

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

**ARTICLE I  
GENERAL PROVISIONS**

**100      Repealer and Conflict**

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors of Silver Lake Township shall repeal and replace in total the Silver Lake Township Subdivision and Land Development Ordinance ordained and enacted on June 7, 1976 and amended on December 2, 1985; provided however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceedings pertaining to any violation of the aforesaid ordinances, or any applicable predecessor ordinances and regulations, and all provisions of the said repealed ordinances shall remain in full force and effect, and are not repealed hereby as the said sections pertain to any such violation. This Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Township pertaining to land use. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

**101      Title and Short Title**

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF SILVER LAKE TOWNSHIP AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE *SILVER LAKE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2009*.

**102      Jurisdiction**

102.1      Application

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

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings thereon, except in accordance with the provisions of this Ordinance.
  - B. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development unless and until a plan of such subdivision or land development has been approved and properly recorded, and until the improvements required herein have been constructed or guaranteed in accordance with this ordinance.
  - C. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Silver Lake Township Planning Commission the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Silver Lake Township Planning Commission the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
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- D. The proposed subdivision or land development plat shall be in general accordance with the Northern Tier Coalition Multi-Municipal Comprehensive Development Plan Update, adopted by Silver Lake Township on February 7, 2005.

**102.2 Susquehanna County Subdivision and Land Development Ordinance**

Plans of subdivisions and land developments shall be forwarded, upon receipt by the Township, to the Susquehanna County Planning Commission for review and recommendation, together with a fee, if required by resolution of the County Planning Commission, sufficient to cover the costs of the review and report, and which fee shall be paid by the applicant. The Township Planning Commission shall not approve such plans until the County Planning Commission report is received or until thirty (30) days has passed from the submission of the plan to the County Planning Commission, or within such further time as may be agreed upon between the County Planning Commission and Township Planning Commission.

**102.3 Reserved**

**102.4 Delegation of Approval Power**

The Board of Supervisors, pursuant to Article V of the Pennsylvania Municipalities Planning Code, as amended, hereby delegate to the Silver Lake Township Planning Commission the power to take action on subdivisions and land developments, existing and proposed, as regulated by this Ordinance.

**102.5 Powers**

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

- A. To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
- B. To require that improvements to the land be made as defined by this Ordinance.
- C. To require the dedication of land as defined as a condition of subdivision or land development plan approval.
- D. To require adherence to this Ordinance and its standards.
- E. To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
- F. To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.
- G. To take no action on lands that are involved in litigation at the time of application for subdivision or land development, or any time during the review of the plan, including any action brought against the Commission or its representatives relative to the subject plan.

**102.6 Recording of Plans**

In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of Susquehanna County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Silver Lake Township Planning Commission.

**103 Purpose**

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the

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citizens of Silver Lake Township by establishing regulations to allow for the proper and controlled development of the County, to provide for environmental protection and to insure the proper provision of community facilities. These regulations are intended to protect the rights of the residents of the Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the rural and natural features of the County. The basic tenet of subdivision and land development in the Township is basing design on land capability.

**104 Interpretation**

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

**105 Effect of Ordinance Changes**

Changes in this Ordinance shall affect plats as follows:

**105.1 Pending Action**

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

**105.2 Project Completion and Effect of Litigation**

When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the Silver Lake Township Subdivision and Land Development Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition that was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

**105.3 Five Year Initiation**

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

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**105.4**    Substantially Completed Improvements

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

**105.5**    More Than Five Years

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

**105.6**    Sections

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless the Silver Lake Township Planning Commission approves a lesser percentage in its discretion.

Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

**105.7**    Landowner Failure

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

**106**        Severability

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

**107**        Effective Date

This Ordinance shall take effect immediately upon its adoption.

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**ARTICLE II  
DEFINITIONS**

**201 Tense, Gender and Number**

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

**202 General Terms**

- A. The words *applicant, developer, person, subdivider* and *owner* include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- B. The word *street* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.
- C. The word *building* includes structures and shall be construed as if followed by the phrase *or part thereof*.
- D. The term *occupied* or *used* as applied to any building shall be construed as though followed by the words *or intended, arranged, or designed to be occupied or used*.
- E. The word *lot* includes plot, parcel, tract, site, or any other similar term.
- F. The word *abut* shall include the words *directly across from*.
- G. The words *should* and *may* are permissive.
- H. The words *must, shall, and will* are mandatory and directive.

**203 Terms Or Words Not Defined**

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**204 Specific Terms**

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

**ACCESSORY USE OR STRUCTURE** - A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

**ADD-ON SUBDIVISION / ADDITION SUBDIVISION** - (Also known as a *lot improvement subdivision* or *lot-line adjustment subdivision*.) The transfer of land to an existing contiguous parcel in order to increase the size of the contiguous parcel provided the grantor's remaining parcel complies with all provisions of this Ordinance. The subdivided lot shall not be considered a separate new lot.

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

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development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

**AGRICULTURAL BUILDING** - A building that houses an agricultural use, such as barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughter houses, canning plants, dairy bottling, and sawmills.

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

**ALTERATIONS** - As applied to a building or structure, means any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

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

**AVERAGE WIDTH** - The gross square footage of a lot divided by the longest side line distance; used as a calculation in determining the design of a lot. The lot minimum average width measurements for Flag Lots shall be made using the main portion of the lot and shall not include the access corridor.

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

**BUFFER** - A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to affect a visual barrier, reduce noise, block physical passage between uses, and reduce dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof. In general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance; but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

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

**BUILDING COVERAGE** - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

**BUILDING HEIGHT** - The vertical distance of a building measured from the average ground level to the highest part of the structure, excluding chimneys.

**BUILDING, PRINCIPAL** - A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

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CALIPER - The diameter of a tree's trunk measured twelve (12) inches above the ground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A tract of land, or any portion thereof, primarily used to provide sites for the temporary use of tents or recreational vehicles, as hereinafter defined, for camping purposes, with a charge for the leasing, renting or occupancy of such space. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development. Note: An area of a parking lot designated for recreational vehicles (for instance, a truck stop) is not considered a campground.

CAMPSITE - A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

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

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

COMMERCIAL BUILDING - A building that houses a commercial use.

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

COMMISSION OR PLANNING COMMISSION - The Silver Lake Township Planning Commission.

COMMON AREA - All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES - Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

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

COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas.

COMMUNICATIONS TOWER - A structure other than a building, such as a monopole, self-supporting

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or guyed tower, designed and used to support communications antennas.

COMMUNICATION TOWER, HEIGHT OF - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMPREHENSIVE DEVELOPMENT PLAN / COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of Silver Lake Township adopted in accordance with the MPC.

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

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

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

CONSERVATION OPEN SPACE - That part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Conservation open space may be accessible to the residents of the development or it may contain areas of farmland or forestland that are not accessible to project residents or the public.

COUNTY - The County of Susquehanna, Commonwealth of Pennsylvania.

CROSSWALK OR INTERIOR WALK - A right-of-way or easement for pedestrian travel across or within a block.

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

DEAD END STREET - A street or portion of a street with only one vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

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

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

DEVELOPMENT IMPROVEMENTS - See *improvements*.

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

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

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DISTURBED AREA - Any area of land that has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

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

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

DWELLING, LOT LINE HOUSE - A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

DWELLING, MULTI-FAMILY - (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

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

DWELLING, SINGLE-FAMILY - A detached dwelling unit accommodating one family, but excluding mobile homes as defined in this Ordinance.

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

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

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

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

ENGINEER, TOWNSHIP - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Commission.

FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

IMPERVIOUS SURFACE - Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is *impervious*.

IMPROVEMENT - For the purpose of classification as a land development or major subdivision, as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

INDUSTRIAL BUILDING - A building that houses an industrial use.

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

INSTITUTIONAL BUILDING - A building that houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including, for example, public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or uses operated by non-profit, community-based organizations for the general use of the public, including for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

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

- A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the intended or actual use; or,
  - B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
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- C. The expansion or addition to a nonresidential building or the change or expansion of any nonresidential use that involves any of the following as measured cumulatively from the effective date of this provision:
1. The addition of twenty-five (25) percent or more of floor area to the building; or
  2. The increase by five thousand (5,000) square feet or more, or twenty-five (25) percent or more, (whichever is less) of impervious area (including building area) on the parcel; or,
  3. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The definition of land development shall not include the following:

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

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

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

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

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

LOT, EXISTING OF RECORD - Any lot or parcel of property that is legally in existence and properly on file with the Susquehanna County Recorder of Deeds.

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

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

LOT SIZE, MINIMUM - The size of a lot that is required to allow for improvement of the lot while meeting all applicable regulations, but in no case less than the size required by Table VI-I. In the case of a flag lot, the lot area shall not include the access corridor.

LOT COVERAGE - That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

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LOT DEPTH - The average horizontal distance between the front lot line and the rear lot line. In the case of a flag lot, the depth measurement shall not include the access corridor but shall be made on the main portion of the lot.

LOT IMPROVEMENT SUBDIVISION – (see *Addition Subdivision / Add-on Subdivision*)

LOT LINE, FRONT - The line separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

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

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

MASS - A grouping of three (3) or more trees, each at least one and one-half (1.5) inch in caliper, within an area of one hundred (100) square feet.

MATURE TREE - Any tree of six (6) inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as determined by the Commission with the assistance of a professional forester.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MINIMIZE - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

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

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes as defined by this Ordinance.

MPC - The Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No.247 as reenacted and amended

MULTI-FAMILY PROJECT - Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

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NONRESIDENTIAL BUILDING - A building that houses a nonresidential use.

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

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

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

PA DOT - The Pennsylvania Department of Transportation.

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

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

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

PLANNING COMMISSION - The Silver Lake Township Planning Commission.

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

PRIMITIVE TYPE CAMPING FACILITY - An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus, not including any vehicle on wheels.

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

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

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

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

PUBLIC UTILITY TRANSMISSION TOWER - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

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

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

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

- A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfolds at the campsite.
  - B. MOTOR HOME - A vehicular unit built on a self-propelled motor vehicle chassis.
  - C. TRAVEL TRAILER - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.
  - D. TRUCK CAMPER - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
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E. SELF-CONTAINED UNIT - A unit which:

1. Can operate without connections to external sewer, water and electrical systems, and
2. Has a toilet and holding tank for liquid waste, and
3. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

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

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

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

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

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

RUNOFF - That portion of rainfall or snow-melt that does not enter the soil, but moves off the surface.

SCREEN - A device, material or construction used to conceal an element of a development from other elements or from adjacent development or public road rights-of-way, which may include walls, fences, topography, berms, natural and planted vegetation or other means approved by the Commission.

SETBACK - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front setbacks shall be measured from the edge of the road right-of-way and other setbacks from property lines perpendicular to the road/property line to the nearest point of the structure.

SEWAGE DISPOSAL SYSTEM -

- A. COMMUNITY - A public or private system designed to collect sewage from two (2) or more principal structures, and convey the sewage to a separate lot or location for treatment.
- B. ON-SITE - A system designed to collect, treat and dispose of sewage from a single principal structure
- C. SHARED - A system designed to collect sewage from two (2) or more principal structures on the same lot where the system is contained on the same lot as the principal structures. (Note: Any sewage disposal system serving two (2) or more lots shall be considered a community sewage disposal.)

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection (DEP) in which sewage is carried from individual lots or dwelling units by a system of pipes to a community treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and

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Regulations involving an effluent discharge to surface waters.

SEWER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE (as used in Article VII) - That portion of the sewer lateral that extends vertically to the ground elevation and terminates at each mobile home lot.

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

SHOULDER - The improved portion of a street immediately adjoining the cartway or travelway.

SPECIMEN TREE - Any tree with a caliper that is twelve (12) inches or more in diameter at breast height or is of exceptional character as determined by the Commission.

STREET - A strip of land including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.

- A. COLLECTOR – Gather traffic from minor and local access streets and feed this traffic to connector and arterial streets and expressways. Collector streets carry heavier traffic volumes than local streets although they also provide direct access to individual uses located along them. Collector streets serve more than two hundred (200) dwelling units.
- B. MINOR - Provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector streets. Minor streets serve from twenty six (26) to two hundred (200) dwelling units.
- C. LOCAL - Provide direct access to individual uses and serve as the connecting link between the beginning and end point of a trip and the higher categories of streets. Local streets serve from three (3) to twenty-five (25) dwelling units.
  - 1. CUL-DE-SAC - A local access street that is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.
- D. MARGINAL ACCESS - A street that is parallel and adjacent to a major traffic street. They provide access to abutting properties and control of intersections with major traffic streets.
- E. PRIVATE ACCESS DRIVE - Provides access to no more than three (3) lots from an approved street where the residential lots do not have frontage on an approved street.

SUBDIVIDER - See *developer*.

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

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- A. MINOR SUBDIVISION - Any subdivision of ten (10) lots or less as enumerated from May 15, 1972, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements.
- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision, addition subdivision or lot line adjustment.
- C. ADDITION SUBDIVISION - (Also known as *an add-on or lot improvement subdivision*.) A minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing contiguous lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots. An addition lot may not be separately conveyed from the new parcel without approval of the Commission
- D. LOT-LINE ADJUSTMENT - Any minor subdivision that proposes a minimum change in an existing single lot line between two parcels.

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

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

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

TOWNSHIP – The Township of Silver Lake, Susquehanna County, unless noted otherwise

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

WATER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the community water system in the mobile home park.

WATERCOURSE - A stream or river with perennial, intermittent or seasonal flow.

WATER RISER PIPE (as used in Article VII) - That portion of the water service pipe that extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE (as used in Article VII) - All pipes, fittings valves, and appurtenances from the water main of the mobile home park community water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, COMMUNITY - A public or private system designed to supply and transmit drinking water from a common source from a separate lot or location to two (2) or more principal structures.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

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WATER SUPPLY, ON-SITE - A system to supply and convey drinking water to a single principal structure from a source located on the same lot.

WATER SUPPLY, SHARED - A system to supply and convey drinking water to two (2) or more principal structures on the same lot where the water source is located. (Note: Any water system serving two (2) or more lots shall be considered a community water supply.)

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

WOODLAND - A stand of predominantly native vegetation covering at least one (1) acre, consisting of at least fifty (50) percent cover of mature trees of varying size.

YARD - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines perpendicular to the road/property line to the nearest point of the structure.

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## ARTICLE III PLAN PROCESSING

### 301 General

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

### 302 Sketch Plan

#### 302.1 Optional - Sketch Plans

Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to submit a Sketch Plan to the Planning Commission prior to the submission of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:

1. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Planning Commission.
2. Determine if the plan is a major or a minor subdivision and/or land development.
3. Assist applicants and officials to develop a better understanding of the property.
4. Establish an overall design approach that respects its special or noteworthy features while providing for the density permitted under the ordinance.
5. Determine the extent to which the plan generally conforms with the provisions of this Ordinance.
6. Determine any design parameters deemed necessary by the Planning Commission for conformance to the adopted Silver Lake Township Comprehensive Plan.

#### 302.2 Contiguous Holdings

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

#### 302.3 Non-formal Filing

A Sketch Plan shall be considered a submission for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

#### 302.4 Review of Sketch Plan

The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the Township or County. The review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this and other ordinances, and may suggest possible plan modifications that would increase its degree of conformance.

### 303 Preliminary Plans for Major Subdivisions

All applications for preliminary plans for major subdivisions shall be submitted to the Silver Lake Township Planning Commission and processed in accord with this §303. Plans for major subdivisions that propose no improvements as defined in Section II may receive preliminary and final approval at the same time.

#### 303.1 Pre-Application Meeting

A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission to introduce the applicant to the subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described

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below.

**303.2 Official Submission of Preliminary Plans**

**303.2.1 Plan to be Filed With the Commission** - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Commission by the Applicant or his authorized representative at least fourteen (14) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

**303.2.2 Number of Copies to be Submitted** - The official submission of the Preliminary Plan shall include the following:

- A. One (1) completed copy of the subdivision plan application.
- B. Eight (8) legible paper prints of the Preliminary Plan.
- C. Two (2) copies of the required sewage planning module(s) and associated documentation.
- D. Two (2) copies of all other required supporting data and information as required in Article IV of this Ordinance.

**303.2.3 Preliminary Plan Filing Fee** - The Planning Commission shall collect a Preliminary Plan filing fee as established by resolution of the Planning Commission for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Department, made payable to Silver Lake Township.

**303.2.4 Preliminary Plan Submission Receipt** - Upon receipt of the Preliminary Plan and supporting data the Planning Commission shall check the submission for the required number of copies of all documents.

- A. If the submission contains the required number of copies of all documents, the Planning Commission shall receive said plans and documentation, complete the submission receipt noting same and provide a copy of the plan submission receipt to the Applicant.
- B. If the submission does not include the required number of copies of all documents, the Planning Commission shall complete the plan submission receipt noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission receipt to the Applicant, and return all documents to the Applicant.
- C. The plan submission receipt shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission verification which is required to start the ninety (90) day review period.

**303.2.5 Distribution of the Preliminary Plan** -The Planning Commission may, after the date of submission receipt and after all required fees have been collected, refer the Preliminary Plan and applicable supporting documents to the following whom shall provide any comments and recommendations in writing to the Planning Commission.

- A. The Planning Commission Engineer, if any.
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- B. Any other Engineer or Consultant designated by the Planning Commission.
- C. Erosion and Sedimentation Control Plan - if required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Susquehanna County Conservation District.

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

- A. Upon receipt of a plan in accordance with §303.2.4 the Planning Commission shall, at the first regularly scheduled meeting of the Planning Commission, perform an initial review of the plan to determine whether the plan is in the proper form.
  - 1. If the submission is not in the proper form for review the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected.
  - 2. If the submission is complete and acceptable for review, the Planning Commission shall execute an official submission verification listing the date of said meeting as the official date of the Preliminary Plan submission and forward said verification to the Applicant. This shall start the ninety (90) day review period.
- B. If the first meeting of the Planning Commission following the date of submission occurs more than thirty (30) days following the date of submission receipt established in accord with §303.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission receipt.
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

303.3 Preliminary Plan Review and Action

303.3.1 Planning Commission Review and Action Period - The Planning Commission shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including the written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submission" as established pursuant to §303.2.6.

303.3.2 Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Preliminary Plan is considered and communicated in writing to the Applicant and the affected municipality as provided in §303.3.1. When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §303 of this Ordinance, including a new filing fee. The written notice to the Applicant and affected municipality shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

303.3.3 Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of

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the Commission meeting at which the Preliminary Plan is considered, and communicated in writing to the Applicant and the affected municipality as provided in §303.3.1.

**303.4 Reviewing Agency and Officials Comments**

The Planning Commission may consider the comments and the recommendations provided pursuant to §303.2.5 and may request such additional information as deemed necessary.

**303.5 County Planning Commission Comments**

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Preliminary Plan to the Susquehanna County Planning Commission.

**303.6 Sewage Facilities Planning Modules**

Preliminary Plan approval shall be conditional upon local municipal sewage planning approval and/or concurrence by the Department of Environmental Protection, and no plans shall be released until verification of DEP and/or local municipal sewage planning approval is received.

**303.7 Highway Occupancy Permit**

If a highway occupancy permit shall be required for access to a township or State road, approval of the preliminary major subdivision plan shall be conditional upon the issuance of a highway occupancy permit by the township or PA DOT, as the case may be.

**303.8 Public Hearing**

The Planning Commission may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

**303.9 Time Extension**

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

**304 Final Plans for Major Subdivisions**

All Final Plans for major subdivisions shall be submitted and processed in accord with this §304.

**304.1 Final Plan Application**

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

- A. The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §303 of this Ordinance or the Applicant has fulfilled all conditions established by the Planning Commission for the Preliminary Plan approval.
- B. All improvements such as roads and drainage facilities (see definition of *improvements* in Article II) that are shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

**304.2 Final Plan Conformation: Five-Year Protection From Ordinance Changes**

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to §303. In accord with §105 of this Ordinance and §508(4) of the MPC, when a preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and complete any aspect of the approved development in accord with the terms of such approval within five (5) years from such approval.

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**304.3**      Sections

Final Plans may be submitted in sections in accord with §508(4)(v)(vi) and (vii) of the MPC, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.

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

**304.4**      Official Submission of Final Plans

**304.4.1** Plan to be Filed With the Planning Commission - Copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Department by the Applicant at least fourteen (14) days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".

**304.4.2** Number of Copies to be Submitted - The official submission of the Final Plan shall include the following:

- A. One (1) completed copy of the subdivision plan review application.
- B. Eight (8) legible paper prints of the Final Plan. Following approval by the Planning Commission and when all required corrections have been made to the Final Plan, six (6) prints shall be submitted for final signature.
- C. One (1) copy of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. One (1) copy of the applicable highway occupancy permit.
- E. Two (2) copies of all other required supporting data and information as required in Article IV of this Ordinance.

**304.4.3** Final Plan Submission Receipt - Upon receipt of the Final Plan and supporting data the Planning Commission shall check the submission for the required number of copies of all documents.

- A. If the submission contains the required number of copies of all documents, the Planning Commission shall receive said plans and documentation, complete the submission receipt noting same and provide a copy of the plan submission receipt to the Applicant.
  - B. If the submission does not include the required number of copies of all documents, the Planning Commission shall complete the plan submission receipt noting any and all deficiencies or omissions in the submission, provide a copy of the plan submission receipt to the Applicant, and return all documents to the Applicant.
  - C. The plan submission receipt shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission verification which is required to start the ninety (90) day review period.
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304.4.4 Distribution of the Final Plan - The Planning Commission shall promptly, after the date of submission receipt and after all required fees, if any, have been collected, refer the Final Plan and applicable supporting documents to the County and may refer the Final Plan to the following who shall provide any comments and recommendations in writing to the Planning Commission.

- A. The Planning Commission Engineer, if any.
- B. Any other Engineer or Consultant designated by the Planning Commission.

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

- A. Upon receipt of a plan in accordance with §303.2.4 the Planning Commission shall, at the first regularly scheduled meeting of the Planning Commission, perform an initial review of the plan to determine whether the plan is in the proper form for review.
  - 1. If the submission is not in the proper form for review the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected.
  - 2. If the submission is complete and acceptable for review, the Planning Commission shall execute an official submission verification listing the date of said meeting as the official date of the Preliminary Plan submission and forward said verification to the Applicant. This shall start the ninety (90) day review period.
- B. If the first meeting of the Planning Commission following the date of submission occurs more than thirty (30) days following the date of submission receipt established in accord with §303.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission receipt
- C. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period - The Planning Commission shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to §304.4.5.

304.5.2 Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.1. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §304 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

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304.5.3 Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Commission meeting at which the Final Plan is considered and communicated in writing to the Applicant as provided in §304.5.1.

304.6 Reviewing Agency and Officials Comments

The Planning Commission shall consider the comments and the recommendations provided pursuant to §304.4.4 and may request such additional information as deemed necessary.

304.7 County Planning Commission Comments

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Final Plan to the Susquehanna County Planning Commission.

304.8 Public Hearing

The Planning Commission may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

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

304.10 Signature of Final Plan

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

304.11 Recording of the Final Plan

The Planning Commission shall file the final record plan with the Susquehanna County Recorder of Deeds within thirty (30) days of the date of endorsement by the Commission.

304.12 As-Built Plans

Upon the completion of all improvements, the Applicant shall provide to the Planning Commission plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in this Ordinance.

304.13 Time Extension

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

**305 Minor Subdivisions**

The intent of this section is to simplify the review and approval procedure for minor subdivisions in accordance with §102.4. Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Silver Lake Township Planning Commission and be processed in accord with this §305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Plan to be Filed With the Planning Commission - Copies of the Minor Subdivision Plan and all

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required supporting documentation shall be submitted by the Applicant or his authorized representative to the Planning Commission.

**305.1.2 Number of Copies to be Submitted** - The official submission of the Minor Subdivision Plan shall include the following:

- A. One (1) completed copy of the Minor Subdivision Plan review application.
- B. Eight (8) legible paper prints of the Minor Subdivision Plan.
- C. Two (2) copies of the sewage facilities planning modules and associated documentation.
- D. Two (2) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

**305.1.3 Minor Subdivision Plan Filing Fee** - The Planning Commission shall collect a Minor Subdivision Plan filing fee as established by resolution for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of Minor Subdivisions.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission, made payable to Silver Lake Township.

**305.1.4 Reserved**

**305.1.5 Official Date of the Minor Subdivision Submission** - The official date of the Minor Subdivision Plan submission shall be determined as follows: The Planning Commission shall examine the Minor Subdivision Plan submission to determine that all documents are complete and in proper form.

- A. If the submission is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected and returned to the applicant.
- B. If the submission is complete and acceptable the Planning Commission shall execute an official submission receipt listing the official date of the Minor Subdivision Plan submission and forward it to the Applicant.

**305.1.6 Distribution of the Minor Subdivision Plan** - The Planning Commission shall promptly after the official date of submission and after all required fees have been collected refer the Minor Subdivision Plan and applicable supporting documents to the affected municipality and may refer the Minor Subdivision Plan to the following who shall provide any comments and recommendations in writing to the Planning Commission.

- A. The Planning Commission Engineer, if any.
- B. Any other Engineer or Consultant designated by the Planning Commission.

**305.2 Minor Subdivision Plan Review and Action**

**305.2.1 Planning Department Review and Action Period** - The Planning Commission shall make a decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for the Planning Commission review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Plan Submission" as

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established pursuant to §305.1.5.

305.2.2 Approval with Conditions - When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly communicated in writing to the Applicant as provided in §305.2.1. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept in writing the said conditions and/or modifications within fifteen (15) days of receipt of said written notice, said approval with conditions of the Minor Subdivision Plan shall become an automatic disapproval and said plan shall be resubmitted as required by §305 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions is the reasons for denial.

305.2.3 Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly communicated in writing to the Applicant as provided in §305.2.1.

**305.3 Reviewing Agency and Officials Comments**

The Planning Commission shall consider the comments and the recommendations pursuant to §305.1.6 and §305.1.7, and may request such additional information as deemed necessary.

**305.4 County Planning Commission Comments**

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Minor Subdivision Plan to the Susquehanna County Planning Commission.

**305.5 Sewage Facilities Planning Modules**

Minor Subdivision Plan approval shall be conditional upon local municipal sewage planning approval and/or approval by the Department of Environmental Protection, and no plans shall be released until such approvals are received.

**305.6 Public Hearing**

The Planning Commission may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

**305.7 Signature of Minor Subdivision Plan**

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

**305.8 Recording of the Minor Subdivision Plan**

The Planning Commission shall file the Minor Subdivision record plan with the Susquehanna County Recorder of Deeds within thirty (30) days of the date of endorsement by the Planning Commission.

**305.9 Time Extension**

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

**306 Plans for Land Developments**

- A. Applicability - All plans for land developments, except as noted in §§C below, shall be submitted and processed in accord with this §306.
  - B. Intent - The intent of this §306 is to combine the preliminary and final plan approval stages into one
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step for land developments that do not involve the transfer of any interest in real estate other than rental or short-term lease. Requiring preliminary and final approval for such land developments is not necessary because no transfer of real estate is proposed, and the preliminary-final process is not necessary to assure the completion of improvements for the protection of individual purchasers. Occupancy of any structures that are part of the land development shall not be permitted until all required improvements have been completed by the developer and approved by the Planning Commission.

- C. Non-Qualifying Land Developments - Land developments which involve the transfer of any interest in real estate by deed, land contract, or a lease greater than three (3) years shall comply with §303 and §304 of this Ordinance.

306.1 Land Development Plan Application

An application for Land Development Plan approval shall be submitted in accord with this §306.

306.2 Official Submission of Land Development Plans

306.2.1 Plan to be Filed With the Planning Commission - Copies of the Land Development Plan and all required supporting documentation shall be submitted to the Planning Commission by the Applicant at least fourteen (14) days prior to the Planning Commission meeting at which the Applicant applies for the *Official Date of Land Development Plan Submission*.

306.2.2 Number of Copies to be Submitted - The official submission of the Land Development Plan shall include the following:

- A. One (1) completed copy of the land development plan review application.
- B. Eight (8) legible paper prints of the Land Development Plan.
- C. Two (2) copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
- D. Two (2) copies of all other required supporting data and information as required in Article IV of this Ordinance.

306.2.3 Land Development Plan Filing Fee - The Planning Commission shall collect a Land Development Plan filing fee as established by resolution of the Planning Commission.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of land developments.
- B. The Applicant shall pay the fee at the time of initial submission of the application to the Planning Commission, made payable to Silver Lake Township.

306.2.4 Land Development Plan Submission Receipt - Upon receipt of the Land Development Plan and supporting data the Planning Commission shall check the submission for the required number of copies of all documents.

- A. If the submission contains the required number of copies of all documents, the Planning Commission shall receive said plans and documentation, complete the submission receipt noting same and provide a copy of the plan submission receipt to the Applicant.
  - B. If the submission does not include the required number of copies of all documents, the Planning Commission shall complete the plan submission receipt noting any and all deficiencies or omissions
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in the submission, provide a copy of the plan submission receipt to the Applicant, and return all documents to the Applicant.

- C. The plan submission receipt shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission verification which is required to start the ninety (90) day review period.

306.2.5 Distribution of the Land Development Plan -The Planning Commission shall promptly after the date of submission receipt and after all required fees have been collected refer the Land Development Plan and applicable supporting documents to the following who shall provide any comments and recommendations in writing to the Planning Commission.

- A. The Planning Commission Engineer, if any.
- B. Any other Engineer or Consultant designated by the Planning Commission.
- C. Erosion and Sedimentation Control Plan - if required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Susquehanna County Conservation District.

306.2.6 Official Date of the Land Development Plan Submission - The official date of the Land Development Plan submission shall be determined as follows:

- A. Upon receipt of a plan in accordance with §306.2.4 the Planning Commission shall, at its first regularly scheduling meeting following receipt, perform an initial review of the plan to determine whether the plan is in the proper form.
  - 1. If the submission is not in the proper form for review the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected.
  - 2. If the submission is complete and acceptable for review, the Planning Commission shall execute an official submission verification listing the date of said meeting as the official date of the Plan submission and forward said verification to the Applicant. This shall start the ninety (90) day review period.
- C. If the first meeting of the Planning Commission following the date of submission occurs more than thirty (30) days following the date of submission receipt established in accord with §306.2.4 of this Ordinance, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the day of said submission receipt.
- D. If the application is being submitted after a final order of the court remanding the application to the Township, the ninety (90) day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than thirty (30) days following the final order of the court, the ninety (90) day review period shall be measured from the thirtieth (30th) day following the final order of the court.

306.2.7 Erosion and Sedimentation Control Plan - if required, the Applicant shall submit the project Erosion and Sedimentation Control Plan to the Susquehanna County Conservation District.

306.3 Land Development Plan Review and Action

306.3.1 Planning Commission Review and Action Period - The Planning Commission shall make its decision regarding the Land Development Plan and communicate in writing such decision to the Applicant and the affected municipality within fifteen (15) days of when the decision is made. However,

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in no case shall the period for Commission review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Land Development Plan Submission" as established pursuant to §306.2.6.

**306.3.2 Approval with Conditions** - When a Land Development Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Planning Commission meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.1. When a Land Development Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications in writing within fifteen (15) days of receipt of said written notice, the said conditional approval of the Land Development Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by §306 of this Ordinance, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

**306.3.3 Denials** - When a Land Development Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Planning Commission meeting at which the Land Development Plan is considered and communicated in writing to the Applicant as provided in §306.3.1.

**306.4 Reviewing Agency and Officials Comments**

The Planning Commission shall consider the comments and the recommendations provided pursuant to §306.2.5 and may request such additional information as deemed necessary.

**306.5 County Planning Commission Comments**

No official action shall be taken by the Planning Commission until the Commission has received and considered the comments of the Susquehanna County Planning Commission, or after thirty (30) days following transmittal of the Land Development Plan to the Susquehanna County Planning Commission.

**306.6 Sewage Facilities Planning Documents**

Land Development Plan approval shall be conditional upon local municipal sewage planning approval and/or Department of Environmental Protection sewage planning approval and no plans shall be released until such approval is received.

**306.7 Highway Occupancy Permit**

If a highway occupancy permit shall be required for access to a municipal or State road, approval of the Land Development Plan shall be conditional upon the issuance of a highway occupancy permit by the Township or the Pennsylvania Department of Transportation, as the case may be.

**306.8 Public Hearing**

The Planning Commission may conduct a public hearing on the proposed Land Development Plan pursuant to public notice.

**306.9 Authorization to Proceed with Land Development or to Provide a Financial Guarantee**

Following any approval granted pursuant to §306.3 and when all requirements and conditions have been fulfilled by the Applicant to satisfy any conditional approval, the Planning Commission shall provide to the Applicant a letter authorizing the Applicant to proceed with site development and construction in accord with the approved plan. In lieu of constructing the improvements, the Applicant may provide a financial guarantee in accord with Article V of this Ordinance. All applicable local municipal permits shall also be obtained by the Applicant prior to proceeding with the land development.

**306.10 Final Approval; Signature of Land Development Plan**

The Planning Commission shall not sign the Land Development Plan until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been

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certified as complete by the Planning Commission Engineer; or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance. When all these requirements and conditions have been fulfilled by the Applicant, the Planning Commission shall endorse the Land Development Plan for recording purposes. The Planning Commission shall retain at least one (1) endorsed print.

**306.11 Recording of the Land Development Plan**

The Planning Commission shall file the final record plan with the Susquehanna County Recorder of Deeds within thirty (30) days of the date of endorsement by the Planning Commission.

**306.12 Certificate of Conformance**

No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued by the Planning Commission. No certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Planning Commission Engineer pursuant to Article V of this Ordinance.

**306.13 As-Built Plans**

Upon the completion of all improvements, the Applicant shall provide to the Planning Commission the plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings contained in §904 of this Ordinance.

**306.14 Time Extension**

The time period for review of the plan may be extended by mutual agreement of the Applicant and the Planning Commission, and any such agreement shall be in writing.

**307 Minor Land Development**

The intent of this §307 is to simplify the review and approval procedure for minor land developments by authorizing the signature of the Minor Land Development Plan by the Planning Commission in accordance with §102.4. Preliminary Plans for Minor Land Development shall not be required. However, a Final Plan for all Minor Land Developments shall be submitted to the Planning Commission and be processed in accord with this §307.

**307.1 Minor Land Development Criteria**

A land development, as defined by Article II of this Ordinance, may be considered a "Minor Land Development" for the purposes of this Ordinance provided said development does not exceed any of the following development characteristics, or is not by definition considered a Major Subdivision. Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as a Minor Land Development.

**A. Non-residential Land Developments**

1. The gross floor area of all principal structures proposed or existing on the project property does not exceed one thousand five hundred (1,500) square feet.
2. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).

**B. Residential Land Developments - The total number of dwelling units on the project parcel does not exceed two (2).****307.2 Procedure and Other Requirements**

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Minor Land Development Plans shall be processed in accord with the requirements for minor subdivisions in §305 of this Ordinance. All information and design requirements of this Ordinance applicable to land developments shall also apply to Minor Land Developments except as provided in this §307. The Planning Commission may, based upon the character of the project and site conditions, waive the applicability of any or all of the land development requirements including the requirement for a survey of the project parcel.

**307.3 Minor Land Development Determination**

307.3.1 Application to be Filed With The Planning Commission - The application for Minor Land Development determination shall be submitted to the Planning Commission and shall contain such information as may be necessary for the Planning Commission to determine the " Minor Land Development" status of the proposed project in accord with this §307. The Planning Commission shall have the right to require any additional information deemed necessary.

307.3.2 Status of Application for Minor Land Development Determination - The application for Minor Land Development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.

307.3.3 Determination of Minor Land Development - The Planning Commission shall determine the Minor Land Development status of the application in accord with the criteria in this §307 and report their determination regarding the same to the Applicant and the affected municipality.

- A. In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Land Development, the information required for the application shall be submitted in accord with §307.4.
- B. Should the Planning Commission determine that the subject development does not meet the criteria for a Minor Land Development, said development shall be considered a Land Development and the information required for the application shall be submitted in accord with Section 306 of this Ordinance and all other applicable requirements.

**307.4 Minor Land Development Application Information**

Minor Land Development plans and applications shall contain all information required by the Planning Commission to determine compliance with this Ordinance and any other requirements. The plan requirements for Minor Subdivisions in §404 of this Ordinance shall serve as the guide for the types of information that may be required. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Planning Commission shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Planning Commission shall also have the right to apply any of the standards and requirements contained in this Ordinance.

**308 Add-on / Addition Subdivisions / Lot Line Adjustments (Also known as *lot-improvement subdivisions*.)**

**308.1 New Lot Lines**

Add-on subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions. However, sewage planning modules may not be required unless additional new sewage disposal areas are proposed. The applicable notes listed in §404.3B, of this Ordinance shall be included on the map; and the combination language (see §404.3B) shall also be included in the deed from the grantor to the grantee, and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

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**308.2**    Lot-Line Adjustment

Lot-line adjustments shall require a new subdivision map and shall be processed in the manner set forth in §305 of this Ordinance for Minor Subdivisions. However, sewage planning modules may not be required unless additional new sewage disposal areas are proposed.

**308.3**    Recording of the Add-on / Addition / Lot-line Adjustment Subdivision Plan

The Planning Commission shall file the Add-on / Addition or Lot-line Adjustment record plan with the Susquehanna County Recorder of Deeds within thirty (30) days of the date of endorsement by the Planning Commission.

**309**        Survey of Parent Tract

In cases where a parcel is being subdivided the requirement that the parent parcel be surveyed may be waived by the Planning Commission provided the Applicant can demonstrate to the satisfaction of the Planning Commission that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Planning Commission otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance

**310**        Contiguous Municipalities

In accord with §502.1(b), of the MPC, the governing body of any township contiguous to Silver Lake Township in which a subdivision, change of land use or land development may be proposed, may appear before the Planning Commission to comment on a proposed subdivision, change of land use, or land development.

**ARTICLE IV  
PLAN REQUIREMENTS**

**400      Applications**

Applications for subdivision and/or land development plans shall be submitted in the manner and form prescribed by the Planning Commission. The application shall contain and be supplemented with such information as may be required by the Planning Commission as authorized by this Ordinance. All other local, state and federal permits and approvals shall be obtained by the Applicant or shall be made a condition of approval by the Commission.

If approved by the Commission, an application shall be binding on the Applicant and shall serve as a legal commitment and offer by the Applicant to fully implement, in all particulars, all plans and provisions contained in the application or any application supplements, as well as with all other local, state and federal laws applicable to the project.

**401      Sketch Plan Information (See §302)**

A Sketch Plan should show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimensions.

- A. Name of the subdivision and/or development.
  - B. Name and address of landowner and/or land developer. (If the developer is a corporation, provide the names of each officer.)
  - C. Location map.
  - D. North arrow.
  - E. Plan scale.
  - F. Date Sketch Plan was completed.
  - G. Names of adjacent property owners, including those across adjacent roads.
  - H. Existing constructed and/or natural features:
    - 1. Water courses, lakes and wetlands as shown on the National Wetlands Inventory maps.
    - 2. Buildings and structures.
    - 3. Utility lines, wells and sewage system(s).
    - 4. Historic and archeological features.
    - 5. Any and all other significant features.
  - I. Location of 100-year flood zones as shown on FEMA mapping.
  - J. Tract boundaries.
  - K. General street and lot layout.
  - L. Location and type of rights-of-way or other restrictive covenants that might affect the subdivision and/or development.
  - M. The following site data shall be labeled on the plan:
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1. Total acreage of the subdivision and/or development.
2. Total number of lots proposed.
3. Total lineal feet of new roads.
4. Zoning district of the subdivision and/or development.
5. Any and all other significant information.

N. A statement of the type of water supply and sewage disposal proposed.

**402 Preliminary Plan Requirements for Major Subdivisions** (see §406 for Land Developments)  
Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II) as applicable and required by State law. Preliminary Plans shall be submitted pursuant to the following:

**402.1 Drafting Standards**

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

**402.2 Plan Information**

The Preliminary Plan shall contain the following information:

- A. Name of project.
  - B. Name and address of the owner of record (if a corporation, give names of each officer) and deed book and page where the deed of record is recorded.
  - C. Name and address of developer if different from land owner (if a corporation, give names of each officer).
  - D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
  - E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
  - F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
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- G. North arrow (true or magnetic).
  - H. Graphic scale and written scale.
  - I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
  - J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
  - K. Existing constructed or natural features including but not limited to the following:
    - 1. Water courses, ponds and lakes, with name of each, if any.
    - 2. Buildings and other structures.
    - 3. Utilities, wells and sewage systems.
    - 4. Location and description of any certified historic site or structure.
    - 5. Location and size of culverts with the direction of water flow.
    - 6. Wetlands as shown on the National Wetlands Inventory maps.
    - 7. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
  - L. Location of permanent and seasonal high water table areas and flood zones as shown on the most recent FIA/FEMA mapping.
  - M. Location and extent of various soil types and the location of soil test pits and percolation test locations.
  - N. Location, width and purpose of any existing rights-of-way or other easements.
  - O. Location by metes and bounds, width and purpose of any proposed rights-of-way or other easements.
  - P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
  - Q. Contour lines, at an interval of not more than twenty (20) feet. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases where no new streets are proposed, the Commission shall allow a greater interval.
  - R. The full plan of the proposed subdivision, including:
    - 1. Location by metes and bounds and widths of all streets, suggested types, and all rights-of-way with a statement of any conditions governing their use.
    - 2. Proposed street names.
    - 3. Building setback lines, shown on the lots or specified by a note on the map.
    - 4. Lot lines with dimensions.
    - 5. Lot and/or parcel sizes.
    - 6. Lot numbers according to the sequence beginning with the parent tract.
    - 7. A statement of number of lots and/or parcels.
    - 8. A statement of the intended use of all non-residential lots and/or parcels.
    - 9. A statement of the total acreage in the proposed development.
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- 10. County tax assessment property number.
- 11. Any and all other significant information.

S. Reserved

T. A title block shall be included on the lower right corner of all Preliminary Plans.

U. Reserved.

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

**402.3 Supporting Documents and Information**

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

A. Typical street cross-section drawings for all proposed streets showing the following:

- 1. Typical cut sections.
- 2. Typical fill sections.
- 3. Superelevated sections.
- 4. Typical parallel drainage.

B. Approximate profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.

C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.

D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.

F. Proof of legal interest in the property and latest deed of record.

G. Water Supply Information - In the case of community systems:

- 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
  - 2. Preliminary layout of any community water supply system.
  - 3. Publicly owned community system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
  - 4. Privately owned community system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
  - 5. A copy of any application for any permit, license or certificate required by DEP or the PA Public Utility Commission for the construction and operation of any proposed community water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
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H. Sewage Disposal Information

1. Approval by the Pennsylvania Department of Environmental Protection and Silver Lake Township for all proposed sewage disposal facilities along with any required sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
  2. Private sewage treatment plants and community on-lot systems - A preliminary layout of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits required and if none are required a statement to that effect. The Planning Commission may require a Professional Engineer's certification of such list.
- J. Soil erosion and sedimentation control plan for submission approval by the Susquehanna County Conservation District.
- K. Drainage/stormwater management plan meeting the requirements of this ordinance and any Stormwater Management Ordinance adopted by the Township or County.
- L. Preliminary bridge designs and a statement by the applicants engineer regarding any approvals required by the state or federal government.
- M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- N. Highway occupancy permits.
- O. A plan for the ownership of and maintenance of all improvements and common areas as required by §506 and §507 of this Ordinance.

402.4 Additional Information

The Planning Commission shall require any other necessary information based on the specific characteristics of the proposed project.

402.5 Application Forms and Certifications

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

**403 Final Plan Requirements for Major Subdivisions** (See §406 for Land Developments.)

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

403.1 Final Plan Information

The Final Plan shall contain the following information:

- A. Name of project.
  - B. Name and address of the owner of record (if a corporation, give names of each officer) and deed book and page where the deed of record is recorded.
  - C. Name and address of developer if different from land owner (if a corporation, give names of each officer).
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- D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of subdivision and/or development plan.
  - E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
  - F. A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
  - G. North arrow (true or magnetic).
  - H. Graphic scale and written scale.
  - I. Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current tax map number for each property shown.
  - J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
  - K. Existing constructed or natural features including but not limited to the following:
    - 1. Water courses, ponds and lakes, with name of each, if any.
    - 2. Buildings and other structures.
    - 3. Utility lines, wells and sewage systems.
    - 4. Location and description of any certified historic site or structure, and stone walls.
    - 5. Location and size of culverts with the direction of water flow.
    - 6. Wetlands as shown on the National Wetlands Inventory maps.
    - 7. All other significant constructed or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
  - L. Location of permanent and seasonal high water table areas and flood zones as shown on most recent FIA/FEMA mapping.
  - M. Reserved
  - N. Location, width and purpose of any existing rights-of-way or other easements.
  - O. Location by metes and bounds, width and purpose of any proposed rights-of-way or other easements.
  - P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed, and other utilities.
  - Q. Contour lines at an interval of not more than twenty (20) feet. Contour lines at a closer intervals may be required if more detail is deemed necessary in cases of steep slopes or other site characteristic requirements. In cases where no new streets are proposed, the Commission shall allow a greater interval. Contour lines may be eliminated from the record plan to provide for clarity of the plan when recorded.
  - R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and
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bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described, unless the boundary survey is waived in accord with §309.

- S. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location and right-of-way lines of all other streets and/or roads within the property.
  - T. The full plan of the proposed development, including but not limited to the following information and data:
    - 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
    - 2. All dimensions in feet and hundredths of a foot.
    - 3. All bearings to the nearest one second of the arc.
    - 4. Street names.
    - 5. Street widths and right-of-way and easement widths.
    - 6. A clear sight triangle shall be shown for all street intersections.
    - 7. Block and lot numbers.
    - 8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
    - 9. Location and type of permanent monuments and markers which have been found or set in place.
    - 10. Building setback lines for each lot or the proposed placement of each building.
    - 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
    - 12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
    - 13. The deed book volume and page number, as entered by the County Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
    - 14. Susquehanna County tax map number.
  - U. Reserved.
  - V. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
    - 1. Building setbacks.
    - 2. Corner lot easements for clear sight triangles.
    - 3. Corner lot driveway locations.
    - 4. Utility and drainage easements including ownership and maintenance responsibility.
    - 5. Reserved
    - 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Silver Lake Township."
    - 7. "Individual owners of lots must apply to Silver Lake Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
    - 8. "In granting this approval the Planning Commission has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
  - W. A title block shall be included on the lower right corner of all Final Plans.
  - X. Signature block for the Planning Commission.
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Y. The following general notes shall be included on all Final Plans, if applicable:

1. When all roads and/or streets are to remain private --- "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to Silver Lake Township by the Developer, the Developer's heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Silver Lake Township Road Dedication Ordinance or any amendment thereto."
2. In the event the subdivision incorporates a private access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any private access drive shall be the sole responsibility of those persons benefiting from the use thereof".
3. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Silver Lake Township pursuant to any applicable ordinances pertaining to Road Encroachment."
4. In the event of a "Add-on/Addition" proposal --- "By the recording of this deed, the Grantees agree and acknowledge that the lands herein conveyed and the lands presently owned by the Grantees herein as set forth in Susquehanna County Deed Book \_\_\_ Page \_\_\_ shall be considered one parcel for subdivision purposes. That is to say, the parcel herein conveyed shall not be conveyed as a separate parcel from other lands of the Grantees herein without approval by the Silver Lake Township Planning Commission."
5. In the case where wetlands are present or if otherwise required by the Planning Commission --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Planning Commission shall have no liability or responsibility for the same to the Developer or purchaser(s)."
6. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
7. In cases where the requirement for sewage planning is waived by Planning Commission --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by the local municipality."

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

#### 403.3 Supporting Documents and Information

The following supporting documents and information shall be certified by a Qualified Professional and shall be submitted with the Final Plan for major subdivisions:

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

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1. Typical cut sections.
  2. Typical fill sections.
  3. Typical superelevated sections.
  4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, and the latest deed of record.
- F. Water Supply and Sewage Disposal Information
1. Final plan of any community water supply and/or sewage disposal system showing all pertinent details.
  2. All other documentation required demonstrating compliance with §607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Soil erosion and sedimentation control plan approved by the Susquehanna County Conservation District, if required.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required local, state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modifications obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. Submitting a copy of the recorded agreement may also satisfy this requirement.
- N. Improvements construction documentation required by Article V.

**403.4 Additional Information**

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

**403.5 Application Forms and Certifications**

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

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403.6 Maintenance of Development Improvements

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

403.7 Information on Record Plan

For the purposes of clarity, the Planning Commission may require that the information included on the record plan be limited to the minimum necessary to legally effect the subdivision and/or land development shown on the plan. Information to be excluded from the plan may include contours, soils and other similar information, as determined by the Planning Commission.

**404 Minor Subdivisions, Final Plan Requirements**

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

404.1 Drafting Standards

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

404.2 Minor Plan Information

- A. Name of subdivision
  - B. Name and address of owner of record (if a corporation give, names of each officer).
  - C. Name and address of Developer if different from landowner (if a corporation, give names of each officer).
  - D. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
  - E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
  - F. The Deed Book volume and page number reference of the latest source(s) of title to the land being
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subdivided.

- G. North arrow (true or magnetic).
  - H. Graphic scale and written scale.
  - I. Lot numbers according to the sequence beginning with the parent tract.
  - J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
  - K. Sufficient data, acceptable to the Planning Commission, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
  - L. The area of each lot or parcel shall be shown within each lot or parcel, the area of each shown in the nearest 1/100th of an acre or square feet.
  - M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
  - N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
  - O. Building setback lines, shown on the lots or specified by a note on the map
  - P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
  - Q. Names of adjoining property owners including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
  - R. Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
  - S. Wetlands in accord with §612.
  - T. A clear sight triangle shall be clearly shown for all street intersections.
  - U. Site data including total acreage, number of lots, existing zoning district and tax map number.
  - V. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines is required to show direction and amount of slope.
  - W. Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
  - X. The location and extent of various soil types by SCS classification for each type.
  - Y. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the
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results of the percolation tests shall accompany the plan.

- Z. Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- AA. A key map for the purpose of locating the property being subdivided.
- BB. Signature block for the Planning Commission
- CC. A title block on the lower right corner.
- DD. The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
  - 1. Building setbacks.
  - 2. Corner lot easements for clear sight triangles.
  - 3. Corner lot driveway locations.
  - 4. Utility and drainage easements including ownership and maintenance responsibility.
  - 5. Reserved
  - 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Silver Lake Township."
  - 7. "Individual owners of lots must apply to Silver Lake Township for a sewage permit prior to the construction of any on-lot sewage disposal system".
  - 8. "In granting this approval the Planning Commission has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

**404.3 General Notes**

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

- A. In the event the subdivision incorporates a private access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any private access drive shall be the sole responsibility of those persons benefiting from the use thereof".
  - B. In the event of a "Add-on/Addition" proposal --- "By the recording of this deed, the Grantees agree and acknowledge that the lands herein conveyed and the lands presently owned by the Grantees herein as set forth in Susquehanna County Deed Book \_\_\_ Page \_\_\_ shall be considered one parcel for subdivision purposes. That is to say, the parcel herein conveyed shall not be conveyed as a separate parcel from other lands of the Grantees herein without approval by the Susquehanna County Planning Commission."
  - C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Silver Lake Township pursuant to any applicable ordinances."
  - D. In the case where wetlands are present or if otherwise required by the Planning Commission --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by the Planning Commission shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Planning Commission shall have no liability or responsibility for same to the Developer or purchaser(s)."
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- E. When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
- F. In cases where the requirement for sewage planning is waived by the Planning Commission --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit and zoning approval by Silver Lake Township.

**404.4 Supporting Documents and Information**

- A. Approval by the Pennsylvania Department of Environmental Protection and/Silver Lake Township for all proposed sewage disposal facilities along with any required sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
- B. Highway Occupancy Permits.
- C. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.
- D. Drainage/stormwater management plans meeting the requirements of any applicable Township or County Stormwater Management Ordinance.

**404.5 Additional Information**

The Planning Commission shall request any other necessary information based on the specific characteristics of the proposed project.

**404.6 Application Forms and Certifications**

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

**404.7 Information on Record Plan**

For the purposes of clarity, the Planning Commission may require that the information included on the record plan be limited to the minimum necessary to legally effect the subdivision and/or land development shown on the plan. Information to be excluded from the plan may include contours, soils and other similar information, as determined by the Planning Commission.

**405 Plan Requirements for Lot Addition Subdivisions**

The plan requirements set forth in §404 of this Ordinance for minor subdivisions shall also apply to lot addition subdivisions. In addition, copies of the deeds prepared for recording shall be provided and said deeds shall effect the lot additions on the approved plans.

**406 Plan Requirements for Land Developments**

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

**406.1 Plan Requirements**

The plan requirements for final plans for major subdivisions in §403 of this Ordinance shall serve as the guide for the types of information that may be required. In addition to the information required by §403, the

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plan shall include all details of required improvements necessary to confirm compliance with this Ordinance. This shall include, but not be limited to, access drives, parking and loading areas, walkways, stormwater facilities, and buffer areas.

**406.2 Survey**

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

**406.3 Design Standards and Improvements**

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

**407 Plan Requirements for Minor Land Developments**

Minor land development plans and applications shall contain all information required by the Planning Commission to determine compliance with this Ordinance and any other Planning Commission requirements.

**407.1 Plan Requirements**

The plan requirements for minor subdivisions in §404 of this Ordinance shall serve as the guide for the types of information that may be required. In addition to the information required by §404, the plan shall include all details of required improvements necessary to confirm compliance with this ordinance.

**407.2 Survey**

A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Planning Commission shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for the same to assure compliance with applicable requirements.

**407.3 Design Standards and Improvements**

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

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**ARTICLE V  
IMPROVEMENT CONSTRUCTION AND GUARANTEES  
AND  
OPEN LAND OWNERSHIP AND MAINTENANCE**

**501     General**

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Planning Commission for recording in the office of the Susquehanna County Recorder of Deeds until:

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

Any approval granted by the Silver Lake Township Planning Commission for any improvement required by this Ordinance shall be for subdivision and/or land development approval purposes only and shall not constitute in any manner an approval for dedication of any improvements to the County or affected local municipality.

**502     Sections/Stages**

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

**503     Improvement Construction Guarantees**

**503.1    Acceptable Guarantees**

The following are acceptable forms of improvement construction guarantees:

503.1.1 Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Planning Commission. The bond shall be payable to the Silver Lake Township Board of Supervisors.

503.1.2 Escrow Account - A deposit of cash with the Silver Lake Township Board of Supervisors or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Planning Commission.

503.1.3 Irrevocable Letter of Credit - An irrevocable letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Planning Commission.

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

- A. The funds of any guarantee shall be held in trust until authorized by the Planning Commission for release and may not be used or pledged by the Developer as security in any other matter during



that period.

- B. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Silver Lake Township Board of Supervisors for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Planning Commission.
- C. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §503.2.
- D. The guarantee shall not be withdrawn, or reduced in amount, until authorized for release by the Planning Commission.

**503.2 Amount of Security**

The amount of financial security to be posted for the completion of the required improvements shall be equal to one-hundred and ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Planning Commission may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Planning Commission may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten percent (110%). Any additional security shall be posted by the developer in accord with this §503.

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

**503.3 Terms of Guarantee**

Construction guarantees shall be submitted in a form and with such surety as approved by the Planning Commission to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

**503.4 Release of Improvement Construction Guarantees**

- 503.4.1 - Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.
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- A. Request - All such requests shall be in writing to the Planning Commission and a copy to the Planning Commission Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and required standards.
- B. Inspection - Within forty-five (45) days of receipt of such request the Planning Commission shall direct the Planning Commission Engineer to inspect the subject improvements and certify in writing to the Planning Commission the completion in accord with the approved plans and Planning Commission standards; and the Planning Commission shall authorize release of such portion of the construction guarantee established by the Planning Commission Engineer to represent the value of the completed improvements. If the Planning Commission fails to act within said forty-five (45) day period, the Planning Commission shall be deemed to have approved the release of funds as requested. The Planning Commission may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

503.4.2 Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Planning Commission.

- A. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Planning Commission Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Planning Commission standards.
  - B. Inspection - Within ten (10) days of receipt of said notice, the Planning Commission shall direct and authorize the Planning Commission Engineer to make a final inspection of the subject improvements.
  - C. Report - The Planning Commission Engineer shall within thirty (30) days of said authorization, file a detailed written report with the Planning Commission, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
  - D. Action - Within fifteen (15) days of receipt of the Planning Commission Engineer's report, the Planning Commission shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Planning Commission Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
  - E. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Planning Commission, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §503.4, shall be followed.
  - F. Enforcement Remedies - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Planning Commission may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or
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making repairs or corrections to all the improvements covered by the said security, the Planning Commission may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes.

**504 Improvements Construction**

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

**504.1 Construction Plans and Drawings**

Prior to the initiation of construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Planning Commission for approval, final construction plans which have not previously been submitted and approved detailing the design and installation of all improvements and documenting compliance with this Ordinance.

**504.2 Schedule**

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

**504.3 Inspections**

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

**504.4 Notice**

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Planning Commission Inspection Schedule.

**504.5 Cost**

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

**505 Improvement Maintenance Guarantee**

**505.1 Guarantee**

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

- A. Such maintenance guarantee shall be in such form as prescribed in §503.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the twelve (12) months after the completion of construction or installation and final approval of all improvements. If the Developer is
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negligent or fails to maintain all improvements in good condition during the twelve (12) month period, the Planning Commission may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said twelve (12) month period, the Planning Commission may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

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

**505.2 Guarantee for Community Sewage, Community Water and Storm Water Management**

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

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

**506 Continued Ownership and Maintenance of Improvements**

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

**506.1 Private Operation and Maintenance**

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

506.1.2 Residential Developments -In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements . Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with

improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Planning Commission.

**506.1.3 Any Improvements Which Will Remain Private** - In the case where roads, drainage facilities, a community sewage treatment system or community water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §503.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Planning Commission. The amount of said fund shall be established by the Planning Commission, but in no case shall be less than fifteen percent (15%) nor more than twenty-five percent (25%) of the construction cost of the system as verified by the Planning Commission Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Planning Commission.

**506.2 Dedication of Improvements**

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

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

This §507 shall apply to any development which involves the ownership and maintenance of open land or recreation land (referred to as "common open space") as required by this Ordinance.

**507.1 Purpose**

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

**507.2 Plan and Legal Documents**

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

**507.3 Use Restriction**

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

**507.4 Development Plan Designations**

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and

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maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: *Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.*

**507.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance**

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

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

**507.5.1 Property Owners Association or Condominium Agreements** - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.

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

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Ordinance.
  - B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Planning Commission.
  - C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
  - D. A maintenance agreement between the developer, organization and County is executed to the satisfaction of the Planning Commission.
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507.5.3 Deed Restricted Private Ownership - Deed restrictions on privately held lands used for agriculture and forestry enterprises may be used to preserve open land provided such restrictions include a conservation easement in favor of Silver Lake Township, with provisions for reversion to the POA or trustee holding the remainder of the common open space. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

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

507.5.5 Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. Title to the lands may be transferred to other parties for use as restricted by the conservation easement.

507.5.6 Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

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

507.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the Township shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Township shall be in accord with the following:

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

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

507.6.3 Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

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

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

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

507.6.8 Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the Township shall, at the time of the notice in §507.6.1 above, file the required notice of lien against the properties.

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

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

**508.1 Contents**

The development agreement shall be in a form suitable for execution by the Township and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
  - B. Installation of survey monuments and lot markers.
  - C. Installation of all public utility lines.
  - D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
  - E. Developer's responsibility for any damages to adjacent or neighboring properties.
  - F. A work schedule setting forth the beginning and ending dates, and such other details as the Planning Commission deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
  - G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
  - H. Security in the form of a construction guarantee approved by the Planning Commission to insure the installation of the required improvements.
  - I. Security in the form of a maintenance guarantee approved by the Planning Commission for the repair or reconstruction of improvements which are found by the Planning Commission Engineer to be defective
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within twenty-four (24) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.

- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Planning Commission.
- M. A save harmless clause to protect the Township and Planning Commission from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

508.2 Execution

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

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**ARTICLE VI  
DESIGN STANDARDS AND SPECIFICATIONS**

**601     General Standards**

601.1   Application

The standards and requirements contained in this Article shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Silver Lake Township Planning Commission in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

A.   Planning

The development shall conform to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans.

B.   Reserved

C.   Improvements, Specifications

Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Planning Commission, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of Silver Lake Township and/or to protect the environment of the Township.

D.   Hazard Areas

Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or township policies.

E.   Development Design, Neighboring Development

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

F.   Natural Features

Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings and stone walls, which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Commission and, where appropriate, the Township Board of Supervisors, the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers. The Planning Commission may direct the subdivider to preserve trees, groves, topsoil, waterways, scenic points, historic sites, and other community assets or landmarks which are important to maintaining the integrity of the site.

G.   Boundary Lines

Lot lines should follow township and county boundary lines, rather than cross them. Reserve strips

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controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

#### H. Water Frontage and Surface Drainage

In the case where other applicable Township ordinances are more restrictive, such ordinances shall apply, otherwise the following shall apply.

1. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall require all applicable permits to be obtained by the applicant.
2. Buildings shall be located so that the lowest floor (including basement) of any residential or non-residential structure is located at least one and one-half (1.5) feet above the one hundred (100) year flood elevation as established by the National Flood Insurance Program or the structure be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
3. Building shall be located no less than fifty (50) feet from the normal high water line of any lake, pond, or waterway.

#### I. Community Facilities and Comprehensive Plan Requirements

Where a proposed park, playground, school, or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Planning Commission may require the reservation of such area provided that such reservation is acceptable to the municipality and the developer.

#### J. Walkways

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).

#### K. Storm Drainage

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Planning Commission in accord with this ordinance.

#### 601.2 Planned Improvements

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

#### 601.3 Improvements Specifications

All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the County and recommendation of the Planning Commission Engineer.

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

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

601.5 Modifications

The standards and requirements of this Ordinance may be modified in accord with §1103.

**602 Residential Blocks and Lots** (See Article VII for Commercial and Industrial)

602.1 Configuration

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

602.2 Blocks

- A. Blocks shall have a maximum length of one thousand two hundred (1,200) feet. Block length shall not apply to curvilinear street layouts which otherwise provide adequate access and meet the intent of this Ordinance.
- B. Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.

602.3 Lots and Density

All developments proposed for residential use and certain other developments including, but not limited to, hunting camps, cottages, travel trailer parks, campground or campsite developments where lots are for sale, rent, or lease and other seasonal recreational, or seasonal developments where land is sold, rented, or leased (except mobile home parks and campgrounds and recreational vehicle parks where campers or travelers are licensees), shall conform with the provisions of this section. Standards for mobile home parks and campgrounds and recreational vehicle parks, where campers or travelers are licensees, shall conform with the provisions of Article VIII..

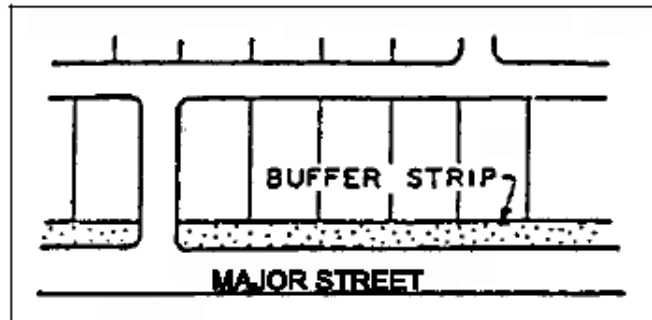
- A. Lot sizes, lot dimensions (minimum average width), residential density and building setbacks shall be governed by the requirements in Table VI-1.
  - B. Lot lines should follow township and county boundary lines, rather than cross them.
  - C. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
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<b>TABLE VI-1 LOT SIZES, DIMENSIONS AND DENSITY</b>		
<b>Minimum lot sizes for single-family dwellings, two-family dwellings, non-residential use, commercial use, and industrial use developments</b>		
Type of Sewage Disposal and Water Supply	Minimum Lot Size (square feet)	
	single-family dwellings; commercial use and industrial use developments	two-family dwellings
On-site sewage <b>and</b> on-site water	87,120 (2 ac.)	174,240 (4 ac.)
On-site sewage <b>and</b> community water	87,120 (2 ac.)	174,240 (4 ac.)
Community sewage <b>and</b> on-site water	87,120 (2 ac.)	174,240 (4 ac.)
Community sewage <b>and</b> community water	43,560 (1 ac.)	87,120 (2 ac.)
In the case of shared sewage disposal or shared water supply, the same unit density shall be maintained as for on-site facilities. For example, two single-family dwellings on the same lot with a shared sewage disposal would require twice the minimum lot size as one single-family dwelling.		
<b>Minimum project parcel size and maximum average density for multi-family dwellings:</b> Community water and community sewage disposal is required. Refer to Table VIII-3 for Land Conservation Development specifications.		
Type of Dwelling Structure	Minimum Project Parcel Size (acres)	Maximum Average Density (units/acre)
Townhouses	4	1
Garden apartments	4	1
Apartment buildings	4	1
<b>Minimum project parcel size and maximum average density for mobile home parks:</b> Community water and community sewage disposal is required.		
Minimum parcel size (acres)	4	
Minimum individual site size (square feet)	43,560	
Maximum # units per acre	1	
<b>Building setback distances for single-family and two-family residential lots with on-lot sewage and either on-lot or community water (see §801 for land conservation standards and §802 for additional two-family dwelling standards)</b>		

<b>TABLE VI-1 LOT SIZES, DIMENSIONS AND DENSITY</b>	
Front -- measured from the edge of each highway right-of-way (feet)	60
Rear (feet)	40
Side (feet)	20
<b>Building setback distances for single-family and two-family residential lots with community sewage and community water(see §801 for land conservation standards and §802 for additional two-family dwelling standards)</b>	
Front -- measured from each road right-of-way (feet)	60 feet from the edge of the highway right of way
Rear (feet)	30
Side (feet)	15

<b>TABLE VI-1 (continued) RESIDENTIAL LOT SIZES, DIMENSIONS AND DENSITY</b>		
<b>Minimum Average Width (Minimum Lot Dimensions)</b>		
Minimum average width equals the gross area of the lot in square feet divided by the distance of the longest side line		
Size of lot	Minimum Depth (feet)	Minimum Average Width (feet)
1 acre	150	150
2 acres	200	200
3 acres		200
4 acres		200
5 acres		210
6 acres		230
7 acres		250
8 acres		270
9 acres		290
10 acres - 20 acres		300
Greater than 20 acres		400

- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.



Reverse Frontage Lots

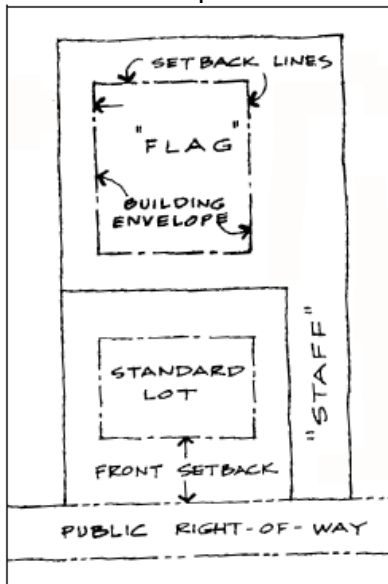
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever five (5) lots of an average of less than two hundred (200) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet on the frontage with driveway access.
- J. All corner lots shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

**602.4 Flag Lots**

Flag lots shall be permitted in accord with the following:

- A. In subdivisions of more than four (4) lots, no more than forty (40) percent of the lots may be approved as flag lots.
  - B. The access corridor portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300) feet in length, as measured from the street right-of-way.
  - C. The access corridor shall, at a minimum, meet the right-of-way width requirement for private access drives. (See §603.7.)
  - D. The lot minimum average width measurements shall be made using the main portion of the lot and shall not include the access corridor.
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- E. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.



Flag Lot

**603 Streets/Roads**

The requirements of this §603 shall apply to all proposed roads and streets. In cases where another township ordinance is more stringent than the requirements of this Ordinance, the more stringent requirements shall apply.

- A. Every subdivision and land development shall have access to a public right-of-way.
- B. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the township in which the development is located and shall further conform to such township and State road and highway plans and Official maps as have been prepared and adopted as prescribed by law.
- C. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography or design.
- D. Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Planning Commission.
- E. Reserved
- F. Dead-end streets shall be prohibited, except when designed as cul-de-sac to serve residential areas.
- G. All provisions for drainage facilities shall be designed so as to provide for carrying of surface water from the surrounding drainage area, buildings, and pavement.
- H. All streets shall meet the construction standards of the Pennsylvania Department of Transportation.



**603.1 Topography**

Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

**603.2 Existing Access**

Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §603 or shall otherwise be improved to such standards.

**603.3 Street Continuation**

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

**603.4 Subdivision and Street Names**

Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Street names shall be named in accord with local municipal requirements. Four way street name signs of a design approved by the local municipality shall be installed by the developer at his expense at each street intersection.

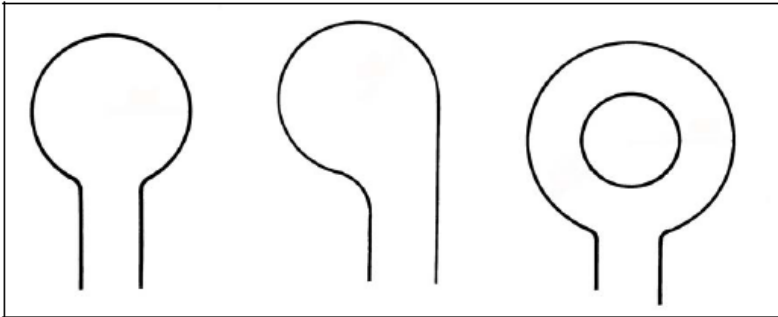
**603.5 Further Subdivision**

If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary. At least one right-of-way shall be reserved for each one thousand six hundred (1,600) feet of frontage on a public road or on a collector street within the subdivision in order to provide access to undeveloped land.

**603.6 Cul-de-Sac Streets**

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

- A. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
  - B. Any temporary dead end street, if no longer than two-hundred (200) feet or fronted by existing lots, shall be provided with a temporary all-weather turn-around within the subdivision with a surfaced area equal in diameter to the right-of-way width at the street, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
  - C. Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots.
  - D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum outside radius of fifty (50) feet and the outer pavement edge or curb line shall have a minimum radius of forty (40) feet and be improved to the required construction specifications. Intermittent turnarounds shall also meet these requirements.
  - E. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.
-



Cul-de-sac Turnarounds

### 603.7 Private Access Drives

Private access drives may be used to provide access to not more than three (3) lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit per lot, except in full accord with Township requirements.

- A. The private access drive serves no more than three (3) lots, including a lot fronting on the abutting street; and shall not exceed eight hundred (800) feet in length.
- B. Design standards for Private Access Drives shall conform to those required by the Pennsylvania Department of Transportation for new highway construction in effect at the time of the Official Date of Preliminary Plan Submission.
- C. If there is a potential for subdivision or development of any of the lots created such that eventually more than three (3) lots and/or dwelling units might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.
- D. Private access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access drive and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access drive is constructed or guaranteed in accord with Article V of this Ordinance. The private access drive shall not under any circumstances be offered to the local municipality as a municipal street. The Applicant shall agree to the terms of this §607.7, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access drive and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: *“The construction and maintenance of the private access drive and turnaround shall be the responsibility of the owner(s) of the lots served by the drive. No building permit shall be issued for any improvements on lots served by the drive until such time as the drive and turnaround is constructed. The private access drive shall remain private and shall not be offered for dedication as a public street.”*
- E. A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access drive intersects with the right-of-way of the adjoining street.
- F. Storm water management and soil erosion and sedimentation control shall be addressed in accord with §605 of this Ordinance.
- G. A private access drive shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the center-lines of the two streets exceeds eight (8)

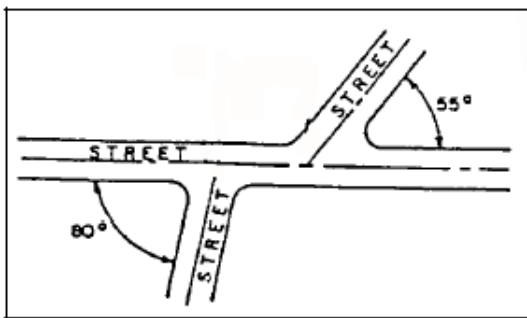
percent for the private access drive intersection.

H. A private access drive serving more than one (1) lot shall be provided with a *T- or Y-shaped* turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.

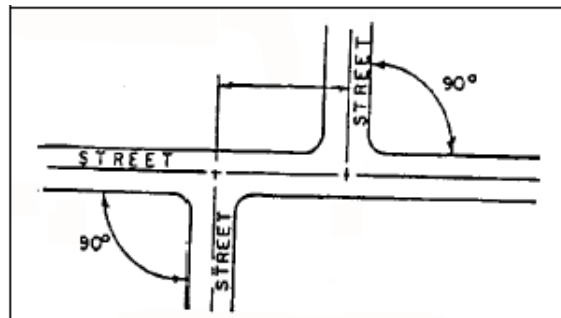
603.8 Intersections

A. Center-lines of streets shall intersect as nearly at right angles as possible or radial to street lines.

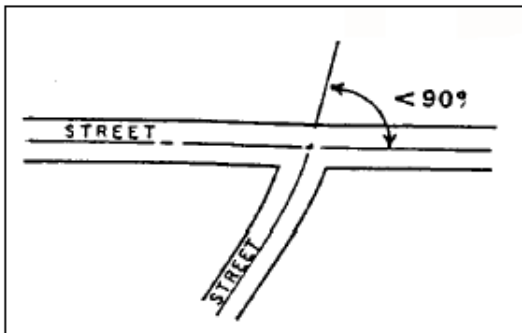
1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Planning Commission based upon a written request by the Developer.
2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.



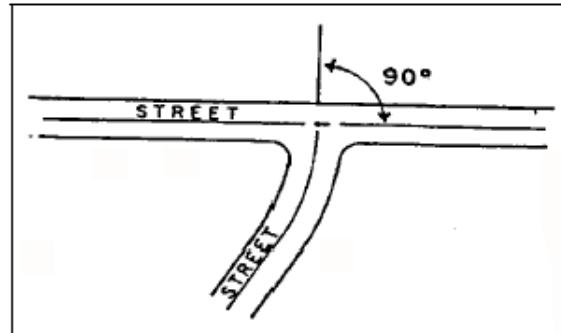
Unacceptable Street Intersection Design



Acceptable Street Intersection Design



Unacceptable Street Intersection Design

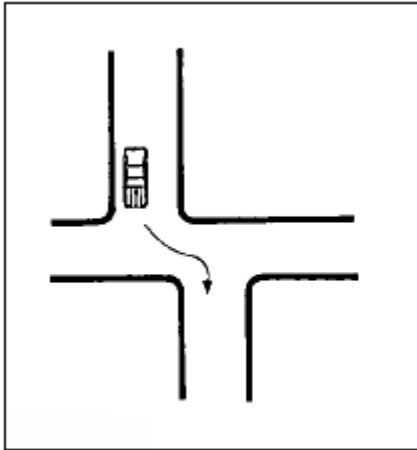


Acceptable Street Intersection Design

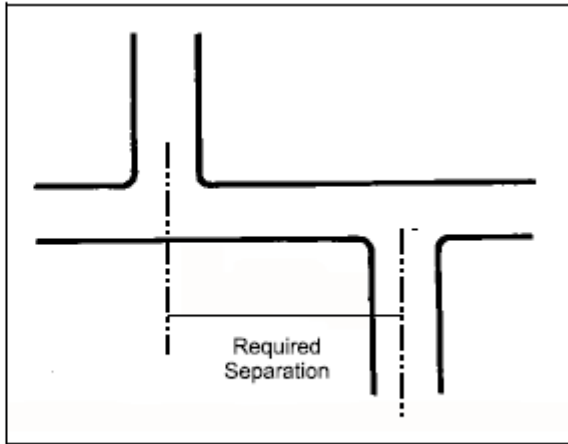
B. Intersections of more than two (2) streets at one (1) point are not permitted.

C. Where streets intersect other streets entering opposite sides of another street the streets shall be laid out directly opposite each other, or the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows (as measured from centerline to centerline):

1. One hundred twenty-five (125) feet for minor streets and private access drives.
2. Four hundred (400) feet for all other streets.

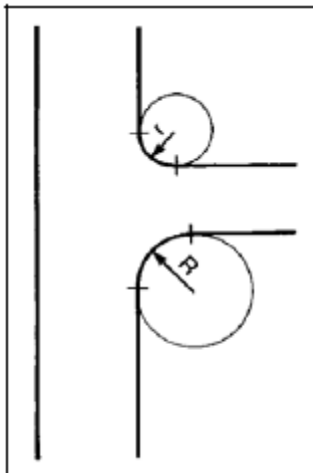


Corner Cutting



Required Centerline Separation

- D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for minor streets or streets of lesser classification and thirty (30) feet for collector streets and major traffic streets.



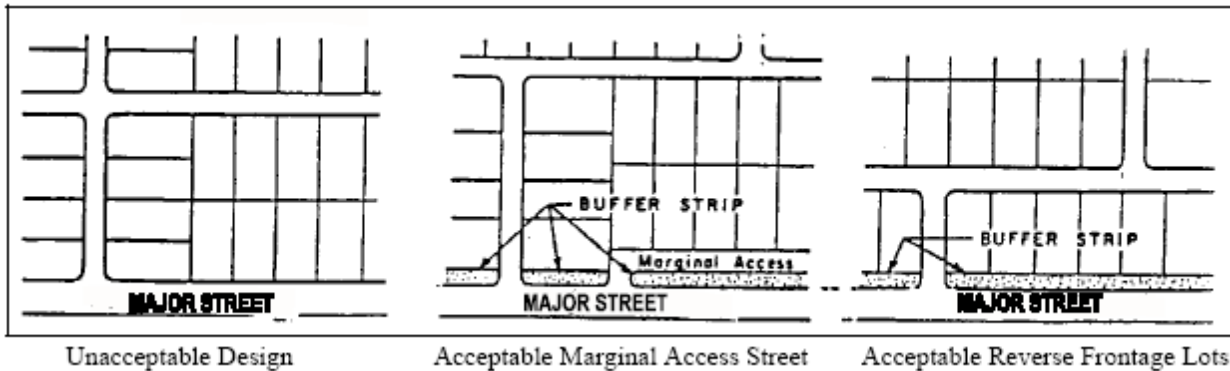
Cartway Edge Arc

- E. In cases where a subdivision road intersects with a local municipal road, the subdivision road, whether proposed for dedication or to remain private, shall be paved in accord with the requirements of any applicable Township Road Dedication Ordinances for the applicable class of road for a distance not less than fifty (50) feet from the edge of the municipal road right-of-way.

603.9 Street Frontage

A. Service Streets

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



**B. Controlled Access**

Entrances and exits to developments shall be designed as to minimize interference with through traffic.

**C. Protection of Grade Separation**

Entrance and exit points to proposed developments shall not be located closer than two hundred (200) feet to the end of any interchange ramp.

**D. Setback Line**

Unless otherwise regulated by appropriate ordinances, all buildings shall be set back not less than sixty (60) feet from the right-of-way line fronting on major highways.

**E. Residential Blocks**

Residential blocks shall have a maximum length of twelve hundred (1,200) feet. In design of blocks longer than eight hundred (800) feet, special consideration shall be given to the requirements of satisfactory fire protection.

**603.10 Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections**

Street right-of-way, travelway, and shoulder widths shall be provided to at least the current minimum standards required by the Pennsylvania Department of Transportation for new public highways in effect at the time of the Official Date of Preliminary Plan Submission. Street cross sections shall also meet or exceed all current minimum standards required by the Pennsylvania Department of Transportation for new public highways in effect at the time of the Official Date of Preliminary Plan Submission. Where any standards set forth in this Ordinance conflict with those required by PA DOT, the more stringent of the two shall apply.

**603.11 Easements**

Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company unless this Ordinance requires a greater width. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, and the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so.

**A. Access Easements**

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
2. No access easement shall be a part of any lot, but shall be a separate area designed with the

express purpose of access to a particular site or facility.

3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

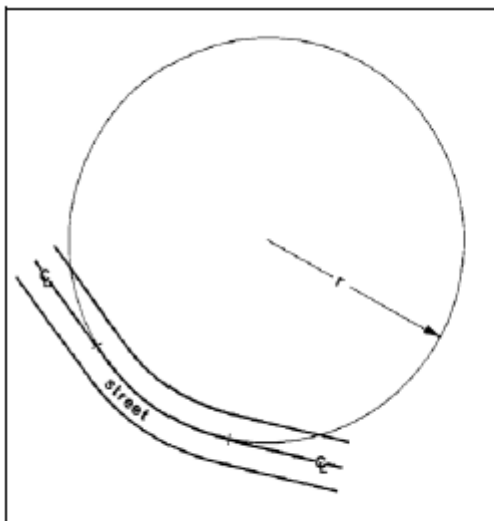
**B. Utility Easements**

1. Utility easements shall be a minimum of twelve (12) feet in width and shall be provided along all street rights-of-way in addition to the required street right-of-way width.
2. All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.
3. Prior to the approval of the final plan, a review by the utility companies serving the development shall be given fifteen (15) days to review the location and width of the proposed utility easements.
4. The Developer shall be responsible for compliance with any applicable regulations of the Pennsylvania Public Utility Commission.

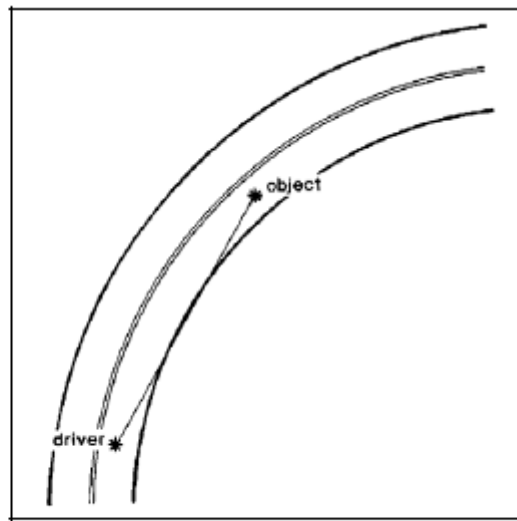
**603.12 Street Alignment**

Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one half (7 ½) degrees, connection shall be made by horizontal curves.



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



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

- B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as required by PA DOT.
    1. Sight distances shall be measured from the driver's eye at 3.75 feet above the road surface to a point 0.5 feet above the road surface.
    2. Sight distances at intersections shall be measured from the driver's eye at 3.75 feet above the road surface to a point fifteen (15) feet from the nearest edge of the travelway of the through road to a point 3.75 feet above the road surface of the through road.
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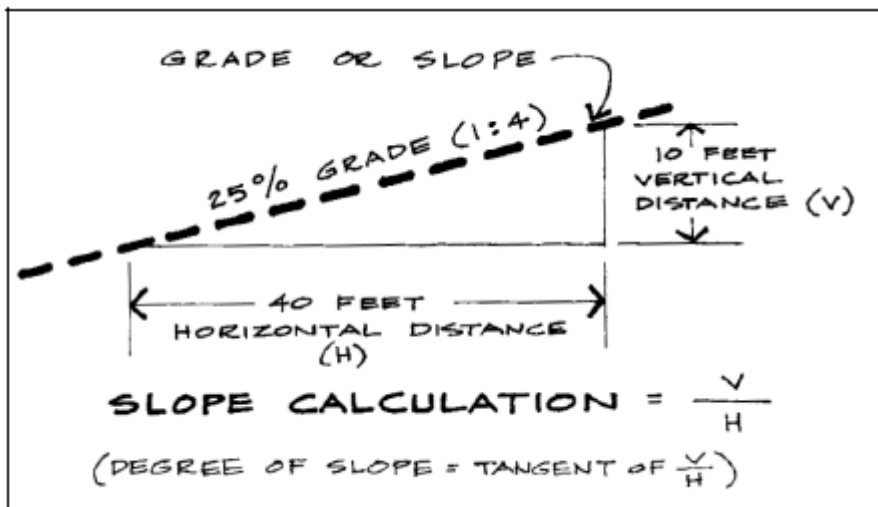
C. Between curves the following minimum tangents shall be provided:

1. One hundred (100) feet on collector streets.
2. Fifty (50) feet on minor streets.

**603.13 Street Grades**

Street grades shall be designed as follows:

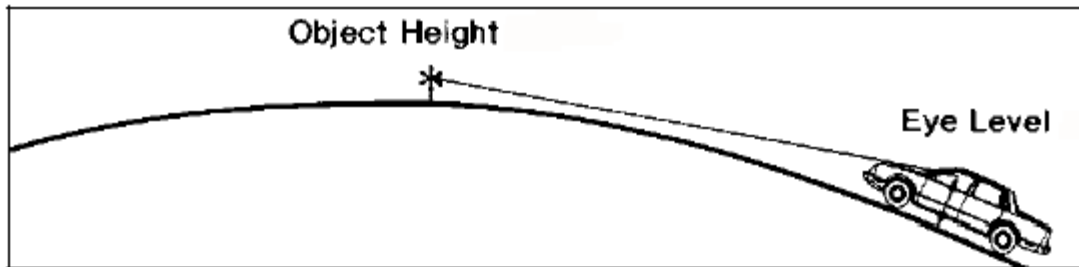
- A. Center-line grades shall not exceed the grades required by PA DOT.
- B. The maximum grade across the turnaround on a dead end street shall not exceed four (4) percent.
- C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- D. To provide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



**603.14 Vertical Curves**

Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as required by PA DOT.



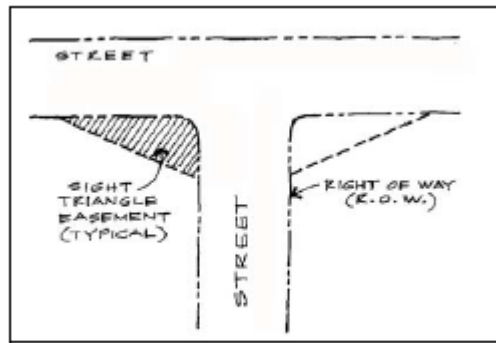
Sight Distance - on crest of hill (vertical curve).

- B. On minor and private access streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)
- C. On collector streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- D. The following vertical curve information shall be shown on the street profiles:
1. Length of vertical curve.
  2. Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
  3. Street grades.
  4. Sight distances.

#### 603.15 Clear Sight Triangles

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersection streets. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision. Such triangular area shall be determined by the triangle formed by the street lot lines of the lot and a line drawn between points along the right-of-way lines fifty (50) feet distant from their points of intersection unless site conditions or the township or state highway occupancy dictates a greater requirement..





Clear Sight Triangle

603.16 Residential Driveways

This §603.16 shall apply to lots in subdivisions approved after the effective date of this Ordinance. Driveways proposed for pre-existing lots and non-residential driveways shall be governed by other applicable Township and State requirements. Residential driveways shall comply with the following standards:

- A. Driveways shall not be permitted to have direct access to public streets unless authorized by the Township or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- B. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- C. Where new roads are proposed, future driveways that are to be constructed adjacent to a street intersection shall be shown on the preliminary and final plans and a note shall be included on the plan restricting the driveways to the locations shown.
- D. The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.		
	Major Street	Traffic Collector	Minor & Private Access
Residential	100 ft.	75 ft.	40 ft.

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- E. A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
- F. Adequate provision shall be made for parallel drainage facilities

603.17 Bridges and Stream Crossings

Bridges and other stream crossing structures, which are part of the proposed street system, shall be

designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with any state or federal requirements shall be provided. At a minimum, the width of the bridge or stream crossing shall be equal to the cartway width of the roadway carried by the bridge or stream crossing.

**603.18 Clearing and Grubbing**

The right-of-way for all collector, minor and minimum access roads shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.

- A. All trees, stumps, roots and other material deemed unsuitable by the Planning Commission shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Planning Commission.
- C. Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Planning Commission prior to the cut and fill operations.

**603.19 Cuts and Fills**

All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Planning Commission for special conditions.
  - B. The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
  - C. All excavations and embankments shall have a slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
  - D. All embankments shall be compacted to the satisfaction of the Planning Commission.
  - E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
  - F. Cuts and fills shall not endanger adjoining property.
  - G. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
  - H. Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
  - I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner provided it complies with all other requirements of this Ordinance and is approved by the Planning Commission.
  - J. During grading operations, necessary measures for dust control shall be exercised.
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- K. Grading equipment shall not be allowed to cross streams without proper permits and adequate provisions shall be made for the installation of culverts and bridges.

603.20 Subgrade, Base and Surface

A. Subgrade

1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
3. Unsuitable soils, as identified by the Project Engineer and confirmed by the Planning Commission Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Susquehanna County Soil Survey as subject to frost heave is proposed, the Planning Commission shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Planning Commission.

- B. Subbase and Base Course - Subbase and base course aggregate material shall conform in type and be compacted to depths in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of the Township.

- C. Surface Course - The bituminous surface course shall conform in type and be compacted to depths in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of the Township.

- D. Shoulders - Shoulders shall be constructed of the material and compacted to the width and depth required by PA DOT standards..

603.21 Walls, Slopes, and Guiderails

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

- B. Guiderails shall be installed in accord with most current PA DOT specifications.

603.22 Curbs, Gutters, and Swales

- A. Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.

- B. Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.

- C. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.

- D. Curbs shall be constructed in accord with the most current Pennsylvania Uniform Construction Code
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and Americans With Disabilities Act standards.

- E. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Planning Commission's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PA DOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.
- F. Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately with the profiles.

#### 603.23 Sidewalks; Crosswalks

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

#### 603.24 Parking On Streets

Off-street parking for all uses shall be provided in accord with any applicable Township Ordinances, and streets shall not be designed to accommodate on-street parking.

#### 603.25 Driveway and Cross Drainage

At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, the driveway shall be graded or a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accord with §605 of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than fifteen (15) inches in diameter. (See §605 for additional requirements.)

#### 603.26 Street, Parking Area and Building Lighting

Street lights may be required when considered necessary by the Planning Commission and shall be of such design and spacing as required by the Planning Commission in accord with current Planning Commission specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Planning Commission. All lighting shall comply with the standards of this ordinance and the Illuminating Engineering Society (IES) of North America.

#### 603.27 Traffic Signs and Signals

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

#### 603.28 Road Striping

All roads constructed or improved as part of any subdivision or land development shall be striped in accord

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with the most current PennDOT requirements.

**604     Markers**

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

**604.1   Markers**

- A. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- B. Lot markers shall consist of:
  - 1. Solid steel rods not less than one half (1/2) inch in diameter and not less than twenty-four (24) inches in length.
  - 2. Steel pipes not less than one half (1/2) inch in diameter and not less than twenty-four (24) inches in length.
  - 3. Such markers as are currently accepted and used by Registered Professional Land Surveyors.
  - 4. Such other markers as the Planning Commission may approve.
- C. Markers shall be set two (2) inches above the finish grade of the surrounding ground.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:
  - 1. At all points where lot lines intersect street right-of-way lines.
  - 2. At all points where lot lines intersect exterior property lines.
  - 3. At all interior lot corners.
  - 4. At such other lot corners and locations as the Planning Commission may direct.

**605     Stormwater and Drainage Control**

**605.1   Purpose and Stormwater Management Ordinance**

A. Generally

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

B. Township Requirements

In cases where the township has adopted more stringent stormwater control requirements such requirements shall apply; otherwise the requirements of this §605 shall apply.

C. Storm Water Management Plans

In cases where the township has adopted a special purpose ordinance governing stormwater management in accord with a watershed management plan approved by the PA Department of Environmental Protection under the terms of the Stormwater Management Act, the requirements of such ordinance shall apply to developments in that watershed in addition to the requirements of this Ordinance. In cases where two standards conflict, the more restrictive shall apply.

**605.2   Plan**

A stormwater drainage and management plan shall be required for all major subdivisions and all land

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developments (except Minor Residential Land Developments) and shall be subject to the approval of the Planning Commission and Planning Commission Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Committee at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408 standards and the applicable PennDOT RC standards for construction.

#### 605.3 Compliance with State Regulations

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

#### 605.4 Design Criteria

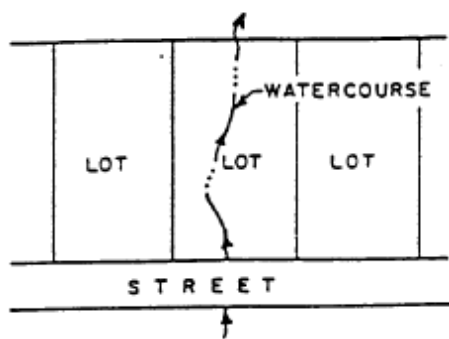
- A. The basic goal of the stormwater management plan shall be to maximize the on-site infiltration of stormwater and minimize the overall volume of stormwater leaving the property after development, and the plan shall incorporate best management practices to achieve this goal.
- B. Stormwater management facilities shall be designed for a storm frequency of two (2), five (5) and ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Soil Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.
- C. In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all run-off expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate build-out of the subdivision or land development.
- D. The Planning Commission shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Planning Commission Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

#### 605.5 Additional Requirements

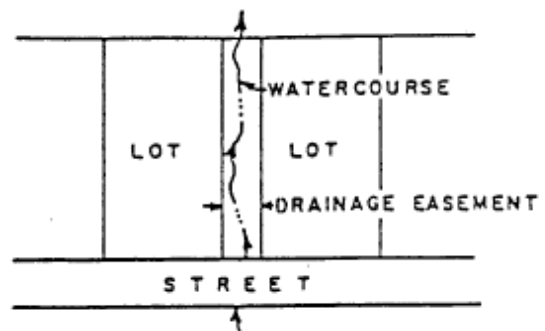
- A. All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards.
  - B. Natural drainage courses and points of natural drainage discharge shall not be altered unless all necessary permits have been obtained.
  - C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or
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create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.

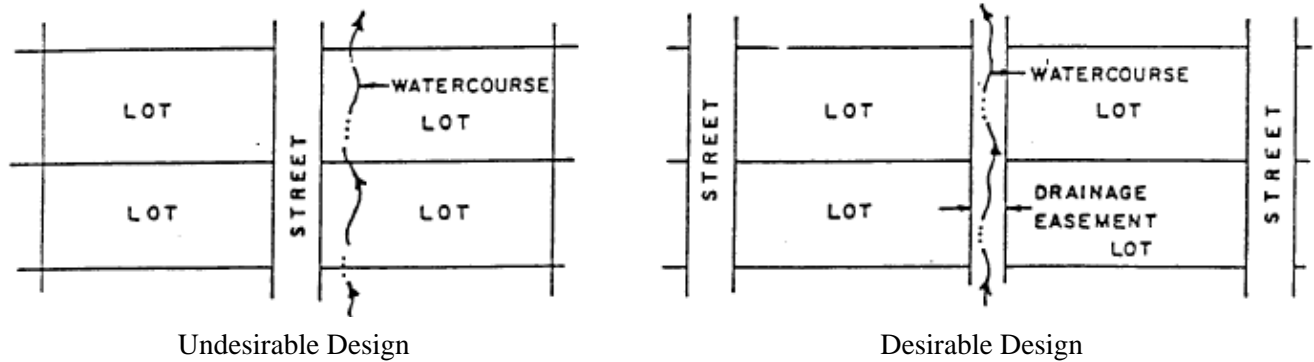
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Planning Commission adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than fifteen (15) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDOT Publication 408, latest edition.
- H. Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Planning Commission prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.



Undesirable Design



Desirable Design



- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

**605.6 Maintenance of Stormwater Control Facilities**

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

**606 Soil Erosion and Sedimentation Controls**

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Susquehanna County Conservation District and PA DEP, as required. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Susquehanna County Conservation District. The Applicant shall submit the Plan to the Planning Commission at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Planning Commission until all required approvals are obtained from the Susquehanna County Conservation District.

**607 Water Supply and Sewage Disposal**

**607.1 General Standards**



- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- B. In the case where a community water supply or community sewage disposal system is proposed, the applicant shall present evidence to the Planning Commission that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- C. In the case where a community water supply or community sewage disposal system is proposed, one (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission (PA PUC) for the right to provide such services shall be forwarded to the Planning Commission as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Planning Commission as a part of the public record.
- D. In the case of utilization of a publicly owned or other existing community water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
- G. All sewage disposal systems shall be consistent with the local municipal Sewage Facilities Plan.
- H. No well shall be constructed within one hundred (100) feet of the boundaries of any septic system.

#### 607.2 On-Site Water Supply

All on-site water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable local municipal or County Ordinances. The requirement for the installation of on-lot wells shall be noted on the development plan.

#### 607.3 Shared Water Supply

Shared water supply systems shall only be permitted to serve no more than two dwellings and the standards in this §607.3 shall apply. In the case of non-residential land developments, the Planning Commission may, based on the nature and scale of development, apply any or all of the standards contained in §607.4 of this Ordinance.

607.3.1 Well Capacity - The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.

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**607.3.2 Water Distribution System**

- A. The system design shall follow good engineering practices and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of fifty (50) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

**607.3.3 Other Standards** - All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable Township Ordinances.

**607.4 Community Water Supply**

**607.4.1 Public Supply** - If a community water system is proposed and an existing public or private community water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.

**607.4.2 Project Supply** - If an approved public water supply is not accessible and water is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all municipal, County and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

**607.4.3 Deep Well Source**

- A. Wells shall be sited, drilled and tested under the direct supervision of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
  - B. Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
  - C. The capacity of the well(s), as certified by a professional engineer or ground water geologist in accord with 607.4.3,A shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Planning Commission and the Planning Commission Engineer.
  - D. Wells shall be pump tested utilizing a controlled step-draw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
  - E. Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
  - F. Documentation of the effect of the projected area-wide draw down of the water table may be
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required by the Planning Commission if the anticipated pumping of ground water warrants such documentation.

#### 607.4.4 Water Distribution System

- A. The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- B. Pipe classes shall be consistent with design pressures.
- C. Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- D. The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum of one (1) day's demand.
- E. Service connections shall be a minimum of three-fourths (3/4) inch diameter.

#### 607.4.5 Flow Rates

- A. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- B. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- C. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

#### 607.5 On-Lot Sewage Disposal

- A. Standards - All on-site sewage disposal systems shall comply with the applicable PA DEP standards, Township Sewage Facilities Ordinance and all other applicable standards.
- B. Site Suitability - All residential lots in developments proposing the use of on-site sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

#### 607.6 Community Sewage Disposal System

In addition to the following standards, the Township Sewage Facilities Ordinance shall govern all community sewage disposal facilities, as defined by the said Ordinance.

607.6.1 Public Sewage Disposal - If a community sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the Township Sewage Facilities Plan" is within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the Township Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

607.6.2 Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Township, County, and State regulations, and that the proposed system to be installed meets the requirements of the

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Pennsylvania Department of Environmental Protection and any other applicable regulations.

- A. All community sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP and applicable Township Ordinances.
- C. All community sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Planning Commission may also require that any community sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
- D. All community sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

**608 Utilities**

All utility lines required to service any major subdivision shall be installed underground within the street right-of-way or easements as shown on the approved plan, and shall be planned in cooperation with the respective utility companies and shall comply with all Pennsylvania Public Utility Commission requirements.

A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable utility company and that such plan is approved and that service will be available.

Underground installation shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

**609** Reserved

**610** Reserved

**611** Reserved

**612 Wetlands**

The intent of this §612 is not to supersede state or federal wetlands regulations, or to overrule any determination made by state or federal agencies. Instead, it is the intent of this §612 to further facilitate the actual identification and delineation of wetlands where such identification and delineation is warranted for particular development projects. In general, wetlands shall be shown on the plan as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. A detailed, site-specific wetland delineation made by an individual or firm deemed qualified by the Planning Commission may be required. A certification of the delineation by the US Fish and Wildlife Service, US Army Corps of Engineers and/or PA DEP may also be required.

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

**613 Seasonal Development**

All cottages and hunting camp developments and campsites, campgrounds, and recreational vehicle park developments where lots are sold, leased or rented, or other such seasonal-recreational, recreational, or seasonal developments shall be considered residential subdivisions and shall be subject to standards as

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**ARTICLE VI - DESIGN STANDARDS**

specified in Article VI applicable to residential subdivisions including those standards for minimum lot sizes. Campground and recreational vehicle park developments where campers are licensees shall be subject to the regulations set forth in Article X.

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**ARTICLE VII  
COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENT**

**701      Commercial and Industrial Subdivision and Land Developments**

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article VII, and any applicable Township ordinances shall also apply. The Planning Commission may require documentation from the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency. In addition, the following shall apply:

**702      Site Standards**

- A. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system
- B. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Commission.

**703      General Design**

Commercial and industrial development areas shall be designed with consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- F. Developers are strongly encouraged to consider the character, attractiveness, safety and traffic patterns of the area when designing non-residential developments. This is intended to promote optimal use of the land, provide for safe pedestrian traffic as well as vehicular traffic, encourage a sense of community pride in the development, encourage additional commercial growth, and in general benefit the public health, safety and welfare. The developer shall provide drawings that illustrate the final design of the development, and should be willing to discuss any suggestions made by the Planning Commission to further the intent of this section.

**704      Lots and Block Layout**

**704.1      Lots and Density**

All developments proposed for commercial or industrial use shall conform to the provisions of this section.

- A. Lot sizes, lot dimensions, and building setbacks shall be governed by the following requirements.
    - 1. Commercial and industrial lots shall be of sufficient area, width and depth to accommodate the proposed land use and all required improvements.
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- A. Building set-backs shall be governed by Table VI-I.
- B. Division of lots by municipal boundaries shall be avoided.
- C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

**704.2 Blocks; Unified Development**

**A. Blocks**

Block layout shall be designed with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length be less than six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.

**B. Unified Development**

Wherever possible, commercial and industrial parcels, shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway strip developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

**705 Streets/Roads**

Streets and roads in commercial and industrial developments shall comply with the requirements of §603 and shall be classified in accord with the definition of *street* in Article II.

**706 Off-Street Parking and Loading, Access and Circulation**

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**706.1 Availability of Facilities**

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

**706.2 Size and Design of Parking Spaces**

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards (such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook) and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. Each vehicle parking space shall be not less than ten (10) feet wide and twenty (20) feet long and adequate provision shall be made for parking of contractor's vehicles. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

**706.3 Lighting**

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

**706.4 Public Right-of-Ways**

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with local municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

**706.5 Reserved**

**706.6 Reserved**

**706.7 Loading and Unloading Areas**

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged for commercial or industrial use to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed.

**706.8 Access To Off-Street Parking and Loading Areas**

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

**A. Width**

Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows and adequate radius shall be provided at the intersection:





WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

B. Controlled Access

1. Entrance and exit lanes shall be separated by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per day.
2. Centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line and sixty (60) feet if abutting a residential property.
3. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road: (Note - Nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located)
  - a. Township or State Roads - 300 feet.
  - b. Collector streets - 200 feet.
  - c. Minor/Marginal Access/Minimum Access Drives - 150 feet.
  - d. Other driveways - 75 feet.
4. Curbing or other adequate barriers (e.g. a ditch) shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s) where applicable.
5. In the case of commercial and industrial subdivisions, driveways to individual lots shall not be permitted to have direct access to any municipal, or State Road but shall be limited to interior roads.
6. Grades on driveways shall not exceed eight percent (8%) and a leveling area of sixty (60) feet in length with a grade not to exceed four percent (4%) shall be provided for all driveways to connecting streets.

C. Highway Occupancy Permit

A Township or State highway occupancy permit, as applicable, shall be required for any new or increased access to any public street or any other regulated activity within the right-of-way.

706.9 Parking and Loading Area Setbacks

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial or industrial use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking in accord with §706.12.

A. Measurement

The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.

B. Uses Prohibited

The buffer area shall be maintained in natural vegetative ground cover and shall not include:

1. Paving except for approved driveway/access way crossings
2. Fences
3. Parking, storage or display of vehicles
4. Items for sale or rent

**C. Uses Permitted**

The buffer area may include the following: (See also §706.13 Landscaping.)

1. Permitted freestanding signs
2. Pervious storm water facilities
3. Approved driveway/access way crossings

**D. Sidewalks**

If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking area.

**706.10 Surfacing**

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.

**707 Reserved**

**708 Communications Towers**

708.1 General Standards - Site plans for all Communications Towers shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III, IV, V and VI of these Regulations.

708.2 Location of Towers

**A. Necessity of Proposed Location**

The communications company shall be required to demonstrate, using technological evidence, that the tower must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.

**B. Co-Location**

Co-location on existing towers is preferred. If the communications company proposes to build a tower (as opposed to mounting the communications antenna on an existing structure) the communications company shall provide written evidence demonstrating that co-location with another tower is not technically possible, and that the owners of tall structures within the proposed coverage area have been contacted, and permission was denied, along with the reasons given for denial, other than economic reasons.

**C. Placement Below Ridge Line**

Every effort shall be made to locate the tower below the ridgeline of mountains and hills while still preserving the site's usefulness.

**D. Lease**

The applicant shall submit a copy of the lease or other documentation evidencing that the owner of the

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property approved the siting of the tower and other supporting equipment, and the access provided to the site.

**E. Additional Agency's Regulations**

The tower shall be subject to any applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, and any other Township, state or federal regulations that may apply.

**708.3 Site Standards**

**A. Minimum Lot Area**

The minimum lot area shall be the area needed to accommodate the tower, guy wires (if used), the equipment building, security fence, parking area, and buffer planting if required.

**B. Set-back Distance**

The tower shall be set-back from adjacent property lines and existing buildings a distance equal to the maximum collapsible fall zone for the proposed tower as specified by a registered engineer responsible for designing the proposed tower, plus 15 feet.

**C. Access to the Site**

The vehicular access to the tower site shall, wherever feasible, use the existing access currently available on the property. A minimum twenty-foot easement or right of way for access shall be provided to the tower, which is adequate to accommodate maintenance and emergency vehicles.

**D. Security Fencing**

A eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. The gate shall be locked at all times when not attended.

**E. Lighting and Signage**

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction. In addition, no antennae support structure may be artificially lighted except when required by the Federal Aviation Administration or other governmental agency that has jurisdiction. Any additional lighting shall be shielded and reflected away from adjoining properties.

**F. Painting**

Communication towers shall be painted in such a way to minimize the visual impact on the surrounding landscape.

**708.4 General Design**

**A. Safety and Building Code Regulations**

The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the American National Standards Institute (ANSI), as amended, and other federal, state and local building regulations and accepted industry standards.

**B. Additional Use of Tower**

In order to reduce the number of antenna support structures needed in a community in the future, any proposed new support structure shall be designed to accommodate other users.

**708.5 Abandonment of Use**

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**A. Removal of Tower**

The lease required in §708.2,D and proof thereof shall include provisions for removal of the tower in the event that any tower ceases to be used as a communication facility. Such statement shall include, *“The current owner and/or operator of the tower or the current owner of the land on which the tower is located at the time the tower ceases to be used as a communications tower shall be required to remove the same within one (1) year from the abandonment of use.”*

**B. Township Lien**

In addition, the Township may file a lien against the land to recover the cost of removal of the tower and any attorney’s fees.

**709 Wind Energy Facilities**

**709.1 Purpose**

The purpose of this Section is to provide for the development, construction, operation and decommissioning of Wind Energy Facilities in the Township, subject to reasonable conditions that will protect the public health, safety and welfare.

**709.2 Definitions Specific to Wind Energy Facilities**

**FACILITY OWNER** - the entity or entities having an equity interest in the Wind Energy facility, including their respective successors and assign

**OPERATOR** - the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

**HUB HEIGHT** - the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

**OCCUPIED BUILDING** - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the land development application is submitted.

**TURBINE HEIGHT** - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

**WIND TURBINE** - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

**WIND ENERGY FACILITY** - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**NON-PARTICIPATING LANDOWNER** - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

**709.3 Applicability**

This Section applies to all land development plans which provide for Wind Energy Facilities to be constructed after the effective date of the Ordinance, except that this Section is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Section; provided that any physical modification to an existing Wind Energy Facility that materially

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alters the size, type and number of Wind Turbines or other equipment shall comply with the provisions of this Section.

**709.4 General Standards**

Site plans for all Wind Energy Facilities shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III, IV, V and VI of these Regulations.

**709.5 Plan Requirements**

The land development plan shall contain the following, in addition to the other applicable provisions of these regulations.

A. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

B. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

C. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

D. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

E. Documents related to decommissioning, including a schedule for the decommissioning and financing security.

F. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Commission to ensure compliance with this Chapter.

**709.6 Design and Installation**

**A. Uniform Construction Code**

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

**B. Design Safety Certification**

The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

**C. Controls and Brakes**

All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical

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brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

**D. Electrical Components**

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

**E. Visual Appearance: Power Lines**

1. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
4. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

**F. Warnings**

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

**G. Climb Prevention/Locks**

1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons

**709.7 Setbacks**

**A. Occupied Buildings**

1. Wind Turbines shall be set back from the nearest Occupied Building a distance not less than 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

**B. Property lines**

All Wind Turbines shall be set back from the nearest property line a distance of not less than 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

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**C. Public roads**

All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

**709.8 Waiver of Setbacks**

A. Upon request, the Planning Commission may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

B. The Township Board of Supervisors may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements hereunder.

**709.9 Use of Public Roads**

A. The Applicant shall identify all state and township public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

B. The Planning Commission's engineer or a qualified third party engineer hired by the Planning Commission and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

C. The township may require that the developer bond the road in compliance with state and local regulations.

D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.

E. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

**709.10 Local Emergency Services**

A. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

B. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

**709.11 Noise and Shadow Flicker**

A. Audible sound from a Wind Energy Facility shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The Planning Commission may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

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B. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

C. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

**709.12 Signal Interference**

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

**709.13 Liability Insurance**

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in the aggregate. Certificates shall be made available to the Township upon request.

**709.14 Decommissioning**

A. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

B. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.

E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

F. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by §709.14,A then the landowner shall have six (6) months to complete decommissioning.

H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by §709.14A and §709.14G the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their

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respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

709.15 Public Inquiries and Complaints

A. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

B. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

**ARTICLE VIII  
LAND CONSERVATION AND MULTI-FAMILY DEVELOPMENTS**

**801     Land Conservation Residential Development – Developer’s Option**

801.1     Intent

The intent of this section is to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which has stimulated both second home and permanent residents. Without the careful consideration of the development process established by the standards in this section, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

Specific objectives are as follows:

- A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, flood plain and wetlands by directing development to other areas of the project parcel.
  - B. To preserve scenic views and other physical elements of the Township’s rural and recreational character and to minimize perceived density by minimizing views of new development from existing roads.
  - C. To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.
  - D. To reduce the erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
  - E. To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.
  - F. To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.
  - G. To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
  - H. To preserve the limited agricultural land in the Township by designation of the said lands as a primary conservation area to be maintained in large blocks.
  - I. To realize the goals of the Township Comprehensive Plan.
  - J. To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this §801 and for active or passive recreational use by residents.
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**801.2 Application; Parcel Size**

The provisions of this section may be applied by the Planning Commission upon request by a developer and only in accord with the standards of this §801. The minimum parcel size required shall be twenty (20) acres.

**801.3 Dwellings, Density, and Open Space**

Dwellings permitted in accord with this §801 shall be limited to the following:

**A. Dwellings Permitted**

The following dwelling types are permitted in accord with the standards of this §801:

1. Standard single-family detached dwellings.
2. Lot-line houses (see definition "Dwelling – Lot Line House).
3. Townhouses

**B. Density**

Overall density shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with this Ordinance, (See §801.4B and §801.7 for density determination.)

**C. Open Land**

Not less than forty (40) percent of the tract shall remain as open land as defined and maintained in accord with this §801. (See §801.5B for the proportion of open land that may be comprised of wetlands, flood plain and steep slopes.) Not less than thirty (30) percent of the required open space shall be available for the use of the residents of the development.

**D. Open Land Uses**

Open land, which comprises a part of a residential development approved in accord with the requirements of this §801, shall be used only in accord with the requirements of this §801.

**E. Non-Residential Uses**

The following non-residential uses shall be permitted on open lands:

1. Agricultural activities of the following types:
    - a. Cultivation, harvesting, and sale of crops and related farm and forest products;
    - b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
    - c. Orchards, nurseries, greenhouses, and related horticultural activities.
    - d. Other similar agricultural uses.
  2. Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
  3. Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
  4. Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or horse riding trails, picnic areas, playing fields, and similar uses.
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#### 801.4 Project Design Process

The design process included in this §801 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*<sup>1</sup> or other relevant publications. Open land development plans will be reviewed by the Planning Commission using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

##### A. Inventory and Analysis

A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this §801. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this §801.4. The final determination and designation of Secondary Conservation Areas shall be approved by the Planning Commission.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Planning Commission relative to the intent of the land conservation residential development.

1. Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]
  - a. Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of more than fifteen percent (15%).
  - b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Susquehanna County Soil Survey published by the U.S. Department of Agriculture.
  - c. Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.
  - d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.
2. Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.
3. Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.
4. Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

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<sup>1</sup>Arendt, Randall, MRTPI, Natural Lands Trust, Inc., Media, PA, September 1994.

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5. Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.
  
6. Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:
  - a. Primary Conservation Areas shall include:
    - 1) Wetlands
    - 2) Land within the 100 year flood plain
    - 3) Land with a slope of more than twenty-four percent (24%)
    - 4) Land within fifty (50) feet of any pond, lake or stream.
  
  - b. Secondary Conservation Areas shall include:
    - 1) Aquifer recharge areas
    - 2) Areas with highly permeable soil
    - 3) Land within twenty-five (25) feet of wetlands
    - 4) Natural drainage ways
    - 5) Major rock outcroppings and other unusual geologic features
    - 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
    - 7) Historic resources
    - 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

**B. Useable Land Area -- Determination of Base Dwelling Unit Density**

The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density. The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth in §602.3 of this Ordinance in accord with the type of water and sewage disposal.

1. Land within public rights-of-way.
2. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
3. All wetland areas.
4. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
5. Land with a slope of more than twenty-five percent (25%).
6. Any pond or lake more than two (2) acres in size.
7. Seventy percent (70%) of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.

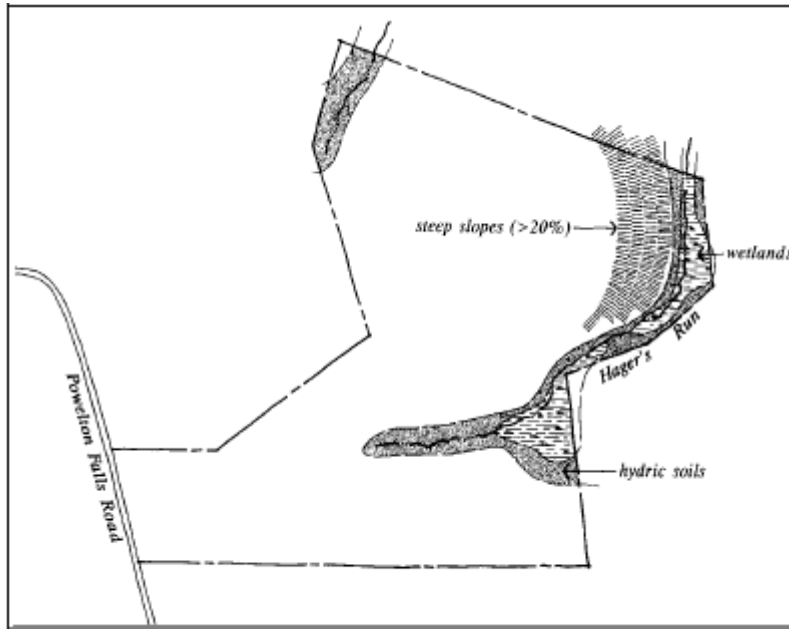
**C. Conceptual Sketch Plan**

Following the determination of the number of residential units permitted, the developer shall submit to the

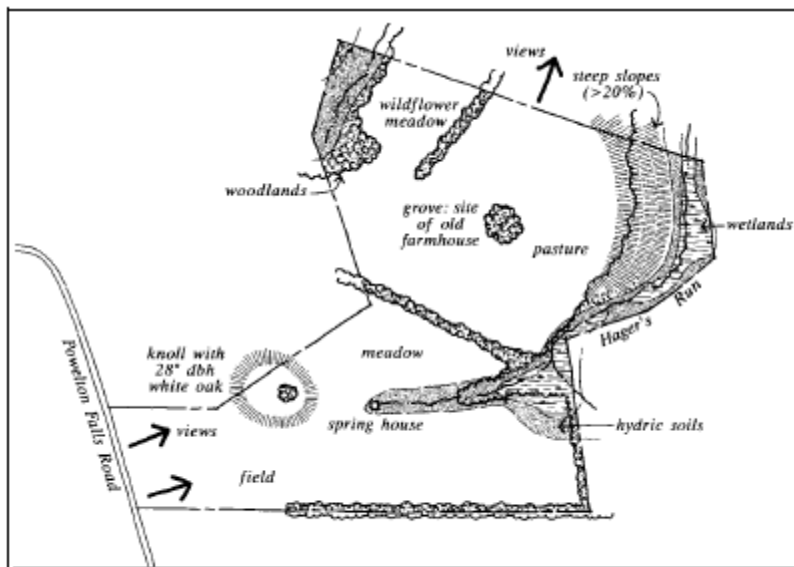
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Planning Department a conceptual sketch plan. The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Planning Commission by the developer, and incorporating the design standards contained in this §801:

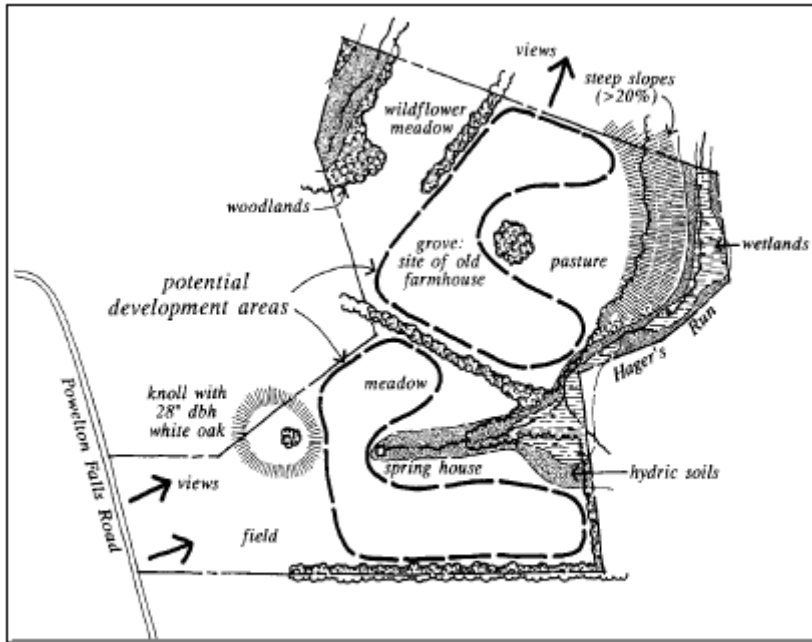
1. Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas



Step 1, Part 1 – Identifying Primary Conservation Areas

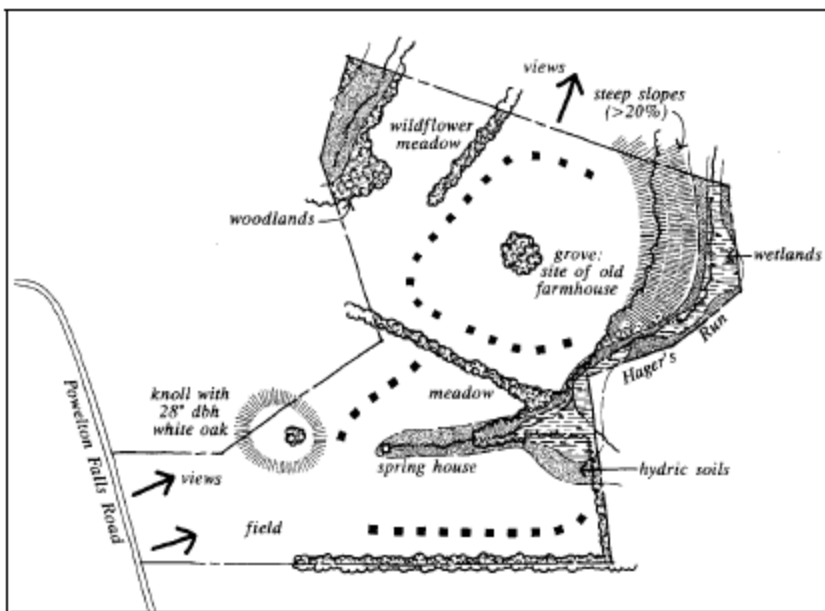


Step 1, Part 2 – Identifying Secondary Conservation Areas



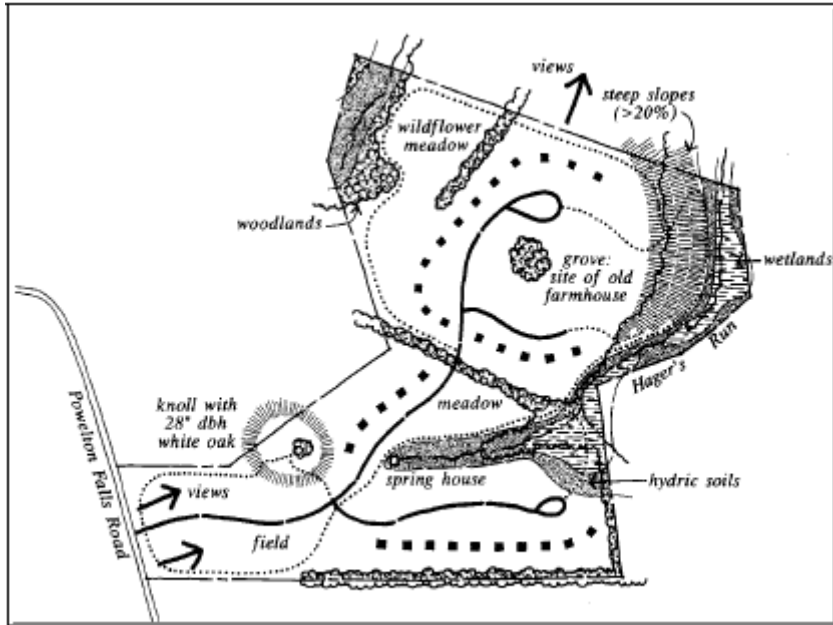
Step 1, Part 3 – Identifying Potential Development Areas

2. Locating house site and neighborhoods



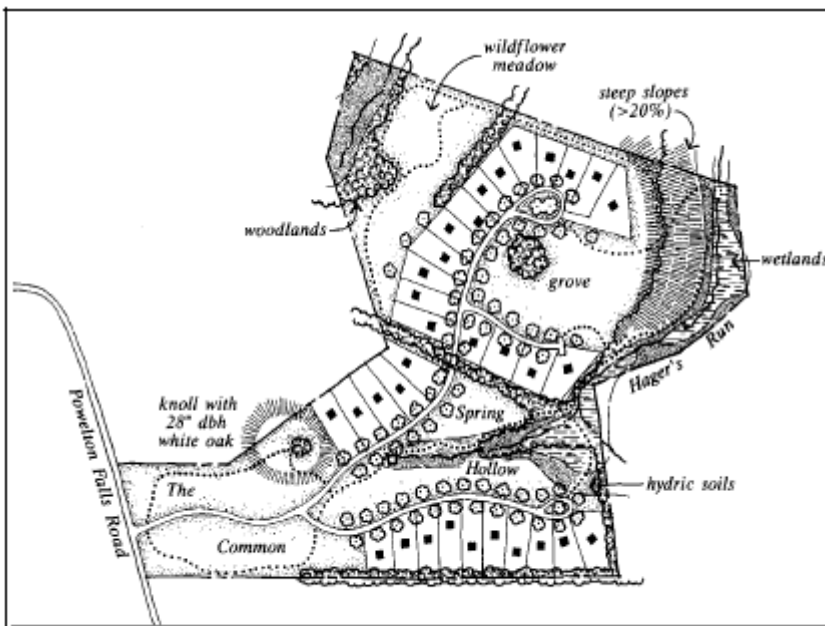
Step 2 – Location of House Sites

3. Laying out streets and footpaths/trails with connections



Step 3 – Alignment of Streets and Trails

4. Establishing lot lines



Step 4 – Drawing in the Lot/Development Lines

Submission of the conceptual sketch plan shall not constitute a formal filing of the development for review, and by requesting consideration of the plan under the terms of this §801, the Developer acknowledges that the statutory review time is not initiated until such time as a complete preliminary plan is accepted for



review in accord with Article III of this Ordinance.

**D. Foundation for Preliminary Plan**

The conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Planning Commission.

**E. Subdivision/Land Development Plan**

Following approval of the conceptual sketch plan the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with Article III of this Ordinance. In addition to the information required by Article IV of this Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Planning Commission review and action on the subdivision/land development plan shall not begin until such time as a complete preliminary plan application is submitted in accord with this Ordinance.

**801.5 Open Land Standards**

**A. Percentage of Open Land**

Not less than forty percent (40%) of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.

1. Land within public rights-of-way.
2. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
3. All wetland areas.
4. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
5. Land with a slope of more than twenty-five percent (25%).
6. Any pond or lake more than two (2) acres in size.
7. Seventy percent (70%) of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
8. All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.

**B. Composition of Open Land Area**

The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty percent (50%) wetlands, 100-year flood plain, or land with a slope of more than twenty-five percent (25%). Not less than fifty percent (50%) of the open land shall be accessible to the residents of the Open Land Development, and such access shall be preserved in perpetuity in accord with Article V of this Ordinance.

**C. Uses Permitted on Open Lands**

The following uses shall be permitted in open land areas:

1. Conservation of open land in its natural, unaltered state.
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2. Agricultural uses, including raising of crops or livestock and forest products, and farm buildings.
3. Neighborhood open land as specified in §801.6,C.
4. Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
5. Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements of §801.7,B of this Ordinance. Active recreation areas shall not exceed fifty percent (50%) of the minimum required open land.
6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
7. Pasture for recreational horses not associated with a commercial operation.
8. Easement for drainage, access, sewer or water lines, utilities or other essential services.
9. Storm water management facilities for the proposed development, or for a larger area if required for compliance with the requirements of the any storm water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
10. Parking areas of ten (10) or fewer spaces to serve active recreation facilities.
11. Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.

**D. Uses Prohibited on Open Lands**

The following uses shall be prohibited in open land areas:

1. Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.
2. Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.
3. Any other use not specifically permitted in §801.5,C above.

**E. Open Land Development Design Standards**

The Planning Commission, in considering a proposed open land development and determining compliance with the intent and standards of this §801, shall evaluate the layout of lots and open land in accord with the design standards contained in this §801.5E. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Planning Commission.

1. The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Planning Commission.
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2. Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
3. Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.
4. Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.
5. In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.
6. The interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
7. Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.
8. Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices and any designated Agricultural Security Areas.
9. In order to protect the rural character of the Township, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.
10. The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.
11. Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

**801.6 Neighborhood Design Standards**

The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this §801.6 shall apply to all residential developments in neighborhoods in the Open Land Development.

**A. General Design Standards**

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

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1. Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Planning Commission as significant conservation areas.
2. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.
3. Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
4. The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
5. Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel.
6. The preservation of any identified historic resources shall be incorporated into the design of neighborhoods in the Open Land Development.

**B. Specific Standards**

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. All dwelling units shall be grouped in neighborhoods that should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Planning Commission that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this §801.
  2. An Open Land Development plan may contain one (1) or more neighborhoods.
  3. Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots, roads and neighborhood open land.
  4. Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards. Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with §801.6C which follows and meets the setback requirements in §801.7 of this Ordinance.
  5. All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.
  6. Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or across a road) to either the front or rear for a distance of not less than thirty (30) feet.
  7. The outer boundaries of each neighborhood shall meet the setback requirements in §801.7 of this Ordinance
  8. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.
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C. Neighborhood Open Land Standards

A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards: The neighborhood open land shall

1. Be central to the neighborhood it serves.
2. Have a minimum road frontage of one-hundred (100) feet, and shall be no less than thirty-five (35) feet in width.
3. Shall be configured as a commons or parkway.
  - a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
  - b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
4. May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).
5. Count toward meeting the overall open land requirements of the Open Land Development.

801.7 Density and Dimensional Standards

The standards contained in this §801.7 shall apply to the specified uses in the land conservation residential development.

A. Dwellings

The standards in Table VIII-1 shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in §801.4B.

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<b>TABLE VIII-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS</b>	
Maximum density (the total number of dwelling units permitted calculated using the base dwelling unit density determined in §801.4B, multiplied by the maximum density factor)	1.00 density factor
Minimum lot size	
single-family house .....	10,000 square feet
lot line house .....	6,000 square feet
Minimum lot width at the house location	
single-family house .....	50 feet
lot line house .....	40 feet
Maximum lot depth to width ratio	
all dwelling types .....	4:1
Minimum front and rear yard setback	
all dwelling types .....	20 feet front / 25 feet rear
Minimum side yard setbacks (each yard)	
single-family house .....	15 feet
lot line house .....	0/15 feet*
*A lot line house requires a five-foot (5") wide maintenance easement on the lot adjacent to the "zero" side yard. In the alternative, a side yard five (5) feet wide may be provided.	
Maximum lot coverage (% of lot area)	
single-family house .....	40%
lot line house .....	40%

**B. Neighborhood Setbacks**

The outer boundaries of all neighborhoods shall meet the setbacks in Table VIII-2. The outer boundary is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty percent (50%) of the requirement in the above by the Planning Commission to allow for flexibility of design provided the developer can demonstrate that:

1. The configuration of the project parcel makes the strict application of the setbacks impractical
2. The reduction does not compromise the design standards of this §801; the overall intent of this Ordinance, or the applicable goals of the comprehensive plan.
3. In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

TABLE VIII-2 NEIGHBORHOOD SETBACKS	
Setback From ...	Requirement
External road rights-of-way	100 feet
Crop land and pasture land	100 feet
Buildings, barnyards, or corrals housing livestock	200 feet
Other residential neighborhoods	100 feet
Wetlands, flood plain	25 feet
Water bodies or water courses	50 feet
Active recreation areas such as playgrounds, courts, and playing fields	150 feet

C. Building Envelopes

Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

1. Shall not be located in any Primary or Secondary Conservation Area.
2. Shall not include the tops of ridge lines.
3. Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.
4. Shall avoid open fields.

801.8 Water Supply and Sewage Disposal

A. Water Supply

All lots in neighborhoods shall be served by a community (off-site, community) water supply and distribution system with such volume and pressure to provide adequate service in accord with accepted engineering practice, this Ordinance, and any other applicable governmental standards;

B. Sewage Disposal

All lots shall be served by a community sewage disposal consistent with the Township Official Sewage Facilities Plan and meeting the requirements of this Ordinance and the PA DEP.

801.9 Reserved

801.10 Open Land, Recreation Land, and Common Facilities -- Ownership and Maintenance

All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open

Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article V of this Ordinance.

**802 Two Family Dwellings**

Two-family dwellings shall comply with the requirements of this §802 and other applicable standards in this Ordinance.

**802.1 Common Wall**

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than fifty percent (50%) of the minimum lot size required in §602.3.

**802.3 Over/Under Units**

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one (1) unit located on the second floor above a first floor dwelling unit, the lot size shall comply with §602.3.

**803 Multi-Family Dwellings**

This section provides standards for the development of multi-family projects.

**803.1 Project Design Process and Procedure**

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the requirements for Open Land Developments contained in §801.4 of this Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

**803.2 Bulk and Density Standards; Parcel Configuration**

The bulk and density factors listed on Table VIII-3 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

**803.3 Design Criteria**

The following design criteria shall apply to multi-family projects:

- A. Setbacks
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No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of sixty (60) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

**B. Road Standards**

Access roads through the development shall comply with the street requirements of this Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

<b>TABLE VIII-3 MULTI-FAMILY DWELLING STANDARDS</b>			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	20		
Density -- number of dwelling units per acre of useable land area (See §801.4,B, for useable land area)	1	1	1
Maximum number of dwelling units per building	20	20	20
<b>ADDITIONAL TOWNHOUSE STANDARDS</b>			
Minimum lot size for townhouse units for individual sale	1,000 square feet		
Minimum lot width at house location	18 feet		
Minimum street frontage	18 feet		
Minimum front and rear yard setback	10 feet front / 15 feet rear		
Minimum side yard setback for end unit	15 feet		
Maximum lot coverage for individual townhouse parcels	60%		

**C. Building Separation**

All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.

**D. Landscaped Buffers**

Landscaped buffers, not less than fifteen (15) feet in width shall be provided where multi-family structures adjoin existing one-family dwellings or two-family dwellings. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Planning Commission.

**E. Pedestrian Access**

Walkways of such design and construction as approved by the Planning Commission shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in this Ordinance.

**F. Refuse Storage and Disposal**

The storage, collection and disposal of trash and refuse shall be so managed as to create no health

hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Interior storage areas for trash and refuse shall at all times be kept in an orderly and sanitary fashion. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to ensure that the containers shall not overflow.

G. Architectural Renderings

Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

H. (Reserved)

I. Parking

Parking for multi-family dwelling projects shall comply with §706 of this Ordinance.

J. Utilities

Electric, telephone and T.V. cable (if available) service shall be installed and maintained in accord with local service company specifications regulating such systems.

803.4 Non-Residential Use

Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.

803.5 Conversions of Existing Structures

Conversions of any existing structures to more than three (3) units for multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this §803, including but not limited to §803.2.

803.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Planning Commission in accord with Article V of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

803.7 Water Supply and Sewage Disposal

All multi-family dwelling projects shall be served by a community water supply and community sewage disposal system.

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**ARTICLE IX  
MOBILE HOME PARKS**

**901      Applicability**

All mobile home parks as defined in Article II shall conform with the provisions of this section. These standards shall be required for mobile home parks in which lots will be leased or rented. Mobile home lots which will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.

**902      Procedures and Standards**

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

**903      Minimum Park Size**

A minimum parcel size of four (4) acres shall be required for mobile home parks and all lands proposed for a mobile home park shall be contiguous.

**904      Density; Project Design Process and Procedure**

904.1      Lot Size; Density

A. Lot Size

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

B. Density

The number of mobile home lots shall not exceed an overall density of one (1) per acre of useable land area as determined in accord with §904.2.

904.2      Project Design Process and Procedure

A. Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments.

B. Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Open Land Developments contained in §801.4 of this Ordinance.

C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

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D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for land conservation residential development in §801.5 and §801.10, and §507 of this Ordinance.

904.3 Lot Demarcation

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

**905** Design Standards

In addition to the other applicable standards contained in this Ordinance the design standards in this §905 shall apply to all mobile home parks.

905.1 Location

A. Flood plain

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

B. Nuisances

The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

C. Slopes

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

905.2 Mobile Home Placement

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. The foundation shall extend below frost line and shall be either a solid perimeter of masonry or piers; or in lieu thereof, a slab properly constructed of poured concrete.

A. Stability

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

B. Anchors

The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at each corner of the mobile home site with two (2) additional evenly spaced on each side of the mobile home, and each shall be made of corrosion resistant materials and shall be able to sustain a minimum tensile strength of four thousand eight hundred (4,800) pounds.

C. Skirting

All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material with sufficient ventilation to inhibit decay and deterioration of the mobile home.

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**905.3 Soil and Ground Cover**

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. The requirements of §606 of this Ordinance shall apply to all mobile home parks.

**905.4 Storm Water/Drainage**

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

**905.5 Setbacks, Buffer Strips and Screening**

**A. Mobile Home Setbacks**

All mobile homes, and any accessory structures attached thereto, shall meet the following setbacks as measured from the lot lines designated in accord with §904.3:

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

**B. Accessory Structures**

Accessory structures, including but not limited to, garages, car ports, porches, decks, tool sheds and patios shall meet the setbacks established by §905.5 for mobile homes. All unattached accessory structures shall be separated from the mobile home by a minimum of ten (10) feet. Garages shall not be permitted.

**C. Buffers**

A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than sixty (60) feet to the edge of any public road right-of-way or closer than seventy-five (75) feet to any other exterior property line.

**D. Screening**

The Planning Commission may require screening such as fences or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained by the owner at all times.

**E. Parking Area Setback**

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

**905.6 Streets, Parking and Access**

**A. Streets**

Mobile home park streets shall be provided, designed and constructed in accord with §603 for minor streets.

**B. Parking**

Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per

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five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Planning Commission.

**C. Access**

There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. The requirement for two (2) points may be waived by the Planning Commission for reason of topography, parcel configuration or other factor deemed valid by the Planning Commission. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of mobile homes.

**D. Lot Frontage**

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

**E. Illumination**

All mobile home parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall comply with §707.3 of this Ordinance.

**905.7 Walks**

**A. General Requirements**

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

**B. Common Walk System**

Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.

**C. Individual Walks**

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

**905.8 Utilities**

**A. Water Supply**

Mobile home parks shall be served by a community water supply system in accord with §607 of this Ordinance; and connections shall be made to each mobile home lot. No well shall be located on an individual mobile home lot.

1. Individual water-riser pipes shall be located within the confined area of each mobile home lot at a vertical position to decrease the susceptibility to freezing.
  2. The water-riser pipe shall have a minimum inside diameter of one-half (0.5) inch and terminate not less than four (4) inches above the ground surface, and shall be provided with a cap when a mobile home does not occupy the site.
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3. Adequate provision shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted away from the riser pipe.
4. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and installation are approved by the Planning Commission.

**B. Sewage Disposal**

Mobile home parks shall be served by a community sewage disposal system in accord with §607 of this Ordinance; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No sewage disposal system shall be located on an individual mobile home lot.

1. Individual sewer-riser pipes, not less than three (3) inches in diameter shall be located within the confined area of the mobile home lot so that the sewer connection shall be at a vertical position.
2. The sewer connection shall have an nominal inside diameter of not less than three (3) inches and the slope of any portion thereof shall be at least one-fourth (0.25) inch per foot. All joints shall be watertight.
3. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
4. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend not less than one-half (0.5) inch above ground elevation.

**C. Electric, Telephone and Cable T.V.**

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

**D. Central Fuel System**

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

**E. Individual Fuel Supply Systems**

All gas, fuel oil or other fuel supplies serving individual mobile homes shall be installed and maintained in accord with all applicable requirements of the fuel provider and any local, state or federal regulations.

**905.9 Refuse Disposal**

The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow. Refuse disposal shall be in accordance with the Township Solid Waste Plan or other applicable ordinances.

**905.10 Recreation Area**

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

**905.11 Landscaping and Outdoor Living Requirements**

**A. Landscaping**

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

**B. Private Area**

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

**906 Non-Residential Uses**

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

**907 Removal of Mobile Homes**

No mobile home in a mobile home park shall be removed from the lot without the owner thereof first obtaining a permit as may be required by any Township or state requirements.

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**ARTICLE X  
CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

**1001     Applicability; Occupancy; Records**

A. Applicability

All campgrounds and recreational vehicle parks as defined in Article II, hereinafter referred to as RV Parks, shall conform to the provisions of this section. In addition, any expansion involving the cumulative addition of ten (10) or more sites to an existing park, beginning with the date of this ordinance, and/or the addition of sites to an existing park that will require additional sewage disposal facilities, shall also conform to this section. These standards shall be required for RV Parks in which sites will be rented for transient use. Non-transient RV Park sites that will be leased or will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.

B. Occupancy

No site shall be used as a permanent residence.

**1002     Procedures and Standards**

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

**1003     Minimum Park Size**

A minimum parcel size of ten (10) acres shall be required for RV Parks and all lands proposed for an RV Park shall be contiguous.

**1004     Density; Project Design Process and Procedure**

1004.1   Site Size; Density

A. Site Size

Each site in an RV Park shall have a minimum area of eight hundred (800) square feet. Minimum site widths shall be twenty (20) feet. Site area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other site occupants and/or the general public.

B. Density

The number of sites in an RV Park shall not exceed an overall density of ten (10) per acre

1004.2   Project Design Process and Procedure

A. Design Process and Procedure

- All RV Parks shall be designed and processed in accord with the requirements for Open Land Developments contained in §801 of this Ordinance.

B. Site Plan

- A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

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- C. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan for the purpose of preserving the open space in the same manner as required for Open Land Development in §801.5 of this Ordinance.

1004.3 Site Demarcation

All RV Park sites shall be specifically shown on the plans submitted.

**1005 Design Standards**

In addition to the other applicable standards contained in this Ordinance, the design standards in this §1005 shall apply to all RV Parks.

1005.1 Location

A. Flood Plain

Any structures in any RV Park shall not be located within a one hundred (100) year flood plain area as defined by the Federal Flood Insurance Program unless in compliance with all applicable local ordinances.

B. Nuisances

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

1005.2 Soil and Ground Cover

All areas of an RV Park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. The requirements of §606 of this Ordinance shall apply to all RV Parks.

1005.3 Storm Water/Drainage

RV Parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from recreational vehicle sites. The requirements of §605 of this Ordinance shall apply to all RV Parks. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of an RV Park.

1005.4 Setbacks, Buffer Strips and Screening

A. Reserved

B. Buffers

A buffer area shall be provided around the RV Park. No individual site in an RV Park shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventy-five (75) feet to any other exterior property line.

C. Screening

The Planning Commission may require screening such as fences or plant materials along the property boundary line separating the park and any adjacent incompatible use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained by the owner at all times.

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**1005.5 Streets, Parking and Access****A. Streets**

RV Park streets shall be provided, designed and constructed in accord with §603 for minor streets; however, shoulders shall not be required.

**B. Parking**

Parking shall not be permitted on roads or drives within the RV Park, but shall be restricted to designated parking areas either at each site or at a common location. Off-street parking for one (1) motor vehicle shall be provided at each site and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) sites. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Planning Commission.

**C. Access**

There shall generally be at least two (2) points of ingress and/or egress in each RV Park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites shall front on an interior access drive. The requirement for two (2) access points may be waived by the Planning Commission for reason of topography, parcel configuration or other factor deemed valid by the Planning Commission. Accesses shall be separated by at least one hundred fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of recreational vehicles.

**D. Site Access**

Individual sites and parking spaces shall have direct access to the interior park street system. Sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RV Park and providing access to other parcels or developments.

**E. Illumination**

All RV Parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall comply with §707.3 of this Ordinance

**1005.6 Walks****A. General Requirements**

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

**B. Common Walk System**

Where pedestrian traffic is concentrated and a common walk system is provided such common walks shall have a minimum width of four (4) feet.

**C. Individual Walks**

All individual sites shall be connected to common walks, streets, driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

**1005.7 Utilities****A. Water Supply**

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RV Parks shall be served by a community water supply system in accord with §607 of this Ordinance; and connections may be made to each site or one connection may serve two (2) sites. Individual water-riser pipes shall be set at a vertical position and shall extend a minimum for two (2) feet above the ground surface.

**B. Sewage Disposal**

RV Parks shall be served by a community sewage disposal system in accord with §607 of this Ordinance; and connections may be made to each site and shall be made to any other wastewater producing facilities in the RV Park. No sewage disposal system shall be located on an individual site.

**1005.8 Refuse Disposal**

The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow. Refuse Disposal shall be in accordance with the County's Solid Waste Plan.

**1005.9 Recreation Area**

A recreation area shall be provided that is at least twenty percent (20%) of the entire area of the RV Park. The recreation area shall be useable for recreational activities and free from wetlands, steep slopes and other limiting features.

**1006 Non-Residential Uses**

No part of any RV Park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of campers and for the management and maintenance of the park. Neighborhood commercial uses, not visible from any public road right-of-way such as stores designed to serve the needs of campers may be permitted.

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**ARTICLE XI  
ADMINISTRATION**

**1101 Purpose**

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

**1102 Amendment**

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

**1103 Waivers/Modifications**

1103.1 Intent; Hardship; Alternative Methods; Public Interest

A. Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare.

B. Hardship

If compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Planning Commission, to be unreasonable, or to cause undue hardship as it applies to a particular property, the Planning Commission may grant a waiver or modification from such mandatory provision to permit the reasonable use of the property. Hardship shall be determined by applying the following criteria:

1. An unnecessary hardship should be established upon a finding of fact.
2. The particular hardship must stem from this Ordinance.
3. The situation must be unique, not one shared similarly by other properties in the neighborhood.
4. The hardship cannot be self-created.
5. Hardship is not to be construed to mean that less profit will be made under the existing ordinance than might be realized with the granting of a variance.
6. The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or suffered by the community as a whole.
7. And finally, if this Ordinance was in effect at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of purchase. The changed condition must have a unique bearing on the parcel under question.

C. Alternative Methods

If the applicant shows to the satisfaction of the Planning Commission that an alternative proposal will allow for equal or better results, a modification of a particular standard may be granted.

D. Public Interest; Effect

The granting of a waiver/modification shall not have the effect of making null and void the intent and

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purpose of this Ordinance or otherwise compromise the public interest.

**1103.2 Conditions**

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

**1103.3 Procedure**

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

- A. The specific sections of this Ordinance that relate to the waiver request.
- B. Provisions for the minimum modification necessary as an alternate to the requirements.
- C. Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

**1103.4 Action**

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

**1104 Penalties for Violations**

**1104.1 Preventive Remedies**

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. 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.
  - B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
    - 1. The owner of record at the time of such violation.
    - 2. The vendee or lessee, or the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
    - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
    - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
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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 Planning Commission 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.

#### 1104.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five thousand dollars (\$5000) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district 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.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

#### 1104.3 Jurisdiction

Magisterial District Judges shall have initial jurisdiction in proceedings brought under §1104.2.

#### 1104.4 Transfer

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

#### 1104.5 Construction

In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §306.9 of this Ordinance. No deeds shall be executed or recorded for the transfer of any lots or units which are subject to the provisions of this ordinance before the Planning Commission has approved the Final Plan and such Plan is filed with the Susquehanna County Recorder of Deeds.

### **1105 Fees**

#### 1105.1 Establishment of Fees

Fees to be paid by the Applicant shall be established by resolution of the Planning Commission to cover all costs incurred by the Planning Commission associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants shall include, but shall not be limited to, architects, attorneys,

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certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

**1105.2 Application Fees**

At the time of the filing of any application, the Applicant shall pay to the Planning Commission, made payable to "Silver Lake Township", a fee sufficient to cover the administrative costs associated with the review of the application.

**1105.3 Review and Inspection Fees**

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

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

**1105.4 Supplemental Fees and Adjustment**

The Planning Commission may require an escrow or other security for review fees by professional consultants as defined in the Municipalities Planning Code, as amended. If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Planning Commission, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Planning Commission action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.

**1105.5 Disputes**

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

**1105.6 Failure to Pay Fees**

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

**1106 Records**

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

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**ARTICLE XII  
ADOPTION**

This Ordinance ordained and enacted this \_\_\_\_ day of \_\_\_\_\_, 2009, by the Board of Supervisors of Silver Lake Township, Susquehanna County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Secretary