

ORDINANCE NO. 3 - 91

AN ORDINANCE REGULATING THE SUBDIVISION AND THE DEVELOPMENT OF LAND IN THE BOROUGH OF NORTH ABINGTON, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL APPLICATIONS, ESTABLISHING MINIMUM SUBDIVISION AND DEVELOPMENT DESIGN STANDARDS; REQUIRING CERTAIN IMPROVEMENTS TO BE GUARANTEED TO BE MADE BY THE SUBDIVIDER/DEVELOPER; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISION AND LAND DEVELOPMENTS; CHARGING OF FEES; AND PRESCRIBING PENALTIES.

PURSUANT TO THE PROVISIONS OF ACT 247 OF 1968 AND SUBSEQUENT AMENDMENTS THEREOF, RELATING TO THE SUBDIVISION AND DEVELOPMENT OF LAND, THE TOWNSHIP OF NORTH ABINGTON, LACKAWANNA COUNTY, PENNSYLVANIA, ORDAINS AS FOLLOWS:

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE

TOWNSHIP OF NORTH ABINGTON
LACKAWANNA COUNTY, PENNSYLVANIA

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ARTICLE 1

AUTHORITY, PURPOSE, JURISDICTION AND AFFECT OF FILING AN APPLICATION

101 AUTHORITY

- a. The Township of North Abington, Lackawanna County, Pennsylvania, under authority granted by Act 247 of 1968 and subsequent amendments thereto, hereby adopts the following regulations governing the subdivision and development of land within the Township.
- b. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- c. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- d. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Township the approval of the preliminary application for the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Township the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- e. The proposed subdivision or land development plat shall be in general accordance with the Comprehensive Plan of the Township of North Abington.
- f. No land in the Township shall be subdivided or otherwise developed if such land is considered by the Township to be unsuitable for development by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of residents and the community as a whole; and, provided further that no land shall be subdivided or otherwise developed by the subdivider or the developer unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the subdivider or the developer, or otherwise developed.

- g. The proposed subdivision or land development shall conform with the design standards set forth in this Ordinance.

102 PURPOSE

This Ordinance has been adopted in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Township of North Abington through the provision of regulations that will insure the harmonious development of the Community.

103 JURISDICTION

The provisions contained herein shall apply to all land within the Township limits of the Township of North Abington through the provision of regulations that will insure the harmonious development of the Community.

104 AFFECT OF FILING AN APPLICATION

- a. From the time an application for approval of a plat, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decisions on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- b. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- c. When final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

- d. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Governing Body, no change of Municipal Ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- e. In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Governing Body in its discretion.
- f. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Governing Body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.
- g. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Municipality subsequent to the date of the initial preliminary plan submission.

105 SHORT TITLE

This Ordinance shall be known as the North Abington Township Subdivision and Land Development Ordinance.

ARTICLE 2

APPLICATION REQUIREMENTS AND PROCESSING PROCEDURES

201 PREPARATION AND FILING OF APPLICATION

Whenever a subdivision of land or a Land Development is desired to be effected, an application for such development plan shall be prepared, filed, and processed, according to the requirements of this Ordinance.

202 PRE-APPLICATION PLANS AND DATA PROCEDURE

Prior to the preparation and filing of the Preliminary Application, the Subdivider/Developer may submit to the Commission the following plans and data, and shall ascertain from the Commission those elements which should be considered in the design of the Subdivision/Development. These shall include any features of the municipality's future land use plan, thoroughfare plan, community facilities plan, or of any plans of the Commission, including but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers, and school sites.

203 PRE-APPLICATION PLANS AND DATA - SPECIFICATIONS

- a. Pre-Application plans and data shall be labeled as such, and shall include the following:
 - 1) GENERAL INFORMATION - describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed Subdivision/Land Development such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed sewage disposal and other utilities, and street improvements.
 - 2) LOCATION MAP - showing the relationship of the proposed Subdivision/Development to existing community facilities which serve or influence it and shall include the name of the development, the location of any existing facilities, traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow, and date.
 - 3) ZONING MAP - delineating the subject property.

- 4) TOPOGRAPHIC MAP - drawn to a scale of not less than one inch equals one hundred feet (1" = 100') showing:
- a) The proposed name of the Subdivision/Development;
 - b) Name of the Subdivider/Developer;
 - c) Name of the registered owner;
 - d) North point, scale and date;
 - e) Name of engineer, surveyor, or other qualified person responsible for the map; the plan shall include the seal of a Pennsylvania Registered Professional Surveyor;
 - f) Tract boundaries with bearings and distances;
 - g) Topography, with elevations based on data approved by the Commission, and showing contours at vertical intervals of five (5) feet, or as required by the Municipal Engineer;
 - h) Approximate location of water courses, tree masses, rock out-crops, existing buildings, and actual location of sewers, inlets, water mains, easements, fire hydrants, railroads, existing or confirmed streets and their established grades; and
 - i) Adjacent streets.

204 MINOR SUBDIVISIONS

- a. SUBMISSION. The subdivider shall submit seven (7) copies of a plan of any minor subdivision to the Township Planning Commission and one (1) copy shall be submitted by the Township to the Lackawanna County Regional Planning Commission (LCRPC). Said Plan shall outline the subdivider's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the provisions of the Ordinance. Where a minor subdivision provides for on-site sewage disposal, the applicant shall provide the Commission with evidence of the approval of such by the Township's Sewage Enforcement Officer.
- b. REVIEW AND APPROVAL. The Commission shall submit all such applications to the Lackawanna County Regional Planning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant; provided, that the Commission shall not approve such application until the County Report is received or until the expiration of thirty (30) days from the date the application is delivered to the County. Upon a determination by the Planning Commission that the proposed subdivision is in accordance with this Ordinance, the Planning Commission shall recommend to the Board of Supervisors the approval of said plan along with recommendations for such changes as may be required. The Planning Commission recommendation shall also be communicated in writing to the subdivider.

The Board of Supervisors shall take action to approve or disapprove the plan and such action shall be communicated to the subdivider in writing not later than ninety (90) days after the application is filed and accepted as complete by the Commission.

The Board of Supervisor's approval shall be expressed by placing the following official stamp upon the sketch plan:

Approval by the North Abington Township Board of Supervisors this _____ day of _____, 19__.

Signed _____ Chairman

Signed _____ Secretary

- c. FILING. The Planning Commission shall retain one (1) copy of the approved plan in its files; one (1) copy shall be provided to the Secretary of the Board of Supervisors, one (1) copy to the Township Sewage Enforcement Officer and one (1) copy to the Township Zoning Officer; and two (2) copies shall be returned to the Subdivider, who shall file one (1) copy in the Office of the Recorder of Deeds of the County within ninety (90) days of the approval thereof; such approval shall be nullified unless so filed or unless an extension of time is granted by the Township upon the written request of the subdivider. Such an extension shall be granted automatically by the Township for a period of thirty (30) days; provided, however that only one (1) extension shall be authorized.

205 MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS

a. PRELIMINARY APPLICATION PROCEDURE

- 1) Filing. The Subdivider/Developer, not less than ten (10) days prior to the meeting of the Commission at which consideration is desired, shall file with the Commission eight (8) copies of a Preliminary Application for the proposed layout of the Subdivision/Development. All documents and data submitted hereunder shall be labeled "Preliminary Application".
- 2) Action by Commission. The Commission shall submit all such applications to the Lackawanna County Regional Planning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant; provided, that the Township shall not approve such application until the County Report is received or until the expiration of thirty (30) days from the date the application is delivered to the County.

The Commission may also submit copies of the preliminary application to the Municipal Engineer, the Sewer Authority, Public Utilities, the Pennsylvania Department of Environmental Resources, the County Soil Conservation Office, and other public agencies, and shall recommend to the Board of Supervisors that the application be approved, approved with conditions, or disapproved. The Planning Commission shall notify the Subdivider/ Developer of said recommendation and any recommendation for changes necessary to obtain approval if disapproval has been recommended to the Board of Supervisors. The Board of Supervisors shall take action to approve or disapprove the preliminary application and communicate to the Subdivider/ Developer in writing on such action within ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the next said regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. In the event that any modification from this Ordinance is requested by the Subdivider/ Developer, or is deemed necessary by the Township for approval, the modification and the reasons for its necessity shall be entered in the records of the Township.

The Township shall determine, except as otherwise provided herein, whether the preliminary application shall be approved, approved with modifications, or disapproved, and shall notify the Subdivider/ Developer in writing thereof. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon. The decision of the Township shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

Failure of the Board of Supervisors 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 manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

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.

- 3) Engineering Data. Before taking final action on any submitted application, the Township shall submit four (4) copies of the preliminary application and accompanying data to the Planning Commission which shall retain one (1) copy and provide one (1) copy to the Municipal Engineer and one (1) copy to the Municipal Sewage Enforcement Officer and one (1) copy to the Zoning Officer. The Municipal Engineer shall advise the Commission as to the suitability of all engineering details and specifications. In addition, the developer must submit the plan as well as required planning modules to the Regional Office of the Pennsylvania Department of Environmental Resources. The Municipal Sewage Enforcement Officer shall review said plan for compliance with the Sewage Facilities Act. The results of this review shall be presented to the Township, and/or their Engineer for their review.

The Developer shall also present evidence of their notification of all affected public utilities as to the suitability of all utility easements.

All plans presented for review shall include a plan depicting what will be done by the developer to control soil erosion and sedimentation during the development stages. This plan shall be presented by the developer to both the Municipal Engineer and the Lackawanna County Office of the U. S. Soil Conservation District for their review and report.

Nothing in the above section shall relieve the developer from complying with any other State or Federal Law either in effect as of the adoption of this Ordinance or enacted subsequent to this Ordinance.

- 4) Approval. Approval of the preliminary application shall not constitute approval of the Final Subdivision/Land Development Application by the Township.

b. INFORMATION TO BE PROVIDED WITH PRELIMINARY APPLICATION

1) General Information

- a) Plan Specifications. The Preliminary Plan of the subdivision/development shall be drawn at a scale of fifty (50) feet to one inch, or one hundred (100) feet to one (1) inch. The preliminary plan shall show:

- 1) Proposed name of the subdivision;
- 2) Names and addresses of owner and subdivider and developer's registered surveyor, engineer, landscape architect, or land planner who prepared the plan; the plan shall include the seal of a Pennsylvania Registered Professional Surveyor;
- 3) Street layout, showing the names (which, when not extensions of existing streets, shall not duplicate other names of streets in the Municipality) and widths of rights-of-way of streets;
- 4) Layout of lots, showing dimensions and numbers;
- 5) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
- 6) Legend and notes;
- 7) Building setback or front yard lines;
- 8) Graphic scale, north point and date;
- 9) A location map showing subdivision name and location; zoning designation; tax map number; major existing thoroughfares related to the subdivision, including the distance therefrom; title, graphic scale, north point and date;
- 10) Tract boundary lines, showing dimensions, bearings, and corners;
- 11) Existing streets and rights-of-way, on or adjoining the site, including dedicated widths and roadway widths;
- 12) Easements: Locations, widths, and purposes;
- 13) Existing and proposed utilities, including sanitary and storm sewers, other drainage facilities; water lines; gas mains, electric utilities and other facilities. Size or capacity of each should be shown and the location of or distance to each existing utility indicated;
- 14) Existing platting of adjacent land;
- 15) Areas subject to periodic flooding; and other hazards to life, health or property; e.g. quarry lands, open ditches, unstable subsurface conditions and similar hazards;
- 16) Other features or conditions which would affect the subdivision;
- 17) A description of the protective covenants or private restrictions to be incorporated in the deeds;
- 18) Site data including the number of residential lots, typical lot size, the acreage of the subdivision/development and the acreage in proposed recreation, and other public, semi-public and community areas;

- 19) Physical features such as railroads, existing permanent buildings, water courses, significant vegetative cover including tree lines and wooded areas, and other existing features pertinent to proper subdivision shall be shown; and
- 20) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten (10%) percent and at vertical intervals of five (5) feet if the general slope is greater than ten (10%) percent.

b) Engineer's Report. The Preliminary Application shall be accompanied by the developer's Engineering Report. The Engineering Report, Preliminary Plat, and all other plats submitted with the report shall be signed by a Registered Professional Engineer of the Commonwealth of Pennsylvania, and shall bear the imprint of his seal. Either the Report or the Plat shall include the following information:

- 1) Profile of each street showing existing ground lines and proposed grades;
- 2) A typical cross section of each type of roadway to be built, including all applicable cross-section data for the entire width of rights-of-way;
- 3) The proposed type of surfacing for streets;
- 4) Information regarding existing drainage systems in the subdivision/development, both surface and underground, including the location, size, type and grade of drainage structures, storm sewers, drain tile and drainage ditches. The engineer's opinion shall be expressed regarding the adequacy of such drainage facilities, and the basis given for such conclusions;
- 5) Information regarding proposed drainage systems in the subdivision, both surface and underground, including the size, location, type and grade of drainage structures, storm sewers, drain tile and drainage ditches proposed to be constructed, and the drainage areas they are designed for;
- 6) The location of all water courses, bodies of water or streams with their low and high water elevations. All the elevations shall be United States Geological survey Datum;
- 7) Sanitary sewers, either in place or proposed;

- 8) Results of soil seepage tests which have been conducted throughout the area to determine the ability of the soil to dispose of sewage wastes by seepage. A sufficient number of such tests shall be made to show all variable conditions which might exist throughout the area under consideration; and
- 9) A description of the water supply and sewage disposal facilities which will operate successfully in the subdivision/development. Such facilities shall be designed in accordance with recognized sanitary engineering standards, and must take into consideration all data in this report which has a bearing on these facilities. In the event individual septic tanks are to be installed, the minimum area required per family for a seepage bed based on the soil seepage tests shall be given.
- 10) Water Supply. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Planning Commission that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

c) Planning Modules. When planning modules are required by the Pennsylvania Department of Environmental Resources (DER), evidence of DER approval of such modules shall be submitted with the Preliminary Application.

d) Additional Data

- 1) Where the owner of the site under consideration owns contiguous land suitable for development, the above-described engineering data shall cover all such contiguous lands. This provision, however, may be waived in full, or in part, by the Planning Commission if it is not considered essential to the evaluation of the plans for the current development tract;

provided, however, that the developer shall be required to submit not less than a prospective street layout and a topographic map at a scale of 1 inch equals 200 feet of the contiguous lands regardless of any such waiver.

- 2) No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before driveway access to a State highway is permitted.

206 FINAL APPLICATION PROCEDURE

a. Filing

The Subdivider/Developer not less than ten (10) days prior to the meeting at which consideration is desired, shall file with the commission eight (8) copies of a Final Application for the proposed Subdivision/Land Development, including all information required under Section 207 hereof.

b. Conformance With Preliminary Application

The Final Application will have incorporated all changes and modifications required by the Township; otherwise, it shall conform to the approved preliminary application, and it may constitute only that portion of the approved preliminary application which the Subdivider proposes to record and develop at the time, provided that such portion conforms with all of the requirements of this Ordinance.

c. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval

No plat or land development shall be finally approved unless the streets shown on such plat have been improved as may be required by this ordinance and any walkways, curbs, gutters, sanitary sewers, storm drains, and other improvements as may be required by this ordinance have been installed in accordance with this ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the subdivider/developer shall deposit with the municipality a corporate bond, or other security acceptable to the governing body in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water facilities, recreational facilities, open space improvements, or

buffer or screen plantings which may be required. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed in this ordinance for such completion. 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.

Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

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

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the

Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Municipality and the applicant or developer.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above cost-estimating procedure.

In the case where development is projected over a period of years, the Governing Body may authorize submission of final plats by section or stages of development subject to such requirements or guarantees 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.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Governing Body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Governing Body, and the Governing Body shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Governing Body fails to act within said forty-five (45) day period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body shall, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

Where the Governing Body accepts dedication of all or some of the required improvements following completion, the Governing Body shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be ten (10%) percent of the actual cost of installation of said improvements.

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.

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

d. Release from Improvement Bond

- 1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall within ten (10) days after receipt of such notice, direct and authorize the municipal engineer

to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved by the municipal engineer, said report shall contain a statement of reasons for such non-approval.

- 2) The municipal governing body shall notify the developer, within 15 days of receipt of the Engineer's report in writing by certified mail of the action of said municipal governing body with relation thereto.
- 3) If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
- 4) If any portion of the said improvements shall not be approved by the municipal governing body, the developer shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.
- 5) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
- 6) Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.
- 7) The foregoing procedures for "Release from Improvement Bond" shall also be applicable to requests for partial releases of not less than twenty-five (25%) percent each; provided, however, that if the developer requests such partial releases, he shall be responsible for all related costs of the municipal engineer.

e. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this ordinance or in accord with approved final plat, the governing body of the municipality may enforce any corporate bond, or other security by appropriate legal and equitable remedies; provided, that nothing herein shall be interpreted in such a manner so as to require the governing body so to act. In the event that the governing body acts to collect proceeds of any posted security and if the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality 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/developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purposes. Further, the governing body shall not be obliged to expend general revenues of the Township to complete improvements for which the security is or becomes inadequate.

In the further event that the governing body acts to realize the proceeds of the security and to effect the completion of improvements, it shall do so in its governmental capacity and shall not be deemed to be acting in the capacity of the subdivider or developer.

f. Approval

The Township shall determine whether the Final Application shall be approved or disapproved based upon the recommendation of the Planning Commission and shall render its decision and communicate it in writing to the Subdivider/ Developer not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

- 1) If approved, the Governing Body and Commission shall sign the original Final Subdivision Application and attach thereto a notation that it has received approval and return it to the Subdivider/Developer for compliance with the recording requirements.

- 2) If disapproved, the Township shall attach to the Application a statement of reasons for such action and return it to the Subdivider/Developer.
- 3) The decision of the Governing Body shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 4) When requested by the developer, in order to facilitate financing, the Governing Body shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer 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.

g. Changes

No changes, erasures, modifications, or revisions shall be made on any Final Application of a Subdivision after approval has been given by the Township, and endorsed in writing on the Application, unless the Application is resubmitted to the Township.

h. Recording Plat

- 1) Upon the approval of the final plat, the developer shall within ninety (90) days of such final approval record such plat in the Office of the Lackawanna County Recorder of Deeds, and forthwith file with the Township a Recorder's Certificate that the approved application has been recorded, with the Deed Book and Page Numbers indicated and two (2) copies of the application as recorded. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the Township's approval.
- 2) The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

i. Effect of Plat Approval on Official Map

After a plat has been approved and recorded as provided in this Ordinance, all streets and public grounds on such plat shall be, and become a part of the official map of the Municipality without public hearing.

207 INFORMATION TO BE PROVIDED WITH FINAL PLAN

The final application shall contain the following information which shall be prepared by the Developer's Engineer, in addition to the data enumerated under Section 206 above:

- a. Primary control points, approved by the engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the application shall be referred.
- b. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearing, or deflection angles, and radii, arcs, and central angles of all curves.
- c. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- d. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract and the names of such streets.
- e. Location, dimensions, and purpose of easements, including any limitations on such easements.
- f. Number to identify each lot and/or site, and street numbers of lots.
- g. Accurate dimensions and purposes for any property to be dedicated or reserved for public, semi-public or community use.
- h. Building lines on all lots and other sites.
- i. Profiles of streets and alleys showing grades at minimum scale of fifty (50) feet horizontal and ten (10) feet vertical.
- j. Cross sections for the entire width of each right-of-way of the streets and alleys showing the width of the right-of-way, width of cartway, location and width of sidewalks, and location and size of utility mains.

- k. Names of record owners of adjoining unplatted land.
- l. Reference to recorded subdivision applications of adjoining platted land by record name, date and number.
- m. Certification by licensed Surveyor or licensed Engineer certifying to accuracy of survey and application.
- n. Proposed Protective Covenants running with the land, if any.
- o. Proposed contours at vertical intervals as required by the Commission.
- p. The Application shall have lettered upon it a statement delineating the areas proposed to be dedicated for such public uses as streets, alleys, public schools, parks or any other public use, and there shall be attached to the application a certificate of title certifying the ownership of all such lands to be so dedicated by said application.
- q. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
- r. Supporting Documents

The following supporting documents shall also be submitted in conjunction with the final plat:

- 1) Evidence showing that all general taxes on the subdivision have been paid in full to date, and that all special taxes or assessments, have been paid or discharged in full or that the court under which side assessments were made has entered an order redistributing the assessments against the land platted.
- 2) A copy of the Sales contract shall be submitted so the Planning Commission can ascertain that it contains no provisions in conflict with the approved application.
- 3) A statement signed by the subdivider/developer, setting forth the public improvements he proposes to make, together with plans, specifications, and estimates of cost therefore.

- 4) A duly completed and executed completion bond with corporate surety posted with the Township by the subdivider/developer, in an amount equal to the estimate and certified by the Township Solicitor as good, valid, and enforceable by the Township securing the satisfactory completion of the public improvements in strict accordance with the description, plans and specifications submitted by the subdivider/developer, and approved by the Planning Commission; or
 - a) a certification that the improvements, utilities and facilities have already been installed; or
 - b) an acceptable instrument of financial security, payable to the Township and adequate for the completion of these improvements, sewage disposal facilities and other utilities and facilities.
- 5) A certification that utility companies serving the area of the proposed subdivision have been consulted with respect to the size, location, and use of easements for utility purposes.
- 6) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- 7) Location and method of street lighting facilities.
- 8) Deed of dedication of streets and other public property.
- 9) Front yard setback lines, the minimum as fixed by the Township's Zoning Ordinance, and any other setback or street lines established by this Ordinance and those specified in the deed restrictions.
- 10) At the time of filing, the Final Application shall be accompanied by a check payable to the municipality in an amount determined by the Municipal Engineer sufficient to cover the cost of:
 - a) Reviewing the Application's Engineering details;
 - b) Inspecting the site for conformance to survey;
 - c) Preparing the cost estimates of required improvements;
 - d) Inspection of required improvements during installation; and
 - e) Final inspection on completion of installation of required improvements; and
 - f) Fees charged by the County Planning Commission and fees for other related consulting services.

- 11) Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission or the Governing Body of the municipality in the enforcement of these regulations.

ARTICLE 3

DESIGN STANDARDS

301 LAND REQUIREMENTS

- a. Land shall be suited to the purposes for which it is to be subdivided/developed. In general, the Commission shall take the following factors into consideration prior to the approval of any subdivision plan.
 - 1) Subdivision laid out on low-lying land that is subject to periodic flooding shall not be approved unless it is proven that adequate safeguards against such hazards are provided by the plan; provided further that it comply with the Floodplain Ordinance of the Township of North Abington, as amended.
 - 2) Land subject to hazards to life, health, or property, such as quarry land, open ditches, land subject to inundation and land with unstable subsurface conditions, etc., shall not be subdivided for residential purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the Subdivision Plan.

302 STREET SYSTEM

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Official Map and to the Community Master Plan, if one has been adopted, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Where not shown on the Official Map or Community Master Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

- a. The arrangement of streets in new Subdivisions shall make provisions for the continuation of existing streets in adjoining areas, unless the Commission deems such extension undesirable for specific reasons of topography or design.
- b. Where adjoining areas are not subdivided, the arrangement of streets in new Subdivisions shall make provision for the proper projection of streets by carrying them to the boundaries of the tract proposed to be subdivided.
- c. Proposed streets shall conform to any local, county, and state road or highway plans which have been prepared, adopted, and/or filed, as required by law.

- d. Alleys shall be discouraged in residential districts. In commercial and industrial areas adequate service roads shall be provided where needed for access to loading and unloading facilities.
- e. Local access streets shall be laid out so as to discourage through traffic, but provision for street connection to adjacent areas will generally be required.
- f. Whenever the proposed Subdivision contains or is adjacent to a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street at a distance acceptable, for the appropriate use of the land between the highway and such street. The Township may also require rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
- g. Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", "avenue". In approving names of streets, cognizance may be given to existing or platted street names within the Postal delivery district served by the Post Office. New streets shall bear the same name of any continuation or alignment with an existing or platted street.
- h. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a trace 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.
- i. 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.
- j. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- k. New reserve strips, including those controlling access to streets shall be prohibited.
- l. The location of a collector street in the proposed subdivision shall conform in general alignment to the Traffic Plan included in the Municipality's Comprehensive Plan.
- m. Streets shall be functionally related to the topography so as to produce usable lots and reasonable grades in accordance with the standards set forth herein.

- n. Where it is desirable in the opinion of the Township to provide street access to adjoining property, proposed streets shall be extended to the boundary of such property.
- o. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

303 CUL-DE-SAC STREETS

- a. Cul-de-sacs in residential developments shall be provided at the closed end with a paved turn-around having a minimum radius to the outer pavement edge or curb line of fifty (50') feet.
- b. Cul-de-sacs in commercial and industrial developments shall be provided with a paved turn-around having a minimum radius to the outer pavement edge or curb line of sixty-five (65') feet.
- c. When the Township determines it necessary for adequate access and egress to the subject property and/or adjacent property regardless of overlay, the right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
- d. Temporary dead end streets, on approved plans, may be used, provided that the developer, on his own land, constructs a stabilized all weather turn-around of the same radius as would be required for a permanent street, and the turn-around shall be removed when the street is continued.
- e. Permanent cul-de-sac streets shall not exceed one thousand (1,000') feet unless topographic conditions warrant increase when approved by the Township.

304 STREET RIGHT-OF-WAY WIDTHS

- a. Minimum street right-of-way widths, measured from the lot line, shall be as shown on the Traffic Plan included in the Municipality's Comprehensive Plan, or if not shown thereon, shall meet the following standards:

1)	Arterial:	80 foot right-of-way*
2)	Collector Street:	60 foot right-of-way
3)	Local Access Street:	50 foot right-of-way
4)	Marginal Access Street:	50 foot right-of-way

* Or such greater width as may be determined by the Pennsylvania Department of Transportation.

- b. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

305 PAVEMENT AND CARTWAY WIDTHS

- a. Minimum pavement and cartway widths, shall be as shown on the Traffic Plan, or if not shown thereon, shall meet the following standards:

	<u>Cartway</u> <u>(Feet)</u>	<u>Each Shoulder*</u> <u>(Feet)</u>
1) Arterial:	24	10
2) Collector Street:	22	8
3) Local Access Street:	20	8
4) Marginal Access Street:	20	6

*or Curb Parking Lane

306 HORIZONTAL ALIGNMENT

- a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

- b. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

1) Arterial:	475 feet
2) Collector Streets:	275 feet
3) Local Access Streets:	150 feet

Sight distance shall be measured from a point five (5) feet above the proposed grade line.

- c. A tangent of not less than 100 feet shall be required between all reversed curves.

307 STREET GRADES

- a. Center line grades shall not exceed the following:

1) Arterial:	four (4%) percent
2) Collector Streets:	seven (7%) percent
3) Local Access Street	twelve (12%) percent
4) Marginal Access Street	twelve (12%) percent

- b. Vertical curves shall be used at changes of grade exceeding one (1%) percent and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:

1) Arterial	four hundred (400) feet
2) Collector Street:	two hundred seventy-five (275) feet
3) Local Access Street:	two hundred (200) feet
4) Marginal Access Street:	two hundred (200) feet

- c. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having not greater than four (4%) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- d. To provide for adequate drainage, the minimum grade shall be not less than one-half of one percent (0.5%).

308 STREET INTERSECTIONS

- a. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
- b. Multiple intersections involving the junction of more than two streets are prohibited.
- c. Intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line, unless the Township determines that a lesser distance is appropriate due to the unusual dimensions of the site.
- d. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
- e. Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, thirty (30) feet for intersections involving other type streets, or such greater radius as is suited to the specific intersection. A property line corner shall be rounded to the same radius as the curb which it adjoins.
- f. On any corner lot, no wall, fence or other structure shall be erected or altered; and no tree, hedge, shrub, or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear sight triangle of thirty (30) feet measured along street right-of-way lines from their point of junction shall be provided at all intersections, within which, vegetation or other visual obstructions shall be limited to a height of not more than three (3) feet above the street grade.
At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet, measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than three (3) feet above the street grade.

If not obstructing the view of traffic, posts, columns, or trees, not exceeding one (1) foot in diameter shall be permitted in the clear-sight triangle.

309 BUILDING LINES

- a. Building set back lines shall be as provided by the North Abington Township Zoning Ordinance.
- b. Side lot lines shall be substantially at right angles or radial to street lines.
- c. Corner lots shall have extra width so that the front yard setback can be provided in each yard that abuts a street.

310 LOTS

The arrangement and other design standards of lots shall conform to the following requirements:

- a. Every lot shall abut a public street.
- b. Double frontage lots shall not be platted, except that where desired along limited access highways, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen, at least fifteen (15) feet in width, shall be provided along the back of the lot. Where lots back on a railroad, creek, or other natural barrier, there may also be required a fifteen (15) foot planting screen strip; and interior lots having frontage on two streets shall be prohibited except where unusual conditions make it desirable.
- c. The ratio of the depth of any lot to its width shall not be greater than two and one-half to one (2.5 : 1) except as may be specified in the Zoning Ordinance.
- d. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Governing body.
- e. Lot size shall be controlled by the provisions of the Zoning Ordinance.

Where either or both water supply and sanitary sewage disposal facilities are provided by individual on-lot facilities, the municipality shall require that the Subdivider/Developer request that the Pennsylvania Department of Environmental Resources or local Sewage Enforcement Officer, make the necessary tests to determine the adequacy of the proposed facilities in relation of the lot size, existing grade, and soil conditions. A certificate from such an official indicating that the proposed facilities are adequate, shall be required before final approval of the plan.

311 STORM DRAINAGE

- a. General. In order to provide more suitable sites for building and other uses, prevent adverse impact to properties adjoining and downstream of all proposed projects, and control erosion, the following requirements shall be met:
- 1) For all subdivisions and land development proposals, a stormwater management plan is required showing all drainage within the watershed affecting the subject property and the erosion and sediment control procedures and facilities to be utilized.
 - 2) All land areas shall be graded to secure proper drainage away from buildings and to prevent the collection of stormwater in uncontrolled pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical and adequate street, storm drain, or natural water course. Developers must carry surface waters to the nearest practical storm drain or natural water course. The developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the Municipal Engineer to prevent erosion, damage, siltation and to satisfactorily carry off surface waters; such determination by the Municipal Engineer shall be made, in part, on the basis of plans, specifications, and run-off tabulation to be submitted by the developer; such plans, specifications and calculations shall be prepared by the developer's engineer. Generally, the proposed rate of uncontrolled stormwater runoff from any subdivision or land development after full development shall not exceed the uncontrolled runoff prior to development.
 - 3) Stormwater discharge shall be carried by conduit to prevent excessive surface flow on or across streets, sidewalks, drives, parking areas, and any other paved surface or travelled way. Culverts or bridges shall be required at all stream crossings of any street or road-way using design criteria for a ten-year peak flow rate; provided, however, that where bridges are constructed, the design criteria shall be for a fifty-year peak flow rate.
 - 4) Identified natural watercourses (streams, creeks) other than those regulated by D.E.R. which have continuous flow shall remain open and shall not be piped or covered unless required by the Governing Body of the Municipality upon recommendation of the Municipal Engineer.

- 5) The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities designed to serve more than one (1) property, or development, in the same watershed are encouraged in which case consultation with the Municipal Engineer is required prior to design.

b. Design Standards. The following standards shall be required as a minimum unless otherwise approved by the Governing Body of the Municipality upon recommendation of the Municipal Engineer:

- 1) Stormwater Collection System

- a) Design Features. Materials and methods of construction for all storm drainage facilities shall conform with all applicable Pennsylvania Department of Transportation Specifications. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.
- b) Location. Wherever practicable, storm drains shall be located adjacent to the curb and within the right-of-way of the street; they shall be protected by a cover of at least eighteen (18) inches.
- c) Size and Grade. Storm drains shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of 0.5 percent (1/2 of 1%) unless otherwise approved by the Municipal Engineer.
- d) Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than three hundred (300) feet apart on pipe of twenty-four (24) inches internal diameter or less, and not more than five hundred (500) feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose.
- e) Inlets. Inlet spacing shall be so arranged that ninety-five (95%) percent of the gutter flow will be captured. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately up grade from the inlet shall be so warped as to direct the water into the inlet.

- f) Castings. Manhole and inlet castings, together with their covers or gratings shall conform to the Standards of the Pennsylvania Department of Transportation as may be in effect at the time the design is submitted.
- g) Stormwater Roof Drains. Stormwater roof drains and pipes shall not discharge water directly onto a road surface or road right-of-way. Where storm drains are accessible, the roof drain shall be connected thereto. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.
- h) Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the Township Secretary. Approval of plans by the Municipality does not authorize or sanction drainage affecting adjoining properties.
- i) Drainage from Non-Natural Sources. Water originating from other than natural sources, such as air-conditioning units, swimming pools, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property, or into the storm drainage system. These facilities shall not discharge water directly on to a road surface or road right-of-way. No discharge of toxic drainage will be permitted. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.
- j) Design Flow Rate. The storm drain system shall be designed to carry a ten (10) year peak flow rate. The design ten (10) year peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The 10 year flow rate shall be determined by the rational formula, $Q = CIA$.

Appropriate values for the runoff coefficient and rainfall intensity can be found in the following source:

Commonwealth of Pennsylvania
Department of Transportation
Design Manual, Part 2
Highway Design
Chapter 12

The SCS method of storm water computation is an acceptable alternative method. This formula is available at the Office of the Lackawanna County Soils Conservation Service.

- k) Overflow System. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall be of sufficient capacity to carry the difference between the twenty five (25) year and the ten (10) year peak flow rates. The design and the capacity of the overflow system shall, however, be subject to the approval of the Pennsylvania Department of Environmental Resources and the Lackawanna County Soils Conservation Service.
- l) Pipe Capacity. The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:
- United States Department of Commerce
Bureau of Public Roads
Hydraulic Engineering Circular No. 5
Hydraulic Charts for the Selection of
Highway Culverts and
Hydraulic Engineering Circular No. 10
Capacity Charts for the Hydraulic Design of
Highway Culverts
- m) Match Crowns. The crowns of all pipes tying into an inlet or manhole shall be set at equal elevations.
- n) Diversion of Runoff. All storm drain pipes shall be designed to carry the runoff into a detention basin or similar facility utilized to control the rate of runoff.
- o) When open drainage ways are used for the disposal of storm water, The Planning Commission shall review the following:

- (1) Safety - steep banks and deep pools shall be avoided.
- (2) Erosion - adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent erosion of banks and the scouring of the channel bottom.
- (3) Stagnation - design of open drainage ways shall not create stagnant pools or swampy areas.

c. Plan Requirements. The Storm Drainage Plan shall be prepared by a Professional Engineer licensed to practice engineering in the Commonwealth of Pennsylvania. The plan shall consist of three (3) parts:

PART I - A narrative report for the review of proposed site plans, conditional uses, subdivisions, and zoning district amendments. The narrative report shall be a general statement of the project giving the purpose and engineering assumptions and calculations for control measures and facilities. The following information shall be included:

- 1) General description of the project.
- 2) General description of accelerated runoff control plan.
- 3) General description of erosion and sedimentation control plan.
- 4) Expected project time schedule, including anticipated start and completion dates.
- 5) Project's stormwater district, location, and watershed characteristics.
- 6) On-site detention methods.
- 7) Hydraulic and hydrologic calculations, methodology and basis of design.

PART II - Preliminary Plans - A comprehensive plan, in preliminary form (or in combined preliminary and final form), designed to safely handle the stormwater runoff, detain the increased stormwater runoff, and control erosion and sedimentation. The plan shall provide, and be accompanied by, maps or other descriptive material indicating the feasibility of the plan and showing the following:

- 1) The extent and area of each watershed tributary to the existing and future drainage channels in the development.
- 2) The street storm sewers and other storm drains to be built, the basis of their design, and outfall and outlet locations and elevations, receiving streams or channel and its high water elevation, the functioning of the drains during high water conditions.

- 3) The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over-the-curb resulting from the heavier rain storms and the outlets for such overflow.
- 4) Existing streams and flood plains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.
- 5) Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of design.
- 6) Existing detention ponds and basins to be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design, including provisions for public safety, such as fencing, at times when such ponds or basins contain water.
- 7) The estimated location and percentage of the total development of land area which will be used for impervious surfaces after construction is completed.
- 8) The slope, type, and size of all proposed and existing sewer and other waterways.
- 9) All existing topographic conditions of the site, including elevations, watercourses, trees and other sufficient natural features.
- 10) All existing building, sewers, waterlines and other significant man-made features.
- 11) Estimated depth, shape, size and storage of any proposed retention facility.
- 12) One or more typical cross sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets and other utilities.
- 13) A site plan showing the dimensions of the site with existing and proposed structures properly located, together with contours of the terrain after proposed grading.

PART III - Final Plan - Upon approval of the preliminary plan, a final plan shall be submitted to the Municipal Engineer. The final plan shall provide all descriptive material and maps previously submitted and required prior to the final plan, in addition to the following items:

- 1) All calculations, assumptions and criteria used in the design of the storm sewer system, detention facilities and sediment and erosion control operations.
- 2) All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.

- 3) Locations, dimensions and design details required for the construction of all facilities.
- 4) For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- 5) For all detention basins, design hydrographs of inflow and outflow for the peak design flows from the site under natural and developed conditions.
- 6) A description of operation for all detention basins.
- 7) Contours of finished project site that adequately describe the final topography.
- 8) The staging of earthmoving activities and program of operation.
- 9) All information relative to the design and operation of emergency spillways.
- 10) Emergency routing or outfall should be shown for storm runoff in the event of failure of offsite drainage structures.
- 11) When major control facilities, such as retention basins, are planned, soil structures and characteristics shall be investigated. Plans and data prepared by a licensed professional engineer or geologist with experience and education in soil mechanics shall be submitted. These submissions should consider and offer design solutions for frost heave potential, shrink-swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.
- 12) All erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate effectiveness of the plan.
- 13) Project specification relative to stormwater control, erosion and sedimentation.

312 EASEMENTS

a. Minimum Widths

The following minimum widths of easements shall be observed unless otherwise specified:

- 1) Underground public utility facilities - fifteen (15) feet
- 2) Overhead public utility facilities - ten (10) feet
- 3) Drainage facilities - twenty five (25) feet minimum or as otherwise required to meet drainage needs as required by this Ordinance.

b. Location

Easements for public utilities shall, wherever possible, be centered on side or rear lot lines. Drainage ways, channels, or stream easements may be located as necessary to adequately meet the engineering requirements for the facility.

c. Transmission Lines

Where natural gas, petroleum, or high tension lines are located within or adjacent to the Subdivision/Development, the Subdivider/Developer shall provide the Planning Commission with a statement from the Utility Company involved setting forth any special conditions which they may require.

d. Watercourses

Where a subdivision 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.

313 COMMUNITY FACILITIES AND MASTER PLAN REQUIREMENTS

- a. In reviewing subdivision plans, the Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- b. Where a proposed park, playground, school or other public use shown on the Official Map is located in whole or in part in a subdivision, the Commission may require the reservation of such area as may be deemed reasonable. Where said area is not dedicated, it shall be reserved for acquisition by the Municipality for a period of not more than one (1) year. In residential subdivisions of ten (10) or more acres, the Municipality may require the dedication of not more than ten (10%) percent of the development area for public recreational purposes. Area calculations shall be based on the total size of the tract encompassed by the preliminary application.
- 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. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan of the Township of North Abington.

- e. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names applied to completely new streets shall not duplicate or closely approximate, phonetically, the names of existing streets in the Township or adjacent municipalities.
- f. The subdivider shall plan the layout to preserve the natural features of the site.

314 RECREATION FEES

- a. Except as otherwise provided herein, for any development of ten (10) or more dwelling units under one (1) or more applications, the developer shall, as a condition precedent to final plan approval, either pay a recreation fee or dedicate land to the Township in lieu of such a recreation fee. The Township, however, may reject an offer of dedication of land. Such decision shall be rendered by the Township prior to the approval of the Preliminary Application for the subject development. The procedure for both alternatives shall be as described in Sections 314b. and 314c. hereof.
- b. 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.
- c. 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 Township. If, however, the Township fails to develop the dedicated site within three (3) years of the date of dedication, the site shall be returned to the developer.

ARTICLE 4

REQUIRED IMPROVEMENTS

401 CONSTRUCTION STANDARDS

Construction standards for all required improvements shall be as set forth in Section 402, or where not set forth shall be in accordance with standards as established by the Commission upon advice of the Municipal Engineer. Alternate improvement standards may be permitted if the Commission deems that they are equal or superior in performance characteristics to the specified improvements.

402 MINIMUM IMPROVEMENTS

a. General

The minimum improvements required of all subdivisions shall be as set forth in this section. Additional or higher type improvements may be required in specific cases where in the opinion of the Commission, they are necessary to create conditions essential to the health, safety, morale, and general welfare of the citizens of the Municipality.

b. Monuments and Markers

Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

- 1) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision and at the intersection of street lines as determined by the Planning Commission. Monuments may be of the following three (3) types:
 - a) Cut stone 5" x 5" x 3' - 0" long with a drill hole in the center.
 - b) Concrete 4" x 4" x 3' - 0" long with a 1/2" round brass pin in the center.
 - c) A 2" round galvanized 3' - 0" long pipe with a brass or aluminum cap with a punch hole for center.
- 2) Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots. Markers shall consist of iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter, or any alternate type which the Commission deems suitable and of sufficient quality to adequately fulfill its function.

- 3) Removal. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person removing them.

c. Streets

- 1) Streets shall be constructed in accordance with a schedule to be submitted by the developer and approved by the Planning Commission. Streets shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider/developer and approved by the Commission. No surface paving shall be provided until the base course has been in place for a full Winter, nor, shall such surface be provided until all required utilities have been properly installed.
- 2) All streets shall be constructed in accordance with PennDOT Specifications, Form 408, and in accordance with the standards contained in the following table; provided, however, that for local access streets***, the Municipality will consider any alternative supported by a maintenance bond to be provided by the developer to cover a period of 3-years from the date on which the street is opened to traffic.

<u>ALTERNATIVES</u>	<u>TYPE</u>	<u>LOCAL ACCESS***</u>	<u>COLLECTORS AND ARTERIALS</u>
RIGID PAVE	Plain Cem. Conc. Sub Base	6" 6"*	6"
FLEXIBLE PAVE			
Surface	ID - 2	1 1/2"	1 1/2"
Base	Bit-Conc.	2"	6"
SubBase	S.B.	6"	6"
Surface	ID - 2	1 1/2"	1 1/2"
Base	A-L-P/Agg-Cem	5"	6"
SubBase	S.B.	6"	6"
Surface	ID - 2	2 1/2"***	3"
Base	Crushed Agg	6"	10"
SubBase	S.B.	6"	9"
Surface	ID - 2	1 1/2"	1 1/2"
Base	Agg - Bit.	5"	7"
SubBase	S.B.	6"	9"

* Only required for silty soils or poorly drained conditions

** Or 3" FB-1 or FB-2

*** Including service roads and marginal access streets.

- 3) Sub-Surface drainage and all utilities shall be installed prior to installing the street surface.
- 4) Driveway designs shall be subject to the approval of the Municipal Engineer. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as specified by the Engineering Specifications for the streets. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision/development. The developer shall include such requirement in the sales contract and in the deed restrictions.

d. Curbs and Gutters

The installation of curbs and/or gutters shall be required in any Subdivision where the evidence indicates that such improvements are necessary to comply with the standards in Section 311 of this Ordinance.

Curbs may be of the following two types:

- 1) Straight Portland cement curb, 22" x 6", top rolled and battered to 8" at bottom, 6" face exposed above finish road surface.
- 2) Integral curb and gutter, 24" x 6" x 6", battered and rolled Portland cement concrete.

e. Public Water Supply

- 1) Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public water facilities to within one thousand (1,000) feet of a proposed Subdivision, the Subdivider shall provide the Subdivision with a complete water main supply system to be connected to the existing or proposed water main supply system. Where a water main supply system is proposed to be located within 1,000 feet of a proposed Subdivision, within two (2) years of the date of the Subdivision Application, the Subdivider shall provide the Subdivision with a complete water main supply system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- 2) Where installation of a public water main supply system is not required, the Subdivider or Owner of the lot shall provide for each lot at the time improvements are erected thereon, an individual water supply in accordance with the Standards of the Pennsylvania Safe Drinking Water Act, Act No. 43 of 1984 as amended.

f. Public Sanitary Sewer System

- 1) Where a public sanitary sewer system is available to the subdivision/development within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of a proposed Subdivision, the Subdivider shall provide the Subdivision with a complete sanitary sewer system to be connected to the existing or proposed sanitary sewer system. Where a public sanitary sewer system is proposed to be located within one thousand (1,000) feet of a proposed Subdivision, within two (2) years of the date of the Subdivision Application, the Subdivider shall provide the Subdivision with a complete sanitary sewer system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- 2) Where installation of a sanitary sewer system is not required, the Subdivider or Owner of the lot shall provide for each lot, at the time improvements are erected thereon, an approved, private sewerage disposal system. The design and construction of such individual sewerage disposal systems shall be subject to the approval of the Municipality's Sewage Enforcement Officer.

g. Storm Sewers

Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the Subdivider shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.

h. Sidewalks

Wherever a Mobile Home Park or multi-family project is proposed, sidewalks shall be installed on each side of the street in accordance with the specifications set forth herein. The Township may require the installation of sidewalks in any subdivision where the evidence indicates that sidewalks are necessary for the public safety.

Sidewalks shall be installed and shall have a minimum width of four (4) feet, except that sidewalks serving apartment houses or proposed commercial areas shall be five (5) feet in width unless the Township determines that such additional width is unnecessary for the public safety and welfare in the vicinity of the subject site. Sidewalks shall be Concrete, 4" in thickness, 1 : 2 1/4 : 3 mix placed on 4" cinder, or crushed stone, in accordance with current PennDOT specifications.

i. Street Signs

The Subdivider shall provide street signs at all intersections. There shall be one (1) street sign at each intersection; placed in a manner which will make it legible to traffic flows entering the intersection from all directions. The sign shall be constructed of 6" x 6" treated wooden posts, eight (8) feet in length, painted white with black lettering of the street name printed vertically on the post. Modifications of these standards, shall be subject to the approval of the Municipal Engineer.

j. Planting Strip

Where a planting strip is provided, the Subdivider shall seed the planting strip between the curb and sidewalk, if both are required. If curb and/or sidewalk is not required, the planting strip shall be located in the same area as though they both were required. Where trees may be planted, they shall be placed between the sidewalk and the building line a minimum of four (4) feet from the sidewalk. The types and spacing of the trees shall be approved by the Township.

k. Fire Hydrants

Fire hydrants shall be required wherever a public water supply system is available, and shall be spaced to provide a hydrant within 500 feet of all property lines in the subdivision/development. All fire hydrant placements shall be subject to the approval of the chief of the fire company that will serve the proposed development.

l. Street Lights

Street lights may be required when considered reasonable by the Township.

m. Changes

In cases where any of the foregoing requirements are not deemed appropriate by the Governing Body to serve the public interest, the Governing Body reserves the right to increase, change, alter or substitute materials, manner and specification for any utility or street improvements.

403 PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

- a. Required improvements shall be installed by the subdivider/developer under the supervision of the Municipal Engineer. The subdivider/developer may elect to carry out minimum improvements by any of the following methods.

- 1) A certificate from the Municipal Engineer that all improvements and installations to the subdivision required by this Ordinance have been made or installed.
- 2) An acceptable instrument of financial security filed with the Commission in accordance with Section 206 hereof.

404 SCHEDULE FOR COMPLETING REQUIRED IMPROVEMENTS

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Planning Commission, no change of Municipal Ordinance or Plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classifications or density, lot, building, street or utility location. In the case of preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Planning Commission in its discretion. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Planning Commission in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section. Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in Zoning, Subdivision and other governing ordinance enacted by the Municipality subsequent to the date of the initial preliminary plan submission.

ARTICLE 5

FEES

501 FEES TO BE ESTABLISHED BY RESOLUTION

The Board of Township Supervisors shall, by resolution, set the fees for all applications to be processed under this Ordinance.

ARTICLE 6

MODIFICATIONS AND APPEALS

601 PROCEDURE GOVERNING MODIFICATIONS

- a. The Governing Body may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- b. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- c. The request for modification may be referred to the Planning Commission for advisory comments.
- d. The Governing Body shall keep a written record of all action on all requests for modifications.

602 LARGE SCALE DEVELOPMENTS

The standards and requirements of this Ordinance may be modified by the Commission in the case of plans for complete communities or neighborhood units or other large scale developments of twenty (20) acres or more which, in the judgment of the Commission, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

603 RECONSIDERATION

Any subdivider aggrieved by a finding, decision or recommendation of the Township may request and receive opportunity to appear before the Township, present additional relevant information, and request reconsideration of the original findings, decision or recommendations.

604 PROCEDURE FOR APPLYING

- a. Requests for modifications shall be submitted in writing by the Subdivider/Developer at the time the Preliminary Plan is filed with the Commission. The application shall state fully the grounds and all the facts relied upon by the applicant.
- b. Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) calendar days in advance of the meeting at which reconsideration is desired.

605 RECORDING A MODIFICATION

In authorizing a modification, the Commission and the Governing Body shall record its actions and the grounds for its recommendations or authorization of modifications in its minutes. A statement showing the date that such modification was authorized by the Governing Body shall be affixed to the final plan.

606 APPEALS

Any landowner, applicant or other aggrieved party questioning the validity of this Ordinance or any part, hereof, including procedural matters, or any decision made hereunder may undertake an appeal in accordance with the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ARTICLE 7

ENFORCEMENT, PENALTIES AND SEVERABILITY

701 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 Board of Supervisors of the Township of North Abington to enforce this Ordinance.

702 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.

703 PREVENTIVE REMEDIES

- a. 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 or transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- b. The 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:

- (1) The owner of record at the time of such violations.

- (2) 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.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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.

704 REVISION AND AMENDMENT

This Ordinance may, from time to time, be revised, modified or amended as prescribed by local and State laws.

705 COMMISSION RECORDS

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

706 VALIDITY

Should any section, subsection or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

707 CONFLICT WITH OTHER REGULATIONS

Wherever there is a difference between minimum standards or dimensions specified herein and those contained in the Zoning Ordinance or other official regulation, the highest standard shall apply; provided, however, that regarding minimum setback lines and minimum lot sizes, the provisions of the Zoning Ordinance shall apply.

708 EFFECTIVE DATE

This Ordinance shall become effective from the date of its final passage.

ARTICLE 8

DEFINITIONS

801 INCLUSIONS

As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

802 DEFINITION OF TERMS

As used in this Ordinance, the following terms shall be defined as follows:

- a. Agricultural Use: The principal use of land for the production of food and/or plant products for use off the property of the principal use.
- b. Block: An area bounded by streets, railroads, public facilities, or other rights-of-way or easements, or other definite barriers.
- c. Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.
- d. 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 street right-of-way lines.
- e. Commission: The North Abington Township Planning Commission.
- f. Cul-de-Sac: A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.
- g. Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
- h. Dedication: The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

- i. Dwelling: A building designed for residential purposes and used as the living quarters for one or more families.
- j. 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 apartments are generally less than four (4) stories in height although in the Township of North Abington they shall not exceed a height of 2.5 stories or 35 feet, unless otherwise indicated in the Zoning Ordinance.
- k. Dwelling, Group: A group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.
- l. Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking; including apartment houses.
- m. Dwelling, Single Family, Detached: A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.
- n. Dwelling, Single Family, Semi-Detached: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.
- o. Dwelling, Single Family, Attached (Row): A building used by one (1) family, and having two (2) party walls in common with other buildings.
- p. 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.
- q. Dwelling, Two Family, Detached: A building used by two (2) families, with one dwelling unit arranged over the other, and having two (2) side yards.
- r. Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
- s. Easement: A right granted to use certain land area for a special purpose consistent with the general property rights of the owner.
- t. Engineer: A registered Engineer, authorized to practice engineering as defined by the Registration Act of the Commonwealth of Pennsylvania.

- u. Erosion: The removal of surface materials by the action of natural elements.
- v. Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- w. Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of an excavated surface, and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
- x. Flood Plain: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- y. Governing Body: The Board of Supervisors of the Township of North Abington.
- z. Half or Partial Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.
- aa. Interior Walk: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
- bb. Land Development: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space whether initially or cumulatively between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land; provided, however, that land development shall not include:
 - (1) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

- (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
- cc. Lot: A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.
- dd. Lot, Double Frontage: A lot, the opposite ends of which abut on streets.
- ee. Lot, Reverse Frontage: A lot between an arterial street and a minor street with vehicular access only from the minor street.
- ff. Lot, Width: Width of a lot measured at the building setback.
- gg. Lot Area: Area contained within the property lines, excluding street area, but including the area of any easement.
- hh. Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
- ii. Municipal Engineer: Shall mean the Township Engineer or other qualified person designated by the Governing Body to perform all administrative and/or supervisory duties required of the Municipal Engineer by the provisions of this Ordinance.
- jj. Net Area: The area of a parcel of land exclusive of streets or other public rights-of-way.
- kk. Parcel: A parcel shall be any piece of land, including all adjacent pieces of land held in single and separate ownership regardless of the fact that such ownership may be described in separate deeds.
- ll. Pavement: The portion of a street intended for vehicular use, including the cartway, but not the shoulders.

- mm. Person: Any individual or group of individuals, partnership, co-partnership, or corporation.
- nn. Plan, Final: A complete and exact subdivision or development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
- oo. Plan, Preliminary: A tentative subdivision plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.
- pp. Plan, Sketch: An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.
- qq. Right-of-way: A strip of land between property lines for use as a road or street.
- rr. 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.
- ss. Sanitary Sewer: A pipe for conveying sewage and excludes storm, surface and ground water.
- tt. Service Road: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- uu. Setback or Building Line: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.
- vv. Sight Distance: The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.
- ww. Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
- xx. Storm Sewer: A pipe for conveying rain water, surface water, condensate, cooling water, and similar liquid waste, exclusive of sewage or industrial waste.
- yy. Street: A strip of land, including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:

- 1) Arterials are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation, and include streets classified as Arterial Thoroughfares or Primary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
 - 2) Collector Streets are those which, in addition to giving access to abutting properties, intercept facilities and provide routes, to community facilities and to major traffic streets, and include streets classified as Secondary Streets in the Traffic Plan set forth in the Municipality's Comprehensive Plan.
 - 3) Major Streets include arterial and collector streets.
 - 4) Local Access Streets are those used primarily to provide access to abutting property.
 - 5) Marginal Access Streets are minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic streets.
- zz. Street, Public: A street dedicated to public use.
- aaa. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
- bbb. Subdivider: The owner, or authorized agent of the owner, of a subdivision and/or land development.
- ccc. Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or residential dwelling shall be exempted.
- 1) Subdivision - Major: A major subdivision shall be the division of any lot, tract or parcel of land or parcels of land which abut a street of insufficient width or requires that a street be laid out through unimproved land, or the division of any lot, tract or parcel of land into five (5) or more lots, tracts, or parcels of land, including changes in street lines or lot lines, for the purposes, whether immediate or future, of transfer of ownership or of building development.

- 2) Subdivision - Minor: A minor subdivision shall be the division of any lot, tract, or parcel of land, or a part thereof into less than five (5) lots, tracts or parcels of land, including changes in lot lines, for the purpose, whether immediate or future, or transfer of ownership or of building development, where such division, change or transfer does not abut a street of insufficient width and does not require that a street be laid out through unimproved land. 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 five (5) or more lots, tracts, or parcels of land, at any time subsequent to that date except in accordance with the requirements for a major subdivision.
- ddd. Substantially Completed: Where in the judgement of the engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
- eee. Surveyor: A registered land surveyor, as defined by the Registration Act of the Commonwealth of Pennsylvania.
- fff. Swale: A low lying stretch of land which gathers or carries surface water runoff.
- ggg. Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.
- hhh. Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

ARTICLE 9

ADOPTION

ENACTED THIS 3rd DAY OF December, 1991.

Thomas C. Munnick
Chairman, Board of Township Supervisors

Judith S. Curtin
Gayle Stirling

ATTEST:

Barbara A. Reed
Township Secretary