedestrians. Occasionally, it may be appropriate for the location of sidewalks to be away from streets. In order for the governing body to waive the requirement for sidewalks to be within a street right-of-way, all of the following provisions for relocated sidewalks shall be met:
- (1) The walks shall be all-weather and easily cleared of snow.
 - (2) They shall be convenient for the most frequent trips, such as children walking to school bus stops.
 - (3) If the walks shall remain as private property, then the responsibility for their maintenance shall be clearly established, such as by a homeowners' association.
- C.** Where the governing body shall determine that sidewalks are not essential for the safety of pedestrians in a low-density (1 dwelling unit or less per acre), they may void any and all sidewalk requirements.

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ARTICLE VI Improvements

§ 600. Purpose; conformance required.

- A. The purpose of this Article is to establish and define the public improvements that will be required by the municipality to be constructed or caused to be constructed by the applicant.
- B. All improvements shall be constructed in accordance with the specifications of the municipality.

§ 601. Minimum requirements.

The improvements included in this Article are minimum requirements; however the governing body reserves the right, in any case, to increase the same if conditions so warrant.

§ 602. Revision of plans.

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the municipality, upon the advice of the Borough Engineer, shall be secured before the execution of such changes.

§ 603. Maintenance.

Adequate provisions for the satisfactory maintenance of all improvements shall be made by dedication to, and acceptance for maintenance by, the municipality, or by any other legal entity acceptable to the municipality.

§ 604. Streets.

Streets may be surfaced to the grades and dimensions drawn on the plans, profiles and cross sections submitted by the subdivider and approved by the Borough. Before paving the street surface, the subdivider must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Borough.

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The construction of streets and driveways, as shown upon final plans and as contained in contract agreements, shall in every respect conform to such requirements as the municipality may by resolution require, and as follows:

A. Public Streets.

- (1) **Minor Street.** Except where otherwise specified, there shall be a 6" subbase in accordance with §350 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended. There shall also be a bituminous base course (BCBC) of 3" ID-2 in accordance with §305 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended, and a bituminous wearing course of 1 ½" ID-2 in accordance with §420 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended.
- (2) **Collector Street.** Except where otherwise specified, there shall be an 8" subbase in accordance with §350 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended. There shall also be a bituminous base course (BCBC) of 5" ID-2 in accordance with §305 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended, and a bituminous wearing course of 1 ½" ID-2 in accordance with §420 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended.
- (3) **Arterial Streets.** For the construction of arterial roads or highways, the subdivider shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Borough shall decide if a collector or arterial street is required as a direct result of the construction of this subdivision in which case the subdivider is responsible for paving the additional width required.
- (4) **Alternative for Minor Streets - Stone Roadway Specifications.**
 - (a) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT specifications as contained in the applicable sections of the 1994 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade.
 1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.

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2. All unsuitable subgrade material shall be removed or stabilized.
 3. Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall be approved by the Borough Engineer.
 4. Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than eight (8) inches thick per layer.
 5. The subgrade shall be thoroughly compacted by rolling with a minimum ten ton roller and or a sheeps foot roller in layers not greater than six (6) inches.
 6. Backfill or trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
 7. All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Borough Engineer.
- (b) All stone roadways, unless otherwise specified shall contain a minimum of six (6") inches of stone placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT specifications as contained in the applicable sections of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the stone roadway:
1. The stone shall consist of a minimum of six (6) inches of AASHTO #1 crushed stone placed upon an acceptable rolled subgrade.
 2. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or wacker.
 3. No road materials shall be placed upon a wet or frozen subgrade.

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B. Private Streets.

- (1) Streets not offered for dedication shall be provided with a surface adequate to prevent erosion and deposition of sediment on intersecting public streets.
- (2) Whenever a subdivider proposed to establish a street which is not offered for dedication to public use, the Borough Council may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, and signed by the Borough Solicitor, and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate among other things:
 - (a) That the street shall conform to appropriate specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conformance to specifications.
 - (b) That an offer to dedicate the street shall be made only for the street as a whole.
 - (c) That the method of assessing repair costs be as stipulated.
 - (d) That agreement by the owner or more than 50% of the front footage thereon shall be binding on the owners of the remaining lots.

§ 605. Street signs, regulatory signs and traffic signalization.

- A. The municipality shall erect, at the developer's expense, at every street intersection a street sign or signs meeting municipality approval, having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- B. Street signs are to be erected when the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the municipality but shall be made permanent before final offer for the dedication of roads is made.
- C. The developer shall provide regulatory signs and traffic signalization as may be recommended in a traffic impact study, by the Borough Engineer, and/or required by the governing body.

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§ 606. Street lights.

- A. Where required by the governing body, the developer shall install or cause to be installed at the developer's expense metal or fiberglass pole street lights serviced by underground conduit in accordance with a plan to be prepared by the developer's engineer and approved by the governing body and by PP&L.
- B. The requirement of metal or fiberglass poles may be waived in such instances as approved by the governing body due to the existence of wooden poles already in place. Provision shall be made for energizing said lighting after fifty percent (50%) or more of the dwellings in a given subdivision or land development, or section of a subdivision or land development, have been occupied.
- C. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by the municipality.

§ 607. Monuments.

- A. Monuments shall be placed in each change in direction of a boundary along the street line; two (2) to be placed at each street intersection and one (1) on each side of any street at angle points and at the beginning and end of curves. Areas to be conveyed for public use shall be fully monumented at their external boundaries.
- B. Monuments shall be placed in the ground after final grading is completed, at a time specified by the Borough Engineer.
- C. All monuments may be checked for accuracy by the Borough Engineer, or their accuracy certified by the owner's engineer or surveyor. Accuracy of monuments shall be within three one-hundredths (3/100) of a foot.

§ 608. Sidewalks.

All sidewalks shall be constructed in accordance with § 522 of this Ordinance.

§ 609. Curbs.

All curbs shall be constructed in accordance with §521 of this Ordinance.

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§ 610. Storm sewerage system.

- A. The storm sewerage system shall be constructed in accordance with §516 of this Ordinance. (Or in accordance with the Municipality's Storm Water Management Ordinance.)
- B. The municipality shall have the option of requiring that those areas set aside as retention or detention basins be dedicated to the municipality or owned and maintained by another appropriate legal entity.

§ 611. Central water supply and fire hydrants.

- A. In all subdivisions and land developments to be served by a central water supply, the developer shall construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or land development.
- B. The water supply and pressure must comply with the regulations and the standards of the Pennsylvania Department of Environmental Protection or its successor agency.
- C. Said supply shall be located or constructed so as to eliminate the possibility of flood damage.
- D. The system shall also be designed with adequate capacity and appropriately spaced fire hydrants for fire-fighting purposes pursuant to the specifications of the Middle States Department Association of Fire Underwriters. Review and approval by the Borough Engineer and the Dunmore Borough Fire Chief shall be required in order to ensure that adequate fire protection is provided. No building permit shall be issued prior to the installation of operable fire hydrants.

§ 612. Private water supply.

- A. Wherever practical, sanitary sewers shall be installed and connected to an appropriate public sewer system. Where a sanitary sewer is not yet available at the site but is within 1000 feet of the development, the developer shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot when connection with the public sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision and the laterals shall be capped at the right-of-way line. The sewer installation shall include construction within rights-of-way or easements to bring the sewer to the future connection with the public sewer.

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- (1) A sewer shall be considered to be planned for extension to a given area any time after preliminary engineering and related studies have been completed by the municipality and the construction of facilities adequate to serve the area containing the subdivision or land development has been programmed for completion within two (2) years of completion of such engineering plans.
 - (2) When capped sewers are provided, approved on-site disposal facilities shall also be provided.
- B. Where no public water is accessible, water shall be furnished by the developer on an individual lot basis.
 - C. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the well shall be of the drilled type, cased and grout-sealed into the bedrock.
 - D. The well shall have a production of not less than six (6) gallons per minute as established by bailor tests and certified by the well driller.

§ 613. Public sewer systems.

- A. Wherever practical, sanitary sewers shall be installed and connected to an appropriate public sewer system. Where a sanitary sewer is not yet available at the site but is within 1000 feet of the development, the developer shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot when connection with the public sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision and the laterals shall be capped at the right-of-way line. The sewer installation shall include construction within rights-of-way or easements to bring the sewer to the future connection with the public sewer.
 - (1) A sewer shall be considered to be planned for extension to a given area any time after preliminary engineering and related studies have been completed by the municipality and the construction of facilities adequate to serve the area containing the subdivision or land development has been programmed for completion within two (2) years of completion of such engineering plans.
 - (2) When capped sewers are provided, approved on-site disposal facilities shall also be provided.
- B. All public sanitary sewers shall be designed and constructed in accordance with municipal specifications. Such sewers shall be located or constructed so as to eliminate the possibility of flood damage.

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- C. No public sewer system or treatment plant shall be constructed until plans and specifications have been submitted to the Pennsylvania Department of Environmental Protection or its successor agency and the municipality and approved in accordance with existing laws.
- D. The governing body may require the developer to provide a capital contribution for any off-site sanitary sewer capital improvement necessary to serve the proposed subdivision or land development.

§ 614. Private sewer systems.

- A. If public sewer facilities are not available as specified in §613 hereof, the developer shall provide for sewage disposal on an individual-lot basis.
- B. On-lot sewage disposal facilities must comply with the provisions of Chapters 71 and 73, Administration of Sewage Facilities Program and Standards for Sewage Disposal Facilities, Pennsylvania Sewage Facilities Act (Act of January 24, 1966), P. L. 1535, No. 537, as amended (35 P.S. 750). Prior to the granting of final approval by the municipality, the proposed facilities shall be deemed satisfactory by the Pennsylvania Department of Environmental Protection or its successor agency.
- C. The construction of on-lot systems shall be inspected by the Municipal Sewage Enforcement Officer, as follows:
 - (1) Upon completion of the excavation.
 - (2) Upon installation of the major equipment such as septic tanks, distribution boxes and drain tiles before any back filling.
- D. Each owner or occupant of a dwelling unit with on-lot facilities shall be provided by the developer with a plan of the system and an instruction manual for the use and proper maintenance of the system.

§ 615. Electric, telephone and communication facilities.

- A. All electric, telephone and communication service facilities, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility and other companies providing such services.
- B. Such facilities shall be located or constructed so as to eliminate the possibility of flood damage.

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- C. Where practicable, all utilities shall be located within the street right-of-way; otherwise, easements or rights-of-way of sufficient width for installation and maintenance shall be provided.

§ 616. Grading.

Grading shall conform in all respects to the final plan.

§ 617. Plantings.

- A. Street trees and other required plantings shall be installed in accordance with §514, §523 and §527.
- B. Street trees and other required plant material shall not be planted until the finished grading of the subdivision or land development has been completed.
- C. The developer shall replace, in accordance with landscaping plans, any plantings that die, or in the opinion of a landscape architect retained by the municipality, are in an unhealthy or unsightly condition and/or have lost their natural shape due to dead branches, excessive pruning, inadequate or improper maintenance, or any other causes due to the developer's negligence, prior to an offer of dedication. The developer shall not be held responsible for acts of vandalism occurring after the commencement of the guaranty period.

§ 618. Community facilities.

Additional community facilities, as set forth in §502, may be required to serve the proposed lots or dwellings in a subdivision or land development. Where a proposed park, playground or other public facility shown in the Comprehensive Plan is located in whole or in part in a subdivision or land development, or when additional facilities are made necessary by the development, the dedication or reservation of such areas, or financial contribution for the construction of such facilities, may be required by the municipality in those cases in which it deems such requirements to be reasonable.

§ 619. Preliminary inspection of streets and improvements.

- A. Prior to commencing construction, the developer shall notify the Borough Engineer of the proposed construction schedule. Pursuant to notification by the developer, the Borough Engineer shall inspect required improvements during the initial construction phase, and on a periodic basis thereafter, as may be required to ensure proper adherence to this Ordinance. The Borough Engineer shall submit reports to the

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governing body and the developer specifying those items of construction, material and workmanship that do not comply with municipal specifications or the approved final plan.

- B. The developer, upon notification from the Borough Engineer, shall proceed at his own cost to make such corrections as shall be required to comply with the municipal specifications and approved final plans; and shall notify the Borough Engineer and governing body upon completion requesting final inspection.

§ 620. Final inspection of streets and improvements.

- A. The Borough Engineer shall make a final inspection, with the developer, of all required improvements.
- B. The Borough Engineer shall run the finished center-line profile of the completed streets; submit a report to the governing body indicating the final elevations; and affix to the final profile plan such elevations.

§ 621. Acceptance of streets and improvements.

- A. The governing body shall notify the developer of acceptance of required improvements if satisfied that the applicant has complied with all specifications and ordinances of the municipality.
- B. The developer shall furnish the municipality with one (1) mylar and two (2) paper prints of the completed required improvements, including drainage, profiles and utilities; and pay all costs for the Clerk of the Lackawanna County Court of Common Pleas on the petition and resolution of the governing body to said Court for its approval of the acceptance of the required improvements.
- C. No streets or other improvements will be accepted by the municipality if such improvements were constructed during the period from November 15 to April 15 of each year, until such improvements shall have been in place for one (1) complete period extending from November 1 to April 15 of the year following the completion of construction unless otherwise recommended by the Borough Engineer.
- D. No streets or other improvements will be accepted by the Borough of Dunmore should said streets contain structures erected within the street rights-of-way. This prohibition shall not apply to curbside mailboxes, appurtenant structures of public utilities and improvements required pursuant to Article VI herein.

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ARTICLE VII Contracts and Guaranties

§ 700. Installation of improvements or suitable guaranty required.

Before approving any subdivision or land development plan for recording, the governing body shall either require that the necessary grading, paving and other improvements as herein specified shall have been installed in strict accordance with the standards and specifications of the municipality, or that the municipality be assured by means of a proper contract, containing among other items, performance and maintenance guaranties, that the improvements will subsequently be installed by the owner and/or applicant, hereinafter referred to as the "developer".

§ 701. Contracts.

In all cases where the necessary grading, paving and other subdivision improvements (including both public and private improvements) required herein shall not have been installed in strict accordance with the standards and specifications of the municipality prior to the municipality approving any subdivision or land development plan for recording, the developer shall enter into a written agreement with the municipality in the manner and form approved by the Borough Solicitor wherein the developer shall agree, to the extent applicable:

- A. To construct or cause to be constructed at his own expense all streets, roadways, cartways, driveways, monuments, street signs and street names, off-street parking/parking lots, curbs, sidewalks, street tree and buffer plantings, lighting, fire hydrants, water mains, sanitary sewers (including capped sewers), storm sewers, drainage and erosion control improvements, including but not limited to stormwater detention and/or retention basins and other related facilities, recreation facilities, open space improvements and other improvements shown on the approved subdivision or land development plan, all in strict accordance with the standards and specifications of the municipality and within the time specified in said agreement.
- B. To deposit with the municipality financial security in an amount sufficient to cover the cost of all required subdivision improvements (including both public and private improvements). The financial security shall be posted contemporaneously with the execution of the agreement, in the form of either a bond from bonding company authorized to do business within the Commonwealth or such other type of financial security that the governing body may approve in an amount to be approved by the Borough Engineer. The bonding company may be chosen by the developer, provided that the bonding company shall stipulate that it submits to Pennsylvania jurisdiction and Lackawanna County venue in the event of legal action. The financial security

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shall provide for, and secure to the public, the completion of all site improvements for which the security is being posted within one (1) year of the date fixed in the subdivision plan or subdivision agreement for completion of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the governing body of bona fide bid or bids from the contractor or contractors chosen by the developer to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by an estimate prepared by the Borough Engineer. If the developer requires more than one (1) year from the date of the posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional six percent (6%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. The municipality shall be identified on such security as a party to be notified in the event that said security is canceled, revoked or redeemed by the holder thereof.

- C. In the case where a development is projected over a period of years, the governing body may authorize submission of final plans by sections or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- D. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included with the financial security as otherwise required by this section.
- E. As the work of installing the required improvements proceeds, the developer may request the governing body to release or authorize a reduction, from time to time, of the financial security consistent with the completion and acceptance of portions of the required site improvements. Any such request shall be in writing addressed to the governing body, and the governing body shall have thirty (30) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the governing body shall authorize the bonding company or lending institution to reduce the financial security in an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed. The governing body may, prior to final approval of the reduction at the time of completion and certification by the Borough Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid

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improvements. The Borough Engineer, in certifying the completion of work for a partial reduction, shall not be bound to the amount requested by the developer, but shall certify to the governing body his independent evaluation of the proper amount of partial reduction.

- F.** To make adequate provisions with the Borough Engineer for the inspection of the construction of the aforesaid improvements to assure strict compliance with municipal standards and specifications.
- G.** To pay all costs, charges or rates of the utility furnishing fire hydrant and electric service for the fire hydrants and street-lighting facilities installed by the developer until such time as the streets shown on the subdivision and/or land development plans shall have been accepted or condemned by the municipality for public use, and to indemnify and save harmless the municipality from and against all suits, actions, claims and demands for electric service and fire hydrant service as aforesaid, or any part thereof, to the time that said streets shall be accepted or condemned as public streets in the manner hereinabove set forth.
- H.** To reimburse the municipality promptly for:

 - (1) Reasonable attorneys' and engineers' inspection fees.
 - (2) Fees for other professionals employed by the municipality to review, inspect or process subdivision and land development plans.
 - (3) An administrative charge, representing ten percent (10%) of the attorneys', engineers' and other professionals' fees.
- I.** The developer shall, when the improvements are completed to the satisfaction of the governing body, offer for dedication, and the municipality may accept said streets and/or other parcels, together with any improvements thereunder or thereupon by a deed in a form approved by the Borough Solicitor. Such deed shall include a reference to a plan of the streets and/or other parcels dedicated; title thereto shall be clear title and be such as will be insurable by a reputable title insurance company of Pennsylvania at regular rates; all in connection therewith to be borne by the developer.
- J.** Where the governing body accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee-simple form or of an easement), the developer shall post financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as authorized in Subsection B above and shall be for a term of eighteen (18) months from the date of the acceptance of dedications and shall be in an amount equal to ten percent (10%) of the actual cost of installation of the

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improvements so dedicated. The percentage used to determine the amount of the maintenance guaranty may be increased if all lots in the subdivision or land development do not have dwellings or other principal buildings erected thereon prior to acceptance of dedication.

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ARTICLE VIII Amendments; Penalties; Severability; Repealer

§ 800. Amendments.

The regulations set forth in this Ordinance may, from time to time, be amended by the governing body, pursuant to Article V of the Municipalities Planning Code, as amended.

§ 801. Violations and penalties.

A. Enforcement

In addition to all those who may by law have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the governing body to enforce this Ordinance.

B. Enforcement remedies

Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

C. Preventive remedies

- (1) In addition to other remedies, the municipality 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. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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- (2) The municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violations.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

§ 802. Severability.

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to a lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

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§ 803. Repealer.

All ordinances and resolutions of the Borough of Dunmore inconsistent herewith or with any part thereof are hereby repealed to the extent of such inconsistency.

§ 804. Effective date.

This Ordinance shall become effective immediately upon enactment.

§ 805. Enactment.

Enacted and ordained into an Ordinance this 29th day of NOVEMBER, 2000.

BOROUGH COUNCIL OF THE
BOROUGH OF DUNMORE

Harry C. Kiriakos
[signature]

Paul J. Narduzzi
[signature]

[signature]

Attest: MARY A. RUE
Secretary

