

**SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE**

FOR THE

**TOWNSHIP OF BUCK
LUZERNE COUNTY, PA**

September 2023

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ARTICLE 1

General Provisions

§ 100. Short title.

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

§ 101. Authority.

This Ordinance is adopted under the authority provided Buck Township by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended. The Buck Township Board of Supervisors shall retain and exercise the authority for the approval or disapproval of applications for all subdivisions and land developments as set forth in this Ordinance. The Buck Township Planning Committee is hereby designated by the Board of Supervisors as an agency that will review and provide recommendations of approval or disapproval to the Board of Supervisors of all applications for preliminary and final subdivisions and land developments as set forth in this Ordinance.

§ 102. Policy.

- A. It is hereby declared to be the policy of the Township to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Township pursuant to the Comprehensive Plan of Buck for the orderly, planned, efficient, and economical development of the municipality.
- B. Land to be subdivided or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, recreation facilities, and transportation facilities.
- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, including the Capital Improvements Program, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, Zoning Ordinance, Comprehensive Plan, and Capital Improvement Program of the municipality.

§ 103. Purpose.

- A. These regulations are adopted for the following purposes:
 - (1) To protect and provide for the public health, safety, and general welfare of the residents.
 - (2) To guide the future growth and development of the community in accordance with the Comprehensive Plan.

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- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of the Township and to encourage the orderly and beneficial development of all parts of the Township.
- (5) To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions, re-subdivisions, and land developments, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (9) To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision or development.
- (10) To prevent the pollution of air, streams, rivers, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to retain the integrity, stability, and beauty of the municipality and the value of the land.
- (11) To retain the natural beauty and topography of the Township and to insure appropriate development with regard to these natural features.
- (12) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.

§ 104. Jurisdiction.

- A. The provisions contained herein shall apply to all subdivisions of land and development of any lot, tract, or parcel of land including new street, sanitary or storm sewer, water main or other improvement intended to be dedicated for public use or intended for the common use of occupants or tenants of buildings abutting thereon, located within the corporate boundaries of the Township.
- B. No land shall be subdivided or developed within the corporate boundaries of the Township until:

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- (1) the subdivider, developer, or his agent obtains final approval of the plan by the Township; and
- (2) the approved plan is filed with the Luzerne County Recorder of Deeds.

C. No zoning permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision or land development after the effective date of this Ordinance; and, no excavation of land, grading, or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

§ 105. Interpretation, Conflict and Separability.

A. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the residents of the Township.

B. Conflict with Public and Private Provisions.

- (1) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, except for lot size and set back requirements of the Township Zoning Ordinance.
- (2) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Board of Supervisors in approving a subdivision or land development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

§ 106. Scope.

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

This Ordinance shall apply to all subdivisions of land and land developments made on or after the effective date of the Ordinance and not yet recorded, including mobile home parks and recreational land developments.

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§ 107. Interpretation.

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

§ 108. Fees.

A. Establishment of Fees:

- (1) The Buck Township Board of Supervisors shall establish by resolution, a fee schedule for all subdivision and land development applications per the requirements of §1008 of this Ordinance.

B. Payment of Fees:

- (1) The Applicant shall be responsible for the payment of all Buck Township municipal fees for subdivision and land development applications per the requirements of §1008 of this Ordinance. Payments shall be made directly to the Township of Buck.
- (2) The Applicant shall be responsible for the payment of all fees that are due to and charged by all other public and private entities and/or agencies for the review and approval of the various required permits and approvals related to the subdivision and land development application submitted to the Township of Buck for its review and approval under this Ordinance. Such entities and agencies include, but are not limited to, the Buck Township Sewage Enforcement Officer, the Luzerne County Planning Commission, the Luzerne Conservation District, the PA Department of Environmental Protection, and the PA Department of Transportation, for example. The Applicant shall be responsible to make such payments directly to the applicable entity or agency. The Applicant shall provide proof to the Township of Buck that such payments have been made to each applicable entity and agency.

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ARTICLE II

Administration

§ 200. Applicability.

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

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

§ 201. Enforcement.

- A. Inspection of actual construction under any approved subdivision or land development plan shall be the sole responsibility of the municipality, which shall undertake reasonable measures to provide an adequate inspection of all projects.
- B. Any action not in accordance with the provisions of this Ordinance shall be subject to a cease-and-desist order and other appropriate measures necessary to obtain or produce compliance with this Ordinance.
- C. Enforcement

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

- D. Enforcement remedies

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

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E. Preventive remedies

- (1) In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violations.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

§ 202. Reserved

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ARTICLE III **Procedures**

§ 300. General Outline of Procedures.

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

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

**Minor Subdivisions include "Lot Line Changes" (see §405) and "Resubdivisions" (see §406)*

- C. Sketch plans should require no more than a sixty (60) day review period. The review process required for preliminary and final applications shall include no more than ninety (90) days starting from the date of the regular meeting of the Planning Committee next following the date the application is accepted by the Zoning Officer, or after a final court order remanding an application, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been accepted or the final order of the court has been rendered, and ending with the applicant being notified of the decision of the Planning Committee.
- D. The submission of a preliminary or final application that, in the opinion of the Planning Committee, has been substantially revised shall constitute a new and separate submission. Resubmission shall also be required if, subsequent to approval, an applicant proposed to modify the implementation schedule by converting to a staged development or by increasing the number of stages.
- E. Except as required by the Pennsylvania Municipalities Planning Code, the time periods for review set forth in this Article shall be construed as directory rather than mandatory.
- F. Prior to the initial submission, the applicant is encouraged to meet informally with the Planning Committee and the Township Zoning Officer to obtain information regarding zoning, and subdivision/land development requirements.

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- G. No plan will be considered for review by the Planning Committee unless it is submitted at least 21 days prior to its subsequent meeting, and unless all required fees are submitted; provided, however, that the Planning Committee may waive this timing requirement for minor subdivisions.
- H. No application will be considered at a meeting of the Planning Committee unless the applicant, or a designated representative is in attendance; provided, however, that the Planning Committee may consider such application for action in the event that action is required in order to preclude a deemed approval or such other concerns of the Planning Committee that it deems essential for consideration.
- I. The failure of the Buck Township Board of Supervisors, or the Planning Committee, as the case may be, to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed communication of the decision.
- J. When an application is approved "with modifications" the Developer shall agree to such modifications in writing. Failure to return such a written acceptance within 30 days of notification shall result in disapproval of the plan.

§ 301. Sketch Plan.

- A. Purpose.
 - (1) The purpose of the sketch-plan, which is an optional submission, is to afford the applicant the opportunity to consult early and informally with the Planning Committee before the preparation of the preliminary or final application for approval.
 - (2) During the sketch plan process, the applicant can advantageously make use of the services of the Planning Committee to help analyze any problems of the development and plan more adequately for its sound coordination with the community. The sketch plan process also affords the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official action and save unnecessary expense and delay.
- B. Deposits and fees.
 - (1) Procedures for the amounts and payment of fees for the review of different types of applications for subdivision and land development submissions are set forth in §108 of this Ordinance.
 - (2) The Township Secretary shall collect and immediately deposit all municipal fees in the proper bank account as directed by the governing body.
- C. Procedure.
 - (1) The applicant may prepare the sketch plan and application form, including the data specified in §400 and §401.

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- (2) The Applicant shall submit to the Buck Township Board of Supervisors, the following:
 - (a) Seven (7) copies of the Sketch Plan.
 - (b) The Buck Township subdivision and land development application.
 - (c) All applicable Buck Township municipal fees.
- (3) The Secretary shall check the submission for completeness and if the submission is incomplete shall notify the applicant within fifteen (15) days and indicate the deficiencies. If the application is complete, the Secretary or the Zoning Officer shall accept the sketch plan and application form.
- (4) The Secretary shall immediately distribute copies of the sketch plan, application forms and applicable fees in the following manner:
 - (a) One (1) copy to the Engineer.
 - (b) One (1) copy to the Zoning Officer.
 - (c) Five (5) copies to be retained by the Secretary for the use of the Township of Buck officials.
- (5) The Engineer shall, within thirty (30) days following acceptance of the sketch plan application:
 - (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (6) The Zoning Officer shall, within thirty (30) days following acceptance of the sketch plan application:
 - (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (7) The Planning Committee may, within thirty (30) days following acceptance of the sketch plan application, meet with the applicant or applicant's representative to review the submission.
- (8) The Planning Committee should, within sixty (60) days following acceptance of the sketch plan application:
 - (a) Review the recommendations of the Engineer and the Zoning Officer;
 - (b) Determine whether the sketch plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (c) Recommend revisions, if any, so that the subsequent preliminary or final plan will conform to municipal regulations and ordinances; and

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- (d) Forward their recommendations to the applicant and to the governing body for informational purposes.

§ 302. Preliminary Plan Application for Major Subdivisions and Land Developments

- A. Purpose. The purpose of the preliminary application is to arrive at a final plan that is acceptable to both the applicant and the municipality. No work shall commence on the proposed subdivision or land development without the final application approval of the Governing Body.
- B. General.
 - (1) A preliminary plan application shall be submitted conforming to the changes recommended during the sketch plan process, if any. The Applicant shall prepare and distribute all plans and required documentation required for the review and approval of the Preliminary Plan Application as follows:
 - (a) Per procedures detailed in §302.D. (1), (2), and (3), the Applicant shall submit the application and other required plans and documentation directly to the Buck Township Board of Supervisors. Such submission shall occur at a regularly scheduled meeting of the Board of Supervisors. Only a submission which is made by the Applicant at a regularly scheduled meeting of the Board of Supervisors shall be considered to be acceptable. Any other manner of submission shall NOT be considered to be acceptable. For example, other such unacceptable manners of submission include, but are not limited to, the following: email transmission, mailing either via US Mail or other commercial delivery services, or physically delivering the submission to the municipal building at a time other than a regularly scheduled meeting.
 - (b) Following notification to the Applicant by Buck Township per §302.D. (4), that the submission is considered to be satisfactorily complete, the Applicant shall be free to distribute directly to the Luzerne County Planning Commission (LCPC) at least two (2) copies of the Preliminary Plan and all documentation required by the LCPC, along with the required LCPC fee(s). The Applicant should provide proof of the LCPC submission to Buck Township.
 - (c) The Applicant shall be responsible to prepare and submit the Plan, documentation, application(s), and fee(s) required for permits and approval(s) by any other applicable entities and /or agencies. Such other entities and /or agencies include, but are not limited to, the Buck Township Sewage Enforcement Officer, the PA Department of Environmental Protection, the Luzerne Conservation District, and PennDOT, for example. The Applicant should provide proof of distribution to all applicable entities and /or agencies to Buck Township.
 - (2) The preliminary application, and all plans and information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be requested pursuant to Section 533 and I 003 hereof.

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C. Deposits and fees.

- (1) Procedures for the amounts and payment of fees for the review of different types of applications for subdivision and land development submissions are set forth in §108 of this Ordinance.
- (2) The Secretary shall collect and immediately deposit all Buck Township municipal fees in the proper bank account as directed by the governing body. The Applicant shall pay all other fees that are due to all other public and private entities and/or agencies as noted in §108.2 of this Ordinance.

D. Procedure.

- (1) The applicant shall prepare the preliminary application, including the application form, including the data specified in §400 and §402.
- (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- (3) The Applicant shall submit to the Buck Township Board of Supervisors, the following:
 - (a) Seven (7) copies of the Preliminary Plan
 - (b) The Buck Township subdivision and land development application.
 - (c) Two (2) copies of the PADEP planning module for land development.
 - (d) All applicable Buck Township municipal fees.
- (4) The Board of Supervisors shall direct the Secretary or the Zoning Officer to check the submission for completeness. No application shall be deemed complete unless and until all items in Subsections (3)(a) to (d), hereinabove have been submitted. If the submission is incomplete, the Secretary shall notify the applicant within fifteen (15) days and indicate the deficiencies. If the application is complete, the Secretary or the Zoning Officer shall accept the preliminary application, application form and fees.
- (5) The Board of Supervisors shall direct the Secretary to immediately distribute the Preliminary Plan, Application, and the Planning Module (including SEO documentation) as follows:
 - (a) One copy of the Preliminary Plan, the Application, and one copy of the Planning Module (including SEO documentation) to the Municipal Engineer.
 - (b) One copy of the Preliminary Plan and the Application to the Zoning Officer.
 - (c) Five (5) copies of the Preliminary Plan, a copy of the Application, and one copy of the Planning Module (including SEO documentation) shall be retained by the Secretary for the use of the Planning Committee and Municipal Officials, including the Fire Chief and the Solicitor, if deemed advisable by the Board of Supervisors.

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- (6) The Engineer shall, within thirty (30) days following acceptance of the preliminary application:
 - (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (7) The Zoning Officer shall within thirty (30) days following acceptance of the preliminary application:
 - (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (8) The Fire Chief shall, within thirty (30) days following acceptance of the preliminary application:
 - (a) Review the fire protection considerations, in conjunction with the local fire company, in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (9) The Planning Committee shall within sixty (60) days following the date of the first meeting of the Planning Committee next following the date of the acceptance of the preliminary application, or after a final court order remanding an application, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been accepted or the final order of the court has been rendered, and ending with the applicant being notified of the decision of the Planning Committee or governing body:
 - (a) Field Trip. After the regular Planning Committee meeting at which the subdivision or land development is first discussed, the Planning Committee may schedule a field trip to the site of the proposed subdivision or development, accompanied by the applicant or his representative.
 - (b) Review the reports of the Luzerne County Planning Commission, the Luzerne County Soils Conservation Service and the recommendations of the Engineer, Fire Chief and Zoning Officer and other reviewing agencies;
 - (c) Discuss the submission with the applicant;
 - (d) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (e) Recommend revisions, if any, so that the plan will conform to municipal codes and ordinances; and
 - (f) Approve, conditionally approve, or disapprove the Preliminary Plan application and shall provide a recommendation of its decision to the Buck Township Board of Supervisors. No application shall be approved until the report of the Luzerne County Planning Commission is received or until the expiration of 30 days from the date the application was forwarded to the

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Luzerne County Planning Commission. If approved the Planning Committee shall express its approval and state the conditions of approval, if any. If disapproved, the Planning Committee shall state the reasons for this action.

- (10) The Buck Township Board of Supervisors shall approve, conditionally approve, or disapprove of the recommended decision of the Planning Committee within thirty (30) days of receiving the recommendation from the Planning Committee. The decision of the Buck Township Board of Supervisors shall be in writing and shall be communicated to the applicant (or his agent) or mailed to the applicant via certified mail with a return receipt requested.
- (11) Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings; it shall only authorize the construction of required improvements pursuant to Article 5 and 6 hereof.
- (12) If the preliminary application is disapproved, the applicant may file a revised preliminary application with the Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for preliminary application and shall replenish the escrow deposit to its original amount.

§ 303. Final Application for Major Subdivision or Land Development.

- A. Purpose. The purpose of the final application is to require formal approval by the governing body before plans for all subdivisions and land developments are recorded as required by §305. No work shall commence on the proposed subdivision or land development prior to approval of the final application; and, no lot located within any subdivision or land development shall be recorded and no zoning permit shall be issued by the Township until the final application has been approved, except as provided herein for Model Homes and for grading.
- B. General.
 - (1) The final application shall conform to the preliminary application, as approved; provided, however, that where a proposed land development does not include any public improvements, the applicant may submit a written request to the governing body to authorize a combined preliminary and final application.
 - (2) The final application and all plans, information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically approved by the Planning Committee pursuant to §533.
 - (3) The Applicant shall prepare and distribute all plans and required documentation required for the review and approval of the Preliminary Plan Application as follows:
 - (a) Per procedures detailed in §302.D. (1), (2), and (3), the Applicant shall submit the application and other required plans and documentation directly to the Buck Township Board of Supervisors. Such submission shall occur at a regularly scheduled meeting of the Board of Supervisors. Only a submission which is made by the Applicant at a regularly scheduled meeting of the Board of Supervisors shall be considered to be acceptable. Any other manner of submission shall NOT be considered to be acceptable. For

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example, other such unacceptable manners of submission include, but are not limited to, the following: email transmission, mailing either via US Mail or other commercial delivery services, or physically delivering the submission to the municipal building at a time other than a regularly scheduled meeting.

- (b) Following notification to the Applicant by Buck Township per §302.D. (4), that the submission is considered to be satisfactorily complete, the Applicant shall be free to distribute directly to all other applicable entities and agencies as noted thereinbefore in Section 302.

C. Deposits and Fees.

- (1) Procedures for the amounts and payment of fees for the review of different types of applications for subdivision and land development submissions are set forth in §108 of this Ordinance.
- (2) The Secretary shall collect and immediately deposit all Buck Township municipal fees in the proper bank account as directed by the governing body as noted in §108.2 of this Ordinance. The Applicant shall pay all other fees that are due to all other public and private entities and/or agencies as noted in §108.2 of this Ordinance.

D. Procedure.

- (1) The applicant shall prepare the final plan and application form, including the data specified in §400 and §403.
- (2) The Applicant shall submit to the Buck Township Board of Supervisors, the following:
 - (a) Seven (7) copies of the Final Plan.
 - (b) The Buck Township subdivision and land development application.
 - (c) Two (2) copies of the PADEP Sewage Disposal Permit, if applicable, and any other applicable permits and approvals.
 - (d) Two (2) copies of the written agreements, covenants, and deed restrictions
 - (e) All applicable Buck Township municipal fees
- (3) The Board of Supervisors shall direct the Secretary or the Zoning Officer to check the submission for completeness. No application shall be deemed complete unless and until all items in (2)(a) to (e) hereinabove have been submitted. If the submission is incomplete, the Secretary or the Zoning Officer shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Secretary shall accept the final application, including the application form and fees.
- (4) The Board of Supervisors shall direct the Secretary to immediately distribute the Final Plan, the Application, and Planning Module as follows:

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- (a) One copy of the Final Plan and the Application, the Sewage Disposal Permit, any other required permits and approvals, and the written agreements, covenants, and easements to the Municipal Engineer.
- (b) One copy of the Final Plan and the Application to the Zoning Officer.
- (c) Five (5) copies of the Final Plan, the Application, the copy of the Sewage Disposal Permit, a copy of any other required permits and approvals, and the copy of the written agreements, covenants, and easements shall be retained by the Secretary for the use of Municipal Officials, including the Solicitor and the Fire Chief, if deemed advisable by the Board of Supervisors.

(5) The Engineer should, within thirty (30) days following acceptance of the final application:

- (a) Review the engineering considerations in the applicant's submission; and
- (b) Make recommendations to the Planning Committee.

(6) The Zoning Officer shall, within thirty (30) days following acceptance of the final application:

- (a) Review the zoning considerations in the applicant's submission; and
- (b) Make recommendations to the Planning Committee.

(7) The Solicitor shall, within thirty (30) days following acceptance of the final application:

- (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
- (b) Make recommendations to the Planning Committee.

(8) The Planning Committee may, within thirty (30) days following acceptance of the final application, meet with the applicant to review the submission.

(9) The Planning Committee shall within sixty (60) days following the date of the first meeting of the Planning Committee next following the date of the acceptance of the final plan application, or after a final court order remanding an application, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said sixty (60) day period shall be measured from the thirtieth day following the day the application has been accepted or the final order of the court has been rendered, and ending with the applicant being notified of the decision of the Planning Committee:

- (a) The (Planning Committee) shall review the recommendations of the Engineer, Zoning Officer, Solicitor, and other reviewing agencies.
- (b) Discuss the submission with the applicant;
- (c) Determine whether the final application:

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- (i) Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
- (ii) Complies with any conditions of preliminary application approval.
- (d) Recommend revisions, if any, so that the application will conform to municipal regulations and ordinances; and
- (e) Approve, conditionally approve, or disapprove the final application and shall provide a recommendation of its decision to the Buck Township Board of Supervisors. No application shall be approved until the report of the Luzerne County Planning Commission is received or until the expiration of 30 days from the date the application was forwarded to the Luzerne County Planning Commission. If disapproved, the governing body shall state the reasons for this action.

(10) The Buck Township Board of Supervisors shall approve, conditionally approve, or disapprove of the recommended decision of the Planning Committee within thirty (30) days of receiving the recommendation from the Planning Committee. The decision of the Buck Township Board of Supervisors shall be in writing and shall be communicated to the applicant (or his agent) or mailed to the applicant via certified mail with a return receipt requested.

(11) If the final plan is approved:

- (a) The Planning Committee shall adopt a resolution approving the final plan.
- (b) Approval shall not be final until entry into contract and production of completion guaranty as set forth in Article IX, when applicable.
- (c) Four (4) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §407, shall be submitted to the Planning Committee for signatures.

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

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

(14) Phasing Major Subdivision Plans. Prior to granting final approval of a major subdivision plan, the Buck Township Board of Supervisors may permit the plan to be divided into two or more sections or phases and may impose such conditions upon a filing of the sections as it may deem necessary to assure the orderly

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development of the plan. The Buck Township Board of Supervisors may require that the performance bond be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plan are offered for filing. The developer may also file in irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Buck Township Board of Supervisors, shall be granted concurrently with final approval of the plan.

§ 304. Final Application for Minor Subdivision.

- A. Purpose. In the case of minor subdivisions, it is the purpose of this section to provide a simplified procedure by which said minor subdivisions may be submitted and approved.
- B. General.
 - (1) In the event that the proposed subdivision shall involve a change in the location of streets, sanitary or storm sewers, water mains, culverts, or other municipal improvements, then the provisions of this section on minor subdivision shall not be applicable, and the applicant shall be required to comply with the requirements of §302 and §303.
 - (2) The Applicant shall prepare and distribute all plans and required documentation required for the review and approval of the Final Minor Subdivision Plan Application as follows:
 - (a) Per procedures detailed in §302.D. (1), (2), and (3), the Applicant shall submit the application and other required plans and documentation directly to the Buck Township Board of Supervisors. Such submission shall occur at a regularly scheduled meeting of the Board of Supervisors. Only a submission which is made by the Applicant at a regularly scheduled meeting of the Board of Supervisors shall be considered to be acceptable. Any other manner of submission shall NOT be considered to be acceptable. For example, other such unacceptable manners of submission include, but are not limited to, the following: email transmission, mailing either via US Mail or other commercial delivery services, or physically delivering the submission to the municipal building at a time other than a regularly scheduled meeting.
 - (b) Following notification to the Applicant by Buck Township per §304.D. (4), that the submission is considered to be satisfactorily complete, the Applicant shall be free to distribute directly to the Luzerne County Planning Commission (LCPC) at least two (2) copies of the Preliminary Plan and all documentation required by the LCPC, along with the required LCPC fee(s). The Applicant should provide proof of the LCPC submission to Buck Township.
 - (c) The Applicant shall be responsible to prepare and submit the Plan, documentation, application(s), and fee(s) required for any other required permits and approval(s) by any other applicable entities and /or agencies. Such other entities and /or agencies include, but are not limited to, the Buck

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Township Sewage Enforcement Officer, the PA Department of Environmental Protection, the Luzerne Conservation District, and PennDOT, for example. The Applicant should provide proof of distribution to all applicable entities and /or agencies to Buck Township.

C. Deposits and fees.

- (1) Procedures for the amounts and payment of fees for the review of different types of applications for subdivision and land development submissions are set forth in §108 of this Ordinance.
- (2) The Secretary shall collect and immediately deposit all municipal fees in the proper bank account as directed by the governing body. The Applicant shall pay all fees that are due to all other public and private entities and/or agencies as noted in §108.2 of this Ordinance.

D. Procedure.

- (1) The applicant shall prepare the final minor subdivision application form, including the data specified in §400 and §404.
- (2) The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- (3) The Applicant shall submit to the Buck Township Board of Supervisors, the following:
 - (a) Seven (7) copies of the Final Minor Subdivision Plan.
 - (b) The Buck Township subdivision and land development application.
 - (c) Two (2) copies of the PADEP Sewage Disposal Permit and any other required permits and approvals.
 - (d) Two (2) copies of Written agreements, covenants, and deed restrictions
 - (e) All applicable Buck Township municipal fees
- (4) The Board of Supervisors shall direct the Secretary or the Zoning Officer to check the submission for completeness. No application shall be deemed complete unless all items in §304 D.(3) (a) through (3) herein above have been submitted.. If the submission is incomplete, the Secretary or the Zoning Officer shall notify the applicant within fifteen (15) days and indicate the deficiencies. If the application is complete, the Secretary or the Zoning Officer shall accept the final minor subdivision plan, application form and fees.
- (5) The Board of Supervisors shall direct the Secretary to immediately distribute the Final Minor Subdivision Plan, the Application, and Planning Module as follows:
 - (a) One copy of the Final Minor Subdivision Plan and the Application, the Sewage Disposal Permit, any other required permits and approvals, and the written agreements, covenants, and easements to the Municipal Engineer.

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- (b) One copy of the Final Minor Subdivision Plan and the Application to the Zoning Officer.
- (c) Five (5) copies of the Final Minor Subdivision Plan, the Application, the copy of the Sewage Disposal Permit, a copy of any other required permits and approvals, and the copy of the written agreements, covenants, and easements shall be retained by the Secretary for the use of the Planning Committee and other Municipal Officials, including the Solicitor and the Fire Chief, if deemed necessary by the Board of Supervisors.
- (6) The Engineer shall, within thirty (30) days following acceptance of the final minor subdivision application:
 - (a) Review the engineering considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee.
- (7) The Zoning Officer shall, within thirty (30) days following acceptance of the final minor subdivision application:
 - (a) Review the zoning considerations in the applicant's submission; and
 - (b) Make recommendations to the Planning Committee
- (8) The Solicitor should, within thirty (30) days following acceptance of the final application:
 - (a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
 - (b) Make recommendations to the Planning Committee.
- (9) The Planning Committee may, within thirty (30) days following the date of acceptance of the Final Minor Subdivision Plan application, meet with the Applicant to review the submission.
- (10) The Planning Committee should, within sixty (60) days following acceptance of the final minor subdivision plan application:
 - (a) Review the reports of the Luzerne County Planning Commission and Luzerne County Soils Conservation Service; and the recommendations of the Engineer, Zoning Officer, Solicitor and other reviewing agencies;
 - (b) Discuss the submission with the applicant.
 - (c) Determine whether the final minor subdivision application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
 - (d) Recommend revisions, if any, so that the plan will conform to municipal regulations and ordinances.
- (11) The Planning Committee shall within sixty (60) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of

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the final minor subdivision plan application, or after a final court order remanding an application, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said sixty (60) day period shall be measured from the thirtieth day following the day the application has been accepted or the final order of the court has been rendered, and ending with the applicant being notified of the decision of the Planning Committee or governing body:

- (a) Review the reports of the Luzerne County Planning Commission and Luzerne County Soils Conservation Service; and the recommendations of the Engineer, Zoning Officer, Solicitor and other reviewing agencies;
- (b) Determine whether the final minor subdivision plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
- (c) Approve, conditionally approve, or disapprove the Minor Final Subdivision Plan application and shall provide a recommendation of its decision to the Buck Township Board of Supervisors. No application shall be approved until the report of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date the application was forwarded (by the Applicant) to the Luzerne County Planning Commission. If disapproved, the Planning Committee shall state the reason(s) for this action.

(12) The Buck Township Board of Supervisors shall approve, conditionally approve, or disapprove of the recommended decision of the Planning Committee at the next regularly scheduled meeting of the Board of Supervisors or within thirty (30) days of receiving the recommendation from the Planning Committee, whichever shall occur later. The decision of the Buck Township Board of Supervisors shall be in writing and shall be communicated to the applicant (or his agent) or mailed to the applicant via certified mail with a return receipt requested.

(13) If the final minor subdivision application is approved:

- (a) The Buck Township Board of Supervisors shall adopt a resolution approving the Final Minor Subdivision Plan.
- (b) Four (4) exact paper copies of the approved final plan, with the signatures of the required agencies as specified in §407, shall be submitted to the Buck Township Board of Supervisors.

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

§ 305. Recording of Final Plans for Minor and Major Subdivisions and for Land Development

A. Prior to recording the approved final plan, the applicant shall submit four (4) copies of said plan to the Secretary in order to obtain the seals and signatures of municipal officials, as

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required by §407. One (1) set shall be retained by the Township and one (1) set shall be recorded by the applicant.

- B. Upon the approval of a final plan, the developer shall within ninety (90) days of the date of such final approval, or the date of delivery of an approved plat signed by the governing body following completion of conditions imposed for such an approval, whichever is later, record such plan in the office of the Recorder of Deeds of Luzerne County. The applicant shall notify the governing body and the Planning Committee in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the required period, the approval shall lapse and become void.
- C. Effect of recording.
 - (1) After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the municipality.
 - (2) Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the municipality by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the municipality.
 - (3) Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the municipality and accepted, by resolution, and recorded in the office of the clerk, of the Court of Common Pleas of Luzerne County, or until it has been condemned for use as a public street, park or improvement.
- D. Recorded plan. All plans recorded shall contain the information specified in §407.

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ARTICLE IV

Application and Plan Requirements

§ 400. Application Requirements.

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

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

§ 401. Sketch Plan Application for Major Subdivisions or Land Developments

A Sketch plan is not required, but may be submitted if the applicant desires. The sketch plan shall not be considered to be a preliminary plan.

The sketch plan application shall show the following information:

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

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- (e) Any variances or special exceptions granted.
- (6) Location map showing relation of site to adjoining properties and streets, within one thousand (1,000) feet of all of the boundaries of the proposed subdivision or land development. (Scale: one (1) inch equals four hundred (400) feet)
- (7) North point.
- (8) Written and graphic scales (including scale of location map).
- (9) Total acreage of the site, both gross and net.
- (10) Site boundaries with bearings and distances.
- (11) Boundaries of all adjoining properties (with names of landowners in the case of un-platted land).
- (12) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- (13) The following shall be shown for a radius of 100 feet around a minor subdivision and for a radius of 300 feet around a major subdivision/land development: Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features.
- (14) Outline of the net site area.
- (15) Proposed general street layout, if applicable.
- (16) Proposed general lot layout, if applicable.
- (17) Types of buildings proposed.
- (18) Number of dwelling units proposed or square footage of non-residential buildings.
- (19) Open space areas, existing and proposed.
- (20) Recreation areas, existing and proposed.
- (21) Parking areas with dimensions and number of parking spaces.

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

- (1) Water courses.
- (2) Floodplain areas.
- (3) Lakes and ponds.
- (4) Wetlands as delineated on the National Wetlands Inventory Map.

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C. Acknowledgments.

- (1) A written statement indicating the method of administration and maintenance of open space.

§ 402. Preliminary Application for Major Subdivisions or Land Developments

A. Drafting standards.

- (1) The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.
- (2) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (4) Where a re-subdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
- (5) Notations of revisions shall be dated.
- (6) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (7) The boundary line of the subdivision or land development shall be shown as a heavy line.
- (8) Preliminary plans shall be on sheets either 18 inches by 24 inches, 24 inches by 36 inches or 36 inches by 48 inches, and all lettering shall be drawn at a size that will be legible if the plan should be reduced to half-size.

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

- (1) Site plan (on separate sheet), showing:
 - (a) Name of subdivision or land development.
 - (b) Name, address and phone number of owner/applicant.
 - (c) Tax parcel number(s) of the site.
 - (d) Title Block, including name, address, and seal of the Professional and other applicable names, addresses and seals of other professionals who participated in the design of the proposed development, and providing a place for the signatures of the Chairman and Secretary of the Buck Township Planning Committee and for the date of approval of the Preliminary Plan.

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- (e) Zoning requirements, including:
 - [1] Applicable district and district boundaries
 - [2] Maximum density or intensity permitted, if applicable.
 - [3] Lot size and yard requirements, including building setback lines shall be shown on all lots.
 - [4] Open space and impervious surface ratios, if applicable.
 - [5] Any variances or special exceptions granted.
- (f) Proposed standards:
 - [1] Density.
 - [2] Open space ratio.
 - [3] Impervious surface ratio.
 - [4] Dwelling unit or non-residential use mix, if known.
 - [5] Size of units (in bedrooms) or square footage of non-residential buildings, if known.
- (g) Location map showing relation of site to adjoining properties, streets, and sewer and water lines within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
- (h) North Point.
- (i) Written and graphic scales (including scale of location map).
- (j) Total acreage of the site, both gross and net.
- (k) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
- (l) Location and type of all existing monuments.
- (m) Boundaries of all adjoining properties (with names of landowners in the case of un-platted land).
- (n) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- (o) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within three hundred (300) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within five hundred (500) feet of and within the site, including properties across streets.
- (p) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:
 - [1] Ownership.
 - [2] Size.
 - [3] Widths of rights-of-way or easements.

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(q) The proposed layout, including the following, both existing and proposed, where applicable:

- [1] Outline of the net site area.
- [2] The layout of streets including, if applicable, widths of cartways, and existing and ultimate rights-of-way; and proposed improvements pursuant to Subsection B (8)(d)[6] below. The governing body shall retain exclusive jurisdiction to name all proposed streets.
- [3] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
- [4] The arrangement and use of buildings and parking areas in non-residential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. E elevations and perspective sketches of proposed buildings are encouraged.
- [5] Open space areas, and indication as to whether offered for dedication.
- [6] Recreational facilities.
- [7] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
- [8] Sidewalks and pedestrian paths.
- [9] Street lights.
- [10] Fire hydrants, including all existing hydrants within 600 feet of the site boundary line.
- [11] Monuments.
- [12] Gas mains.
- [13] Water mains.
- [14] Driveway locations.
- [15] Locations of public and/or private sanitary and storm sewer systems, if applicable.

(r) Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.

(s) Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.

(2) Natural Features map (on separate sheet), showing:

- (a) Unless the proposed development is to be served by a central sewage disposal system, soil types within the site shall be included on an attached table indicating each soil's limitations for community development.
- (b) Contour lines overlayed on a street and lot layout, measured at vertical intervals of two (2) feet. Such elevations shall be determined by on-site or photogrammetric survey, not by interpretation of United States Geological Survey maps.
- (c) Datum to which contour lines refer. Where practicable, data shall refer to established elevations.

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- (d) Floodplain areas.
- (e) Base flood elevation data, if available.
- (f) Floodplain soil areas.
- (g) Slope areas.
 - [1] Fifteen percent (15%) to twenty-five percent (25%).
 - [2] Twenty-five percent (25%) and over.
- (h) Vegetation map, showing:
 - [1] Woodland association areas.
 - [2] Large trees over ten (10) inches caliper standing alone.
 - [3] Other significant vegetation.
- (i) Water resources map (on separate sheet), showing:
 - [1] Streams
 - [2] Swales
 - [3] Lakes and ponds.
 - [4] Wetlands, delineated on the subject site. If the applicant claims that there are no wetlands on the site, a certified statement to that effect shall be provided by a surveyor or other qualified professional. The name and the address of said professional shall be provided; and, if wetlands are delineated, proof of jurisdictional determination shall be provided.
 - [5] Major and minor watersheds.
- (3) Sedimentation and erosion control plan pursuant to the Pennsylvania Clean Streams Law, prepared in accordance with standards and specifications of the Luzerne County Soil Conservation District (on separate sheet).
- (4) Storm water management plan pursuant to the Township's Storm Water Management Ordinance.
- (5) Utilities plan, showing:
 - (a) Public sanitary and storm sewer facilities, if applicable.
 - (b) Central water supply facilities, if applicable.
 - (c) Other utilities, if applicable.
- (6) Landscaping plan (on separate sheet), showing:
 - (a) Existing and proposed grades for the entire site.
 - (b) Existing vegetation to be removed.
 - (c) Existing vegetation to be preserved.

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- (d) Proposed planting schedule indicating the locations, species and sizes of plantings as required by §514 and §523.
- (e) When applicable the landscaping plan shall be in accordance with the requirements of the Municipality's zoning ordinance.
- (7) Tentative typical cross sections and center-line profiles for each proposed street shown on the site plan (on-separate sheet).
- (8) Transportation impact study.
 - (a) A transportation impact study, as defined in subsection B(8)(d) below may be required of all major subdivisions and land developments. This study, if required, will enable the Township of Buck to assess the impact of a proposed development on the local transportation system. The study purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study will assist in the protection of air quality, the conservation of energy, and the encouragement of public transportation use.
 - (b) Subdivisions and land developments for which a transportation impact study will be required.
 - [1] A transportation impact study shall be required for all subdivisions and land developments that meet one (1) or more of the following criteria:
 - [a] A residential subdivision/land development of fifty (50) or more dwelling units.
 - [b] A nonresidential land development of one hundred thousand (100,000) square feet or more of gross leasable floor space.
 - [c] A development which will generate an ADT of at least 1500 vehicles; provided, however, that the Engineer may determine that a study shall be required for an ADT of less than 1500 vehicles on heavily traveled roads or roads with poor sight distances; and, provided further that all vehicular traffic projections shall be based on ultimate build-out, and shall be subject to verification by the Engineer.
 - [d] For any Conditional Use as specified in the Buck Township Zoning Ordinance, for which an environmental assessment is required.
 - [2] If a Transportation Impact Study is not warranted, the applicant should provide a certified statement declaring that the proposed subdivision/land development plan does not meet any of the criteria in Section 402B.8.(b) hereof.
 - [3] Notwithstanding Section 402B(8)(b)[2] hereof, the governing body,

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upon the recommendation of the Engineer, shall have the discretion to require the preparation of a traffic impact study for any other subdivision or land development if, in their opinion, such a study is required.

- (c) The Township of Buck shall select a qualified engineer and/or transportation planner with previous traffic study experience to review the applicant's transportation impact study. The Township of Buck may utilize applicant's fees, placed in escrow, to fund such studies. The procedures and standards for the traffic impact study, which shall be adhered to by the consultant, are set forth in subsection B(8)(d) below.
- (d) The transportation impact study shall contain, but not be limited to, the following information:
 - [1] General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided and shall be addressed by the traffic impact study. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they might affect the transportation needs of the site (for example, the number of senior citizens).
 - [2] Transportation facilities description.
 - [a] The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelter and sign locations shall be designated where appropriate.
 - [b] The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation 12-Year Highway Capital Improvements Program, the Luzerne County Comprehensive Plan and from the Municipality's Comprehensive Plan and Official

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Map. The applicability of current updates prior to the application under consideration shall be determined by the Engineer. Any proposed roadway improvements resulting from proposed surrounding development shall also be recorded.

[3] Existing traffic conditions.

- [a] Existing traffic conditions shall be measured and documented on all streets and intersection in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic, and for the land development's peak hour traffic. Complete traffic counts at all major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed for the peak hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location,
- [b] This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.

[4] Transportation impact of the development. Estimation of vehicular trips to result from the proposed development shall be completed for both the street system and the development-generated peak hours. Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Traffic Engineer (ITE) or other recognized traffic authorities. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated. The reference source(s) and methodology followed shall be cited. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.

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

[5] Analysis of transportation impact.

- [a] The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated. This demand shall consist of the combination of existing traffic expanded to the completion year, the development-generated traffic, and the traffic generated by

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other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed using the peak highway hour(s) and peak development-generated hour(s) for all streets and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections.

- [b] All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation. Levels of service for all streets and intersections shall be listed.

[6] Conclusions and recommended improvements.

- [a] All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design; site access location and design; external street and intersection design and improvements; traffic signal installation and operation, including signal times; and transit design improvements.
- [b] Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
- [c] The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.
- [d] The Planning Committee shall review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development and make recommendations to the governing body.
- [e] The governing body may decide that certain improvements contained in the study within the study area are required for preliminary application approval and may attach these conditions to the preliminary approval.
- [f] For projects that require a Highway Occupancy Permit (HOP) no preliminary application shall be approved without

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evidence of an approved HOP.

- [g] A copy of the traffic study shall be submitted to the School District; and the School District may request that the Township require additional improvements.
- [h] Where applicable for purposes of public safety, including the consideration of the potential need for emergency access, the Township may require that there shall be not less than two (2) points of ingress and egress for any major subdivision or land development.

(9) Planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended.

(10) Acknowledgments.

- (a) Letter from utility companies indicating the availability of required utilities.
- (b) Schedule of all proposed sections of the subdivision or land development, if applicable. Said schedule shall propose deadlines within which final subdivision or land development plans for each section are intended to be filed.
- (c) General proposal for the maintenance of open space and/or private streets, sewer systems, central water supply and other major improvements; and method of management: A formal contract is not required at this point.

(11) When land included in the proposed subdivision has a natural gas pipeline, a petroleum or petroleum products pipeline, or a power transmission line located thereon, a letter from the owner of such pipeline or transmission line stating the minimum setback distance which shall be required from such pipeline or transmission line.

(12) Supplementary maps or a composite map containing the following additional information should be supplied unless the Township Planning Committee has determined the additional information unnecessary:

- (a) A map illustrating an analysis of natural drainage patterns and water resources including the delineation of streams, natural drainage swales, ponds and lakes, wetlands, floodplains subject to a fifty (50) year and a one hundred (100) year flood frequency, and permanent and seasonal high water table areas.
- (b) A map illustrating an analysis of types of soils present on the tract including prime agricultural soil areas, aquifer recharge soil areas, (unstable soils, soils most susceptible to erosion, and soils most suitable to urban development. This information can be obtained from the County Soil Survey by the USDA Soil Conservation Service or from data from the Pennsylvania Department of Environmental Protection.
- (c) A map illustrating significant natural features within the proposed tract such as woodland areas, large trees, rock outcroppings, and scenic views.

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- (d) A map illustrating an analysis of the topography within the tract including a delineation of slope areas under eight (8) percent, between eight (8) and fifteen (15) percent, between fifteen (15) and twenty-five (25) percent, and twenty-five (25) percent and over.
- (e) A map illustrating the characteristics of rock formations underlying the tract including defining aquifers (specifically those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable.
 - (i)

§ 403. Final Plan for Major Subdivisions or Land Developments

The Final Plan shall conform to the standards and data requirements set forth for the Preliminary Application in Section 402 hereof. It shall not be necessary to resubmit supporting data and maps submitted with the Preliminary Application provided there have been no changes.

The Final Plan to be submitted for approval and recording shall be of the same dimensions and scale as the Preliminary Application.

A. The following additional data shall be illustrated on the Final Plan:

- (1) The latest source of title to the land as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.
- (2) The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearing to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
- (3) The exact dimensions of all streets (including rights-of--way and cartways); lot lines, areas, and distances; utility and other easements; and all lands to be dedicated to public use.
- (4) The location and material of all permanent monuments and lot markers.
- (5) Road or driveway intersection permit number(s) if the subdivision or land development proposes a new street or driveway intersection or proposes to utilize an existing street or driveway for access within a State Legislative Route.
- (6) All lot lines shall be completely dimensioned in feet if straight and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds). All internal angles within the lots shall be designated to the closest second.
- (7) The proposed building setback line or the proposed placement of each building shall be shown, and, where corner lots are involved, the setbacks on both streets shall be shown.
- (8) Space on the title block of the Final Plan shall be provided for the signatures of the Chairman and Secretary of the Buck Township Planning Committee and for the date of approval of the Final Plan.

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- (9) Space on the lower edge of the Final Plan shall also be provided for acknowledgment of receipt and recording of the Plan by the Luzerne County Recorder of Deeds Office.
- (10) Materials to be submitted with the Final Application:
 - (a) The Final Plan application form and fee.
 - (b) Any material from the Preliminary Application for which the Planning Committee had requested correction or updating.
 - (c) Copies of final deed restrictions, if any.
 - (d) All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.
 - (e) Certification from utilities that proper water, power, and other facilities also can be installed.
 - (f) Certification in the form of applicable water supply or sewage disposal permit number(s) from the Pennsylvania Department of Environmental Protection approving the subdivision water supply and sewerage systems in all areas where public water and/or sewerage is not available and where on-lot water and sewerage facilities are not to be installed.
 - (g) Certification of ownership, acknowledgment of plan, and offer of dedication signed by the owner of the property and notarized.
 - (h) A certificate for approval of the Plan by the Buck Township Planning Committee.
 - (i) Final designs of all sanitary sewer, water distribution, and storm drainage systems showing their exact location, size, and invert elevation; the locations of all manholes, inlets, and culverts; and final profiled, cross-sections, and specifications for proposed streets, sanitary sewers, water distribution systems, storm drainage systems, and parking lots and buffer areas on one or more sheets.
 - (j) The owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township specifications.

§ 404. Final Plan for Minor Subdivision

- A. Drafting standards shall be in accordance with §402A hereof.
- B. The minor subdivision plan shall show or be accompanied by the following information:
 - (1) Site plan (on separate sheet), showing:
 - (a) Information specified in §402B(l)(a) through (l)(p) hereof.
 - (b) Proposed layout, including the requirements of §402B(l)(q)[1], [3], [4], [5], [7], [10] through [15].

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- (2) Natural features map (on separate sheet). The following information shall be indicated:
 - (a) Contour lines measured at vertical intervals of two (2) feet. Slopes may be determined by interpretation of United States Geological Survey maps.
 - (b) Wetlands, delineated on the subject site. If the applicant claims that there are no wetlands on the site, a certified statement to that effect shall be provided by a professional.
 - (c) Floodplain areas.
 - (d) Steep slope areas.
 - [1] Fifteen percent (15%) to twenty-five percent (25%).
 - [2] Twenty-five percent (25%) and over.
 - (e) Lakes and ponds.
- (3) Management information. A formal contract for maintenance of open space and method of management and maintenance, if applicable.
- (4) The sewage disposal permit number(s) issued by the Pennsylvania Department of Environmental Protection as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended.
- (5) Acknowledgments.
 - (a) All offers of dedications and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Township Solicitor.
 - (b) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided.
 - (c) Highway Occupancy Permit number(s) for all existing and/or proposed street intersection(s) and driveway(s) within a State Legislative Route that are proposed for access to the proposed subdivision. A notice on the plan stating that access to any highway under the jurisdiction of the Pennsylvania Department of Transportation shall be only as authorized by a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".

§ 405. Lot Line Change.

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

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

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C. The application for a Lot line change shall be made in accordance with §304 and §400 herein. All parcel(s) and lot(s) that are intended to be included in the “Lot Line Change” shall be owned by a single land owner. The Applicant shall provide certified proof of ownership of the parcel(s) and lot(s) that are intended to be included in the “Lot Line Change”.

§ 406. Re-Subdivisions

Re-subdivisions, wherein a parcel of land is added to an existing lot for the purposes of increasing the size of the existing lot or a number of small lots are re-subdivided or reallocated so as to make a lesser number of larger lots, shall be considered as a “Minor Subdivision”, and the submission of the Application shall be made in accordance with §304, §400 and §404 herein, shall be exempt from the provisions of this Ordinance, provided that:

- A. The grantor's remaining lands comply in all respects to the provisions of this Ordinance; and three (3) copies of the subdivision plan are submitted to the Township Secretary.
- B. After the Township has determined that the conditions for a lot improvement waiver have been met, the Board of Supervisors shall sign the plans at their next regular meeting. The following notation shall be placed on the plans which are processed as a waiver under this action: "Action is granted for recording purposes only in accordance with Section 406 of the Buck Township Subdivision and Land Development Ordinance."

§ 407. Record Plan.

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

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA: THAT THIS IS A

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TRUE AND ACCURATE SURVEY MADE ON THE GROUND
COMPLETED BY ME ON _____ (DATE); THAT
ALL THE MARKERS SHOWN THEREON ACTUALLY EXIST; THAT
THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY
SHOWN; AND THAT NO ENCROACHMENTS, RIGHTS-OF-WAY OR
EASEMENTS EXIST EXCEPT AS SHOWN HEREIN.

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL
OF THE REQUIREMENTS OF TIDS ORDINANCE HAVE BEEN MET.

Signature, Registered Professional Surveyor

(SEAL)

Date

(d) Certification by an engineer (if applicable) shall read as follows:

THE UNDERSIGNED HEREBY CERTIFIES THAT THE SUBJECT PLAN
AND RELATED DRAWINGS, REPORTS, ETC. BEARING HIS SEAL
ARE TRUE AND ACCURATE AND WERE PREPARED BY HIM OR
UNDER HIS DIRECT SUPERVISION AND FOR WHICH THE
UNDERSIGNED ACCEPTS FULL AND COMPLETE RESPONSIBILITY.
THE UNDERSIGNED FURTHER CERTIFIES THAT THE ABOVE ARE
OF ADEQUATE DESIGN IN ACCORDANCE WITH ACCEPTED
ENGINEERING STANDARDS AND THAT, TO THE BEST OF HIS
KNOWLEDGE, ALL REQUIREMENTS OF THE BUCK TOWNSHIP
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BEEN MET.

PRINTED NAME

REGISTRATION NUMBER

SIGNATURE

DATE

(3) Signatures, in black ink:

- (a) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the President and Secretary of the corporation shall appear.
- (b) The signature of the notary public, or other qualified officer, acknowledging the owner's statement of intent.
- (c) The signatures of the titular head and the Secretary of the Planning Committee to evidence approval by the Planning Committee.
- (d) The signatures of the Chairman and the Secretary of the Board of Supervisors, evidencing the acceptance of dedicated rights-of-way and/or improvements offered by the applicant/developer for dedication to the Township.
- (e) The signature of the plan reviewer of the LCPC to evidence review by the

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LCPC.

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ARTICLE V **Design Standards**

§ 500. Scope; Minimum Standards; Adjustment of Standards.

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

§501. General Standards.

- A. All portions of a site being subdivided shall be taken up in lots, streets, public lands or other proposed uses such as common open space or other common areas, so that remnants and landlocked areas shall not be created.
- B. In general, lot lines shall follow municipal boundary lines rather than cross them.
- C. The developer shall conform to all applicable performance standards, including, but not limited to, those contained in the Zoning Ordinance.
- D. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- E. Land subject to subsidence and land deemed to be topographically unsuitable, may not be platted for residential use or for such other uses as may increase danger to health, life or property until all such hazards have been eliminated, or unless adequate safeguards against such hazards, subject to review and approval by the governing Body, are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plan for uses that shall not endanger life or property or further aggravate or increase the existing menace.
- F. The Township may rely upon information contained in its Wastewater Facilities and Comprehensive Plans and, in determining and evaluating potential hazards, it may use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies.
- G. The layout of a subdivision shall be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.

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- H. In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15% the Township may require larger lot sizes than the minimum standards set forth herein.
- I. Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Pennsylvania Department of Environmental Protection.
- J. Reserve strips controlling access to lots, public right-of-way, public lands or adjacent private lands are prohibited.

§502. Community Facilities.

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

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

§503. Streets Generally.

- A. Proposed streets shall conform to such municipal, county and state street and highway plans as have been prepared, adopted and/or filed, as prescribed by law.
- B. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- C. All streets shall be graded to the full width of the right-of-way. In wooded areas this may be modified to preserve existing trees.

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- D. Streets shall be laid out to avoid hazard areas and environmentally sensitive areas such as floodplains, wetlands, cliffs, steep slopes or ravines. A secondary means of access to a higher order street that avoids the same hazard area shall be provided when one of the access streets serving a subdivision of more than twenty dwelling units traverses a hazard area.
- E. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and/or proper access to adjoining undeveloped tracts suitable for future subdivision.
- F. If lots resulting from original subdivision are large enough to permit 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.
- G. Improvements shall be made to existing streets abutting the proposed subdivision or land development. The type of improvements shall be determined by the classification and standards required of said street, pursuant to §504 and §505.
- H. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Stub streets shall be properly closed to through traffic until such time as the street is extended.
- I. Stub streets greater in length than one (1) lot depth shall be provided with a turnaround designed to meet the standards required for cul-de-sacs and shall be provided with sufficient rights-of-way to permit the further extension of the street onto the adjacent property.
- J. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the municipality or postal delivery area, and all street names shall be subject to approval by the governing body.
- K. Any applicant who encroaches within the legal right-of-way of a state highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation.

§504. Classification of Streets.

- A. Streets shall be classified in accordance with the definitions included in Article XI hereof.
- B. The determination of traffic volumes applicable to the classification of streets shall be based on the data presented from the Institute of Traffic Engineering (ITE) or other recognized traffic authorities.
- C. New streets will be classified according to the ADT that may be expected to use the street, pursuant to the Institute of Traffic Engineering (ITE) or other recognized traffic authorities. If, however, such streets shall be classified on the basis of a traffic impact study (§402B.(8) hereof) and such a classification shall be approved by the governing body. If a new street will serve as a stub, its classification must be based on the ultimate traffic to be generated upon full development.

§505. Street Standards.

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

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	Right-of-Way (Feet)	Cartway (Feet)	Curbs (3)	Sidewalks (4)
Expressways	(1)	(1)	(1)	No
Arterials	100	(1)	(1)	(1)
Collectors	60	40	Yes	4 ft. ea.
Feeder Street	50	36	Yes	4 ft. ea.
Local Streets	50	28	Yes	4 ft. ea.
Marginal Access Streets	50	20	Yes	No
Private Service Road (Internal)	33	20	Yes	No
s(4)	50	12	Yes	No

- (1) As recommended by the Pennsylvania Department of Transportation.
- (2) All utilities shall be within the right-of-way, but outside of the cartway.
- (3) Refer to §521 hereof.
- (4) Two shoulders having a width of not less than three (3) feet each.

- B. Additional right-of-way and/or cartway widths may be required by the governing body in order to lessen traffic congestion, to secure safety from fire, panic and other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare.
- C. Short extensions of existing streets with lesser cartway widths than generally prescribed may be permitted; provided, however, that no section of new cartway shall be less than eighteen (18) feet in width and such extensions shall be less than one hundred (100) feet in length.
- D. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, the governing body may require the reservation or dedication of rights-of-way to conform to the current standards-. The center line of the future right-of-way shall be the same center line as the existing right-of-way.
- E. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- F. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

§506. Cul-De-Sac

- A. Permanent cul-de-sacs shall have a minimum length of two hundred fifty (250) feet, but shall neither exceed one thousand (1,000) feet in length nor furnish access to more than twenty-five (25) dwelling units.
- B. Cul-de-sacs serving residential uses shall have at the closed end a turnaround with a right-of-way having a minimum outside right-of-way radius of sixty (60) feet and shall be paved to a radius of not less than fifty (50) feet.

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- C. Grades across cul-de-sacs shall not exceed three percent (3%).
- D. Cul-de-sacs shall be constructed with a minimum paved area of fourteen (14) feet in width, and shall be designed for one-way counter-clock-wise circulation.
- E. Cul-de-sacs for commercial or industrial uses shall be designed as needed to provide for the movement of the design-vehicle of the proposed use.
- F. Curbs shall extend around the entire outer circumference of the cul-de-sac and around the entire outer circumference of the internal circle area if one is constructed.
- G. Cul-de-sacs serving residential lots shall have sidewalks installed around the entire perimeter unless waived by the Governing Body.
- H. The interior of the cul-de-sac shall be a raised circle that shall be covered by gravel or seeded, and it shall be curbed. Curbing shall be a rolled asphalt curb.

§507. Reserved

§508. Street Alignment

- A. Whenever the lines of a local street or lower classification are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. No other streets shall be permitted to have angle points in their alignments, except as otherwise provided herein.
- B. Minimum center line radii for horizontal curves shall be as follows:
 - (1) Local streets: two hundred (200) feet.
 - (2) Collectors: three hundred (300) feet.
 - (3) Arterials: nine hundred (900) feet.
- C. On local streets and lower classification, a minimum tangent of fifty (50) feet shall be required between curves; on all other streets, the minimum tangent shall be two hundred fifty (250) feet.
- D. A long radius curve shall be preferred to a series of curves and tangents.
- E. The approaches to an intersection shall follow a straight course for a least one hundred (100) feet.

§509. Street Grades.

- A. The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving, drainage structures, curbs and gutters, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards of the Township Road Ordinance.
- B. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township, and shall be sufficient to support the street or the adjacent land, as the case may be.

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- C. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Township Engineer.
- D. Center line grades shall not be less than one percent (1%).
- E. The maximum street grades shall be as follows:
 - (1) Local streets: twelve percent (12%).
 - (2) Collectors: seven percent (7%).
 - (3) Arterials: four percent (4%).
- F. Vertical curves shall be used at changes of grade exceeding one percent (1%).
- G. A leveling area, measured from the point of intersection of the ultimate rights-of-way, shall be provided at the approach to an intersection as follows:
 - (1) Four percent (4%) grade or less for a minimum distance of fifty (50) feet for local and feeder streets.
 - (2) Three percent (3%) grade or less for a minimum distance of one hundred (100) feet for arterials and collectors.

§510. Street Intersections.

- A. No street shall intersect another at an angle of less than eighty degrees (80).
- B. Streets intersecting a street of higher classification, as defined herein, shall be designated as a stop street and shall be provided with proper signage.
- C. Multiple intersections involving the junction of more than two (2) streets shall be prohibited.
- D. Minor collectors, feeder streets and local streets shall not intersect on the same side of a major collector or arterial at an interval of less than six hundred (600) feet.
- E. Streets entering opposite sides of another street shall be laid out directly opposite one another or have a minimum offset of two hundred (200) feet between their center lines.
- F. The minimum curb radii at street intersections, which shall be concentric with the street line, shall meet Pennsylvania Department of Transportation standards. In no instance shall curb radii be less than fifteen (15) feet for local streets and thirty-five (35) feet for higher order streets. Where streets of different categories intersect, the radius requirement of the higher order street shall apply.
- G. The minimum curb radius for driveways serving an expected average daily traffic (ADT) count of twenty (20) or fewer trips shall be ten (10) feet. For driveways serving an expected ADT of more than twenty (20) trips, the curb radius shall be increased to fifteen (15) feet, unless a greater radius is required by the Engineer to safely accommodate expected traffic.

§511. Street Access.

- A. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the municipality may require marginal-access streets, reverse-frontage lots, or such other treatment as will provide separate local and through traffic.

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- B. Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of two hundred (200) feet between points of access. For access to commercial uses, service roads or common access drives shall be provided where feasible.
- C. Private driveways, where provided, shall be located not less than forty (40) feet from the tangent point of the curb radius of any intersection and shall provide access to the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as defined herein.
- D. Driveway grades for residential development shall not exceed 15%; and for commercial or industrial development, such grades shall not exceed 10%.
- E. Driveways shall be so located and designed as to provide a reasonable sight distance in accordance with §512.

§512. Sight Distance.

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

Street Classification

<u>Sight Distance</u>	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Design Speed	60 mph	50 mph	25 mph
Stopping	500 feet	350 feet	150 feet
Passing	2,100 feet	1,800 feet	1,100 feet

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§513. Off-Street Parking Facilities.

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

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

<u>Angle of Parking</u>	<u>Parking</u>		<u>Aisle</u>	
	<u>Stall Width*</u> <u>(feet)</u>	<u>Stall Depth</u> <u>(feet)</u>	<u>One-Way</u> <u>(feet)</u>	<u>Two-Way</u> <u>(feet)</u>
90	9.0	18	20	24
60	9.0	19	18	21
45	9.0	18	15	20
Parallel	9.0	22	12	20

*For handicapped-accessible parking spaces, the minimum width shall be not less than nine (9) feet plus a minimum five (5) feet access aisle for cars and eight (8) feet access aisle for vans.

B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

C. All parking spaces shall be marked so as to provide for safe and orderly parking.

D. At no time shall angle or perpendicular parking be permitted along public streets.

E. Except at entrance and exit drives, all parking areas shall be set back from the right-of-way line and all property lines pursuant to the provisions of the Zoning Ordinance. The distance between this required setback and the cartway shall be maintained as a planting strip or planting strip and sidewalk.

F. No more than twenty (20) parking spaces shall be permitted in a continuous row without being interrupted by landscaping for a minimum often (10) feet; provided, however, that this requirement shall not apply to employee parking in manufacturing districts.

G. No one (1) area for off-street parking of motor vehicles shall exceed eighty (80) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten-foot-wide planting strips.

H. Parking lots shall not have a grade exceeding five percent (5%). No grade cut, fill, or height difference between terraced parking areas shall exceed four (4) feet unless approved by the governing body. Guide rails may be required if deemed necessary for safety reasons.

I. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot.

J. Entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic.

K. For the purpose of servicing any property under single and separate ownership, entrance and exit drives crossing the street line shall be limited to two (2) along the frontage of any single street for each five hundred (500) feet of frontage, and their center lines shall be spaced at

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least eighty (80) feet apart. On all corner properties, there shall be a minimum spacing of sixty (60) feet, measured at the street line, between the center line of any entrance or exit drive and the street line of the street parallel to said drive.

- L. The width of entrances and exit drives shall be:
 - (1) A minimum of fourteen (14) feet for one-way use only.
 - (2) A minimum of twenty-five (25) feet for two-way use.
 - (3) A maximum of thirty-five (35) feet at the street line.
- M. Tire bumpers or landscape berms shall be installed so as to prevent vehicle overhang on any sidewalk area.
- N. No less than a five-foot radius of curvature shall be permitted for all curbs in parking areas.
- O. All dead-end parking areas shall be designed to provide sufficient backup area for the end stalls of parking area.
- P. Pedestrian crosswalks in parking areas shall not be subject to passage or concentration of surface water.
- Q. All common parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.
- R. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets, nor shall any high brightness surface of the luminaries be visible from neighboring residential properties or from a public street. No such lighting shall exceed 0.5 FC at the property line.
- S. Handicapped accessible spaces shall be provided as follows, and shall meet all applicable ADA requirements:

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

§514. Landscaping Of Parking Facilities.

- A. The following requirements shall be applied to all parking lots with ten (10) or more spaces.
- B. All parking areas shall have at least one (1) tree of one-and-one-half-inches minimum caliper for every ten (10) parking spaces in single bays and one (1) tree of one-and-one-half-inches caliper minimum for every twenty (20) parking spaces in double bays.

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

§515. Off-Street Loading Facilities.

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

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

§516. Storm Water Management and Surface Runoff Control.

- A. General. The developer shall construct and/or install such drainage structures, on- and off-site, as necessary to comply with the Municipality's Storm Water Management Ordinance. Drainage systems shall be designed and sealed by a registered Professional Engineer.
 - (1) Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.
 - (2) Encourage run-off control measures that percolate the storm water into the ground to aid in the recharge of ground waters.
 - (3) Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility.

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- (4) Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
- (5) Handle the anticipated peak discharge from the property being subdivided or developed and the existing run-off being contributed from all land at a higher elevation in the same watershed.
- (6) Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of run-off discharge to these water courses, so as to avoid increasing the occurrence of stream bank overflow.
- (7) Preserve the adequacy of existing culverts. Bridges and similar structures shall be preserved by suppressing the new flood peaks created by new land development.

B. Retention of existing watercourses and natural drainage features.

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

C. Design criteria:

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

§517. Erosion and Sediment Controls; Grading

A. General provisions and compliance.

- (1) No changes shall be made in the contour of the land and no grading excavation, removal nor destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time that a plan for minimizing erosion and sedimentation has been:
 - (a) Processed and reviewed by the Engineer and approved by the Luzerne County Soil Conservation District; and
 - (b) Approved by the governing body.
- (2) The governing body, in its consideration of all preliminary subdivision and land development plans, shall condition its approval upon the execution of erosion and sediment control measures as contained in the standards and specifications of the Luzerne County Soil Conservation District, and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation or its successor agency.

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- (3) Final approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final subdivision or land development plans, and become a part thereof.
- (4) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required by the municipality (See Article IX).
- (5) No subdivision or land development plan shall be approved unless:
 - (a) There shall be an improvement bond or other acceptable security is deposited with the municipality in the form of an escrow guaranty that will ensure installation and completion of the required improvements; or
 - (b) There has been a determination by the governing body that a plan for minimizing erosion and sedimentation is not necessary. The governing body may waive the above requirement for minor subdivisions.
- (6) The Engineer shall review plans and inspect the development site during the construction of site improvements to ensure compliance with the approved plan.

B. General erosion control standards.

- (1) Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Luzerne County Soil Conservation District, and the Pennsylvania Department of Environmental Protection, Bureau of Soil and Water Conservation or its successor agency.
- (2) In cases where the Luzerne County Soil Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications approved by the Engineer may be used.

§518. Blocks

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

§519. Lots

- A. Lot dimensions and areas shall not be less than specified by the Zoning Ordinance.

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- B. Residential lots shall front on an existing or proposed public street or _____
- C. Through lots are prohibited, except where employed to prevent vehicular access to arterial and collector streets.
- D. Side lot lines shall be substantially at right angles or radial to street lines.
- E. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or offered for dedication to public use for recreation or open space. The Municipality may or may not accept such offer of dedication.
- F. The subdivision of a tract that creates nonconforming side and rear yards for existing buildings will not be approved unless variances have been granted by the Zoning Hearing Board prior to final application submission.

§520. Easements

- A. Utility easements shall be provided, as needed; such easements shall be designed in accordance with the provisions hereof.
- B. Roadway utility easements shall be in accordance with §505, Table 1 hereof.
- C. Utility easements not located within a public right-of-way shall be located along front, side or rear property lines and shall have minimum widths, as follows:

(1) Underground Utility	Fifteen (15) Feet
(2) Overhead Utility	Ten (10) Feet
(3) Drainage Facilities	Twenty (20) Feet
- D. No structure requiring a building permit or plantings, except for lawn, shall be set or put within the area of a utility easement.
- E. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and afford adequate access for maintenance but not less than fifty (50) feet in width, or as may be required or directed by the engineer and/or the Pennsylvania Department of Environmental Protection or its successor agency. The owner shall properly grade and stabilize slopes and fence any open ditches when it is deemed necessary by the engineer.
- F. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby; such easements shall be adequate for discharge or drainage and for the carrying off of such water, and for the maintenance, repair and reconstruction of the same vehicles, machinery and other equipment for such purposes, and shall be of sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the municipality upon demand.
- G. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

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§521. Curbs and Gutters.

- A. Curbs shall be provided along streets and cul-de-sacs pursuant to Table 1 and Table 2 unless swales are substituted pursuant to §534(A)(2).
- B. Curbs shall be constructed in accordance with municipal specifications, and as follows:
 - (1) Curbs shall be provided on all streets and parking compounds located within all major subdivisions and land developments.
 - (2) All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
 - (3) Curbs shall be the vertical type.
 - (4) All curbs shall be constructed of cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards, as follows:
 - (a) Straight Portland cement curb, 18" x 7", top rolled and battered to 8" at bottom, 811 face exposed above finish road surface.
- C. When the sole purpose of the curb is to protect the pavement edge, cement concrete headers may be utilized, subject to the approval of the governing body.
- D. In commercial developments or where other similar intensive uses exist or are anticipated, curbs shall ordinarily be required on primary, secondary and minor highways, if such construction is deemed necessary for public safety.
- E. Minimum curb or pavement edge radii at street intersections shall be thirty (30) feet.
- F. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.
- G. Curbs shall not be required where pavements are less than 22 feet in width. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- H. Curbs shall not be saw-cut to be depressed at driveway locations. Instead, entire curb sections are to be removed, reformed, and concrete placed to form a depressed curb at a driveway.

§522. Reserved

§523. Street Trees

- A. Within any land development or major subdivision, street trees shall be planted along all streets where suitable street trees do not exist.
- B. Large street trees shall be planted at intervals of not more than forty-five (45) feet, and small street trees at intervals of not more than thirty (30) feet along both sides of new streets and along one (1) or both sides of an existing street within the proposed subdivision or land development. An equivalent number may be planted in an informal arrangement, subject to the approval of the governing body.

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- C. Street trees shall not be planted opposite each other, but shall alternate.
- D. At intersections, trees shall not be located within the clear sight triangle.
- E. Street trees shall be planted in the right-of-way, within the planting strip, rather than on lots. Where sidewalks are required, the planting strip shall be between the curb and the sidewalk.
- F. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.
- G. The minimum trunk diameter, measured at a height of six (6) inches above the finished grade level, shall be two and one-half (2-1/2) inches at the time of planting.
- H. Species shall be as specified herein and as otherwise approved by the PA Bureau of Forestry. In general, trees shall be mature shade trees. Trees such as Norway Maple and Amur Cork trees shall be prohibited.
- I. Species shall be subject to approval by the Township Engineer; provided, however, that in general street trees shall not be of the type that grow root structures that can damage curbs and sidewalks.

§524. Crosswalks

- A. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand one hundred (1,100) feet in length.
- B. Such crosswalks shall have an easement width of not less than ten (10) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.

§525. Residential Developments

- A. Approval of the preliminary application must be obtained for the entire proposed development. Final approval may be obtained section by section, but such sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be resubmitted and processed pursuant to Article III.
- B. Design standards.
 - (1) The land development shall be designed to be harmonious and efficient in relation to topography, the size and shape of the site, the character of adjoining properties and the type and size of proposed buildings.
 - (2) Buildings shall be well-related to the natural topography, existing desirable vegetation, bodies of water, views within and beyond the site, and exposure to the sun and other existing and proposed buildings.
 - (3) Attached dwelling types shall incorporate varied designs, architectural modes and setbacks.

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- C. Access and circulation.
 - (1) Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
 - (2) Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
 - (3) Walking distances from the main entrance of a building or a single-family dwelling unit to a parking area shall be less than one hundred (100) feet. Exceptions to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaption to topography. In no case shall the distance exceed two hundred fifty (250) feet.
- D. Grading.
 - (1) Grading shall be designed for buildings, lawns, paved areas and other facilities to assure adequate surface drainage, safe and convenient access to and around the buildings, screening of parking and other service areas and conservation of desirable existing vegetation and natural ground forms.
 - (2) Grading around buildings shall be designed to be in harmony with the natural topography.
- E. Streets and driveways.
 - (1) Streets and/or driveways shall be provided on the site where necessary for convenient access to dwelling units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Internal streets and driveways shall enter public streets at safe locations.
 - (2) Streets and/or driveways shall be planned for convenient circulation suitable for traffic needs and safety.
 - (3) All streets and/or driveways shall be laid out to conform with the design, service, and access standards contained herein for public streets based upon projected average daily traffic.
 - (4) Streets and/or driveway aprons shall be paved and constructed in accordance with the Buck Township Road Ordinance, except as otherwise provided herein.
 - (5) Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Ordinance or of the Township Road Ordinance. Also, so as to service no more than three (3) single-family dwellings shall be permitted provided the Township is given satisfactory evidence, in the form of restrictive covenants, that the private status of said road is permanent and the following standards are met:

Minimum Right-of-Way	50 feet
Minimum Pavement Width	12 feet
Minimum Shoulder Width	3 feet

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Pavement may consist of any all-weather surface satisfactory to the Township Engineer. If there is a potential for re-subdivision of either of the lots to be serviced by a such that eventually more than two lots might result, the subdivider shall provide additional right-of-way as necessary to serve the maximum potential number of lots. All drainage plans shall be subject to approval of the Township Engineer.

- F. Refuse collection stations.
 - (1) Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
 - (2) Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped, in accordance with the Township Zoning Ordinance.
- G. Planting.
 - (1) The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.
 - (2) Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

§526. Reserved.

§527. Non-Residential Developments

- A. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the governing body to assure the free flow of through traffic from vehicles entering or leaving parking/loading areas.
- B. When two (2) adjacent lots proposed for non-residential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for non-residential uses, the applicant may be required to provide a service road for common ingress and egress.
- C. Dead-end alleys shall be avoided; but where this proves impossible, they shall be terminated with a paved turnaround of adequate dimensions as approved by the governing body.
- D. Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.
- E. Street Systems.
 - (1) Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should they create hazards for adjacent residential areas.

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- (2) The design of streets, service drives, and pedestrian ways, should provide for safe and hazard-free internal circulation, including provision for fire lanes where appropriate.
- (3) The points of ingress shall be designed so as not to require commercial or industrial traffic to pass through residential areas, insofar as possible.

F. Block Layout.

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

G. Size. Lot sizes shall be based on the following factors:

- (1) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities.
- (2) Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved.

§528. Buffer Yards

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

§529. Recreation Areas

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

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- (3) Multi-family developments. In multi-family residential developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
- C. Recreation areas, as required by the Zoning Ordinance, shall be laid out in accordance with the best principles of site design. The recreation areas shall form part of an interconnecting open space system that extends throughout the development. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:
 - (1) Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the municipality, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.
 - (2) Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
 - (3) When active recreation activities are proposed that entail the construction and installation of equipment or playing surfaces, a buffer, as described in §528, shall be provided when such activities abut residential uses.
 - (4) Recreational areas shall not be traversed by streets or utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
 - (5) The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents.
- D. The municipality may accept or reject the dedication of any recreation area.
- E. Except as otherwise provided herein, for any development often (10) or more dwelling units under one (1) or more applications, the developer shall, as a condition precedent to final plan approval, either pay a recreation fee or dedicate land to the Municipality in lieu of such a recreation fee. The Municipality, however, may reject an offer of dedication of land. Such decision shall be rendered by the Municipality prior to the approval of the Preliminary Application for the subject development. The procedure for both alternatives shall be as described in §529 F, and 529 G hereof.
- F. Alternative Procedure for Payment of a Recreation Fee. Where it is determined that a recreation fee shall be paid, such fee shall be used only for the purpose of providing park or recreational facilities accessible to the subject development. The amount of such recreation fee shall be three hundred dollars (\$300.00) per dwelling unit included in the subject land development; provided, however, that said fee shall be refundable, with interest, upon request of the payer of the fee in the event that the Municipality has failed to utilize such funds for the purpose set forth herein within three (3) years of the date of payment of said fee.
- G. Alternative Procedure for Dedication of Land in Lieu of a Recreation Fee. This option shall only be considered for developments of 20 or more dwelling units. The developer may be required to dedicate 1,000 square feet of land for each dwelling unit. The delineation of the area to be dedicated shall be the choice of the developer; provided, however, that such lands shall be suitable for recreational use as determined by the Municipality. If, however, the

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Municipality fails to develop the dedicated site within three (3) years of the date of dedication, the site shall be returned to the developer.

H. Development Guidelines. The following and similar facilities shall meet this requirement: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. Sites so dedicated shall not be deemed to be accepted by the Township unless and until the municipality has taken formal action with regard to the same.

§530. Reserved

§531. Reserved

§532. Reserved

§533. Varying of Design Standards

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

A. Streets. Standards for streets expressed in this Ordinance are intended to provide for the safe and intelligent layout of streets that can be easily maintained at minimum cost.

(1) Cartway width. The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.

(a) Where a street is designed so that all dwelling units face on local streets and where on-street parking is not permitted and no safety hazard will be created, the cartway width may be reduced. This reduction is limited to twenty-eight (28) feet on collector or twenty (20) feet on local streets.

(2) Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. Where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:

(a) Ensures adequate means for the protection of pavement edges.

(b) Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.

(c) Has the approval of the Planning Committee Engineer.

(3) Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. In no instance shall a right-of-way width be reduced to less than thirty-three (33) feet.

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ARTICLE VI

Improvements

§ 600. Purpose; Conformance Required.

- A. The purpose of this Article is to establish and define the public improvements that will be required by the municipality to be constructed or caused to be constructed by the applicant.
- B. All improvements shall be constructed in accordance with the specifications of the municipality. The municipality has established such standards in order to protect the public safety, but not for the purpose of accepting offers of dedication.

§601. Minimum Requirements.

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

§602. Revision of Plans.

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

§603. Maintenance.

Adequate provisions for the satisfactory maintenance of all improvements shall be made by dedication to, and acceptance for maintenance by, the governing body.

§604. Streets.

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

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

- A. Streets

- (1) Except where otherwise specified, there shall be an 8" subbase in accordance with §350 of the current edition of the Pennsylvania Department of Transportation Publication No. 408 as amended. There shall also be a bituminous base course (BCBC) of 5" ID-2 in accordance with §305 of the current edition of the Pennsylvania Department of Transportation Publication No. 408 as amended, and a bituminous, wearing course of 2" ID-2 in accordance with §420 of the current edition of the Pennsylvania Department of Transportation Publication No. 408 as amended.

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(2) Alternative for Minor Streets - Stone Roadway Specifications.

- (a) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT specifications as contained in the applicable sections of the current edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade.
 - (i) The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.
 - (ii) All unsuitable subgrade material shall be removed or stabilized.
 - (iii) Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall be approved by the Planning Committee Engineer.
 - (iv) Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than six (6) inches thick per layer.
 - (v) The subgrade shall be thoroughly compacted by rolling with a minimum ten ton roller and or a sheep's foot roller in layers not greater than six (6) inches.
 - (vi) Backfill or trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
 - (vii) All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Planning Committee Engineer.

§605. Street Signs, Regulatory Signs and Traffic Signalization.

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

§606. Street Lights.

- A. Where required by the governing body, the developer shall install or cause to be installed at the developer's expense metal or fiberglass pole street lights serviced by underground

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conduit in accordance with a plan to be prepared by the developer's engineer and approved by the governing body and by the electric utility provider.

- B. The requirement of metal or fiberglass poles may be waived in such instances as approved by the governing body due to the existence of wooden poles already in place. Provision shall be made for energizing said lighting with PPL.
- C. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by the municipality.

§607. Wetlands.

- A. Prior to any subdivision or land development being approved by the Planning Committee, the developer shall furnish written verification from the Pennsylvania Department of Environmental Protection or the United States of America, Department of the Army, Corps of Engineers, or both, as applicable, that no portion of the proposed subdivision or land development constitutes wetlands as defined by applicable state or federal law. In the event a portion or all of the proposed subdivision or land development involves wetlands, then the developer shall secure the necessary permits from the Pennsylvania Department of Environmental Protection or United States Army Corps of Engineers and present same to the Planning Committee prior to approval by the Planning Committee, and if approved by the Planning Committee, then such approval is subject to any conditions imposed by the state or federal government.

§608. Central Water Supply and Fire Hydrants.

- A. In all subdivisions and land developments to be served by a central water supply, the developer shall construct water mains in such a manner as to make adequate water service available to each lot or dwelling unit within the subdivision or land development.
- B. The water supply and pressure must comply with the regulations and the standards of the Pennsylvania Department of Environmental Protection or its successor agency.
- C. Said supply shall be located or constructed so as to eliminate the possibility of flood damage.
- D. The system shall also be designed with adequate capacity and appropriately spaced fire hydrants for fire-fighting purposes pursuant to the specifications of the Middle States Department Association of Fire Underwriters. When appropriate, where there is no public water supply, dry hydrants shall be installed subject to approval by the appropriate Buck Township Fire Chief. Review and approval by the Engineer and the appropriate Buck Township Fire Chief shall be required in order to ensure that adequate fire protection is provided. No building permit shall be issued prior to the installation of operable fire hydrants.
- E. Where a public water supply is available within 1,000 feet of the proposed residential development, the subdivider shall construct a system of water mains, tied to such system and provide a connection for each lot. Regardless of this requirement, all subdivisions and land developments shall be served with an adequate water supply.
- F. Plans and specifications for off-site water systems (i.e., extension of an existing system or a proposed new facility) shall be prepared by a professional Engineer and shall conform to accepted engineering practices. The system shall be designed to furnish adequate main sizes

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and, where necessary, fire hydrants located to meet the specifications of the Association of Fire Underwriters and the Buck Township Fire Companies. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

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

§609. Private Water Supply.

- A. Where no public water is accessible, water shall be furnished by the developer on an individual lot basis.
- B. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the well shall be of the drilled type, cased and grout-sealed into the bedrock in accordance with DEP requirements.

§610. Sewage Facilities.

- A. General Requirements: The applicant shall install sanitary sewer facilities in a manner prescribed by the Township construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Township Engineer, Department of Environmental Protection, and other appropriate agency. Plans shall be approved by the above agencies or by the Township Sewage Enforcement Officer (SEO). Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision where no district exists for the land to be subdivided.
- B. High-Density Residential Districts: Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot. Grades and sizes shall be as required by the Township. No individual (on-lot) or centralized disposal systems shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the Township Engineer and the Pennsylvania Department of Environmental Protection.
- C. Low- and Medium Density Residential and Non-Residential Districts: Sanitary sewerage systems shall be constructed as follows:
 - (1) Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with the system and provide sewers accessible to each lot in the subdivision.

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(2) Where public sanitary sewerage systems are not reasonably accessible but will become available within ten (10) years, the applicant may choose one of the following alternatives:

- (a) Central sewerage system, the maintenance cost to be assessed against each property benefitted. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
- (b) Individual (on-lot) disposal systems, provided that applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, and shall be ready for connection to such public sewer main.

(3) Where public sanitary sewerage systems are not reasonably accessible and will not become available within ten (10) years, the applicant may choose one of the following alternatives:

- (c) Central sewerage system, the maintenance cost to be assessed against each property benefitted. Lots between 10,000 and 20,000 square feet shall be required to use this option where no public sewers are available.
- (d) Individual (on-lot) disposal systems, except for lots smaller than 20,000 square feet. When an on-lot system is used, whenever possible, there shall be two (2) usable sites - a primary site and a secondary site.

D. **Mandatory Connection to Public Sewer System:** If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

E. **Individual Disposal System Requirements:** If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and percolation tests and test holes shall be made as directed by the Township Sewage Enforcement Officer (SEO) and the results submitted to the Pennsylvania Department of Environmental Protection (DEP). The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device shall also be approved by the Sewage Enforcement Officer.

F. **Design Criteria for Sanitary Sewers:**

(1) These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the Township Engineer.

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(2) Design Factors: Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

One and Two Family Dwellings	0.02 cubic feet per second (CFS/acre)
Apartments - One and Two Story	0.02 CFS/acre
Commercial	
Small Stores, Offices, & Misc. Buildings	0.02 CFS/acre
Shopping Centers	0.2 CFS/acre
Industrial	As directed by Township Engineer

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor of 0.1 cfs/acre for an area of 1,000 acres unless otherwise directed by the Township Engineer. Design factors for watersheds larger than 1,000 acres shall be .01 cfs/acre unless otherwise directed by the Township Engineer.

(3) Maximum Size: The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the Township Engineer.

(4) Minimum Size: No public sewer shall be less than eight (8) inches in diameter.

(5) Minimum Slope: All sewers shall be designed to give mean velocities when flowing full or not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve fewer than ten (10) houses, the minimum slope shall be not less than one (1%) percent. (See Table 2)

Table 2
MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (inches)	Minimum Slope (in feet per 100 feet)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

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- (6) Alignment: All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the Township Engineer.
- (7) Manhole Location: Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches and smaller, and 500 feet for sewers 18 inches in diameter and larger.
- (8) Manholes: The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches except where required to match crowns. The use of drop manholes will require approval by the Township Engineer. The minimum inside diameter of the manholes shall conform to those specified by the Township Engineer. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
- (9) Sewerage Locations: Sanitary sewers shall be located within street or alley rights-of-way unless topography indicates otherwise. When located in easements on private property, access shall be to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way where possible. Imposed loading shall be considered at all locations. Not less than six (6) feet to cover shall be provided over top of pipe in street and alley rights-of-way or three (3) feet in all other areas.
- (10) Cleanouts and Lampholes: Cleanouts and lampholes will not be permitted.
- (11) Water Supply Interconnections: There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (12) Relation of Sewers to Water Mains: A minimum horizontal distance often (10) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer.

§611. Reserved.

§612. Utilities.

- A. Location: All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout major subdivisions. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground in proposed major subdivisions. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plan. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the

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Planning Committee, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

B. Easements:

- (1) Easements centered on rear lot lines shall be provided for utilities (private and municipal), such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
- (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plan.

§613. Grading.

Grading shall conform in all respects to the final plan.

§614. Plantings.

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

§615. Community Facilities.

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

§616. Preliminary Inspection of Streets and Improvements.

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

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

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

§617. Grading

- A. The Township Engineer shall make a final inspection, with the developer, of all required improvements.
- B. The Township Engineer shall run the finished center-line profile of the completed streets; submit a report to the governing body indicating the final elevations; and affix to the final profile plan such elevations; provided, however, that as an alternative, the developer may provide as-built drawings sealed by a registered surveyor.
- C. Pavement cores for new road construction shall be taken in the presence of the Township Engineer.

§618. Reserved.

§619. Ownership and Maintenance of Retention and Detention Systems.

- A. Provision for ownership and maintenance of the detention basins shall be made in a manner so as to ensure its effectiveness. No zoning permit for any development which provides for a detention basin shall be issued until there has been an acceptable disposition of the detention basins. This shall be accomplished in one of the following manners:
 - (1) With permission of the municipality, and with appropriate deed restrictions in favor of the municipality and in language acceptable to the municipality's Solicitor, the developer may transfer the fee simple title in the detention basin or a portion thereof to a private, not-for-profit organization, provided that:
 - (c) The organization is acceptable to the municipality and is a bona fide organization with a perpetual existence;
 - (d) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions, and;
 - (e) A maintenance agreement acceptable to the municipality is entered into by the developer, the organization and the municipality;
 - (2) The developer shall provide for and establish an organization for the ownership and maintenance of the detention basin consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.S. 33101 et seq. If such an organization is created, the deeds for the detention basin and for all individual lots within the development shall contain the following requirements in language acceptable to the municipality's Solicitor.

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- (a) Such organization shall not dispose of the detention basin by sale or otherwise unless the municipality has given prior approval. Such transfer shall be made only to another organization that shall maintain the detention basin in accordance with the provisions of this Ordinance;
- (b) The organization and all lot owners within the development shall agree to maintain the detention basin. If private ownership fails to do so, the municipality may proceed to maintain a deteriorating detention basin and may assess and lien the properties within the development accordingly;
- (c) All lot owners shall be required to become members of the organization and pay assessments for the maintenance of the detention basin, which may be increased for inflation and which may provide for professional management.

§620. Storm Sewerage System.

- A. The storm sewerage system shall be constructed in accordance with the requirements of this Ordinance and in accordance with the Municipality's Storm Water Management Ordinance.
- B. The municipality shall have the option of requiring that those areas set aside as retention or detention basins be owned and maintained by another appropriate legal entity.
- C. The Storm Water Drainage Plan for any subdivision or land development shall meet the Department of Environmental Protection requirements for an Erosion and Sedimentation Control Plan, in addition to the requirements of this Ordinance.
- D. Storm Drainage Systems and facilities shall be constructed in accordance with The Design and Construction Standards as set forth in PennDOT Publication 408 and Publication 72. Storm drainage systems and facilities shall be constructed in order to provide for the following:
 - (1) Permit unimpeded flow of natural water courses except as modified by storm water detention facilities.
 - (2) Insure adequate drainage of all low points along the line of streets.
 - (3) Provide positive drainage away from on-site sewage disposal systems, if applicable.
 - (4) Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.
 - (5) Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, in accordance with PennDOT Standards, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets. Capacity calculations for inlets shall be submitted with the design report.
 - (6) All storm water drainage facilities shall be designed to handle, at minimum, the peak discharges from a 10-Year post-development storm event. The Board of Supervisors, shall have the discretion to require that certain drainage facilities be

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designed for peak discharges which may exceed a 10-Year post-development storm event, if so warranted in the recommendation of the Township Engineer.

- (7) Storm drainage systems required by this Ordinance shall be designed to provide protection from a 10 to 100 year storm as determined by the Township Engineer.
- (8) Stormwater runoff calculations shall be calculated from methods described in the "Erosion and Sediment Pollution Control Manual", April, 1990 Edition as prepared by the Pennsylvania Department of Environmental Protection and PennDOT Design Standards, or as approved by the Township Engineer.
- (9) Stormwater control system design calculations shall be based on methods described in the "Erosion and Sediment Pollution Control Manual" and PennDOT Design Standards, or as approved by the Township Engineer.
- (10) All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- (11) Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, polyethylene, PVC or other material approved by the Pennsylvania Department of Transportation and/or the Township Engineer. The Township reserves the right to require specific material or materials upon the recommendation of the Township Engineer.
- (12) Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles, or pedestrians.

E. A site drainage plan for the proposed subdivision or land development shall be prepared which illustrates the following information:

- (1) Mapping of the watershed area or areas in which the proposed subdivision or land development is located.
- (2) Calculations of runoff for all points of runoff concentration.
- (3) Complete drainage systems, facilities and easements for the subdivision or land development. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision or land development is to be constructed in stages, a general drainage plan for the entire subdivision or land development shall be presented with the first stage and appropriate development stages for the drainage systems shall be indicated.
- (4) Pre-development and post-development peak flows.
- (5) Individual drainage area boundaries shall be provided for all points of discharge for both pre and post development conditions along with each flow path required for time-of-concentration calculations.

F. Storm drainage facilities required by this Ordinance shall be designed to provide protection from storms with a frequency often (10) years. The acceptable methods of computation for calculating storm water runoff shall be those contained in the following publications:

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- (1) Technical Release 55, URBAN HYDROLOGY FOR SMALL WATERSHEDS, as published by the Soil Conservation Service of the United States Department of Agriculture.
- (2) RECOMMENDED HYDROLOGIC PROCEDURES FOR COMPUTING URBAN RUNOFF FROM SMALL WATERSHEDS IN PENNSYLVANIA, as published by Bureau of Dams and Waterway Management, Pennsylvania Department of Environmental Protection

The applicant shall confer with the Township Engineer prior to the selection of a specific method for the computation and calculation of storm water runoff. Complete detailed drainage calculations, prepared and certified by a registered professional engineer, shall be submitted to the Township Engineer for his review and comment to the Planning Committee.

- G. All lots or sites within a subdivision or land development shall be laid out and graded to prevent cross-lot drainage away from proposed building area. Natural drainage courses shall be maintained.
- H. Drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of storm water across lots located along the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel ditches, swales or curbing on the lower side which shall discharge only at drainage easements.
- I. The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased as a result of development, unless design measures are incorporated to prevent damage and appropriate drainage easement is obtained from the affected adjoining land owner.
- J. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- K. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the runoff that occurs from property at a higher elevation in the same watershed.
- L. Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be at least fifty (50) feet away recognized high water mark of any water course or body of water; In the event that any regulation or ordinance of the Township, Commonwealth or federal agency requires a distance greater than fifty (50) feet, then such regulation shall take precedence.
- M. Drainage structures that are located on State Highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Planning Committee.

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- N. All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be one-quarter (1/4) inch per foot away from the centerline.
- O. All proposed surface drainage structures shall be indicated on the Preliminary Plan. Drainage plans shall include all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.
- P. Whenever storm sewers are required by the Planning Committee, such storm sewer system shall be separate from the sanitary sewer system. Storm sewer facilities shall be provided where the Planning Committee, with the advice of the Township Engineer, determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- Q. Drainage easements shall be provided as follows:
 - (1) Drainage easements shall be provided adjacent to street rights-of-way, streams, side property lines and rear property lines as required by the Planning Committee.
 - (2) Drainage easements shall be minimum width of:
 - (a) Ten (10) feet adjacent to a street right-of-way plus the width of any required pipe or other necessary improvements.
 - (b) Fifteen (15) feet when following side and rear lot lines. Such easements shall to the fullest extent possible, either immediately adjoin or be centered on such lot lines; or
 - (c) Fifty (50) feet from any recognized boundary of a 100-Year Flood Plain or a recognized high-water mark of any water course or body of water.
- R. Accommodation of Upstream Drainage Areas.
 - (1) A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Township Engineer shall give his recommendation as to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate and proposed facility sizing design as calculated by the applicant's Engineer or Surveyor and reviewed by the Township Engineer. The calculation of this runoff rate shall take into account any land use and development regulations including runoff controls in effect in the tributary areas.
- S. Effect Downstream Drainage Areas.
 - (1) No storm water runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create potential flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions. The Planning Committee may withhold approval of the subdivision until provisions have been made for the improvement of said potential conditions. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

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T. Storm Water Detention

- (1) Areas of extremely poor drainage should be discouraged by the Planning Committee.
- (2) Storm water detention facilities shall be utilized whenever the Storm Water Management Plan indicates post-development runoff rates for each point of discharge exceeds the pre-development runoff rates unless the increase would not cause an overload of downstream drainage system or significant increases in flood levels in any downstream area. This will be determined by comparing the increase in runoff caused by the land development with existing runoff rates and capacity of the downstream drainage systems and watercourses. All required computations will be provided by the Developer's Engineer and reviewed by the Township Engineer.
- (3) Whenever detention facilities are required, facilities will be designed to provide that the peak runoff rate at all points of discharge from the site, when developed, will not exceed the peak runoff rate at each of those points prior to development unless existing or planned detention facilities located elsewhere in the same drainage basin will provide that the peak runoff rate from the drainage basin after the site is developed will not exceed the peak runoff rate prior to development.
- (4) Where detention facilities are included as part of the storm drainage system, the following provisions will apply:
 - (a) Detention ponds shall be designed so that they return to 95% dry conditions or normal pool elevation within approximately twelve (12) hours after the termination of the storm, unless downstream conditions warrant other design criteria for storm water release, approved by the Planning Committee.
 - (b) The developer shall demonstrate that such ponds are designed, protected and/or located to assure that public safety is maximized and health problems are prevented. All detention ponds or basins shall be enclosed by a chain link fence with a minimum height of six (6) feet, unless specifically waived by Planning Committee.
 - (c) The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
 - (d) Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flow.
 - (e) If the lands of the proposed land development will remain in common ownership, the developer shall provide written assurances to the municipality that the detention ponds will be properly maintained.
 - (f) If the lands of the proposed land development will be conveyed to two or more separate owners, the developer shall provide written assurances to the municipality that the detention ponds will be properly maintained, or dedicate the land on which the detention ponds are located to the municipality which shall then be responsible for maintaining the detention pond, if accepted by the Township for dedication.

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- (g) Required storm detention basins shall be designed to detain at a minimum a 25 year frequency storm to pre-developed rates. Larger design storm detention may be required as recommended by the Township Engineer when in his opinion greater protection is required for downstream area.

In any case, each basin must be provided with an emergency spillway capable of passing an un-detained 100 year design storm. The emergency spillway will be constructed in undisturbed ground where at all possible. Lining protection may be required to control erosion. Basin construction requirements shall be as provided in the "soil Erosion and Sedimentation Control Manual" of the Pennsylvania Department of Environmental Protection for "sedimentation basins." Additional detention basin construction requirements shall be provided as may be requested by the Township Engineer.
- (h) The developer's engineer shall provide routing computations of all required storm hydrographs through the detention facility to ensure adequacy of the facility.
- (i) Adequate provisions for maintenance of all detention facilities shall be incorporated into the plans.
- (j) Alternate detention or retention facilities may be considered for approval at the discretion of the Planning Committee based on the Township Engineer's review and approval of appropriate design of such facility by the Developer's Engineer

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ARTICLE VII **Manufactured Home Parks**

§ 700. Design Standards and Other Requirements

- A. Minimum park area.
 - (1) A manufactured home park shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- B. Site location.
 - (1) Manufactured home parks shall not be located in any area subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; nor shall they be located on any soils classified by the U.S.D.A. Soil conservation Service as having a seasonal high water table within twenty-four (24) inches of the surface or on any slope of 15% or greater.
- C. Site drainage requirement.
 - (1) The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner. All stormwater facilities shall be designed as required in Section 620 hereof. Stormwater management plans for achieving this objective shall be approved by the Luzerne County Conservation District.
- D. Soil and Ground Cover Requirements.
 - (1) All exposed ground surfaces shall be protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The owner shall, within a reasonable period of time, ensure that the above requirements have been satisfied.
- E. Park areas for non-residential uses.
 - (1) Manufactured home parks shall be restricted to residential uses, except those uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
 - (2) Nothing contained in this Section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot and connected to utilities.
 - (3) In all parks designed to accommodate ten (10) or more manufactured 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 not less than 10% of the total area of the manufactured home park. Recreation areas shall be located so as to be free of traffic hazards, and should, where the topography permits, be centrally located.
- F. Required setbacks, buffer strips and screening.

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- (1) All manufactured homes shall be located at least seventy-five (75) feet from the right-of-way line of any public street or highway, and at least fifty (50) feet from any other park property boundary lines.
- (2) There shall be a minimum distance of thirty (30) feet between an individual manufactured home and the adjoining pavement of a park street, common parking area or other common areas and structures.
- (3) All manufactured home parks shall be required to provide screening, such as fencing or natural growth, along the property boundary line separating the park from adjacent uses. A planting or screening plan shall be approved by the Board of Supervisors.
- (4) Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback and buffer areas, provided that a fire lane of at least ten (10) feet in width shall be maintained, clear of all obstacles, on each side of each manufactured home. No structure of any kind may be erected within ten (10) feet of the manufactured home lot line.

G. Erection and Placement of Manufactured Homes.

- (1) Manufactured homes shall be separated from each other, and from other buildings and structures, by at least thirty (30) feet.
- (2) An enclosure of similar design and material to the manufactured home itself shall be erected around the entire base of each manufactured home. Enclosures shall be completed within one year of occupancy of the manufactured home.

H. Park street system.

- (1) Safe and convenient vehicular access shall be provided from abutting public streets or roads.
- (2) The entrance road connecting the park with a public street or highway shall have a pavement width of not less than twenty-four (24) feet and a right-of-way of not less than fifty (50) feet, and no parking shall be allowed on either side of the street. All manufactured home lots shall be served by the entrance road or internal streets connected thereto, and none shall be served directly from the public street or highway.
- (3) Surfaced roadways shall be of adequate width to accommodate anticipated traffic. The minimum pavement width shall be twenty (20) feet. Dead-end (cul-des-sac) streets shall be provided with a paved turn-around having an outside diameter of not less than eighty (80) feet and shall not exceed 1200 feet in length. All streets shall have a right-of-way of not less than fifty (50) feet. Rumble strips or other pavement warnings may be required at intersections.
- (4) All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

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- (5) All park streets shall adhere to the Pennsylvania Department of Transportation "Guidelines for Design of Local Roads and Streets." For purposes of evaluation under these guidelines, park streets shall be considered local access streets.
- (6) There shall generally be at least two points of ingress and/or egress in each manufactured home park but not more than two accesses to a manufactured home park from any one public right-of-way (emergency accesses excepted), and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least 150 feet where they intersect with the public street.

I. Manufactured home site.

The area of the manufactured home site shall be improved to provide a permanent foundation for the placement and tiedown of the manufactured home, thereby securing the structure against uplift, sliding, rotation and overturning. Manufactured homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

- (1) The manufactured home site shall not heave, shift or settle unevenly under the weight of the manufactured home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (2) The manufactured home site shall be provided with anchors and tiedowns, 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 manufactured home.
- (3) Anchors and tiedowns shall be placed at least at each corner of the manufactured home site, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

J. Construction of manufactured home lots.

- (1) Manufactured home lots with an off-site water supply, and having an approved sewage and treatment system whereby the sewage is treated away from the individual lot, shall have a minimum lot area of 5,000 square feet and shall be not less than 50 feet wide at the setback line. Density within the park as a whole shall not exceed seven manufactured homes per acre.
- (2) All square feet areas and density calculations shall be measured or taken exclusive of any right-of-way. For the purpose of administration, 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. Recreation areas and lands unusable for manufactured homes according to Section 700B. shall also be excluded.

K. Water supply.

- (1) An adequate off-site supply of water shall be provided for manufactured homes, service buildings, and other accessory facilities, as required by this Ordinance. The water supply shall be capable of supplying a minimum of 150 gallons per day per manufactured home, and the water distribution system shall be designed and

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maintained so as to provide a pressure of not less than 35 pounds per square inch under normal operating conditions, at service buildings and other locations requiring potable water supply. There must also be an adequate reserve supply of water at adequate pressure to meet fire-fighting needs as estimated by the fire company serving the area. Any other applicable requirements of the Pennsylvania Department of Environmental Protection with respect to water supply, shall also be met.

L. Sewage disposal.

- (1) An adequate and safe sewage system shall be provided in all parks, for conveying and disposing of sewage from manufactured homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained, in accordance with the Pennsylvania Department of Environmental Protection or local health regulations.

M. Required off-street parking.

- (1) Off-street parking areas shall be provided in all manufactured home parks for the use of park occupants and guests. Not less than 2 vehicular parking spaces of at least 200 square feet each in size shall be provided for each manufactured home lot. Common parking areas shall not be located further than 300 feet from the manufactured home lots they are intended to serve. Any common parking areas shall be all-weather surfaced.

N. Utilities.

- (1) Electrical distribution: All manufactured home parks shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specification regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.
- (2) Natural gas system. Natural gas piping systems, when installed in manufactured home parks, shall be maintained in conformity with accepted engineering practices. Each manufactured home provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharges of gas when the outlet is not in use.
- (3) Liquefied petroleum gas (LPG) systems. Liquefied petroleum gas systems, when provided in manufactured home parks, shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location. Systems shall have at least one accessible means for shutting-off gas located outside the manufactured home, and which shall be maintained in effective operating condition. All LPG piping outside of the manufactured home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes. Vessels of more than 12 and less than 60 U.S. gallons gross capacity shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure.
- (4) Fuel oil supply systems. All fuel oil supply systems, when provided in manufactured home parks, shall be installed and maintained in conformity with the following regulations:

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- (a) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely fastened in place.
- (b) All fuel oil supply systems shall have shutoff valves located within five (5) inches of storage tanks.
- (c) All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five (5) feet from any manufactured home parking area or exit.
- (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

O. Application to existing parks.

- (1) Extensions or enlargements of existing manufactured home parks by addition of land areas or increase in the number of available lots shall fully comply with the provisions of this Article, except to the extent which they would be modified by restrictive covenants approved by the Township for an existing contiguous portion of the park.
- (2) No new or replacement manufactured home in an existing park shall be erected any closer than 20 feet to another home site, structure or property line; and on one side of the home there shall be maintained a completely open, unobstructed yard of 10 feet in width for a fire lane. No decks, parking areas, service buildings or other structures shall be erected in said yard. All replacement manufactured homes shall comply with the skirting and anchoring requirements applying to manufactured homes in new parks.

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ARTICLE VIII **Recreational Land Developments**

§ 800. Design Standards and Other Requirements

- A. Minimum development area.
 - (1) A campground subdivision or development shall have a gross area of at least five (5), contiguous acres of land in single ownership or under unified control.
- B. Screening requirements.
 - (1) All campgrounds shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable (5- 10 years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of supervisors.
- C. Lot and siting requirements.
 - (1) Recreational land development lots or camping sites shall be at least twenty-five (25) feet wide and fifty (50) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of twelve (12) sites per acre for the development. Frontage on cul-de-sacs may be varied.
 - (2) Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the public right-of-way; or two-hundred (200) feet to any adjacent property line.
- D. Off-street parking requirements.
 - (1) At least two off-street parking spaces shall be provided for each site. At least one such off-street parking space shall be provided on each lot as required.
- E. Streets.
 - (1) Non-transient recreational land developments - The residential street design standards contained in Article V of this Ordinance shall apply to streets within non-transient recreational land developments.
 - (2) Transient recreational land developments - Transient recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors upon recommendation of the Township Engineer, based upon the size of the development, site conditions and type of development proposed (i.e., primitive tent camping or RV camping).

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F. Sewage and water supply.

- (1) No individual on-site sewage or water supply shall be permitted, and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Buck Township.

G. Other regulations.

The following additional regulations shall apply to all recreational land developments.

- (1) Appurtenances - No permanent external appurtenances, such as carports, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
- (2) Location - A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Township highway shall be required.
- (3) Common use areas - A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- (4) Entrances and exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Township highway, nor shall such intersection be located within 150 feet of any other intersection.
- (5) Parking areas - In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.
- (6) Occupancy - Campsites shall be used only for camping purposes. No improvement or any manufactured home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of

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wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.

- (7) Records - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
- (8) Sanitary waste disposal - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite." Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six-hundred (600) feet of each lot or campsite.
- (9) Fences - all property lines within the development shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, ledges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
- (10) Nuisances - No noxious or offensive activities or nuisances shall be permitted on any campsite.
- (11) Animals - No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- (12) Garbage and refuse disposal - No person shall bum trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite.
- (13) Camping accessories - Notwithstanding any provisions herein contained to the contrary, public tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

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- (14) Ditches and swales - Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
- (15) Drilling and mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.
- (16) Vehicle Parking- No recreation vehicle shall be parked on any street or roadway within the development.
- (17) Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
- (18) Water supply- Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite.

The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Township Board of Supervisors in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in Article II of this Ordinance. A plan or set of covenants which does not adequately provide for conformance with this Section shall not be approved. The plan and/or covenant shall also provide the Township with the option (but not the obligation) of being party to their enforcement and include a right for the Township to periodically inspect the development for continued compliance with the plan and/or covenants.

H. Application to existing developments.

- (1) The regulations of this Article VIII shall apply to any extensions of existing recreational subdivisions and land developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

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ARTICLE IX **Contracts and Guarantees**

§ 900. Installation of Improvements or Suitable Guaranty Required.

No subdivision or land development shall be approved for recording until the municipality has been assured by means of a proper contract containing, among other items, performance and maintenance guaranties, that the required improvements will subsequently be installed by the owner and/or applicant, herein after referred to as the "developer".

§901. Contracts.

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

- A. To construct or cause to be constructed at his own expense all streets, roadways, cartways, driveways, monuments, street signs and street names, off-street parking/parking lots, curbs, sidewalks, street tree and buffer plantings, lighting, fire hydrants, water mains, sanitary sewers (including capped sewers), storm sewers, drainage and erosion control improvements, including but not limited to stormwater detention and/or retention basins and other related facilities, recreation facilities, open space improvements and other improvements shown on the approved subdivision or land development plan, all in strict accordance with the standards and specifications of the municipality and within the time specified in said agreement.
- B. To deposit with the municipality financial security in an amount sufficient to cover the cost of all required subdivision improvements (including both public and private improvements); provided, however, that said financial security shall not include improvements which are part of financial security provided to PennDOT. The financial security shall be posted contemporaneously with the execution of the agreement, in the form of either a bond from bonding company authorized to do business within the Commonwealth or such other type of financial security that the governing body may approve in an amount to be approved by the Township Engineer. The bonding company may be chosen by the developer, provided that the bonding company shall stipulate that it submits to Pennsylvania jurisdiction and Luzerne County venue in the event of legal action. The financial security shall provide for, and secure to the public, the completion of all site improvements for which the security is being posted within one (1) year of the date fixed in the subdivision plan or subdivision agreement for completion of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the governing body of bona fide bid or bids from the contractor or contractors chosen by the developer to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by an estimate prepared by the Planning Committee Engineer. If the developer requires more than one (1) year from the date of the posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional six percent (6%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent

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(110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. The municipality shall be identified on such security as a party to be notified in the event that said security is canceled, revoked or redeemed by the holder thereof.

- C. In the case where a development is projected over a period of years, the governing body may authorize submission of final plans by sections or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- D. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included with the financial security as otherwise required by this section.
- E. As the work of installing the required improvements proceeds, the developer may request the governing body to release or authorize a reduction, from time to time, of the financial security consistent with the completion and acceptance of portions of the required site improvements. Any such request shall be in writing addressed to the governing body, and the governing body shall have thirty (30) days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the governing body shall authorize the bonding company or lending institution to reduce the financial security in an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The governing body may, prior to final approval of the reduction at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements. The Township Engineer, in certifying the completion of work for a partial reduction, shall not be bound to the amount requested by the developer, but shall certify to the governing body his independent evaluation of the proper amount of partial reduction.
- F. To make adequate provisions with the Township Engineer for the inspection of the construction of the aforesaid improvements to assure strict compliance with municipal standards and specifications.
- G. To pay all costs, charges or rates of the utility furnishing fire hydrant and electric service for the fire hydrants and street-lighting facilities installed by the developer until such time as the streets shown on the subdivision and/or land development plans shall have been accepted or condemned by the municipality for public use, and to indemnify and save harmless the municipality from and against all suits, actions, claims and demands for electric service and fire hydrant service as aforesaid, or any part thereof, to the time that said streets shall be accepted or condemned as public streets in the manner hereinabove set forth.
- H. To reimburse the municipality promptly for:
 - (1) Reasonable attorneys' and engineers' inspection fees.
 - (2) Fees for other professionals employed by the municipality to review, inspect or process subdivision and land development plans.

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(3) An administrative charge, representing ten percent (10%) of the attorneys', engineers', and other professionals' fees.

I. The developer shall, when the improvements are completed to the satisfaction of the governing body, offer for dedication, and the municipality may accept or reject said streets and/or other parcels, together with any improvements thereunder or thereupon by a deed in a form approved by the Township Solicitor. Such deed shall include a reference to a plan of the streets and/or other parcels dedicated; title thereto shall be clear title and be such as will be insurable by a reputable title insurance company of Pennsylvania at regular rates; all in connection therewith to be borne by the developer.

J. Where the governing body accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee-simple form or of an easement), the developer shall post financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as authorized in Subsection B above and shall be for a term of eighteen (18) months from the date of the acceptance of dedications and shall be in an amount equal to fifteen percent (15%) of the actual cost of installation of the improvements so dedicated. The percentage used to determine the amount of the maintenance guaranty may be increased if all lots in the subdivision or land development do not have dwellings or other principal buildings erected thereon prior to acceptance of dedication.

§902. Temporary Improvements.

A. The applicant shall build and pay for all costs of temporary improvements required by the Board of Supervisors and shall maintain same for the period specified by the Planning Committee and/or the Board of Supervisors. Prior to construction of any temporary facility or improvement, the developer shall file with the Board of Supervisors a separate suitable bond or other financial security for temporary facilities, which bond or other financial security shall insure that the temporary facilities will be properly constructed, maintained, and removed.

§903. Costs of Improvements.

A. All required improvements shall be made by the applicant, at his expense, without reimbursement by the Township or any other governmental authority.

§904. Governmental Units.

A. Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

§905. Remedies to Effect Completion of Improvements.

A. In the event that any improvements which may be required have not been installed as provided in the Subdivision and Land Development Ordinance or in accord with the approved final plan, the Board of Supervisors may enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all

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the improvements covered by said security the Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

§906. Escrow Deposits for Lot Improvements.

- A. Acceptance of Escrow Funds: Whenever, by reason of the season of the year, any lot improvements required by the Subdivision and Land Development Ordinance cannot be performed, the Zoning Officer may, nevertheless, issue a certificate of occupancy, provided there is no danger of health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Township Engineer for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.
- B. Procedures on Escrow Fund: All required improvements for which escrow monies have been accepted by the Zoning Officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period, the Zoning Officer shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Zoning Officer, the Zoning Officer may request the Board of Supervisors to authorize the contracting out of work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Zoning Officer, the applicant shall obtain and file with the Zoning Officer prior to obtaining the certificate of occupancy a notarized statement from the purchase or purchasers of the premises authorizing the Zoning Officer to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

§907. Maintenance of Improvements.

- A. The developer shall be required to file a maintenance bond with the Board of Supervisors, in an amount considered adequate by the Township Engineer and in a form satisfactory to the Township Solicitor, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of eighteen (18) months from the approval of the Final Application.
- B. Beyond the initial eighteen (18) month period, when the Township does not accept an offer of dedication for improvements, all improvements, such as roads, detention basin, retention basins, and the like shall be maintained by the developer. The developer shall enter into an agreement with the Township to assure the continued maintenance of streets and other public or private improvements. Such responsibilities shall be specified, such as meeting snow plowing requirements, storm drainage requirements, resurfacing and replacement of streets, and the maintenance of detention basins to assure their reliability.
- C. Upon the sale of lots in the development, the developer may transfer these responsibilities to the new owner(s). Such transfer of responsibility shall be in the form of deed restrictions that will indemnify the Township from any responsibility for maintaining or improving such

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facilities. Deed restrictions on all lots shall include each property owner's acceptance of full responsibility for the maintenance and improvement of roadways and any other improvements included in the subdivision or land development. The developer, or the new property owner, as the case may be, shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required; provided, however, that if any certificates of occupancy have been issued to properties on a street not accepted by the Township, the Township may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge same to owner.

§908. Deferral or Waiver of Required Improvements.

- A. The Buck Township Board of Supervisors may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- B. Whenever it is deemed necessary by the Buck Township Board of Supervisors to defer the construction of any improvement required herein, because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Township prior to signing of the final subdivision plan, or the applicant may post a bond insuring completion of said improvements upon demand of the Township.

§909. Issuance of Zoning Permits and Certificates of Occupancy.

- A. Where a performance bond has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of the same to the Township, as required in the Buck Township Board of Supervisors' final approval of the subdivision plan, except as provided for in Section 907 (a).
- B. The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall at the time of the dedication submit monies in escrow to the Township in a sum determined by the Township Engineer for the necessary final improvement of the street.
- C. No zoning permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Buck Township Board of Supervisors for the plan have been fully completed and dedicated to the Township.

§910. Consumer Protection legislation and Conflict of Interest Statutes.

- A. No zoning permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflict-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- B. With respect to said lot or parcel of land, in the event a zoning permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Township until

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so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

- C. Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code) or conflict of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Article X, Section 1001 hereof.

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ARTICLE X

Amendments, Penalties, Severability, Repealer

§ 1000. Amendments

The Township Board of Supervisors may, after public hearing, amend these regulations pursuant to the Pennsylvania Municipalities Planning Code. These regulations shall also be considered amended whenever any provision of the aforementioned Code is itself amended to require or authorize actions different from those specified herein.

§1001. Violations and penalties.

A. Enforcement

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

B. Enforcement remedies

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

C. Preventive remedies

- (1) In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This

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authority to deny such a permit or approval shall apply to any of the following applicants:

- (a) The owner of record at the time of such violations.
- (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (e) As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§1002. Appeals.

- A. 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.
- B. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

§1003. Modifications.

- A. General Requirement. If any provision of this Ordinance is shown by the Subdivider or his engineer or surveyor to be unreasonable of application due to exceptional topographic or other physical conditions or where strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional or undue hardship not of his own making, the Planning Committee may grant a modification of the literal requirements of such provision provided that such modification is the minimum modification required to give relief; that such modification will not be contrary to the public interest; and that the purpose and intent of this Ordinance is observed.
- B. In authorizing a waiver, the Board of Supervisors may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations.
- C. Procedures.
 - (1) Filing. Any request for a modification shall be in writing and shall accompany and be part of the submission of the Plan, Preliminary or Final, to which it refers. The request shall state in full the grounds and facts of unreasonableness or hardship on

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which the request is based, the provision(s) of this Ordinance involved, and the exact modification which is requested.

- (2) Review. All proposals for modification of the provisions of this Ordinance shall be reviewed and decided upon by the Planning Committee.
- (3) Record of Decisions. A record of the action on modification from the provisions of this Ordinance shall appear in the official minutes of the Planning Committee.

§1004. Planning Committee Records.

- A. The Planning Committee shall keep a record of its findings, decisions, and recommendations relative to all subdivision plans filed with it for review.

§1005. Appeals.

- A. Appeals to the Board of Supervisors. Any person shall have the right to appeal in writing to the Board of Supervisors from any decision or interpretation made by the Planning Committee under this Ordinance, said appeal shall be filed within sixty (60) days of said decision or interpretation.
- B. Appeals to Court. The decision of the Buck Township Board of Supervisors with respect to the approval or disapproval of a plan may be appealed directly to the Luzerne County Court of Common Pleas as provided in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§1006. Amendments.

- A. The Board of Supervisors may, from time to time, amend this Ordinance by appropriate action taken after a public hearing on said proposed revisions.
- B. The public notice shall contain the date, time, and place of such public hearing together with a brief summary setting forth the principal provisions of such amendments, indicating the place and time where copies of the proposed amendments may be examined.
- C. Unless the proposed amendment shall have been prepared by the Planning Committee, the Board of Supervisors shall submit the amendment to the Planning Committee at least thirty (30) days prior to the hearing on such amendment to provide the Planning Committee an opportunity to submit recommendations.
- D. After enactment, if the advertisement of an amendment is required by other laws respecting the advertisement of ordinances, such advertisements may consist solely of a reference to the place or places within the Township where copies of such amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

§1007. Effect of Filing an Application; Schedule of Submission.

- A. When an application for approval of a plat, whether preliminary or final, has been approved or approved without condition or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or

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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 which 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 for 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 on any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- B. When an application for either special exception or a conditional use has been filed with either the Zoning Hearing Board or the Governing Body, as relevant, and the subject matter of such application would ultimately constitute either a land development or a subdivision, no change or amendment of the zoning, subdivision or other governing ordinance or plans 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. Provided, further, should such an application be approved by either the Zoning Hearing Board or Governing Body, as relevant, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months or longer or as may be approved by either the Zoning Hearing Board or the Governing Body following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or Governing body. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508(1) through (4) of the Pennsylvania Municipalities Planning Code, as amended, and specifically to the time limitations of said Section 508(4) which shall commence as of title date of filing such land development or subdivision plan.

§1008. Fees.

- A. Review Fees for Major Subdivisions and Land Developments.
 - (1) The Township shall establish a fee schedule, by resolution. At the time of filing the preliminary application and the final application, the applicant shall include a check payable to the Township of Buck in the amount specified in said Fee Schedule. Said fee shall be treated as a deposit against the final review fee for the preliminary application and the final application. Review fees shall include the reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township of Buck. Such fees shall also cover the cost of inspection of improvements; provided, however, that the applicant shall not be required to reimburse the Township for any inspection which is duplicative of inspections covered by other governmental agencies or public utilities; the burden of proving that any inspection is duplicative shall be on the applicant. In addition, fees charged to the Township relating to any appeal of a decision shall not be considered review fees and may not be charged to the applicant.
 - (2) The fees of the Professional Consultants shall be based upon a schedule established by a resolution of the Governing Body. Such expense shall be reasonable and in

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accordance with the ordinary and customary fees charged by the municipality's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants.

- (3) Applicants shall furnish an escrow fund sufficient to pay all fees and costs required by this Ordinance. The escrow fund shall be paid when preliminary and final applications are submitted for review and approval. The applicant shall also be required to submit additional fees to all governmental agencies required to review subdivision and land development plans. An application shall be deemed incomplete until all fees are paid and the applications are properly signed. No review fee deposit shall be required for a minor subdivision; but the Township reserves the right to charge the applicant for any applicable costs incurred by the Township on behalf of the applicant. Said escrow fund shall be replenished upon the submission of any revised subdivision or land development plan. The escrow fund shall be sufficient to guarantee the payment of:
 - (a) The services of any Municipal Engineer, the Solicitor, and other Professional Consultants related to the review and consideration of the application, and all other costs for engineering, traffic surveys, professional certification and other services deemed necessary by the governing body in reviewing plans.
 - (b) The actual cost of all drainage, water and material tests.
 - (c) The cost of municipal inspection services.
 - (d) Legal fees, advertising and other costs involved in the dedication of street easements and public improvements to the Township of Buck.
 - (e) Actual costs of recording.
- (4) The governing body shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 days after the date of transmittal of the bill to the applicant, notify the municipality and the municipality's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove applicant's application based on a dispute over fees. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill under Section 510(g) of the Pennsylvania Municipalities Planning Code.
- (5) Subsequent to a decision on an application, the Governing Body shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

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(6) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

B. Resolution of fee disputes.

(1) In the event that the municipality's professional consultant and the application cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

(2) If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged, shall, by mutual agreement, appoint another professional consultant to review any bills to the applicant has disputed and which remain unresolved the said expenses and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

(3) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

(4) In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in tfi.at case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

(5) The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion of assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

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ARTICLE XI

DEFINITIONS

§ 1100. Definitions and Word Usage.

- A. Unless otherwise expressly stated, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the masculine gender shall include the feminine and neuter; the word "person" shall include any individual, partnership, firm, association, corporation, or organization; the word "building" shall be so construed as if followed by the words "or part thereof". The word "street" shall include "road", "highway", and "lane"; and "watercourse" shall include "drain", "ditch", and "stream"; and the word "shall" is mandatory and not directory. The word "Township" means Buck Township, Luzerne County, Pennsylvania.
- B. Any word or term not defined herein shall be used with a meaning of standard usage.
- C. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Ordinance, the meanings given in the following clauses:

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

ALLEY- A publicly or privately owned right-of-way on which no dwellings or store fronts, serving as a secondary means of access to abutting property.

APPLICANT -The land owner or the authorized agent of the land owner requesting the approval of a proposed subdivision or land development under this Ordinance. When the applicant is the authorized agent of the land owner, the agent will be an acceptable applicant only if there is a notarized authorization to that effect.

APPLICATION, PRELIMINARY - All plans and other documents required to be submitted for the review of a proposed subdivision or a land development. Approval of the Preliminary Application authorizes the application to proceed with the Final Application process, including the submission of required guarantees for the construction of required improvements in accordance with Article 9 hereof.

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

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

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

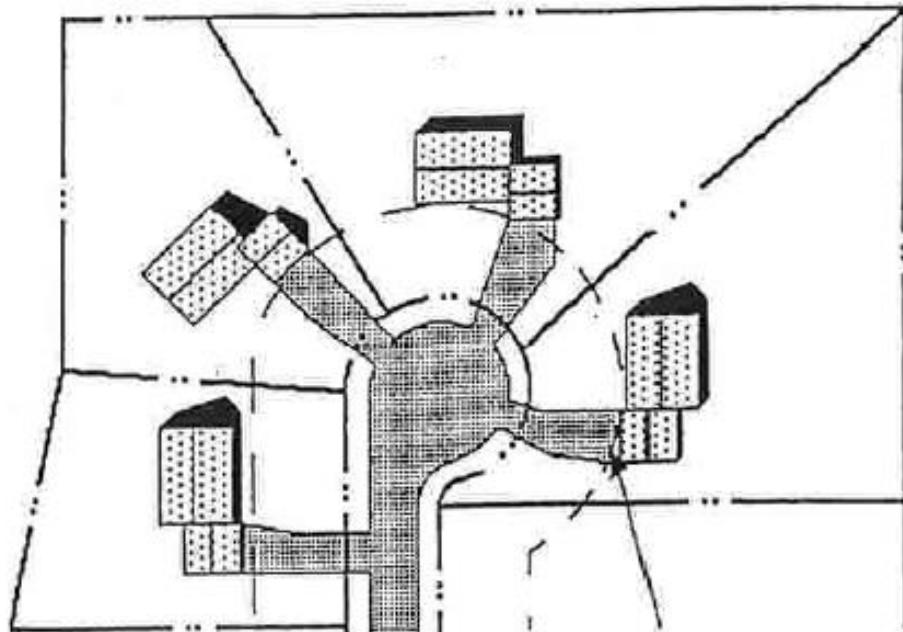
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BLOCK - Property bounded on one side by a street; and other three sides by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

BOND - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of Supervisors. All bonds shall be approved by the Board wherever a bond is required by these regulations.

BUILDING - Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed to separate a building, except as regards minimum side yard requirements.

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



BUILDING SETBACK LINE

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

CAMPSITE - A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes.

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

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

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

COMMISSION, PLANNING - The Planning Commission of Buck Township, Luzerne County, Pennsylvania, or if there be no Planning Commission, The Board of Supervisors acting as Planning Committee.

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

COMPREHENSIVE PLAN - The Comprehensive Plan of Buck Township consisting of maps, charts, and textual matter; officially adopted by the Planning Committee or Board of Supervisors; and containing recommendations of the Commission for the continuing development of the Township in terms of community development objectives, land use plan, housing plan, circulation plan, utilities and community facilities plan, and implementation plan.

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

CONSERVATION PLAN - A record of a landowner's decisions as to how he will use his land to produce within its capabilities. This plan is prepared in accordance with technical specifications of the Soil Conservation Service and is available by making a request to the Luzerne County Conservation District.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this Ordinance.

COUNTY - Luzerne County, Pennsylvania

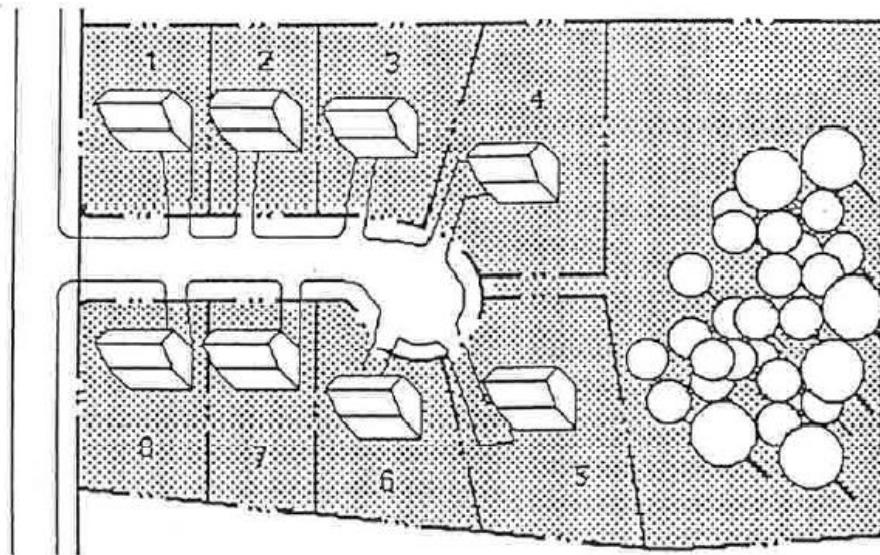
COURT - Refer to "Alley."

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

SUBDIVISION AND LAND DEVELOPMENT

CUL-DE-SAC (Court or Dead-End Street) -A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

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



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

DETENTION BASIN - A reservoir which temporarily contains storm water runoff and releases it gradually into a watercourse or storm water facility.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. (See also Subdivider and Land Development.)

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

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

- (4) **SINGLE-FAMILY DETACHED DWELLING** - A building designed for or occupied as a dwelling for one (1) family,
- (5) **SINGLE-FAMILY ATTACHED DWELLING** - A building designed for two or more dwelling units attached by common or party walls, commonly identified as twin homes when two units are attached or town houses or row houses when three or more units are attached together in a structure,

SUBDIVISION AND LAND DEVELOPMENT

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

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

EASEMENT - A right-of-access granted, but not dedicated, for a specific use of private land for a private, public or quasi-public purpose and within which the owner of the property shall not erect any permanent structure but shall have the right to make any other use of the land which is not inconsistent with the right of the grantee.

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

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

EROSION - The removal of surface materials by the action of natural elements.

ESCROW - A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Zoning Officer in a special account.

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

SUBDIVISION AND LAND DEVELOPMENT

EXCLUDED AREA - Areas with a slope of 20% or more which are deemed by the Planning Committee as unsuitable for development, and thereby deducted from the net site area for purposes of calculating residential densities. Other undevelopable land such as wetlands and other unsuitable areas as determined by the Planning Committee shall also be excluded.

FILING DATE - The date of the regular meeting of the Planning Committee next following the date an application for preliminary or final approval of a subdivision or land development is received by the Zoning Officer, or after a final court order remanding an application. If said next regular meeting occurs more than thirty days following its receipt, the filing date shall be the thirtieth day following its receipt by the Zoning Officer, or after a final court order remanding an application. Submissions lacking information required by this Ordinance will not be considered filed.

FIRE CHIEF - The Fire Chief of the Township of Buck representing the fire company that will serve the proposed development.

FLOOD - A temporary inundation of normally dry land areas.

FLOOD, ONE HUNDRED YEAR - A flood that, on the average, is likely to occur once every one hundred (100) years, that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

FLOOD PLAIN - A relatively flat or low land area adjoining a stream or watercourse which is subject to partial or complete inundation and shown on the Official Zoning Map of Buck Township.

FLOOD, REGULATORY - The flood which has been selected to serve as the basis upon which the flood plain provisions of this Ordinance have been prepared; for the purpose of this Ordinance, the one hundred year flood.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

FRONTAGE STREET - Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

GRADE - The slope of a road, street, or other public way, specified in percentage (%) terms.

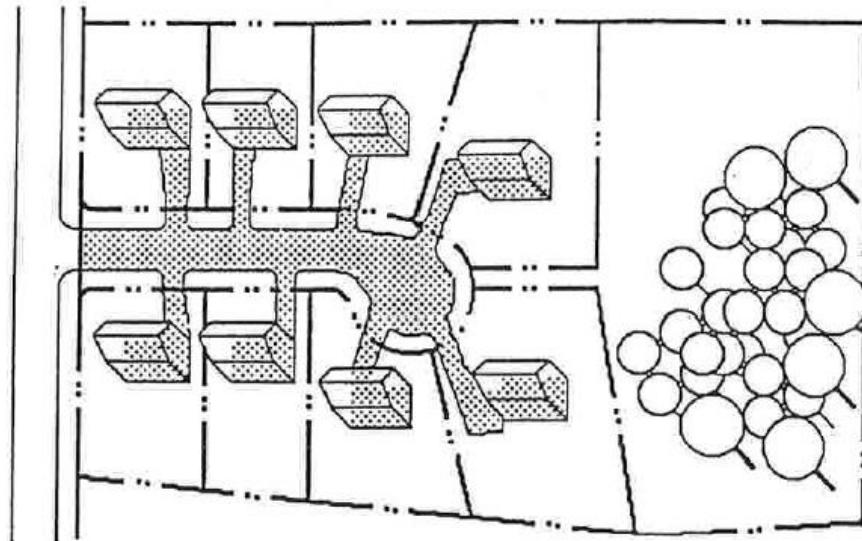
GOVERNING BODY -The Board of Supervisors of the Township of Buck.

HIGH DENSITY - Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

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

SUBDIVISION AND LAND DEVELOPMENT

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



IMPERVIOUS SURFACE RATIO (example)

$$\frac{\text{Total Area of Impervious Surfaces}}{\text{Net Site Area}} = \frac{0.80 \text{ acres}}{9.17 \text{ acres}} = 0.087$$

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

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

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

LAND DEVELOPMENT - Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (f) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (g) 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.

SUBDIVISION AND LAND DEVELOPMENT

- (2) A subdivision of land.
- (3) The following is excluded from classification as a land development and is not required to be reviewed by the Planning Committee:
 - (a) The addition of an accessory building less than 1,000 square feet in area, including farm buildings on a lot or lots, subordinate to an existing principal building.

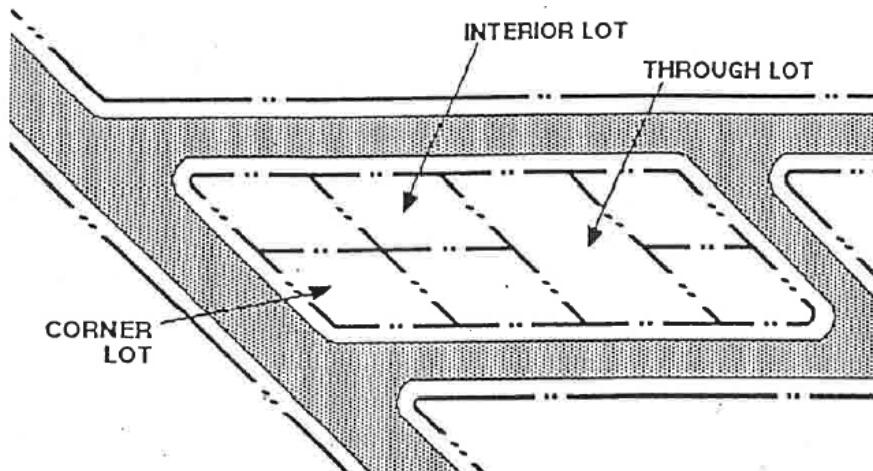
LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary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

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

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

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

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



SUBDIVISION AND LAND DEVELOPMENT

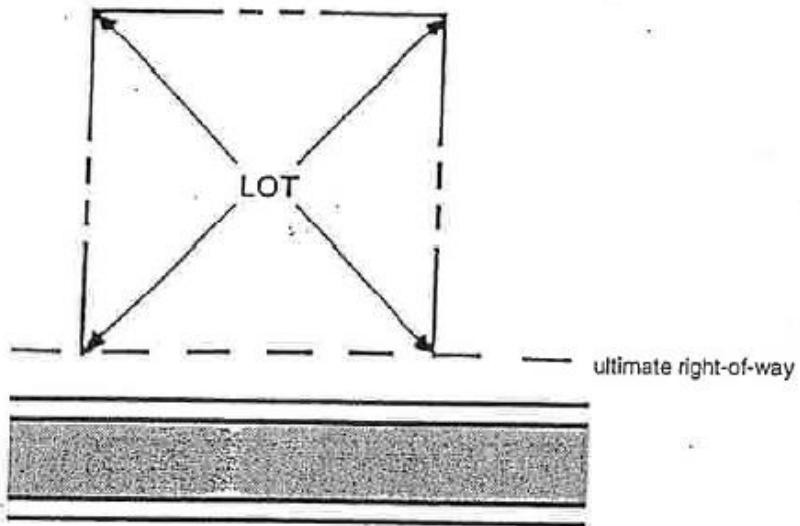
(5) **LOT LINES** - The property lines bounding the lot.

- Lot Line, Front.** The ultimate right-of-way line of the street or road.
- Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
- Lot Line, Side.** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
- Lot Line, Street or Alley.** A lot line separating the lot from a street or alley.

(6) **LOT WIDTH** - The mean width of the lot measured at right angles to its depth. Such a line along which the minimum lot frontage shall be measured at a point which shall coincide with the building set back or front yard line.

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

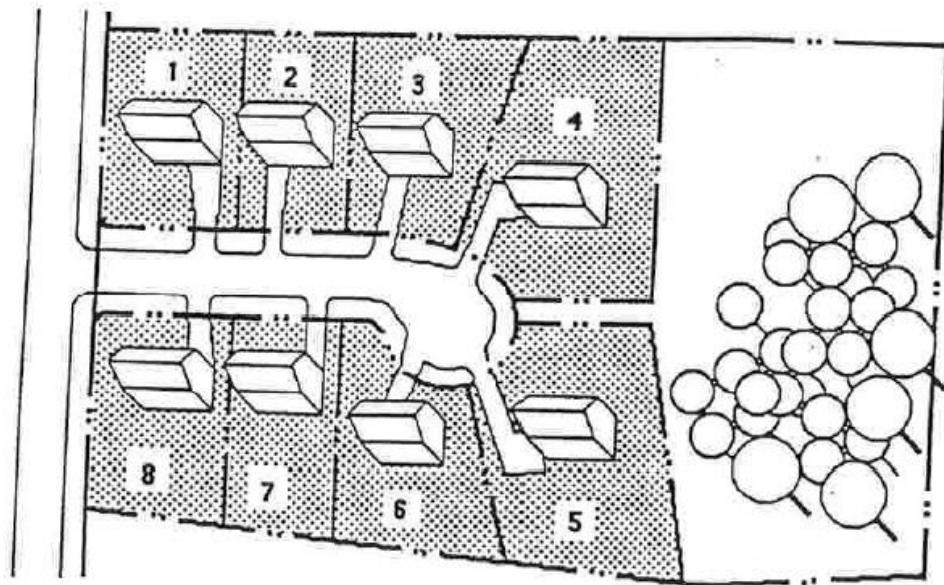
- GROSS LOT AREA** - The area contained within the property lines of a lot without regard for portions of the lot that may be restricted or preempted as easements for roadways or utility rights-of-way or similar requirements.
- NET LOT AREA** - The remainder of the gross lot area after subtracting 100% of the area of all lands within the rights-of-way and 65% of all lands without development capability due to restrictions including, but not limited to drainage easements, restrictive covenants, conservation easements, agricultural easements and other environmental constraints, such as excessive slope, wetlands and floodplains.



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

SUBDIVISION AND LAND DEVELOPMENT

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



AVERAGE LOT AREA PER DWELLING UNIT (example)

$$\frac{\text{Area Lot 1} + \text{Area Lot 2} + \dots + \text{Area Lot 8}}{\text{Total Dwelling Units}} = \text{average lot area/dwelling unit}$$

LOT IMPROVEMENT - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

LOT LINE ADJUSTMENT - Refer to Subdivision, Minor.

LOW DENSITY - Those residential zoning districts in which the density is greater than 40,000 square feet per dwelling unit.

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

MANUFACTURED 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. The term Manufactured Home shall not include recreational vehicles or any unit of less than forty feet in length or ten feet in width.

MANUFACTURED HOME LOT - A parcel of land clearly identified and defined on a plat, to include a given area in accordance with these Regulations, improved as necessary for the erection thereon of a single manufactured home, and which is leased by the park owner to the occupants of the manufactured home erected on the lot.

SUBDIVISION AND LAND DEVELOPMENT

MANUFACTURED HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURED HOME SITE - That part of an individual lot which has been reserved for the placement of the manufactured home, appurtenant structures or additions.

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

MEDIUM DENSITY - Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

MODEL HOMES - A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Committee, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivision, as set forth herein.

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

MUNICIPAL OR MUNICIPALITY - Buck Township, Luzerne County, Pennsylvania

NONRESIDENTIAL SUBDIVISION - A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

OFFICIAL MAP - The Municipal Map adopted by Ordinance showing the exact location of the lines of existing and proposed public streets, watercourses and public grounds including widenings, narrowings, extensions, diminutions, openings or closings of same, for the entire municipality.

OPEN SPACE -

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

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

SUBDIVISION AND LAND DEVELOPMENT

OPEN SPACE RATIO (example)

$$\frac{\text{Open Space}}{\text{Net Site Area}} = \frac{3.67 \text{ acres}}{9.17 \text{ acres}} = 0.400$$

PARCEL - A parcel shall be any piece of land, including all adjacent pieces of land held in single and separate ownership by the same owner(s) regardless of the fact that such ownership may be described in separate deeds.

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

PERFORMANCE GUARANTEE - Any security which may be accepted by Buck Township in lieu of a requirement that certain improvements be made by the subdivider before the plan is approved, including corporate lands, escrow agreements and other similar collateral or surety agreements.

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

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

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

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

PLANNING COMMISSION - The Planning Commission of the County of Luzerne.

PLANNING COMMITTEE - The Planning Committee of the Township of Buck.

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

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

PROFESSIONAL - An engineer, surveyor or landscape architect licensed to practice in the Commonwealth of PA.

PUBLIC IMPROVEMENTS - Including, but not limited to: any drainage ditch, roadway, sidewalk, pedestrian-way, off-street parking area, recreation area, lot improvement, grading, curbs, storm and sanitary sewers, gutters, drains, and betterments to existing water courses, crosswalks, shade trees, sodding or seeding, street name signs, and monuments or other facility for which Buck Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Buck Township responsibility is established.

SUBDIVISION AND LAND DEVELOPMENT

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

RECREATION -

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

RECREATIONAL LAND DEVELOPMENT - 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 line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailer, motor homes and tents, for transient use.

Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

Transient recreational subdivisions or land developments are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Non-transient recreation subdivisions or land developments are planned private communities with recreational and service facilities including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

RECREATIONAL VEHICLE - A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

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

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

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SUBDIVISION AND LAND DEVELOPMENT

SANITARY SEWAGE DISPOSAL, PUBLIC - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, the total system being operated by a municipal agency or authority.

SANITARY SEWAGE DISPOSAL, CENTRALIZED - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area or a subdivision.

SANITARY SEWAGE DISPOSAL, INDIVIDUAL OR ON-LOT - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

SECRETARY, PLANNING COMMITTEE - The Recording Secretary of the Planning Committee of the Township of Buck.

SECRETARY, TOWNSHIP - The Secretary of the Township of Buck, herein referred to as the "Secretary."

SETBACK OR BUILDING LINE - The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The setback shall be measured from the edge of the right-of-way bordering the property.

SEWAGE ENFORCEMENT OFFICER - The Sewage Enforcement Officer of the Township of Buck who shall be certified as required under Pennsylvania law.

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

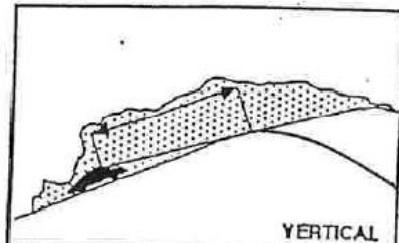
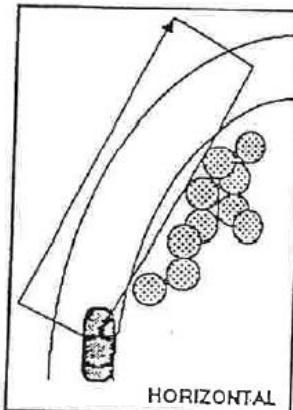
SHADE TREE - A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

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

SITE - A piece of land intended to be developed.

SITE AREA

(1) **GENERAL**
shaded area



more buildings or

the deed. Area
eed description.

SIGHT DISTANCE

SUBDIVISION AND LAND DEVELOPMENT

(2) **NET SITE AREA** - The remainder of the gross site area after subtracting all lands within the existing roads or their ultimate rights-of-way and all lands without development opportunities due to restrictions such as drainage easements, restrictive covenants and conservation easements, and other environmental constraints such as excessive slope, wetlands and floodplains.

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

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

SOLICITOR - The Solicitor of the Buck Township Planning Commission.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land including the entire right-of-way, not just the cartway. Streets are further classified according to the functions they perform.

- (1) **STREET, ARTERIAL** - A major street located and designed for the continuous movement of heavy volumes of all types of comparatively short-haul vehicular traffic between communities and for collecting and distributing traffic to and from expressways.
- (2) **STREET PERIMETER** - Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
- (3) **STREET, PERIMETER COLLECTOR** - A street located and designed for all types of intracommunity vehicular traffic, having a heavier traffic volume than secondary collectors, and functioning to carry traffic to the arterials.
- (4) **STREET, SECONDARY COLLECTOR** - A street located and designed for all types of intracommunity vehicular traffic, having a lighter traffic volume than primary collectors, and functioning to carry traffic to the primary collectors or directly to the arterials.
- (5) **STREET, MINOR** - A street providing local access to residences and other uses along its sides.
- (6) **STREET, CUL-DE-SAC** - A local street intersecting another street at one end and terminating in a vehicular turnaround at the other.
- (7) **STREET, MARGINAL ACCESS** - A local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street.
- (8) **STREET, PRIVATE** - A local access street that does not serve more than three (3) single family dwelling structures

STRUCTURE - Anything constructed, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including carports, but not including sidewalks, driveways and curbs.

SUBDIVISION AND LAND DEVELOPMENT

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

SUBDIVIDER - (Same as Developer.)

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

SUBDIVISION, MAJOR - All subdivisions not classified as minor subdivision, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of the Township facilities, or the construction of any public improvements.

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

SURFACE DRAINAGE PLAN - A plan showing all present and proposed grades and facilities for storm water drainage.

SURVEYOR - A surveyor registered by the Commonwealth of Pennsylvania.

SWALE - A low lying area that is designed to accommodate the proper channeling of storm water. Generally characterized by having a slope of less than 5% along its length and limited water velocities of less than three (3) feet per second.

TEMPORARY IMPROVEMENT - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

TOP SOIL - Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

TOWNSHIP BOARD OF SUPERVISORS - The Board of Supervisors of Buck Township, Luzerne County, Pennsylvania

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

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

UNDEVELOPED LAND - Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or structure.

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

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

WATER COURSE - A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man-made.

WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC - A system for supplying and distributing water from a common source to dwellings and other buildings, generally not confined to one neighborhood and operated by a municipal agency or authority.

WATER SUPPLY AND DISTRIBUTION SYSTEM CENTRALIZED - A system for supplying and distributing water from a common source to two or more dwellings and/or other building within a single neighborhood or subdivision.

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

WETLANDS - Marshes, swamps, bogs and areas where soils are slowly permeable, a high water table exists and there is a slope of less than one percent (1%). Characteristics include the presence of unique soils that differ from adjacent uplands and that support hydrophytic vegetation.

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

(1) **FLOODPLAIN ASSOCIATION** - A woodland association that occurs primarily on floodplain soils. Mature trees within this association consist of:

- (a) Silver maple/black walnut/sycamore;
- (b) Ash/red maple/elm;
- (c) Red maple/white oak/pin oak;
- (d) Silver maple/red birch; or

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- (e) Silver maple/sycamore/elm.
- (2) **MEISIC ASSOCIATION** - A woodland association that occurs on poorly drained soils, and that will, over time, consist mainly of beech trees. Mature trees within this association consist of:
 - (a) Sweet gum/red maple;
 - (b) Red maple/ash/tulip poplar;
 - (c) Oak/sweet gum/red maple;
 - (d) Oak/red maples/ash/tulip poplar; or
 - (e) Oak/hickory/beech.
- (3) **UPLAND ASSOCIATION** - A woodland association that occurs on slightly drier and more well drained soils, and that will, over time, consist mostly of mixed oaks. Mature trees within this association consist:
 - (a) Black locust, or
 - (b) Oak/hickory.

ZONING OFFICER - The Buck Township Zoning Officer.

ZONING ORDINANCE - The Zoning Ordinance of the Township of Buck, as amended.

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ARTICLE XII ENACTMENT

§12.01 Severability.

It is hereby declared to be the legislative intent that:

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

§12.02 Municipal Liability.

- A. The approval of a subdivision and/or land development plat, or of any improvement installed, shall not constitute a representation, guarantee, or warranty of any nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

§12.03 Repealer.

- A. All ordinances and resolutions of the Township of Buck inconsistent herewith or with any part thereof are hereby repealed to the extent of such inconsistency.

§12.04 Effective Date.

- A. This Ordinance shall become effective thirty (30) days after enactment.

§12.05 Saving Provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Township except as shall be expressly provided for in these regulations.

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§12.06 Enactment.

In order that land may be subdivided and developed in accordance with these purposes and policies, this Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Enacted and Ordained by the Township of Buck Board of Supervisors, Luzerne County, Pennsylvania this _____ day of _____, 20____.

Chairman, Buck Township
Board of Supervisors

ATTEST:

Secretary-Treasurer, Buck Township