

# LEHIGHTON BOROUGH

CARBON COUNTY, PENNSYLVANIA

## SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

NOVEMBER 2022

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**APPENDIX**

Appendix A - Determination of Floodplains

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of Lehighon Borough, Carbon County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Lehighon Borough Subdivision and Land Development Ordinance of April 22, 1974, as amended, is hereby amended, and restated in its entirety as hereinafter set forth. This Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of Lehighon Borough. If any other ordinance, code, or regulation of Lehighon Borough is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

## ARTICLE I GENERAL PROVISIONS

### **§196-1 Title and Short Title**

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

### **§196-2 Jurisdiction; Authority**

A. Application. This chapter shall apply to all subdivisions and land developments in Lehighon Borough proposed after the effective date of this chapter.

- (1) The responsibilities of the Planning Commission are specifically enumerated throughout this chapter. All other power and authority are specifically reserved by the Borough Council.
- (2) 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 or opened except in accord with the provisions of this chapter.
- (3) 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.
- (4) No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Borough shall proceed with any clearing, grading or site preparation before obtaining from the Borough Council the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Borough Council the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- (5) The proposed subdivision or land development plat shall be in general accordance with the Lehighon Borough Comprehensive Plan.

B. Prior Approvals. [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code] When an

application for approval of a plat, whether preliminary or final, has been approved under the terms of this chapter 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. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed after the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (See §196-5.)

- C. Previously Filed Maps. In cases where a map was filed and put on record prior to the enactment of the Lehigh Borough Subdivision and Land Development Ordinance of April 22, 1974, or other prior regulations, and any improvements shown on said map have not been installed or completed prior to the enactment of this Ordinance, said improvements shall be designed and installed in accord with this chapter which may include modifications of standards per §196-87.
- D. Powers. The Borough shall have all powers necessary to administer the provisions of this chapter without limitation by reason of enumeration, including the following:
- (1) To prohibit the development of any land found to be unsuitable as defined by this chapter.
  - (2) To require that improvements to the land be made as defined by this chapter.
  - (3) To require the dedication of land as defined as a condition of subdivision or land development plan approval.
  - (4) To require adherence to this chapter and its standards.
  - (5) To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
  - (6) To make conditional approvals where requirements specified in writing by the Borough will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of this chapter.
- E. Recording of Plans. In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Borough Council and the acknowledgment of review by the County Planning Commission and is presented for recording within ninety (90) days of Borough Council approval.

### **§196-3 Purpose**

- A. General. This chapter has been adopted to protect and promote the health, safety, morals and general welfare of the citizens of Lehigh Borough by establishing regulations to allow for the proper and

controlled development of the Borough, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Lehigh Borough to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and to preserve and conserve the natural features of the Borough.

- B. Land Capability; Conservation Design. The basic tenet of subdivision and land development in Lehigh Borough is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Borough and help establish substantial buffers along boundaries with existing protected lands.
- C. Comprehensive Plan. This chapter has also been adopted to accomplish the goals and objectives of the Lehigh Borough Comprehensive Plan and to establish the resource inventory maps in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

#### **§196-4 Interpretation**

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

#### **§196-5 Effect of Ordinance Changes**

Changes in this chapter shall affect plats as follows:

- A. Pending Action. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of this chapter or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. Project Completion and Effect of Litigation. When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this chapter without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in this chapter or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a

preliminary application.

- C. Five Year Initiation. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Substantially Completed Improvements. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Borough Council, no change of municipal ordinance or plan enacted after the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.
- E. More Than Five Years. In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- F. Sections. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.
- G. Landowner Failure. 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 this chapter and other governing ordinance enacted by the Borough subsequent to the date of the initial preliminary plan submission.

#### **§196-6 Reserved**

#### **§196-7 Subdivision or Land Development Re-design**

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

#### **§196-8 Liability**

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this chapter, involving any land governed by the provisions of this chapter, by an officer, employee, consultant or agency of the Borough,



shall constitute a representation, guarantee or warranty of any kind by the Borough or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Borough body, consultant, official, or employee for any damage that may result pursuant thereto.

**§196-9 Pennsylvania Municipalities Planning Code Amendments**

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

**§196-10 Conflict and Severability**

- A. Conflict. This chapter is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Borough. If any other ordinance, code or regulation of the Borough is in conflict or inconsistent with the requirements of this chapter, the most restrictive standards and provisions shall apply.
- B. Severability. If any provision, section, sentence, or clause of this chapter shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this chapter, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

**§196-11 Effective Date**

This chapter shall take effect immediately upon its adoption by the Lehighon Borough Council.

## ARTICLE II DEFINITIONS

### §196-12 Tense, Gender and Number

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

### §196-13 General Terms

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

### §196-14 Terms, Phrases, Words Not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4<sup>th</sup> edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams. The diagrams in §196-15 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

### §196-15 Specific Terms

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

AAHSTO: American Association of State Highway Transportation Officials.

ACCESS: One combined entrance/exit or one clearly defined entrance, or one clearly defined entrance

separated from another clearly defined exit.

**ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING)**: A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

**ACCESSORY USE**: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ADD-ON SUBDIVISION**: See *lot improvement subdivision*.

**ADDITION**: An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

**ADJUSTED TRACT AREA (ATA)**: See *tract area, adjusted*; *lot area, gross*; and *lot area, net*.

**ADMINISTRATOR** – The person appointed by the Borough Council to carry out the duties assigned to the *Administrator* by this chapter.

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

**AGRICULTURAL USE**: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural (woodland) and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

**ALLEY**: See *Street*.

**ALTERATION**: Any construction or renovation to an existing structure other than a repair or an addition. See also *addition* and *repair*.

**APPLICANT**: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this chapter.

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

**BLOCK**: A tract of land, a lot or groups of lots bounded by streets, public parks, water courses, boundary lines of

the Borough, unsubdivided land or by any combination of the above.

**BOROUGH COUNCIL:** The Borough Council of Lehighon Borough, Carbon County, Pennsylvania.

**BUFFER:** A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to create a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, ACCESSORY:** See *accessory structure*.

**BUILDING, ATTACHED:** A building which has one or more walls or portions thereof in common with an adjacent building.

**BUILDING, DETACHED:** A building surrounded by open space on all sides within the same lot.

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

**BUILDING ENVELOPE:** An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

**CALIPER:** The diameter of a tree's trunk measured 12 inches above the ground.

**CAMPGROUND OR RECREATIONAL VEHICLE PARK:** A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants.

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

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

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections established by Chapter 218 (Zoning).

**COMMERCIAL BUILDING:** A building which houses a commercial use.

**COMMERCIAL USE:** An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee.

**COMMISSION OR PLANNING COMMISSION:** The Lehighon Borough Planning Commission.

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

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

COMPREHENSIVE PLAN: The most recent Comprehensive Plan (which may be a regional plan) adopted by Lehighton Borough, including all maps, charts and textual matter.

CONSERVATION AREA, PRIMARY: Lands within the 100-year floodway, wetlands, lakes, ponds, watercourses and slopes of 25 percent or more.

CONSERVATION AREA, SECONDARY: All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands.
- B. The 100-year floodplain outside the 100-year floodway.
- C. Moderately steep slopes between 15 and 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- D. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- E. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- F. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.
- G. Historic structures and sites.
- H. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- I. Existing trails, especially those connecting the tract to other locations in the Borough.
- J. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Carbon County.

CONSERVATION DESIGN SUBDIVISION: A subdivision designed at the dwelling unit density specified in Chapter 218 (Zoning) where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT: A right or interest in land granted primarily for the preservation of the land in its

undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE: See *open space, conservation*.

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

CONVENTIONAL DESIGN DEVELOPMENT: A subdivision or land development designed at the regulated dwelling unit density where individual lot reduction is not permitted.

COUNTY: The County of Carbon, Commonwealth of Pennsylvania.

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

CUL-DE-SAC: See *Street*.

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

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

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

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

DEVELOPMENT IMPROVEMENTS: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Borough to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of a tree trunk measured at four and one-half (4.5) feet above the ground.

DISTURBANCE: Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DISTURBED AREA: Any area of land on which the vegetation has been cut or removed, or where the soil has

been turned, displaced, graded or removed.

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

DRIVEWAY: A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road and serving one single-family dwelling. (See also *flag lot*.)

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

DWELLING, APARTMENT UNIT: One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units, or a dwelling unit located on the upper floors of a nonresidential building.

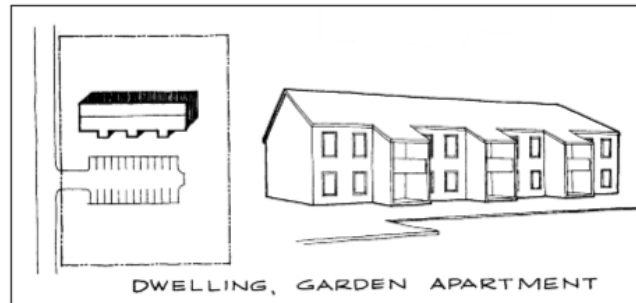
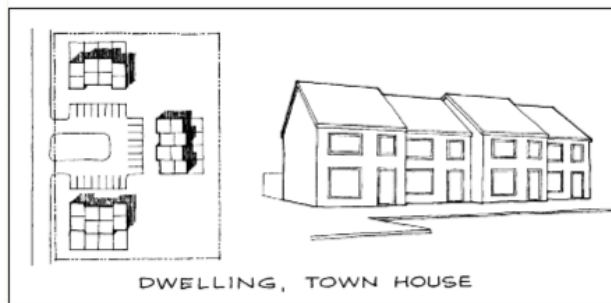
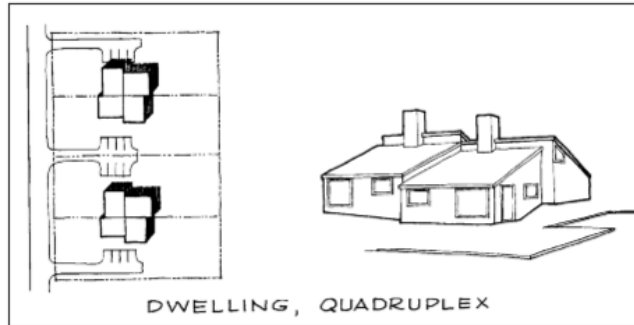
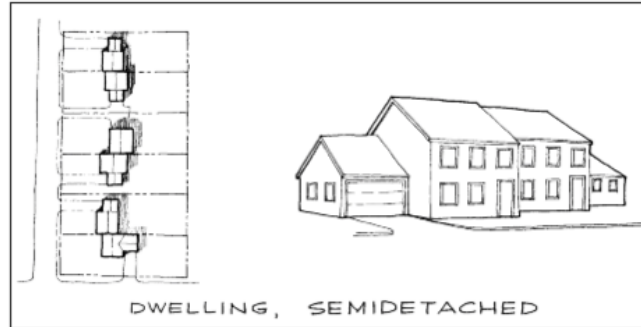
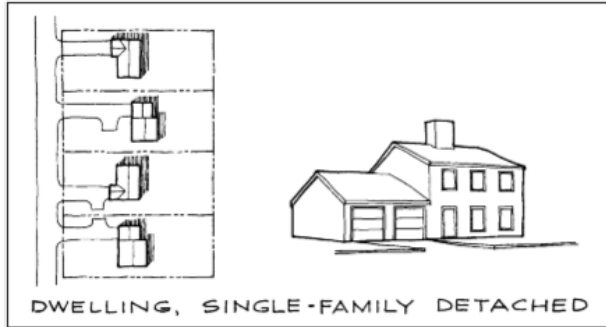
DWELLING, MULTI-FAMILY: A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. SINGLE-FAMILY ATTACHED/TOWNHOUSE: A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- B. DWELLING, QUADRAPLEX: Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.
- C. GARDEN APARTMENT BUILDING: A multi-family dwelling structure, originally designed as such, containing three to ten apartment units, and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- D. APARTMENT BUILDING: A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of Chapter 218 (Zoning).
- E. CONVERSION APARTMENT: The conversion of an existing building into three or more dwelling units.

DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, SINGLE-FAMILY SEMIDETACHED: See *two-family dwelling*.

DWELLING, TWO-FAMILY: A building containing two dwelling units either attached side by side using a vertical party wall and having one side yard adjacent to each dwelling unit (single-family semidetached); or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)



**DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household but not including a *short-term rental unit* as defined in this Article II. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

**EARTH DISTURBANCE ACTIVITY:** The conversion of an existing building into three or more dwelling units.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

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

**ENGINEER, BOROUGH:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough.

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



- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three unrelated people;
- C. Two unrelated people and any children related to either of them;
- D. Not more than the number of residents of a group home meeting the requirements of Chapter 218 (Zoning); or
- E. Not more than eight people who are granted a special exception as a single nonprofit housekeeping unit (a *functional family*) pursuant to Chapter 218 (Zoning).

The definition of a family does not include:

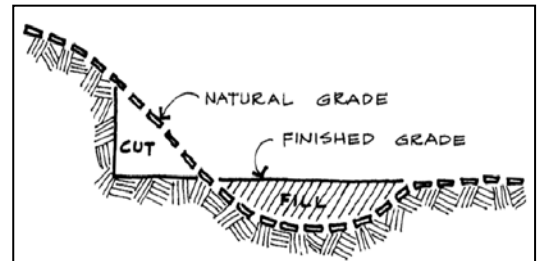
- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement because of criminal offenses.

FLOOD (and related definitions) – See Chapter 63 (Building Permits and Flood Damage Prevention).

FRONTAGE: See *lot frontage*.

GRADE: The average finished ground elevation adjoining a building.

GRADE, FINISHED: The final elevation of the average ground level adjoining a building at all exterior walls after development.

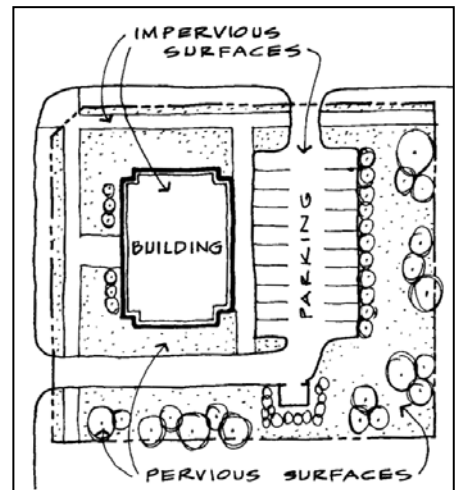


GRADE, NATURAL: The elevation of the ground level in its natural state before construction, filling, or excavation.

GROSS TRACT AREA: See *tract area, gross*.

HOMEOWNERS ASSOCIATION: See *property owners association*.

IMPERVIOUS SURFACE (IMPERVIOUS AREA): A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.



IMPROVEMENTS: See *development improvements*.

INDUSTRIAL BUILDING: A building which houses an industry.

INDUSTRY: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

INSTITUTIONAL BUILDING: A building which houses an institutional use.

INSTITUTIONAL USE: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, emergency services station, or government-owned or government-operated building, structure, or land used for public purpose.

LAND DEVELOPMENT: Any of the following activities:

- A. A subdivision of land.
- B. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  1. 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,
  2. 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, streets, common areas, leaseholds, condominiums, building groups or other features.
  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 the Borough.
  4. Land development shall also include the expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from the effective date of this chapter:
    - a) The addition of 25 percent or more of floor area to an existing building;
    - b) The increase by 25 percent or more of impervious area (including building area) on the parcel; or,
    - c) Any increase in impervious area which will result in the generation of stormwater runoff in such a volume as will not be controlled by existing stormwater management pursuant to the requirements of this chapter.
- C. The definition of land development shall not include the following:
  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.

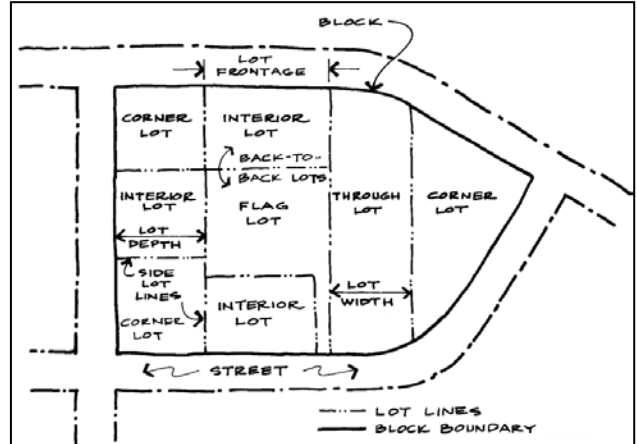
- The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

**LOT:** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT, CORNER:** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

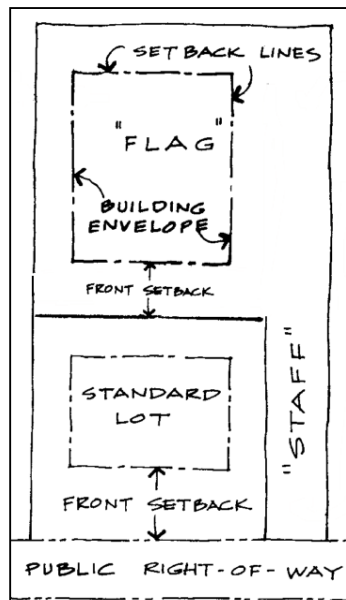
**LOT, EXISTING OF RECORD:** Any lot or parcel of property which is legally in existence and properly on file with the Carbon County Recorder of Deeds.



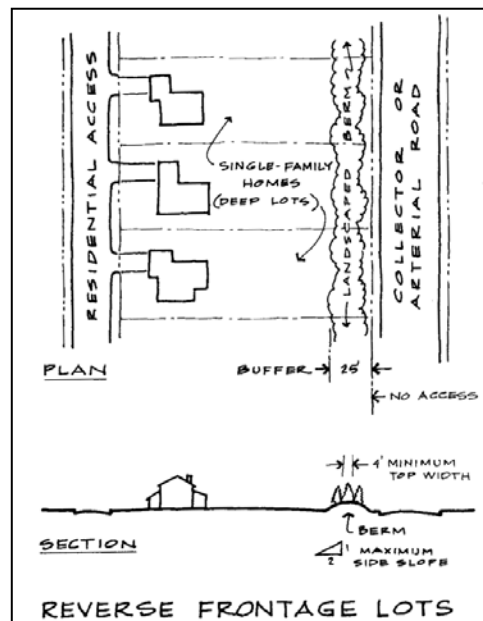
**LOT, FLAG:** A lot not meeting minimum frontage requirements and where access to the public road is by a private driveway which is part of the lot.

**LOT, INTERIOR:** A lot other than a corner lot, the two side lines of which do not abut a street.

**LOT, REVERSE FRONTAGE:** A through lot with frontage on two streets with vehicular access restricted to only one (1) of the streets.



Flag Lot



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

LOT AREA, GROSS: The total area within the property or lot lines; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.

LOT AREA, MINIMUM REQUIRED: The horizontal land area contained within the property lines of a lot.

LOT COVERAGE: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for determining compliance with the permitted lot coverage.

LOT DEPTH: The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line. On corner lots, lot depth shall be measured along the longest dimension of the lot.

LOT FRONTAGE: The horizontal distance between side lot lines at their foremost points (where they intersect with the street right-of-way line).

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See also *setback, required*.

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

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

LOT WIDTH: The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front setback line shall never be less than 50 feet.

MAJOR SUBDIVISION: See *subdivision*.

MANUFACTURED HOUSING OR HOUSE (MOBILE HOME): Housing which bears a label as required by and referred to in the act of November 17, 1982 PL.676. No. 192). known as the Manufactured Housing Construction and Safety Standards Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

MANUFACTURED HOUSING (MOBILE HOME) LOT: A parcel of land in a manufactured housing park which is leased by the park owner to the occupants of the manufactured house erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

MANUFACTURED (MOBILE HOME) HOUSING PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured housing lots for the placement thereon of manufactured houses.

MANUFACTURED (MOBILE HOME) HOUSING SALES: See *vehicle and equipment sales operation*.

MASS: A grouping of three or more trees, each at least 1.5-inch in caliper, within an area of 100 square feet.

MATURE TREE: Any tree of six inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as specified in §196-59H.

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, possibly culminating in a written agreement which the parties themselves create and consider acceptable.

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

MINOR SUBDIVISION: See *subdivision*.

MOBILE HOME: See *manufactured housing*.

MOBILE HOME LOT: See *manufactured housing lot*.

MOBILE HOME PARK: See *manufactured housing park*.

MPC: The Pennsylvania Municipalities Planning Code.

MULTI-FAMILY DEVELOPMENT: Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property is also considered a multi-family development. Two-family dwellings in a multi-family project are considered townhouses.

MUNICIPALITY: Leighton Borough, Carbon County, Pennsylvania.

**NONRESIDENTIAL BUILDING**: A building which houses a nonresidential use.

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

**OPEN SPACE**: An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this chapter or Chapter 218 (Zoning).

**OPEN SPACE, COMMON**: Open space that is part of a conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

**OPEN SPACE, CONSERVATION**: Open space that is part of a conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this chapter and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

**OPEN SPACE, REQUIRED PUBLIC**: Open space that is dedicated or reserved for the use of the general public in accord with the requirements of this chapter.

**OWNER**: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to apply for the development or use of land.

**PA DEP**: The Pennsylvania Department of Environmental Protection.

**PA DOT OR PENNDOT**: The Pennsylvania Department of Transportation.

**PARCEL**: See *lot*.

**PARENT TRACT**: Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds and from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record*.)

**PARKING SPACE, OFF-STREET**: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**PARKING SPACE, ON-STREET**: A temporary storage area for a motor vehicle that is located on a public or private street right-of-way.

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

**PERSON:** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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

- A. **SKETCH PLAN:** An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the Existing Resources and Site Analysis.
- B. **PRELIMINARY PLAN:** A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this chapter, such plan having been prepared by a qualified professional (see definition of qualified professional).
- C. **FINAL PLAN:** A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this chapter to define property rights, proposed streets and other improvements.
- D. **RECORD PLAN:** The copy of the final plan(s) which contains the original endorsements of the Borough Council, and which is intended to be recorded with the County Recorder of Deeds.

**PLANNING COMMISSION:** The Planning Commission of the Lehighon Borough, Carbon County, PA.

**POND OR LAKE** – See *lake or pond*.

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

**PRIMARY RESOURCES:** See *resources, primary*.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

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

**PRINCIPAL BUILDING** – See *building, principal*.

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

**PRINCIPAL USE:** The primary or predominate use of a lot.

**PROPERTY OWNERS ASSOCIATION (POA):** A non-profit corporation organized by the developer or home owners for establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

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

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

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

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

**RECREATIONAL VEHICLE:** A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

**RECREATIONAL VEHICLE PARK:** See *campground or RV park*.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also *addition* and *alteration*.

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

**RESERVOIR SPACE:** A place provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

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

**RESOURCES, PRIMARY:** Natural features consisting of 100-year floodplain (including the floodway), lakes, ponds, watercourses, wetlands and prohibitive steep slopes (25 percent or greater). In conservation subdivisions, all conserved lands containing primary resources are called primary conservation areas.

**RESOURCES, SECONDARY:** Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in this chapter.



Lands containing secondary resources that are conserved are called secondary conservation areas.

**RESUBDIVISION:** Any revision, replatting or subdivision of land which includes changes to a recorded plan.

**RIGHT-OF-WAY:** Land reserved for use as an access, street, drainage facility or other private, public or community use.

**RUNOFF:** That portion of rainfall or snow-melt which does not enter the soil but moves over the surface.

**SCREENED:** Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Borough.

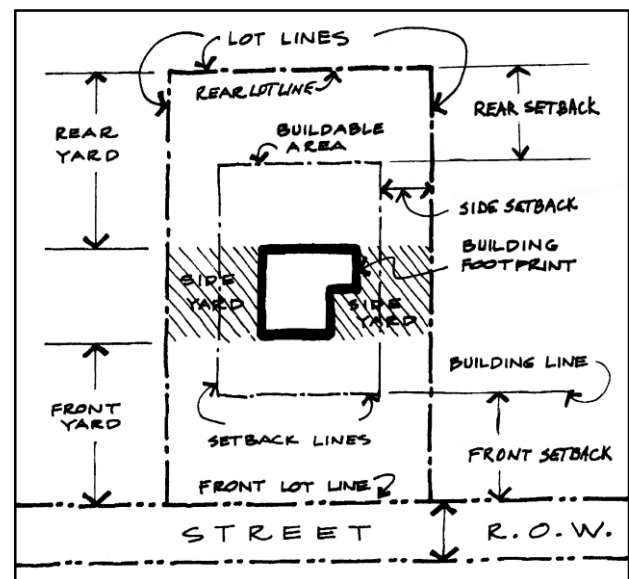
**SCREENING:** A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

**SECONDARY RESOURCES:** See *resources, secondary*.

**SETBACK, FRONT:** The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

**SETBACK, REQUIRED:** The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this chapter. See also *yard* and *lot line*. (See accompanying illustrations.)

**SETBACK, REAR:** The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.



**SETBACK, SIDE:** A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.

**SEWAGE DISPOSAL, CENTRAL, COMMUNITY OR OFF-SITE:** A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment and subsurface or other type of disposal area or stream discharge in compliance with the Pennsylvania Department of Environmental Protection regulations and/or regulations of the Borough, whichever may be more stringent.

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

**SEWAGE ENFORCEMENT OFFICER (SEO):** The Borough official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues

permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and its regulations.

**SEWAGE TREATMENT PLANT:** A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

**SEWER CONNECTION, MANUFACTURED (MOBILE) HOME:** All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

**SEWER RISER PIPE, MANUFACTURED (MOBILE) HOME:** That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

**SHOULDER:** The improved portion of a street immediately adjoining the travelway.

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

**SLOPE:** The change in elevation over a horizontal distance usually expressed in percent. (See *grade*.)

- A. **PRECAUTIONARY SLOPES:** Areas of land where the grade is 15 to 25 percent.
- B. **PROHIBITIVELY STEEP SLOPES:** Areas of land where the grade is 25 percent or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this chapter, slope shall be measured over three two-foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

**SPECIMEN TREE:** Any tree with a caliper that is 12 inches or more in diameter at breast height.

**STREAM:** A natural watercourse. See *watercourse*.

**STREET:** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

**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:

- A. **ARTERIAL STREET:** Serves large volumes of comparatively high-speed and long-distance traffic. Streets classified as main and secondary highways by the Pennsylvania Department of Transportation, State Routes 0209 and 0443, and any street classified as an arterial street in the Borough Comprehensive Plan are arterial streets.
- B. **COLLECTOR STREET:** In addition to giving access to abutting properties, intercepts minor streets and

provides routes, carrying moderate volumes of traffic, to community facilities and to arterial streets. State Routes 0902 (Ninth Street and Mahoning Street), and any street classified as a collector street in the Borough Comprehensive Plan are collector streets.

- C. LOCAL STREET: Used primarily to provide access to abutting property. All streets not defined as an arterial or collector street are local streets.
- D. PUBLIC STREETS: Streets dedicated to public use.
- E. MARGINAL ACCESS STREETS: A type of street which is parallel and adjacent to another street and provides access to abutting properties and control of intersections with streets of higher classification.

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

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

STRUCTURE, PERMANENT: Any structure, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE: Any structure, that is not permanently affixed to the ground but is designed to be moved from place to place including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering.

STRUCTURE, TEMPORARY: Any structure that is erected for the limited period specified in the zoning permit.

SUBDIVIDER: See *developer*.

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

- A. MINOR SUBDIVISION: A subdivision that creates five (5) lots or less, or the cumulative development on a lot by lot basis for a total of five (5) lots or less of any original tract of record and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets. The enumeration of lots shall include all lots created from the parent tract after the effective date of this chapter and the residual tract (land under the same ownership and adjacent).
- B. MAJOR SUBDIVISION: Any subdivision that is not a minor subdivision or a lot improvement subdivision.
- C. LOT IMPROVEMENT SUBDIVISION: (Also known as *add-on subdivision*.) A minor subdivision involving:
  - 1. LOT COMBINATION: The consolidation of contiguous lots of record which are shown on a map on

file at the office of the County Recorder of Deeds and which do not involve the creation of any new lot lines.

2. LOT LINE ADJUSTMENT: The temporary creation of a separate lot from an existing lot and the simultaneous uniting of the created lot with another adjacent existing lot, provided the Grantor's remaining parcel complies with all provisions of this chapter and Chapter 218 (Zoning).

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

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

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

BOROUGH: The Borough of Mahoning, Carbon County, Pennsylvania.

BOROUGH ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Lehighton Borough.

TRACT: See *lot*.

TRACT AREA, ADJUSTED (ATA): The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

TRACT AREA, GROSS – See *lot area, gross*.

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

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

VERNAL POND: An isolated, contained basin depression that holds water for at least two (2) months in the spring and summer, critical to several amphibian, reptile and invertebrate species. It also provides important storage for stormwater runoff and spring snowmelt that would otherwise contribute to downstream flooding. A vernal pond is no bigger than three hundred (300) feet long and one hundred and twenty (120) feet wide and is often much smaller.

WATER CONNECTION, MANUFACTURES (MOBILE HOME): All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATER BODY: Any natural or manmade freshwater pond, lake or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

WATER RISER PIPE, MANUFACTURES (MOBILE HOME): That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE, MANUFACTURES (MOBILE HOME): All pipes, fittings valves, and appurtenances from the

water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL, COMMUNITY OR OFF-SITE: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses.

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

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

WATERCOURSE: A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLAND -Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

WOODLAND: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches DBH) covering an area of one-quarter acre or more or consisting of 10 individual trees larger than six inches DBH, shall be considered a woodland. For the purposes of this chapter, the extent of any woodland plant community for any part thereof shall be measured from the outermost drip line of all the trees in the community. Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six inches DBH). Woodlands shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance.

YARD: The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)

**ARTICLE III  
PLAN PROCESSING**

(Note: The Applicant should obtain a Plan Checklist for overall guidance for the process.)

**OUTLINE OF PROCEDURE FOR MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS**

- A. Submission of Sketch Plan showing general concept. (optional, but VERY STRONGLY ENCOURAGED)
- B. Submission of preliminary plan showing proposal in detail.
- C. Review by non-borough agencies.
- D. Review and recommendation by the Borough Planning Commission.
- E. Review and action by the Borough Council on preliminary plan.
- F. Obtain permits and fulfill preliminary plan conditions.
- G. Submit final plan.
- H. Review of final plan by the Borough Planning Commission and recommendation.
- I. Submission of development agreement.

**FINANCIAL SECURITY POSTED**

- J. Posting of financial security for completion of improvements.
- K. Review and action by Borough Council on final plan.
- L. Recording of final plan.
- M. Verification by Borough Engineer of completed improvements.
- N. Submission of as-built plan.
- O. Dedication of improvements to Borough (if applicable).

**IMPROVEMENTS CONSTRUCTED**

- J. Completion of improvements.
- K. Verification by Borough Engineer of completed Improvements.
- L. Review and action by Borough Council on final plan.
- M. Recording of final plan.
- N. Submission of as-built plan.
- O. Dedication of improvements to Borough (if applicable).

**§196-16 General**

All plans for subdivision and/or land development within the corporate limits of the Borough shall be submitted and reviewed as provided in this chapter and shall be approved or disapproved by the Borough in accord with the procedures specified in this Part.

- A. Required Plans. Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments shall be provided by the Applicant. A Preliminary Plan shall not be required for Minor Subdivisions. A Sketch Plan, as detailed in §196-17, shall not be considered a required plan, but is strongly encouraged.

SKETCH PLAN	PRELIMINARY PLAN	FINAL PLAN
<b>Minor Subdivision</b>		
optional, encouraged (§196-17)	not required	required (§196-20)
<b>Major Subdivision</b>		
optional, encouraged (§196-17)	required (§196-18)	required (§196-19)
<b>Land Development</b>		
optional, encouraged (§196-17)	required (§196-18)	required (§196-18)
<b>Lot Line Adjustment</b>		
optional, encouraged (§196-17)	not required	required (§196-23)
<b>Lot Combination</b>		
optional, encouraged (§196-17)	not required	not required (see §196-23 for requirements)

B. Requirement for Plan Filing.

(Note: For the purposes of this chapter, the words *day* and *days* refer to calendar days.

- (1) Filing with Administrator. Unless otherwise provided by this chapter, all required plans, applications, fees and supporting data shall be delivered in person to the Administrator not less than 15 days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than 15 days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission.
- (2) Folded Plans. All plans submitted to the Borough shall be folded to a size which will fit into a standard filing cabinet.
- (3) Electronic Documents. In addition to the required number of paper copies, all filings shall include two (2) digital copies with all documents in electronic format approved by the Borough.
- (4) Filing Verification. The Administrator shall review the filed documents to make a preliminary determination whether the required documents have been filed in proper number and form. If complete, the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

C. Re-filing of Plans.

- (1) The re-filing of plans shall be done in the same manner and number as required for the initial filing.
- (2) Any revised plans shall include all revisions clearly highlighted on the plans or a summary of the revisions sealed by the Project Engineer.

D. Attendance. The Applicant or a duly authorized representative shall attend each Planning Commission and Borough Council meeting at which the application is on the agenda.

E. Public Hearing. Before acting on any plan, the Planning Commission and/or Borough Council may, at their option, hold a public hearing thereon after public notice.

- F. Action. All minor, preliminary, final plans and lot line adjustment plans (but excluding lot combinations) shall be reviewed by the Planning Commission for compliance with this chapter. Plans and supportive data which are complete shall be recommended to the Borough Council for approval, approval with conditions, or denial.
- G. Field Inspections.
- (1) Landowner Permission. It shall be implicit in any request for plan approval that the landowner automatically grants the Planning Commission, the Borough Council, or anyone designated by either body, the right to enter upon the area proposed for the subdivision to become familiar with the property, making necessary observations or tests or for any other reasonable and lawful purpose.
  - (2) Scheduling. The Planning Commission or Borough Council may, at the time of Sketch Plan or Preliminary Plan Filing or at any other time deemed appropriate, schedule a Field Inspection of the parcel proposed for subdivision or development. The Applicant or his representative shall, upon request by the Borough, accompany the Borough official or designated representative, and to facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets and driveways marked with temporary stakes.
- H. Recording Final Plans.
- (1) Time Limit. Upon the approval of a final plan, the Applicant shall within 90 days of such final approval, or 90 days after the date of delivery of an approved and signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the Office of the Carbon County Recorder of Deeds and provide proof of recording to the Borough.
  - (2) Failure to Record. If the Applicant fails to record the Record Plan in the Recorder's office within the required 90-day period and provide proof of recording to the Borough, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
  - (3) Lot Improvement Plans. See §196-23
  - (4) Recorder of Deeds. The Carbon County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Borough Council, and review by the Carbon County Planning Commission.

#### **§196-17    Sketch Plan**

- A. Optional Sketch Plans. Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to provide a Sketch Plan to the Planning Commission prior to the Filing of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:
- (1) Avoid costly revisions to detailed Preliminary Plans prepared before a consensus on the layout is reached with the Planning Commission.
  - (2) Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.
  - (3) Determine if the plan is a major or a minor subdivision and/or land development.



- (4) Assist applicants and officials to develop a better understanding of the property.
- (5) Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under Chapter 218 (Zoning).
- (6) Ensure that the plan generally conforms to the provisions of this chapter.
- (7) Demonstrate compliance with any design parameters deemed necessary by the Borough for conformance to the Borough Comprehensive Plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §196-28C, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources and Site Analysis.

- B. Contiguous Holdings. When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout should be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this §196-17 shall not constitute approval of the future subdivision shown thereon.
- C. Non-formal Filing. A Sketch Plan shall be considered only for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans shall be so noted on the Plan and in the minutes of the Planning Commission.
- D. Major Subdivisions and Land Developments - Sketch Plans
  - (1) Pre-Application Meeting. A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Borough's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan Filings as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.
  - (2) Existing Resources and Site Analysis. Applicants are encouraged to provide an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §196-28C. The purpose of this key element is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan if the optional Sketch Plan is not provided).
  - (3) Site Inspection. After preparing the Existing Resources and Site Analysis, applicants are encouraged to arrange for a site inspection of the property by the Planning Commission and other Borough officials and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the

general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Borough officials, or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

(4) Pre-Sketch Conference. Following the site inspection and prior to a diagrammatic sketch plan, the applicant is encouraged to meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §196-46, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

(5) Sketch Plan Review.

(a) Five (5) copies of a Sketch Plan, meeting the requirements set forth in §196-27 shall be delivered to the Administrator during business hours at least ten (10) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for conservation open space, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan should also be designed in accordance with the four-step design process described in §196-46, and with the conservation open space standards listed in §196-47.

(b) The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this chapter and with other applicable ordinances of the Borough. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this chapter and may suggest possible plan modifications that would increase its degree of conformance. The Commission may provide written comments to the Applicant. The Sketch Plan may also be forwarded by the Planning Commission to the Carbon County Planning Commission for its review and comment. The reviews may include, but not be limited to:

[1] The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site;

[2] The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;

[3] The location of proposed access points along the existing road network;

[4] The proposed building density and impervious coverage;

[5] The compatibility of the proposal with respect to the objectives and policy recommendations of the Borough Comprehensive Plan; and

[6] Consistency with the Chapter 218 (Zoning).

**§196-18 Preliminary Plans for Major Subdivisions and Land Developments**

(See §196-21 for optional land development process.) All applications for preliminary plans for major subdivisions and land developments shall be filed with the Borough and processed in accord with this §196-18.

Filings Not Preceded by a Sketch Plan. If an applicant opts not to provide a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §196-17 specifically including the Existing Resources and Site Analysis, plus further details as required by this chapter.

Site Inspection. If requested by the Planning Commission, a site inspection shall be arranged and conducted in accord with §196-17D(3).

A. Official Filing of Preliminary Plans.

(1) Plan to be Filed with the Borough.

(a) Initial Filing. Copies of the Preliminary Plan and all required supporting documentation shall be delivered to the Administrator by the Applicant or authorized representative by the end of the business day at least 15 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".

(b) Subsequent Materials. All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 15 days prior to the meeting at which the Applicant wishes to have those materials considered.

(c) Electronic Documents. In addition to the required number of paper copies, all filings shall include two digital copies with all documents in an electronic format approved by the Borough.

(2) Number of Copies to be Filed. The Filing of the Preliminary Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by resolution of the Borough Council.)

(a) Eleven completed copies of the subdivision plan application.

(b) Eleven folded full-size folded legible paper prints of the Preliminary Plan.

(c) Five copies of the required sewage planning module(s) and associated documentation.

(d) Two copies of all other required supporting data and information as required in Article IV.

(3) Preliminary Plan Filing Fee. The Administrator shall collect a preliminary plan filing fee as established by resolution of the Borough Council for all subdivisions.

(a) Fees charged shall cover the costs listed in §196-89C and other administrative expenses associated with the review of subdivision.

(b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.

(4) Preliminary Plan Filing Verification and Distribution. Upon receipt of the Preliminary Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.

(a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:

- [1] The Borough Planning Commission.
- [2] The Borough Engineer
- [3] The Borough Solicitor.
- [4] The Borough Zoning Officer.
- [5] The Borough Manager/File
- [6] Any other agency, engineer or consultant designated by the Borough.
- [7] The Carbon County Planning Commission

(b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.

(c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.

(5) Official Date of the Preliminary Plan Submission. The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.

(a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.

(b) If the filed documents are complete and acceptable, the Administrator shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Preliminary Plan Submission and forward said receipt to the Applicant.

(c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §196-18A(4), the 90-day review period shall be measured from the 30<sup>th</sup> day following the day of said filing verification.

(d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.

(6) Distribution to Other Agencies. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

B. Preliminary Plan Review and Action.

(1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed

Preliminary Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §196-18B.

(2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Preliminary Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made.

(3) Borough Council Approval with Conditions. When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §196-18B(2). When a Preliminary Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept, the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan may be re-filed as required by §196-18, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

(4) Borough Council Denials. When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §196-18B(2).

- C. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council may consider the comments and the recommendations provided pursuant to §196-18A(6) and may request such additional information as deemed necessary.
- D. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Preliminary Plan to the County Planning Commission.
- E. Sewage Facilities Planning Modules. The Borough Council shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection.
- F. Highway Occupancy Permit. If a highway occupancy permit shall be required for access to a Borough or State road, approval of the preliminary plan shall be conditional upon the issuance of a highway occupancy permit by the Borough or PA DOT.
- G. Soil Erosion and Sedimentation Control. Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA DEP and the issuance of any associated permits.
- H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.
- I. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough; and any such agreement shall be in writing.

**§196-19 Final Plans for Major Subdivisions and Land Developments**

(See §196-21 for optional land development process.) All Final Plans for major subdivisions and land developments shall be filed and processed in accord with this §196-19.

- A. Final Plan Application. An application for Final Plan approval can be filed only when all the following conditions have been met:
- (1) The subdivision has previously been granted an unconditional Preliminary Plan approval in accord with §196-18 and all conditions established by the Borough Council for the Preliminary Plan approval will be fulfilled by the Applicant before Final Plan approval.
  - (2) All improvements, such as roads and drainage facilities (see definition of *improvement* in Article II) which are shown on the Preliminary Plan, have been completed or guaranteed in accord with Article V.
- B. Final Plan Conformation; Five-Year Protection from Ordinance Changes. The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be filed pursuant to §196-18. In accord with §196-5 and §508(4)(ii) of the MPC, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the 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 accord with the terms of such approval within five (5) years from such approval.
- C. Sections. Final Plans may be filed in sections in accord with §508(4)(v),(vi) and (vii) of the MPC, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan.
- (1) Each section in the subdivision, except for the last section, shall contain a minimum of 25 percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan, except that the Borough Council may approve a lesser percentage.
  - (2) When a Final Plan is proposed to be filed by sections, a proposed layout of the sections, their boundaries, the order of filing, and a schedule of filing shall be proposed to the Borough for approval prior to filing of the first section.
- D. Official Filing of Final Plans.
- (1) Plan to be Filed with the Borough.
    - (a) Initial Filing. Copies of the Final Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at least 15 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".
    - (b) Subsequent Material. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 15 days prior to the meeting at which the Applicant wishes to have those materials considered.
    - (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include

two digital copies with all documents in an electronic format approved by the Borough.

- (2) Number of Copies to be Filed. The official filing of the Final Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Borough Council.)
- (a) Eleven completed copies of the subdivision plan review application
  - (b) Eleven folded full-size legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, seven full size paper prints shall be provided for final signature.
  - (c) Five copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
  - (d) Two copies of the applicable highway occupancy permit.
  - (e) Two copies of all other required supporting data and information as required in Article IV .
- (3) Final Plan Filing Fee. The Administrator shall collect a Final Plan filing fee as established by resolution of the Borough Council for all subdivisions.
- (a) Fees charged shall cover the costs listed in §196-89C and other administrative expenses associated with the review of subdivision.
  - (b) The Applicant shall pay the fee at the time of initial submission of the application to the Administrator.
- (4) Final Plan Filing Verification and Distribution. Upon receipt of the Final Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
    - [1] The Borough Planning Commission.
    - [2] The Borough Engineer
    - [3] The Borough Solicitor.
    - [4] The Borough Zoning Officer.
    - [5] Borough Manager/File.
    - [6] Any other agency, engineer or consultant designated by the Borough.
    - [7] The Carbon County Planning Commission
  - (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.

- (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Final Plan Submission. The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
- (b) If the filed documents are complete and acceptable, the Chairman of the Planning Commission shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.
- (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §196-19D(4), the 90-day review period shall be measured from the thirtieth (30th) day following the day of said filing verification.
- (d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.
- (6) Distribution to Other Agencies. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

E. Final Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Final Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §196-19E.
- (2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Borough Council shall make the decision regarding the Final Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made.
- (3) Borough Council Approval with Conditions. When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §196-19E(2). When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan may be re-filed as required by §196-19, including a new filing fee. The written notice



to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

- (4) Borough Council Denials. When a Final Plan is denied by the Borough Council, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §196-19E(2).
- F. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council shall consider the comments and the recommendations provided pursuant to §196-19D(6) and may request such additional information as deemed necessary.
- G. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Final Plan to the County Planning Commission.
- H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Final Plan pursuant to public notice.
- I. Planned Improvements. The Borough Council shall not approve or sign the Final Plan until all the improvements shown on the Final Plan have been installed by the Developer and verified as complete by the Borough Engineer; or a performance guarantee has been provided by the Applicant pursuant to Article V.
- J. Signature of Final Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Borough Council shall endorse the Final Plan for recording purposes and shall retain at least two endorsed prints.
- K. Applicant's Duty to Record the Final Plan.
- (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Borough Council.
- (2) Notification. The Applicant shall provide to the Borough Council a copy of the recording receipt from the Recorder of Deeds.
- (3) Failure to Record. If the plan is not recorded within the required time the approval shall lapse and become void.
- L. As-Built Plans. Upon the completion of all improvements, the Applicant shall provide to the Borough plans certified by the Applicant's surveyor and engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this chapter and shall be subject to all the enforcement proceedings contained in this chapter.
- M. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough Council; and any such agreement shall be in writing.

#### **§196-20 Minor Subdivisions**

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be filed with the Borough and be processed in accord with this §196-20.

A. Official Filing of Minor Subdivision Plans.

(1) Plan to be Filed with the Borough

- (a) Initial Filing. Copies of the Minor Subdivision Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at least 15 days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".
- (b) Subsequent Materials. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Administrator at least 15 days prior to the meeting at which the Applicant wishes to have those materials considered.
- (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include two digital copies with all documents in an electronic format approved by the Borough.

(2) Number of Copies to be Provided. The official filing of the Minor Subdivision Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Borough Council.)

- (a) Eleven completed copies of the subdivision plan application.
- (b) Eleven folded full-size legible paper prints of the Minor Subdivision Plan.
- (c) Five copies of the required sewage planning module(s) and associated documentation.
- (d) Two copies of all other required supporting data and information as required in Article IV of this chapter.

(3) Minor Subdivision Plan Filing Fee. The Administrator shall collect a Minor Subdivision Plan filing fee as established by resolution of the Borough Council for all subdivisions.

- (a) Fees charged shall cover the costs listed in §196-89C and other administrative expenses associated with the review of subdivision.
- (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.

(4) Minor Subdivision Plan Filing Verification and Distribution. Upon receipt of the Minor Subdivision Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.

- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:

- [1] The Borough Planning Commission.
  - [2] The Borough Engineer
  - [3] The Borough Solicitor.
  - [4] The Borough Zoning Officer.
  - [5] Any other agency, engineer or consultant designated by the Borough.
  - [6] The Carbon County Planning Commission
- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
- (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Minor Subdivision Submission. The official date of the Minor Subdivision Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
- (b) If the filed documents are complete and acceptable, the Chairman of the Planning Commission shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Minor Subdivision Plan Submission and forward said receipt to the Applicant.
- (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §196-20A(4), the 90-day review period shall be measured from the 30<sup>th</sup> day following the day of said filing verification.
- (d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the ninety (90) day review period shall be measured from the 30<sup>th</sup> day following the final order of the court.
- (6) Distribution to Other Agencies. The Applicant shall be responsible for providing the Plan and all required supporting documentation to the Carbon County Conservation District, PennDOT, and all other agencies.

B. Minor Subdivision Plan Review and Action.

(1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Minor Subdivision Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §196-20B.

(2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's

recommendation, the Borough Council shall make its decision regarding the Minor Subdivision Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made.

(3) Borough Council Approval with Conditions. When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Borough Council meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §196-20B(2). When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and the said plan may be re-filed as required by §196-20, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

(4) Borough Council Denials. When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §196-20B(2).

C. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council shall consider the comments and the recommendations pursuant to §196-20A(6) and may request such additional information as deemed necessary

D. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

E. Sewage Facilities Planning Modules. The Borough Council shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

F. Highway Occupancy Permit. If a highway occupancy permit shall be required for access to a Borough or State road, approval of the Plan shall be conditional upon the issuance of a highway occupancy permit by the Borough or PA DOT.

G. Soil Erosion and Sedimentation Control. Approval of the Minor Subdivision Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA DEP and the issuance of any associated permits.

H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

I. Signature of Minor Subdivision Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Borough Council shall endorse the Minor Subdivision Plan for recording purposes and shall retain at least two endorsed prints.

J. Applicant's Duty to Record the Final Minor Plan.

- (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Borough Council.
  - (2) Notification. The Applicant shall provide to the Borough Council a copy of the recording receipt from the Recorder of Deeds.
  - (3) Failure to Record. If the plan is not recorded within the required time, the approval shall lapse and become void.
- K. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough Council; and any such agreement shall be in writing.

**§196-21 Reserved**

**§196-22 Plans for Minor Residential Land Developments**

The intent of this §196-22 is to simplify the review and approval procedure for Minor Residential Land Developments. Preliminary Plans for Minor Residential Land Development shall not be required; however, a Final Plan shall be submitted to the Borough and be processed in accord with this §196-22.

A. Minor Residential Land Development Criteria.

- (1) A land development may be considered a *Minor Residential Land Development* for the purposes of this chapter provided said development does not involve more than two (2) dwelling units or is not by definition considered a major subdivision.
- (2) The dwellings shall be arranged to enable a subdivision in compliance with most current standards.
- (3) Multi-family dwellings, manufactured home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.

B. Procedure and Other Requirements. Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions in §196-20. All information and design requirements of this chapter applicable to land developments shall also apply to Minor Residential Land Developments except as provided in this §196-22.

C. Minor Residential Land Development Determination.

- (1) Request to be Filed with The Planning Commission. The request for Minor Residential Land Development determination shall be submitted to the Borough Administrator by the Applicant or his authorized representative in writing at least 15 days prior to the Planning Commission meeting which the Applicant will attend. The request shall contain such information as may be necessary for the Borough to determine the Minor Land Development status of the proposed project in accord with this §196-22. The Borough shall have the right to require any additional information deemed necessary.
- (2) Status of Application for Minor Residential Land Development Determination. The application for Minor Residential Land Development determination shall not constitute a formal land development submission and shall not initiate the ninety (90) day review period normally required for land developments.
- (3) Determination of Minor Residential Land Development. The Planning Commission shall determine the

Minor Residential Land Development status of the application in accord with the criteria in this §196-22 and report their determination regarding the same to the Applicant.

(a) In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be submitted in accord with §196-22D.

(b) If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by §196-21 and the information required for the application shall be submitted in accord with all the applicable sections of this chapter and all other applicable requirements.

D. Minor Residential Land Development Application Information. The plan requirements in §196-20 for Minor Subdivisions shall apply to Minor Residential Land Development Plans. However, the Borough may require any additional information necessary as site specific conditions dictate to determine compliance with this chapter and any other requirements. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Borough shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure compliance with applicable requirements. The Borough shall also have the right to apply any of the standards and requirements contained in this chapter.

#### **§196-23 Lot Line Adjustment/Combination Subdivisions**

A. Lot Line Adjustment Subdivisions. This §196-23A shall apply to all lot line adjustment subdivisions.

(1) The subdivision shall be submitted and processed in accord with §196-20 for Minor Subdivisions.

(2) A new map shall be required in accord with §196-31A for Minor Subdivisions.

(3) The applicable notes listed in §196-30C(2) shall be included on the map.

(4) A new legal description of the new lot shall be included in the deed for the lot. The combination language shall also be included in the deed from the grantor to the grantee and made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

B. Lot Combination Subdivisions. Lot line combination subdivisions which involve the consolidation of lots of record which are shown on a map on file at the office of the County Recorder of Deeds, and which do not involve the creation of any new lot lines, may be submitted directly to the Borough Council. If the contiguous lots proposed for combination are not shown on a filed map, §196-23A shall apply.

(1) The applicant shall certify to the Board that the subject map is, in fact, on record.

(2) A new map for combination of lots of record shall not be required unless the Borough determines such map is required for any just cause in which case §196-23B shall apply.

(3) The combination shall be executed by deed from the owners to themselves which shall contain a restriction combining the lots into one parcel.

(4) The lot combination deed shall be in such form as required by the Borough Council upon the recommendation of the Borough Solicitor and shall include:

- (a) A reference to the lot numbers of the subject lots.
- (b) The plat book and page number where the map is recorded.
- (c) The new revised combined lot numbers.
- (d) Language restricting the sale or transfer of the individual lots being combined.

C. Easements and Rights-of-Way of Record. No lot improvement subdivision shall have the effect of altering, redefining, or extinguishing any easement of record or any right-of-way of record existing on or over subject property.

D. Applicant's Duty to Record the Lot Improvement. All documents to be recorded to effect any lot improvement subdivision shall be in such form as approved by the Borough Council with the recommendation of the Borough Solicitor.

(1) Deadline. The Applicant shall record the approved final plan and corresponding deed with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Borough Council.

(2) Notification. The Applicant shall provide to the Borough Council a copy of the recording receipt from the Recorder of Deeds and two copies of the corresponding recorded deed.

(3) Failure to Record. If the plan and deed are not recorded within the required time the approval shall lapse and become void.

**§196-24    Reserved**

**§196-25    Contiguous Municipalities**

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

**§196-26    Reserved**

**ARTICLE IV  
PLAN REQUIREMENTS**

**§196-27    Sketch Plan Overlay Sheet**

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §196-28C), a document that must in any case be prepared and submitted as part of the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. The deed reference, parcel identification number and tax assessment number for each involved parcel.
- D. Graphic scale not greater than 1" = 100' and north arrow.; however, dimensions on the plan need not be exact at this stage;
- E. Tract boundaries, sufficient to locate the tract on a map of the Borough;
- F. Location map;
- G. Zoning district;
- H. Streets on and adjacent to the tract (both existing and proposed);
- I. 100-year floodplain limits;
- J. Location of wetlands from published sources;
- K. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- L. Schematic layout indicating a general concept for land conservation and development;
- M. Proposed general street and lot layout;
- N. General description of proposed method of water supply, sewage disposal, and stormwater management;
- O. In the case of land development plans, proposed location of buildings and structures, parking areas and other improvements;
- P. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.



**§196-28 Preliminary Plan Requirements for Major Subdivisions**

(See §196-32 and Article IX for Land Developments.)

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- Site Context Map.
- Existing Resources and Site Analysis.
- Preliminary Resource Impact and Conservation Analysis.
- Preliminary Improvements Plan.
- Preliminary Studies and Reports as set forth in other parts of this chapter.

**A. Drafting Standards.**

- (1) The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, or 100 feet to the inch.
- (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (4) The sheet size shall be no larger than 24"x36". If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (5) Plans shall be legible in every detail.

B. Site Context Map. A map at a scale of no greater than 1" = 2,000' showing the location of the proposed subdivision within its neighborhood context shall be submitted.

C. Existing Resources and Site Analysis. For all major subdivisions and for all land developments, an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Borough with a comprehensive analysis of existing conditions, both on the proposed development site and within 200 feet of the site. Conditions beyond the parcel boundaries may be described based on existing published data available from governmental agencies and from aerial photographs. The Borough shall review the Plan to assess its accuracy, conformance with Borough ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:

- (1) Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.

(2) Natural Features, including:

- (a) Contour lines at intervals of not more than two feet. (10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted including the date and source of the contours. Datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.
- (b) Steep slopes in the following ranges: 15 to 25 percent, 25 percent and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
- (c) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds, or other water features.
- (d) Wetlands as defined by Article II.
- (e) 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA, calculated 100-year flood plains shall be established by the developer. When a subdivision or land development contains a floodplain, the elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given. In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA shall be submitted. (See Appendix A.)
- (f) Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
- (g) Existing vegetation, denoted by type, including woodlands, hedgerows, and specimen vegetation, as defined in this chapter, tree masses, tree lines, wetland vegetation, pasture or crop lands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site.
- (h) Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
- (i) Ridgelines and watershed boundaries.
- (j) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

(3) Existing Man-Made Features, including:

- (a) Location, dimensions, and use of existing buildings, driveways, and bridges.
- (b) Location, names, widths, centerline courses, paving widths, identification numbers, and rights-of-way, of existing streets, alleys, and streets recorded but not constructed on or abutting the tract.

- (c) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- (d) Location and size of existing sanitary sewer, storm drainage, and water supply facilities.
- (e) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
- (f) Where the subdivider proposes to locate a street, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line shall be submitted.
- (g) Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.
- (h) Locations of Historic and Archaeological Resources which have been identified and/or inventoried by the Borough, the County, the Carbon County Planning Commission, and/or the Pennsylvania Historical and Museum Commission and all significant sites or structures on the tract, including, but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites.

- (4) The Gross Tract Area, Total Tract Area, Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.

D. Preliminary Resource Impact and Conservation Analysis.

- (1) A Preliminary Resource Impact and Conservation Analysis shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §196-28C). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be considered in preparing the Preliminary Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
- (2) Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories:
  - (a) primary impact areas (i.e., areas directly impacted by the proposed subdivision);
  - (b) secondary impact areas (i.e., areas in proximity to primary areas which may be impacted); and,
  - (c) designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.
- (3) This requirement for a Preliminary Resource Impact and Conservation Analysis may be waived by the Borough Council if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan, would be likely to cause no more than an insignificant impact upon the site's resources.

E. Preliminary Improvements Plan. This plan shall include the following items:

- (1) Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcrops, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
- (2) Existing and proposed lot lines, lot areas, any existing easements and rights-of-way.
- (3) Conservation open space.
- (4) Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; and preliminarily-engineered profiles for proposed streets.
- (5) Location of proposed swales, drainage easements, stormwater and other management facilities.
- (6) The layout of proposed sewage systems including, but not limited to, the locations of sewer mains and pump stations.
- (7) The layout of proposed water distribution facilities including water mains, fire hydrants, and storage tanks.
- (8) Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- (9) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipality also shall be submitted.
- (10) Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- (11) Utilities and Easements
  - (a) Locations of existing and proposed utility easements.
  - (b) Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
  - (c) The tentative location of proposed on-site sewage and water facilities.
- (12) Location of proposed shade trees, plus locations of existing vegetation to be retained.
- (13) Signature block for the Planning Commission Chairman and Secretary and the Borough Council Chairman

and Secretary, and a review acknowledgement block for the Carbon County Planning Commission.

(14) Zoning data, including all the following, when applicable:

(a) Zoning district designations.

(b) Zoning district boundary lines transversing the proposed subdivision and/or development.

(c) Zoning district boundary lines within 1,000 feet of the proposed subdivision and/or development, shown on location map.

(15) A title block in the lower right corner.

(16) Name of project.

(17) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §196-34A.

(18) Name and address of developer if different from landowner (if a corporation, give name of each officer).

(19) Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.

(20) Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision, along with a description of the revision.

(21) The deed reference, parcel identification number and tax assessment number for each involved parcel.

(22) A key map for locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.

(23) North arrow (true or magnetic).

(24) Graphic scale and written scale.

(25) Names of present adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the current property identification number for each property shown.

F. Supporting Documents and Information. The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions:

(1) Typical street cross-section drawings for all proposed streets showing the following:

(a) Typical cut sections.

(b) Typical fill sections.

(c) Superelevated sections.

(d) Typical parallel drainage.

- (2) Profiles along the top of the cartway center-line, or as otherwise required by this chapter, showing existing and proposed grade lines and printed elevations of the proposed grade lines at 50-foot intervals.
- (3) Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.
- (4) All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- (5) Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- (6) Proof of legal interest in the property and the latest deed of record.
- (7) A letter from the Lehighon Water Authority stating that the Authority will supply the development.
- (8) A letter of approval from the Lehighon Sewage Authority approving connection to the Lehighon Sanitary Sewage Collection System for all proposed lots. Also, a letter from the Central Carbon Municipal Authority may be required depending on available flow capacity in the treatment plant.
- (9) A list of any public utility, environmental or other permits required; and, if none are required, a statement to that effect. The Borough may require a Professional Engineer's certification of such list.
- (10) Soil erosion and sedimentation control plan.
- (11) Drainage/stormwater management plan meeting the requirements of this chapter and any Stormwater Management Ordinance adopted by the Borough.
- (12) Preliminary bridge, water obstruction and encroachment designs and a statement by the Applicant's Engineer regarding any approvals required by the state or federal government.
- (13) A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.
- (14) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- (15) Highway occupancy permit.
- (16) A plan for the ownership and maintenance of all improvements and common areas as required by §196-42.
- (17) A Traffic Impact Study if required by Chapter 218 (Zoning).
- (18) Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.

- (19) Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.
- G. Additional Information. The Planning Commission or the Borough Council may require any other necessary information based on the specific characteristics of the proposed project.
- H. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Preliminary Plan application.

**§196-29 Final Plan Requirements for Major Subdivisions**

(See §196-32 and Article IX for Land Developments.) Final Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. Final Plans shall be submitted pursuant to the following:

- A. Existing Resources and Site Analysis. A plan, as required by §196-25C, consistent with the terms and requirements of the approved Preliminary Plan and modified, as necessary, to show the proposal for final approval.
- B. Final Resource Impact and Conservation Analysis.
- (1) This plan shall comply with all the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in §196-28D, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §196-29.
  - (2) In addition to the requirements of §196-28D, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
    - (a) Description of existing resources (as documented in §196-28C).
    - (b) Impacts of the proposed development on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.
    - (c) Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
    - (d) The qualifications and experience of the preparer of the report.
- C. Final Plan Information. The Final Plan shall be drawn to the same drafting standards, contain all the information required on the Preliminary Plan, and the following additional information:
- (1) The full plan of the proposed development including, but not limited to, the following information and data:
    - (a) Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to reproduce all courses accurately and completely on the ground.
    - (b) All dimensions in feet and hundredths of a foot.

- (c) All bearings to the nearest one second of the arc.
  - (d) Street names.
  - (e) Street widths and right-of-way and easement widths.
  - (f) A clear sight triangle shall be shown for all street intersections.
  - (g) Block and lot numbers.
  - (h) Total tract area and area of each lot to the nearest 1/100<sup>th</sup> of an acre and/or the nearest square foot.
  - (i) Location and type of permanent monuments and markers which have been found or set in place.
  - (j) Building setback lines for each lot or the proposed placement of each building.
  - (k) Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
  - (l) A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and, if the covenants are recorded including the book and page.
  - (m) The deed reference, parcel identification number and tax assessment number for each involved parcel.
  - (n) The location, ownership and maintenance responsibility of common facilities and conservation open space.
  - (o) Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
  - (p) Final Improvements Plan meeting the requirements of §196-28E with updated information.
- (2) The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
- (a) Building setbacks.
  - (b) Corner lot easements for clear sight triangles.
  - (c) Corner lot driveway locations.
  - (d) Utility and drainage easements, including ownership and maintenance responsibility.
- (3) The following general notes shall be included on all Final Plans, if applicable:



- (a) A "lot line adjustment or lot combination " proposal. "Lot/parcel \_\_\_ shall be joined to and become an inseparable part of lot/parcel\_\_\_ as recorded in Deed Book Volume\_\_\_, Page\_\_\_ and cannot be subdivided, conveyed or sold separately or apart there from without prior Borough approval."
  - (b) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Lehighton Borough."
  - (c) All cases. "By approval of this plan, the Borough of Lehighton has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the said plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the subdivider and/or developer, his heirs and assigns, and shall be subject to the jurisdiction of the Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies."
  - (d) Common land and/or facilities are involved. "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."
  - (e) All cases. The surveyor shall certify on the plan that the map or plat was made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
  - (f) All cases. "The property shown on this plan is under and subject to the Lehighton Borough Zoning Ordinance, as amended".
  - (g) Existing easements are not specifically delineated. "The approval of this plan by the Borough Council of Lehighton Borough does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".
  - (e) All cases. "All water supply connections shall comply with Lehighton Water Authority requirements."
  - (f) All cases. "All sewer connections shall comply with Lehighton Sewer Authority requirements."
  - (g) All cases. "An erosion and sediment control plan approved by the Carbon County Conservation District shall be required as a condition to the issuance of a building permit for a lot."
- (4) In the case of land developments, the location and configuration of project buildings, parking lots, streets, access drives, driveways, and all other planned facilities.
- D. Supporting Documents and Information. The following supporting documents and information shall be submitted with the Final Plan for major subdivisions:
- (1) Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
    - (a) Typical cut sections.
    - (b) Typical fill sections.
    - (c) Typical superelevated sections.
    - (d) Typical parallel drainage.

- (2) Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this chapter.
  - (3) Any existing and finally proposed deed restrictions and protective and restrictive covenants that apply to the subdivision and/or development plan.
  - (4) Reserved.
  - (5) Proof of legal interest in the property, and the latest deed of record.
  - (6) Water Supply and Sewage Disposal Information:
    - (a) Final Plan of any water main extension and service connections and/or any sewer main extensions, pump stations, and lateral locations, showing all pertinent details.
    - (b) All other documentation required to demonstrate compliance with this chapter.
  - (7) All required state or federal environmental permits.
  - (8) Highway occupancy permits.
  - (9) Soil erosion and sedimentation control plan approved by the Carbon County Conservation District.
  - (10) Final drainage/stormwater management plan.
  - (11) Final bridge designs and required state or federal approvals.
  - (12) A statement setting forth any zoning variances or subdivision waivers/modification obtained.
  - (13) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- E. Additional Information. The Planning Commission or the Borough Council may require any other necessary information based on the specific characteristics of the proposed project.
- F. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Final Plan application.
- G. Maintenance of Development Improvements. The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities, and common use or open space areas in accord with Article V. The Borough Council shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

**§196-30 Minor Subdivisions, Final Plan Requirements**

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

**A. Drafting Standards.**

- (1) The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, or 60 feet, to the inch.
- (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (4) The sheet size shall be no larger than 24" x 36". If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (5) Plans shall be legible in every detail.

**B. Minor Subdivision Plan Information.**

- (1) Name of subdivision.
- (2) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §196-34.
- (3) Name and address of Developer, if different from landowner (if a corporation, give name of each officer).
- (4) Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.
- (5) Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision, along with a description of the revision.
- (6) The deed reference, parcel identification number and tax assessment number for each involved parcel.
- (7) North arrow (true or magnetic).
- (8) Graphic scale and written scale.
- (9) Lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- (10) A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines

and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).

- (11) Sufficient data, acceptable to the Borough, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- (12) The area of each lot or parcel shall be shown within each lot or parcel; and, the area of each shown in the nearest 1/100<sup>th</sup> of an acre or nearest square foot.
- (13) Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §196-52.
- (14) The locations of any existing buildings and significant improvements, including driveways, located on the tract being subdivided to demonstrate compliance with setback requirements.
- (15) The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- (16) The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- (17) Names of adjoining property owners and the names of all adjoining subdivisions including those across adjacent roads with the deed book volume and page number where each property and/or subdivision is recorded; along with the property identification number for each property shown.
- (18) Based on published sources, watercourses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses and other significant natural features, and constructed features including, but not limited to utilities, wells and sewage systems.
- (19) Wetlands per §196-62.
- (20) A clear sight triangle shall be clearly shown for all street intersections.
- (21) Site data, including total acreage, number of lots, existing zoning district and property identification number.
- (22) Contour lines at an interval of not greater than 20 feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- (23) Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- (24) The location and extent of various soil types by NRCS classification for each type.
- (25) A key map for locating the property being subdivided.
- (26) Signature block for the Planning Commission Chairman and Secretary and the Borough Council Chairman and Secretary, and a review acknowledgement block for the Carbon County Planning Commission on the right-hand side.

- (27) A title block on the lower right corner.
- (28) The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
- (a) Building setbacks.
  - (b) Corner lot easements for clear sight triangles.
  - (c) Corner lot driveway locations.
  - (d) Utility and drainage easements, including ownership and maintenance responsibility.
- C. General Notes. The following general notes shall be included on all Final Plans, if applicable:
- (1) All cases. "The approval of this Final Plan by the Borough Council shall not constitute an acceptance of the dedication of any road, street, other proposed public way, space, or area, or any other development improvement shown on the Plan."
  - (2) A " lot line adjustment or lot combination " proposal. "Lot/parcel \_\_\_ shall be joined to and become an inseparable part of lot/parcel\_\_\_ as recorded in Deed Book Volume\_\_\_, Page\_\_\_ and cannot be subdivided, conveyed or sold separately or apart there from without prior Borough approval."
  - (3) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Lehighton Borough."
  - (4) All cases. "By approval of this plan, the Borough of Lehighton has neither confirmed nor denied the existence and/or extent of any wetland areas whether or not delineated on the said plan and any encroachment thereon for any reason whatsoever shall be the sole responsibility of the subdivider and/or developer, his heirs and assigns, and shall be subject to the jurisdiction of the Corps of Engineers and/or the Pennsylvania Department of Environmental Protection and the said encroachment shall conform to the rules and regulations of the jurisdictional agencies."
  - (5) Common land and/or facilities are involved. "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."
  - (6) All cases. The surveyor shall certify on the plan that the map or plat was made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
  - (7) All cases. "The property shown on this plan is under and subject to the Lehighton Borough Zoning Ordinance, as amended".
  - (8) Existing easements are not specifically delineated. "The approval of this plan by the Borough Council of Lehighton Borough does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".

- (9) All cases. "All water supply connections shall comply with Lehighon Water Authority requirements."
- (10) All cases. "All sewer connections shall comply with Lehighon Sewer Authority requirements."
- (11) All cases. "An erosion and sediment control plan approved by the Carbon County Conservation District shall be required as a condition to the issuance of a building permit for a lot."

D. Supporting Documents and Information.

- (1) The required Sewage Facilities Planning Modules.
- (2) A letter from the Lehighon Water Authority stating that the Authority will supply the development.
- (3) A letter of approval from the Lehighon Sewage Authority approving connection to the Lehighon Sanitary Sewage Collection System for all proposed lots. Also, a letter from the Central Carbon Municipal Authority may be required depending on available flow capacity in the treatment plant.

E. Additional Information. The Planning Commission or the Borough Council shall request any other necessary information based on the specific characteristics of the proposed project.

F. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Minor Subdivision application.

**§196-31 Plan Requirements for Lot Line Adjustment/Combination Subdivisions**

A. Boundary Line Adjustment Subdivision. This §196-31A shall apply to lot line adjustment subdivisions which involve the creation of any new lot lines.

- (1) Plan Information. The plan shall include the following information and shall otherwise comply with the requirements in §196-30 for Minor Subdivisions:
  - (a) The name and address of owners of record.
  - (b) The name, address, seal and signature of the registered professional land surveyor responsible for the preparation of the plan.
  - (c) The date of the plan and of each revision.
  - (d) North arrow.
  - (e) Graphic and written scale.
  - (f) The deed reference, parcel identification number and tax assessment number for each parcel.
  - (g) Original lot, tract or boundary information, from the recorded subdivision plan, acceptable to the Township, sufficient to establish the location, bearing and length of every boundary, street and lot line, with a note describing its source. As an alternative, current survey information must be used, with bearings indicated to the nearest second, and distance indicated to the nearest hundredth of a foot.

- (h) The original lot numbers as indicated on the recorded subdivision plan, as well as the proposed lot number.
- (i) The approximate locations of any existing buildings and significant improvements, including driveways, located on the tract being subdivided to demonstrate compliance with setback requirements.
- (j) Reference markers and/or lot markers, as appropriate.
- (k) Lot lines to be eliminated, drawn with a broken line, labeled "LOT LINE TO BE ELIMINATED" and shown with a "Z" symbol connecting the lots to be joined.
- (l) The name, number and right-of-way width of any street(s) or road(s) adjoining the lot(s).
- (m) The names of owners and lot numbers of adjacent properties.
- (n) The existing and combined lot areas.
- (o) A reference to the title and date of the recorded subdivision plan where the lots were originally shown, including the recording information, if the lots were previously part of a recorded subdivision.
- (p) The applicable notes in §196-30C shall appear on the plan.

(2) Supporting Documents. The following information shall be provided:

- (a) Two folded legible copies of the original subdivision plan.
- (b) Two copies of the current deeds for the lots and the proposed consolidation deed.
- (c) Executed acknowledgment.

B. Lot Combinations. Lot combinations which involve the consolidation of contiguous lots of record which are shown on a map on file at the office of the Carbon County Recorder of Deeds and which do not involve the creation of any new lot lines may be accomplished by the filing of an updated deed per §196-23. If the contiguous lots proposed for combination are not shown on a filed map, §196-31A shall apply.

**§196-32 Plan Requirements for Land Developments**

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

- A. Plan Requirements. The plan requirements for preliminary plans and final plans for major subdivisions in §196-29 shall apply to land developments. In addition to the information required by §196-29, the land development plan shall include all details of required improvements necessary to confirm compliance with this chapter and all other applicable Borough ordinances. See also Article IX.
- B. Survey. A survey of the parcel of property containing the proposed land development shall be required.

- C. Design Standards and Improvements. All design standards and required improvements specified by this chapter shall apply to land developments.

**§196-33 Requirements for As-Built Plans**

If the Borough Council, based on the recommendation of the Borough Engineer, determines that the final plan does not accurately depict the location of the development improvements as installed, the Applicant shall provide to the Borough plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this chapter and shall be subject to all the enforcement proceedings contained in this chapter and may result in rescission of approval. The as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Borough.

A. Submission; Failure to Submit.

- (1) Three legible folded paper prints of the As-Built Plans and one digital copy with the Plans in a format approved by the Borough shall simultaneously be submitted to the Borough and one of each to the Borough Engineer.
- (2) The Borough may withhold the release of any performance guarantee and may refuse to issue zoning and building permits if any required as-built plan is not submitted in accord with this §196-33.

B. Format.

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

C. Water and Sewer. Water and sewer As-Built Plans shall be coordinated with any governing authorities.

D. Plan Information. The following information shall be shown on the As-Built Plans. Deviations from the approved plans shall be subject to a request from the Borough Engineer for calculations sealed by the applicable Qualified Professional (see definition in Article II) which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this chapter.

- (1) Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- (2) Deviations in grade on gravity dependent improvements (e.g., ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- (3) Light pole locations.



- (4) Sidewalk locations.
- (5) Road and traffic signs
- (6) Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations and shall include information across the entire improved section from tie slope to tie slope in order to document that the design ditch, shoulder and roadway sections have been met.
- (7) Parking spaces including handicapped spaces and access points.
- (8) Retaining wall locations and elevations.
- (9) Where permanent monuments have been set for right of way or tract boundary, the four-decimal state plane coordinates and 2-decimal elevation of the center of the monument.
- (10) Building locations with tie distances to property lines.
- (11) Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- (12) Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- (13) Field changes not otherwise required by this Section.
- (14) Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.
- (15) Other information as deemed necessary by the Borough Engineer depending on site conditions.

**§196-34 Requirements for Plans to be Recorded**

In addition to all other requirements, each final plan approved for recording shall comply with this §196-34.

- A. Requirements. The following information shall appear on the Record Plan, in addition to the other information required by this chapter:
- (1) The seal of the licensed engineer and/or licensed surveyor who prepared the Plan.
  - (2) The official corporation seal if the subdivider is a corporation.
  - (3) The official seal of a notary public or other qualified officer acknowledging owner's statement of intent.
  - (4) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision or land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
  - (5) An acknowledgment of said statement before an officer authorized to take acknowledgments.
  - (6) The following original signatures shall be placed directly on the plan in black ink:
    - (a) The signature of the owner or owners of the land. If the owner of the land is a corporation, the

signatures of the president and secretary of the corporation shall appear.

- (b) The signature of the notary public or other qualified officer, acknowledging the owner's statement of intent.
- (c) The signatures of the licensed engineer or licensed surveyor who prepared the plan.
- (d) The signatures of the Chairman and Secretary of the Planning Commission.
- (e) Proof of review by the Carbon County Planning Commission.
- (f) The signatures of the Chairman and the Secretary of the Borough Council.

**B. Effect of Recording.**

- (1) Improvements Private. Every street, park, or other improvement shown on a subdivision or land development plan that is recorded in accord with this chapter shall be deemed to be a private street, park, or improvement until the same has been offered for dedication to the Borough and accepted, by resolution, and recorded in the Office of the Clerk of Common Pleas of Carbon County, or until it has been condemned for use as a public street, park, or improvement.
- (2) Dedication of Improvements. Streets, parks, and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Borough. In no event shall an offer of dedication be accepted in the absence of express written approval by the Borough.

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

**§196-35    General**

- A. Applicant Responsibility. In all cases, the Applicant shall be responsible for the installation of all improvements required by this chapter.
- B. Preliminary Plan Approval Required. Applicants shall not initiate installation of any required improvements, site alterations or erection of any buildings or structures in any proposed subdivision or land development prior to preliminary plan approval has been granted and prior to receipt of all required local, state and federal permits and other approvals.
- C. Compliance. No project shall be considered in compliance with this chapter until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this chapter.
- D. Signature of Final Plan. No final plan shall be signed by the Borough Council for recording in the office of the County Recorder of Deeds until:
- (1) All improvements required by this chapter and/or shown on the plan are installed to the specifications contained in Article VI and other Borough requirements and such improvements are verified by the Borough Engineer and are certified as complete and in compliance with this chapter by the Applicant's Engineer; or,
  - (2) An Improvements Construction Guarantee in accord with §196-38 and the Pennsylvania Municipalities Planning Code has been accepted by the Borough Council.
- E. Dedication of Improvements. The approval of a Final Plan by the Borough Council shall not constitute an acceptance of the dedication of any road, street, other proposed public way, space, or area, or any other development improvement shown on the Final Plan, unless the Borough Council, at its sole discretion, authorizes such dedication. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements after the construction of the same.
- F. Development Agreement Required. A development agreement shall be required in accord with §196-43.

**§196-36    PA DOT Required Improvements**

An applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No.428) known as the "State Highway Law." Proof of such security shall be provided to the Borough prior to Final Plan approval.

**§196-37    Sections/Stages**

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

**§196-38    Improvement Construction Guarantees**

Improvement construction guarantees shall be provided pursuant to the Pennsylvania Municipalities Planning

Code, as amended.

**§196-39 Improvements Construction**

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

- A. Construction Plans and Drawings. The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal shall be accomplished only in accord with the approved construction plans detailing the design and installation of all improvements and documenting compliance with this chapter.
- B. Schedule. A schedule for the completion of improvements shall be included the development agreement required by §196-43. The schedule may be revised from time to time upon agreement of the Applicant Engineer and the Borough Engineer.
- C. Verifications. Based upon the construction schedule and the nature of the required improvements and within fifteen (15) calendar days of receipt of the said construction schedule, the Borough Engineer shall prepare Borough verification requirements to ensure the construction of the required improvements in accord with the approved plan and Borough standards. In addition to all final verifications required for all improvements, verifications shall be required at all phases of construction when a failure to verify would result in a physical impossibility to verify compliance at the time of the final verification (e.g., backfilling of sewer or water line trenches). This may require a full-time person.
- D. Notice. The Developer shall provide a minimum of five working days' notice prior to the time when construction will have proceeded to the time of a required verification. Construction shall not proceed further until the Borough Engineer conducts the verification and approves the improvements.
- E. Cost. The cost of all verifications conducted by the Borough shall be borne by the Developer and the Borough may require a financial guarantee to ensure the payment of such costs.

**§196-40 Improvement Maintenance Guarantee**

Improvement maintenance guarantees shall be provided pursuant to the Pennsylvania Municipalities Planning Code, as amended.

**§196-41 Continued Ownership and Maintenance of Improvements**

The Developer shall provide to the satisfaction of the Borough Council, and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements. To the extent that a subdivision or land development is subject to the Pennsylvania Uniform Planned Community Act, as amended, and/or the Pennsylvania Uniform Condominium Act, as amended, the provisions of said Act(s) shall apply in lieu of the requirements of this §196-41, and the developer shall provide documentation of compliance.

A. Private Operation and Maintenance

- (1) Land Developments. In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
- (2) Residential Developments. In the case of subdivisions, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed

covenants and restrictions, for the creation of a Property Owners Association (POA), or equivalent entity, to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. Until the developer no longer owns any property in the development, the developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Borough Council.

(3) Any Improvements Which Will Remain Private. In the case of any subdivision or land development where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the Developer shall provide for the establishment of an escrow fund in accord with §196-38A to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Borough Council. The amount of said fund shall be established by the Borough Council, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Borough Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Borough Council. All issues concerning performance and enforcement of such improvements shall be with the property owners of said subdivision and/or land development as identified herein.

B. Dedication of Improvements. The approval of a Final Plan by the Borough Council shall not constitute an acceptance of the dedication of any road, street other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The Borough Council of Lehighton Borough does not intend to accept the dedication any of the roads, streets, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements after the construction of the same.

#### **§196-42 Open Land and Recreation Land -- Ownership and Maintenance**

This §196-42 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Borough Council (referred to as "common open space") as required by this chapter.

A. Purpose. The requirements of this §196-42 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

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

(1) The Plan shall define ownership.

- (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
  - (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- C. Use Restriction. The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this chapter and Chapter 218 (Zoning).
- D. Development Plan Designations. The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan.
- E. Methods for Use Dedication and Common Open Space Ownership and Maintenance. The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Borough Council that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

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

- (1) Property Owners Association or Condominium Agreements. All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:
  - (a) The POA/CA is established by the Developer as a nonprofit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
  - (b) Participation in the POA/CA is mandatory for all owners.
  - (c) Provision is made for the maintenance of common open space during the sale period and the orderly transition of responsibility from the Developer to the POA/CA.
  - (d) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- (2) Transfer to a Private Conservation Organization. In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- (a) The deed contains the necessary covenants and restrictions in favor of the Borough to effect the use dedication and common open space ownership and maintenance standards of this Article and this chapter.
  - (b) The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Borough Council.
  - (c) The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
  - (d) A maintenance agreement acceptable to the Borough is executed between the Developer and organization.
- (3) Deed Restricted (Non-Common) Private Ownership. Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Borough, with provisions for reversion to the Borough, POA or trustee holding the remainder of the common open space.
- (4) Deed or Deeds of Trust. The landowner may provide, as approved by the Borough Council, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- (5) Conservation Easements Held by the Borough. In the case of open lands and recreation lands, the Borough Council may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA/CA, while the development rights are held by the Borough. The lands may be used in accord with the requirements of this chapter; and, title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- (6) Fee Simple and/or Easement Dedication to the Borough. In the case of open lands or recreation lands, the Borough Council may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:
- (a) There is no consideration paid by the Borough.
  - (b) Such land is freely accessible to the public.
  - (c) The Borough Council agrees to and has access to maintain such lands.
- F. Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space. If the method established for the dedication of use, operation, and maintenance of common open space fails to do so in reasonable order and condition in accord with the approved development plan, the Borough Council shall have the right and authority to take all necessary legal action to effect such use dedication, operation, and maintenance. The action of the Borough Council shall be in accord with the following:
- (1) Notice. The Borough Council shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity about the use dedication and operation and maintenance of common open space.

- (2) Correction of Deficiencies. The notice shall include a demand that the deficiencies be corrected in a reasonable period which shall be stated in the notice.
- (3) Public Hearing. A public hearing shall be conducted after the notice and shall be advertised in accord with the definition of "public notice" contained in this chapter. At such hearing, the Borough Council may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.
- (4) Failure to Correct. In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time, the Borough Council may enter upon the common open space and maintain the same and/or correct the deficiencies. The Borough Council shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.
- (5) Reinstatement of Responsibility. The responsibility of operation and maintenance shall not be reinstated to the assigned entity until the entity has demonstrated to the Borough Council that the proper steps have been taken to modify the terms of use dedication, operation, and/or maintenance; and/or, to reorganize or replace the responsible entity so that use dedication, operation, and maintenance established by the approved development plan will be assured.
- (6) Appeal. Any party to the action of the Borough Council may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- (7) Public Costs. The costs of the preservation of use dedication, maintenance and operation of any open land conducted by the Borough in accord with this Article, including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties; and, the Borough Council shall, at the time of the notice in §196-42F(1), file the required notice of lien against the properties.

#### **§196-43    Development Agreement**

All applicants proposing any subdivision or land development which provides for the installation of improvements required by this chapter or any improvements or amenities which appear on the Final Plan shall be required to enter into a legally binding Development Agreement with the Borough prior to Final Plan approval guaranteeing the installation of said improvements in accord with all Borough requirements.

- A. Execution. The Final Plan shall not be approved by the Borough Council prior to the execution of this agreement.
- B. Form and Level of Detail. The development agreement shall be in the form required by the Borough and a detailed and itemized listing of all improvements in the subdivision or land development shall be included in the Agreement. The improvements may vary from project to project, but at a minimum include:
  - (1) All facilities authorized by the approved plans (streets, drainage, etc.).
  - (2) Survey monuments and markers.
  - (3) Water, sewer and utility lines.
  - (4) The practices for the prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.

#### **§196-44    Reserved**



**ARTICLE VI  
DESIGN STANDARDS**

**§196-45 General Design Standards; Borough Zoning Requirements**

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accord, and comply, with the applicable requirements of this chapter.

- (1) Application. The standards and requirements contained in this Article VI shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety, and general welfare; and, then shall be applied as such by the Planning Commission and Borough Council in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.
- (2) Planning. The development shall conform to the proposals and conditions shown in the Lehighon Borough Comprehensive Plan and any local or regional plans adopted by the Borough. In the case of major subdivisions and land developments, the Applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- (3) Improvements, Specifications. Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Borough Council, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Borough and/or to protect the environment of the Borough.
- (4) Hazard Areas. Those areas which may present such hazards to life, health, or property as may arise from fire, flood or noise, or are considered uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies, and adopted regional, county or local municipal policies.
- (5) Development Design; Remnants; Neighboring Development. All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.
- (6) Natural Features. Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the PA DEP and the US Army Corps of Engineers.
  - (a) Groundwater Resources. This section is intended to ensure that the Borough's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction with those provided for in other sections dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to

cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

- (b) Stream Valleys, Swales, Springs, and Other Lowland Areas. Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Stormwater management shall be provided in accord with Chapter 190 (Stormwater Management) and the following activities shall be minimized:

[1] Disturbance to streams and drainage swales.

[2] Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.

[3] Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses.

- (c) Very Steep Slopes. The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading of steep slope areas. Very steep slope area is defined and established as those areas having an original, unaltered slope of twenty-five (25) percent or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Borough.

- (d) Significant Natural Areas and Features. Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Borough. Some of these have been carefully documented (e.g., by the Statewide Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Borough Comprehensive Plan or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed conservation open space areas or limiting their disturbance in areas proposed for development.

- (7) Historic Structures and Sites. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource, to preserve its historic context. Where, in the opinion of the Borough, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Borough by

modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.

- (8) Boundary Lines and Reserve Strips. Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
  - (9) Water Frontage and Surface Drainage. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Borough, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with Chapter 190 (Stormwater Management).
  - (10) Community Facilities and Adopted Plan Requirements. Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Borough and is located in whole or in part in a proposed development, the Borough Council may require the reservation of such area provided that such reservation is acceptable to the developer.
  - (11) Walkways. Pedestrian interior walks or trails may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).
  - (12) Storm Drainage. Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Stormwater management shall be provided in accord with Chapter 190 (Stormwater Management).
- B. Planned Improvements. Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the approved plan.
- C. Improvements Specifications. All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Borough and advice of the Borough Engineer.
- (1) Where there are no applicable Borough specifications, improvements shall, if approved by the Borough Council, be constructed in accordance with specifications furnished by the Borough Engineer, Carbon County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
  - (2) If there are no applicable Borough or State specifications, the Borough Council may authorize that such specifications be prepared by the Borough Engineer or an Engineering Consultant.
- D. Other Borough Regulations. Whenever Chapter 218 (Zoning) and/or other regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed, otherwise, the standards and requirements of this chapter shall apply.

#### **§196-46 Four-Step Design Process for Major Subdivisions and Land Developments**

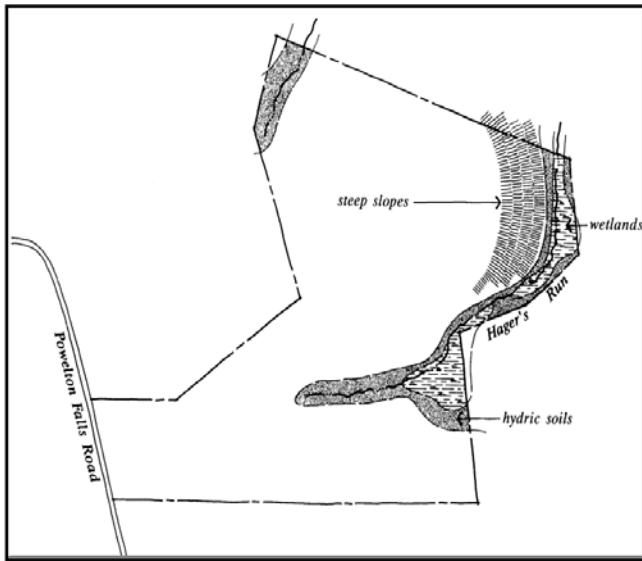
All Preliminary Plans for all major subdivisions and all land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets, and lot lines, as described below. (NOTE: Diagrams are for residential illustrative purposes only.)

A. Resource Inventory and Analysis. The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §196-28C.

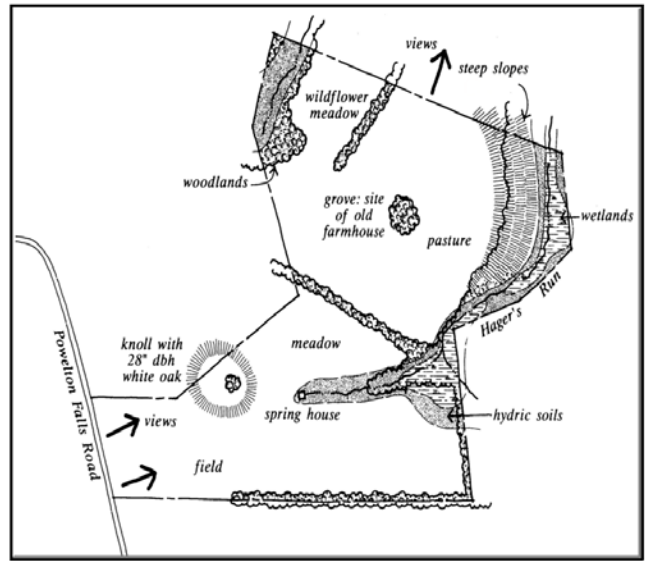
B. Four-Step Design Process.

(1) Step 1: Delineation of Conservation Open Space

(a) Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §196-47A and §196-47B.

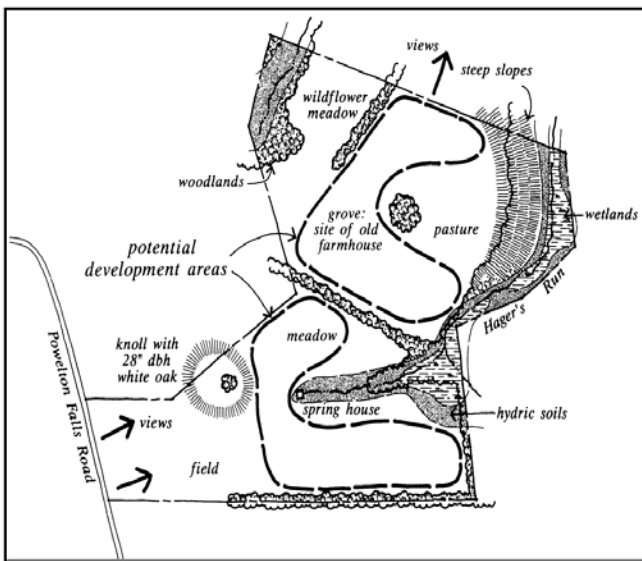


Step 1, Part 1 – Identifying Primary Conservation Areas

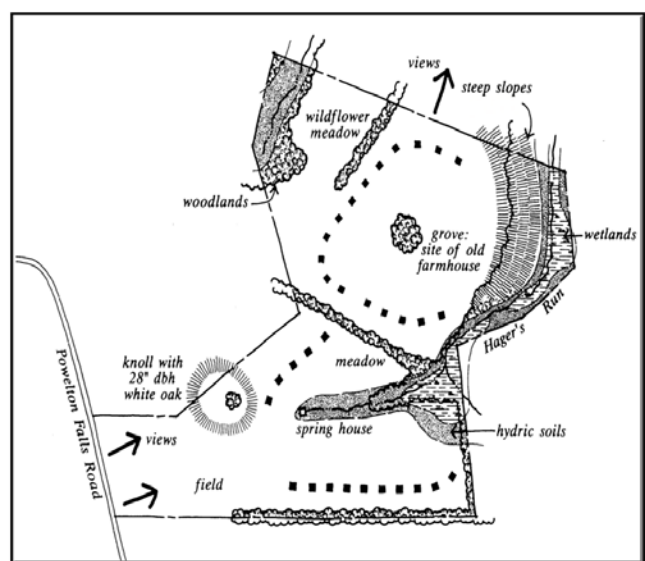


Step 1, Part 2 – Identifying Secondary Conservation Areas

(b) Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map. The Comprehensive Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands, and slopes over 25 percent.

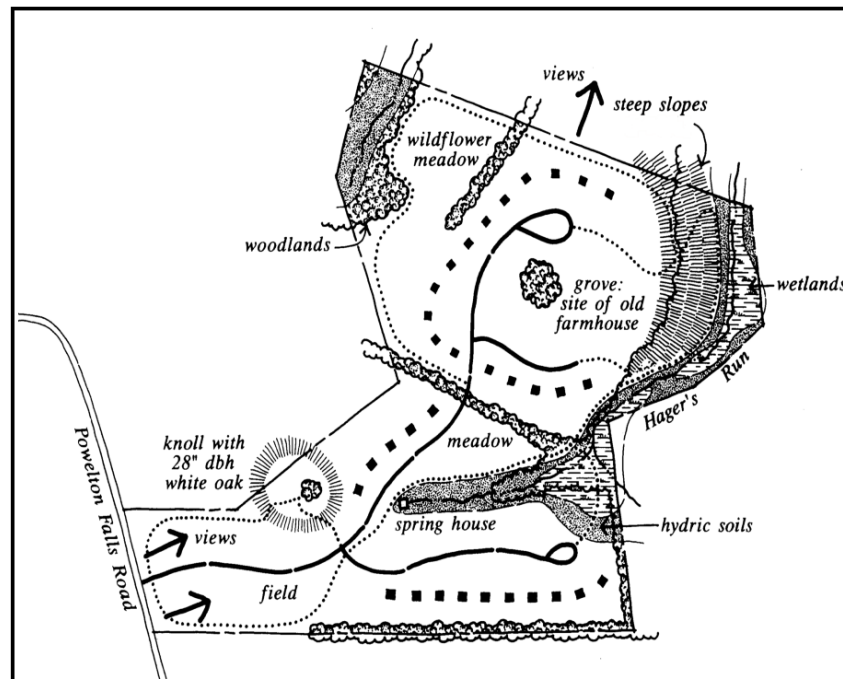


Step 1, Part 3 – Identifying Potential Development Areas



Step 2 – Locating Potential House Sites

- (c) In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission.
- (d) Based on those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.
- (e) Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.
- (2) Step 2: Location of House/Development Sites. Potential house/development sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

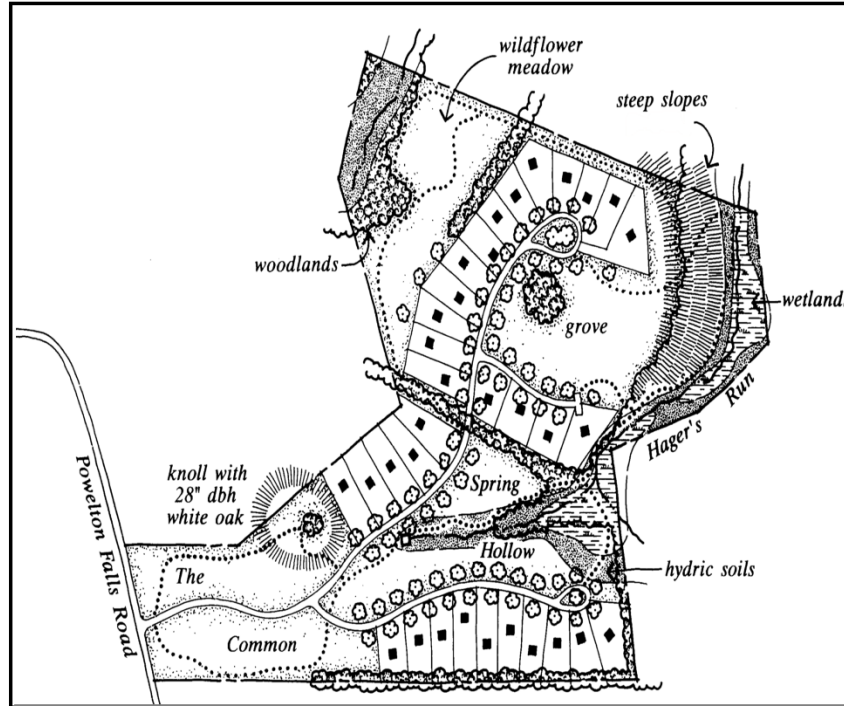


Step 3 – Designing Infrastructure

- (3) Step 3: Designing Infrastructure
- (a) With house/development site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
- (b) Streets shall avoid or at least minimize adverse impacts on the conservation open space areas. To the

greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.

- (c) Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
- (d) A proposed network of trails shall also be shown for residential projects, connecting streets with various natural and cultural features in the conserved conservation open space. Potential trail connections to adjacent parcels shall also be shown, in areas where a municipal trail network is envisioned.
- (e) Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed conservation open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater.



Step 4 – Drawing in the Lot/Development Lines

- (4) Step 4: Drawing in the Lot/Development Lines. Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.

#### **§196-47 Conservation Open Space Standards**

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §196-45 and §196-46 and the resources identified in the Comprehensive Plan and the development's Existing Resources and Site Analysis.

- A. Primary Conservation Areas. The design shall include the following primary conservation areas in the

conservation open space and strictly minimize the disturbance of such areas:

- (1) Delineated wetlands.
- (2) Floodway and floodplain as shown on the Borough Flood Insurance Rate Map issued by FEMA.
- (3) Slopes of 25 percent or more.

B. Prioritized List of Secondary Conservation Areas. The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (Listed in higher to lower order of significance):

- (1) Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.
- (2) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Carbon County Natural Areas Inventory.
- (3) Moderately steep slopes (15%-25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (4) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
- (5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (6) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
- (7) Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
- (8) Historic structures and sites.
- (9) Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public streets (particularly those with historic features).
- (10) Existing trails connecting the tract to other locations in the Borough.

C. Other Design Considerations. The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:

- (1) Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Borough Council may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space (and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
- (2) Not include parcels smaller than three acres, have a length-to-width ratio of more than four-to-one (4:1), or be less than 75 feet in width, except for such lands specifically designed as neighborhood

greens, playing fields or trail links.

- (3) Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
- (4) Be suitable for active recreational uses to the extent deemed necessary by the Borough Council, without interfering with adjacent dwelling units, parking, driveways, and streets.
- (5) Be interconnected wherever possible to provide a continuous network of conservation open space within and adjoining the subdivision.
- (6) Provide buffers to adjoining parks, preserves or other protected lands.
- (7) Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- (8) Be undivided by public or private streets, except where necessary for proper traffic circulation.
- (9) Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- (10) Be made subject to such agreement with the Borough and such conservation easements duly recorded in the office of the Carbon County Recorder of Deeds as may be required by the Planning Commission to preserve the conservation open space for such uses.

#### **§196-48 Easements**

Easements and reservations for easement shall be provided as necessary to accommodate the proposed development. As a minimum, the following easements shall be provided, indicated on the plans, and included in the covenants:

- A. Drainage Easements. The Borough Council may require easements for drainage purposes to be granted to Lehighnton Borough, the property owners association and other appropriate parties, as follows:
  - (1) Drainage easements shall completely contain the proposed stormwater management controls, including pipes, swales, basins, ponds, other structures and all other facilities which may require improvement, maintenance or replacement.
  - (2) Drainage easements with a minimum width of 10 feet shall be provided along all road lines, exterior property lines and centered on all common lot lines.
  - (3) Where a subdivision is traversed by a stream or other watercourse or a drainage way, a drainage easement shall be provided 10 feet beyond the top of such stream, watercourse or drainage way.
- B. Slope Easements. The Borough Council may require temporary slope easements to be granted to Lehighnton Borough, the property owners association and other appropriate parties.
- C. Utility Easements. Utility easements shall be granted to Lehighnton Borough, the property owners association, appropriate utility companies and other appropriate parties, as follows:



- (1) Utility easements with a minimum width of 10 feet shall be provided along all road lines, all exterior property lines and centered on all common lot lines.
  - (2) Additional utility easements minimum width of 20 feet shall be provided as necessary to accommodate required utility services.
- D. Clear Sight Easements. Easements for the maintenance of clear sight triangles as required by §196-48M shall be granted to Lehighton Borough.
- E. Other Easements. Additional easements for access, construction or other purposes shall be provided as necessary.

**§196-49 Resource Conservation Standards for Site Preparation and Cleanup**

(Note: This section applies only in cases where earth disturbance is involved as part of a subdivision or land development as defined by this chapter. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this chapter.)

- A. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Borough may require that the limit of disturbance be delineated, and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.
- B. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- C. Protection of Vegetation from Excavations. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
- D. Protection of Topsoil.
- (1) Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.
  - (2) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site, except as approved on the Preliminary Plan.
  - (3) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
  - (4) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

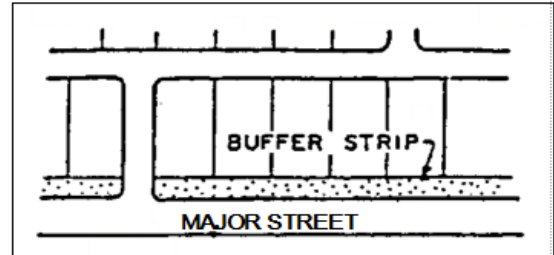
**§196-50 Access, Blocks and Lots** (See Article IX for additional standards applicable to nonresidential uses.)

- A. **Access.** Except as permitted in the case of a private access street in a residential subdivision, all lots shall front on a public street or on an approved private street constructed in accord with this chapter and be subject to the following design standards:
- (1) Within any subdivision and/or land development, a maximum of 12 lots or dwelling units shall be served by a single means of access.
  - (2) A minimum of two means of access shall be provided for any subdivision and/or land development, or portion thereof, which contains more than 12 lots or dwelling units.
  - (3) When two means of access are required or proposed, the streets or portions of a street which provide such access shall comply with the minimum offset requirements in §196-51H(3).
  - (4) Residential subdivisions shall be provided with sufficient accesses to limit the maximum anticipated average daily traffic to 1,500 vehicles per day on any access.
- B. **Configuration.** The configuration of blocks and lots shall be based on the area and dimensional requirements of this chapter, topography and natural features, existing and proposed improvements, the adjacent development pattern, the Comprehensive Plan, and other Plans. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.
- C. **Blocks**
- (1) **All Blocks**
    - (a) Blocks shall be of adequate width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.
  - (2) **Residential Blocks**
    - (a) Blocks in residential subdivisions shall have a minimum length of 300 feet and a maximum length of 500 feet.
    - (b) In the design of residential blocks, special consideration should be given to requirements for safe and convenient vehicular and pedestrian circulation, including minimization of the number of intersections with collector and connector streets.
    - (c) Pedestrian interior walks may be required to assist circulation or provide access to community facilities in blocks over 1,000 feet or to provide pedestrian walkway continuity within a given subdivision. Such interior walks shall have a width of not less than five feet and a paved walk of not less than four feet.
- D. **Lot Standards.** Minimum lot sizes and dimensions shall comply with Chapter 218 (Zoning) and lots shall comply with the following:
- (1) To avoid jurisdictional problems, lots divided by municipal boundaries shall be avoided. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply. Where a

subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.

(2) Lot lines shall be perpendicular or radial to street right-of-way lines, unless the Borough determines that an exception is warranted for lot lines which follow existing natural features, improvements or parcel lines, or to permit an obviously superior configuration.

(3) Double frontage lots are prohibited except as reserve frontage lots to reduce the number of driveway intersections along a street with a high volume of traffic or where existing topographic conditions and/or property configuration make the development of single frontage lots impractical. Where double frontage lots are permitted, the following requirements shall apply:

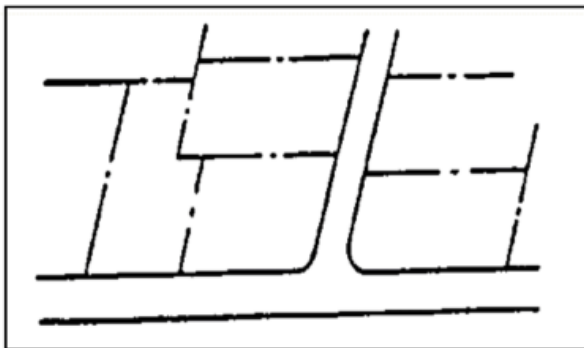


Reverse Frontage Lots

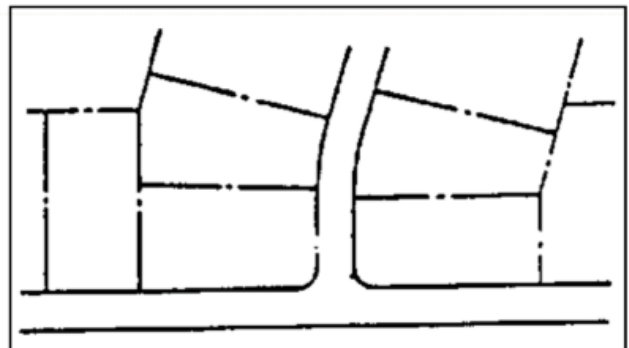
(a) The lot depth and the rear yard of each double frontage lot shall be a minimum of 20 feet more than the minimums prescribed by Chapter 218 (Zoning).

(b) An undisturbed natural buffer with a minimum width of 20 feet shall be provided along the designated rear of the lot, with a suitable landscaped screen provided by the developer in accord with landscaping standards in this chapter.

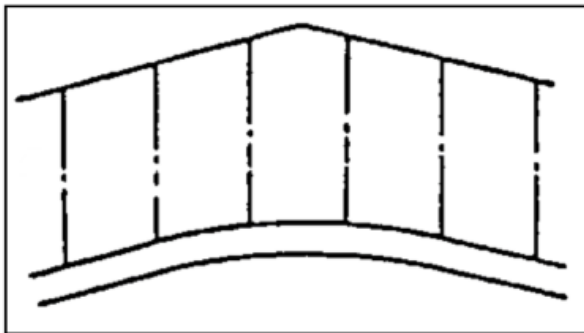
(4) Odd-shaped lots should be avoided and may be approved solely at the discretion of the Borough.



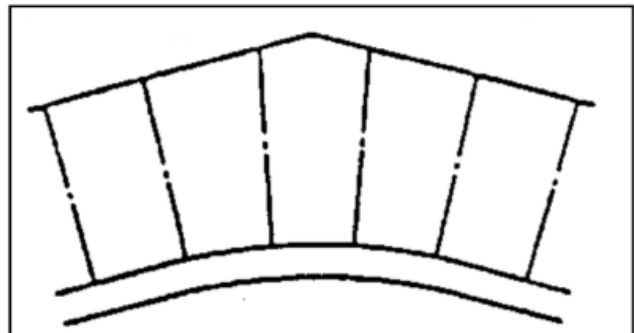
Unacceptable Lot Layout



Acceptable Lot Layout



Unacceptable Lot Layout

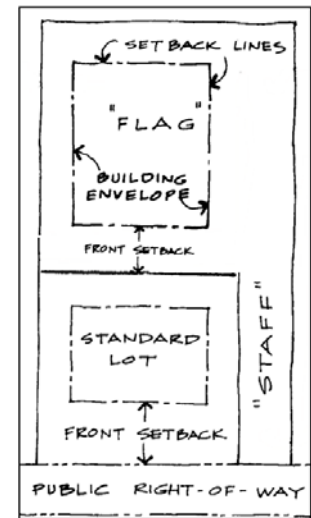


Acceptable Lot Layout

- (5) Lots shall be laid out to the edge of the required right-of-way of any proposed street and lot lines along existing public or private streets shall be maintained as they exist.
- (6) Remnants of land, other than rights-of-way or required buffers, shall not be created; they shall be incorporated into existing or proposed lots, properties or rights-of-way.
- (7) Subdivisions which result in lots which have two or more times the minimum lot area and are otherwise suitable, shall be designed for the potential subdivision of such lots unless further subdivision is prohibited by deed covenants and restrictions. A sketch plan may be required to demonstrate that potential future subdivision will conform to this chapter.

E. Lot Width and Depth. See Chapter 218 (Zoning), §218-16, Schedule of Development Standards.

F. Flag Lots (See also §196-51G, Private Access Streets.). Flag lots shall not be created when lots can be designed that directly access a public or private street. The Borough Council may approve the creation of a limited number of flag lots in accord with the standards in this section. The Borough Council may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.



- (1) Necessity. The Applicant shall show that the flag lot is necessary to minimize the environmental impacts (e.g., disturbance of conservation areas); and, that it would not result in a greater number of lots on the tract than would otherwise be feasible and permitted.
- (2) Further Subdivision Restriction. The flag lot shall be restricted from further subdivision unless the required access street right-of-way width is provided and a note to that effect shall be placed on the plan.
- (3) Access Corridor Length. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot and shall not exceed 150 feet in length, as measured from the street right-of-way.
- (4) Access Corridor Width. The access corridor (*staff*) shall, at a minimum, be 25 feet in width.
- (5) Driveway Grade. The proposed driveway shall not exceed a grade of 15 percent and shall otherwise provide adequate access for emergency vehicles. The Borough may require the installation of the driveway as part of final approval.
- (6) Lot Width. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).
- (7) Front Lot Line. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- (8) Minimum Lot Area. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.

- (9) Adjoining Flag Lots. No more than two flag lots shall be permitted side-by-side and shall not be stacked more than one tier.

#### **§196-51 Streets**

##### **A. General.**

- (1) Street Access. Every subdivision and land development shall have access to a public street.
- (2) Street System. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be laid out, including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
- (3) Improvement. Streets shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this chapter
- (4) Adopted/Filed Plans. Proposed streets shall further conform to such Borough, County and State highway plans as have been prepared, adopted and/or filed as prescribed by law.

##### **B. Reserved.**

##### **C. Street Continuation; Further Subdivision.**

- (1) Exterior Property Lines. Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
- (2) Use of the Future Right-of-way. The Borough may require the area within the future right-of-way to be included within the deeds to the abutting lots with a right-of-way in favor of the Property Owners Association to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one lot and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one lot a fully constructed stub street and temporary cul-de-sac are required.
- (3) Future Right-of-way Maintenance. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- (4) Further Subdivision. Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided.

##### **D. Existing Streets/Rights-of-Way.**

- (1) Required Width. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or alley shall be

platted to the width required by this chapter based on the classification of the street within the proposed development

- (2) Increased Setback. Where a subdivision or land development abuts or contains an existing public or private street of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting street. Additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.
- (3) Transition Area. The extension of existing streets or alleys which are presently constructed with a cartway different from current Borough standards shall be provided with a transition area, the design of which is subject to Borough approval.
- (4) Required Improvement. When it is determined by the Borough that an existing street requires improvement, said improvement shall be made as part of the required improvements.

E. Subdivision Names, Street Names, 911 Addresses and Signs.

- (1) 911 Emergency Call System. Subdivision and street names shall not be repeated or be similar to those existing within the Borough or adjacent areas; and all street names shall be subject to the approval of the Borough for conformance with the enhanced 911 emergency call system. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.
- (2) Street Name Signs. For new streets, street name signs of a design approved by the Borough shall be installed by the developer at the developer's expense at each street intersection.
- (3) Address Assignment. All lots shall be assigned an address in accord with the enhanced 911 emergency call system and the applicable address shall be shown on each lot.
- (4) Mailboxes. Common mailboxes when proposed shall be installed in accord with U.S. Postal Service standards in convenient and safe locations at the entrance(s) to the subdivision. (See also §196-66, Public Safety and Convenience.)

F. Cul-de-Sac Streets. Cul-de-sac streets in residential and commercial and industrial subdivisions shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets. The Borough shall have the right to deny the use of cul-de-sac streets in cases where the Borough determines that the use of continuous streets is practical. All cul-de-sac streets shall meet the following design regulations:

- (1) Required. Any street terminated at one end shall be provided with a turnaround and designed as a cul-de-sac street, except for stub streets provided to connect to adjacent properties when the stub street does not exceed one lot depth in length and is not necessary for access to any lot.
- (2) Use. Permanent cul-de-sac streets shall be used only when the development of a through street is not feasible.
- (3) Future Extension. Unless future extension of a cul-de-sac street is demonstrated to be impractical or undesirable, the turnaround shall be placed, adjacent to the tract boundary line with such configuration

as can be extended at the full required width.

- (4) Turnaround. All cul-de-sac streets, whether permanent or designed to be extended, shall terminate in a circular turnaround complying with the requirements for minor streets and the following standards:
  - (a) The minimum radius of the turnaround shall be 55 feet with an outer pavement edge or curb line having a minimum radius of 45 feet and improved to the required construction specifications.
  - (b) The design and construction of the turnaround shall result in a low point in the elevation of the island such that stormwater runoff from the adjacent lane can be drained into the island and plowed snow from the turnaround can be pushed into the island. The low point of the island shall be drained by a properly sized catch basin and storm drain.
  - (c) The landscaping shall be subject to the approval of the Borough.
- (5) Connection to Right-of-way. The circular right-of-way of the turnaround shall be connected to the approach right-of-way by a circular arc having a radius of not less than 25 feet.
- (6) Radius. The circular paving of the turnaround shall be connected to the approach by a circular arc having a radius of not less than 35 feet.
- (7) Length/Unit Limit. In the case of a cul-de-sac street which is designed to serve solely residential uses, the cul-de-sac street shall not furnish access to more than 12 dwelling units.
- (8) Commercial or Industrial Uses. In the case of a cul-de-sac street which is designed to serve commercial or industrial uses, the cul-de-sac street shall not exceed 800 feet in length, shall not ultimately exceed an ADT of 1,500 vehicles per day and shall have a street cross-section which meets the width and construction standards of a collector street.

G. Reserved

H. Intersections.

- (1) Center-Lines. Center-lines of streets shall intersect at 90 degrees.
- (2) More Than Two Streets. Intersections of more than two streets at one point are not permitted.
- (3) Minimum Offset. Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from the same or opposite directions shall be as follows:

	Arterial	Collector	Minor (Local)
Arterial intersecting with:	800 feet	600 feet	400 feet
Collector intersecting with:	600 feet	400 feet	275 feet
Minor (Local) intersecting with:	400 feet	275 feet	150 feet

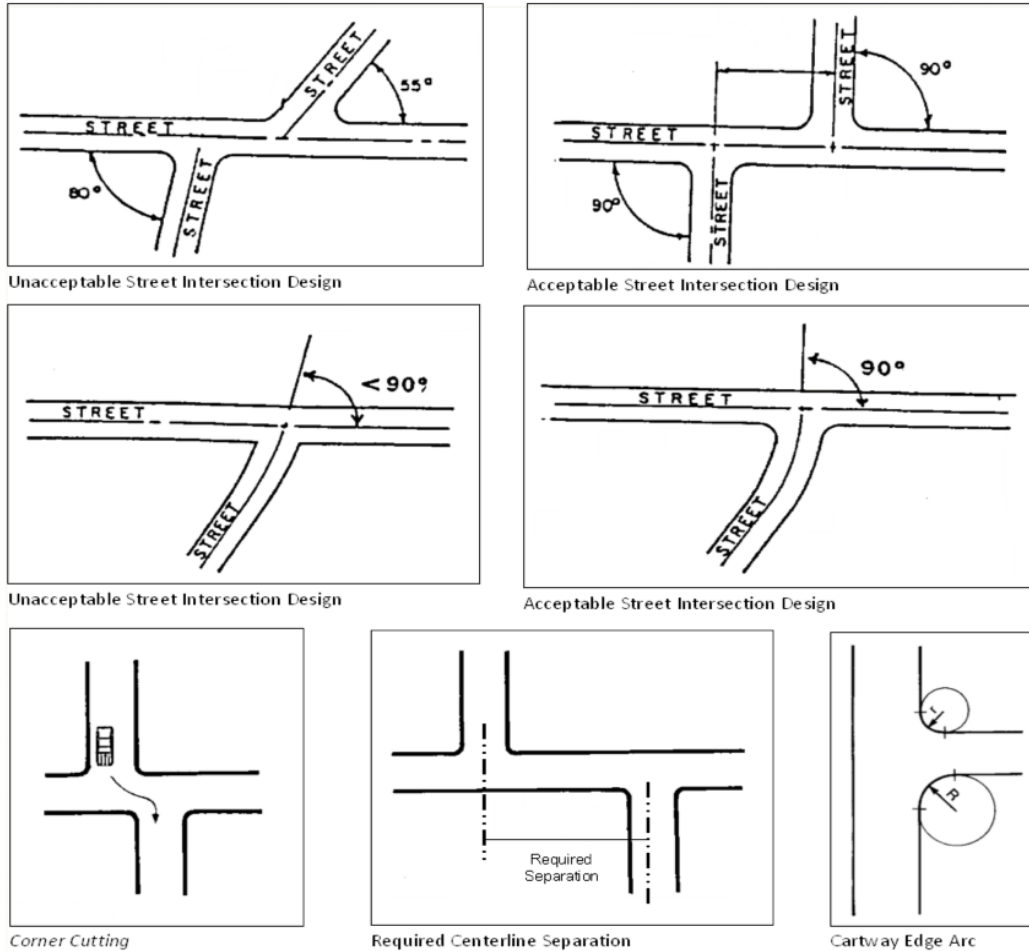
(4) Cartway Edge Arc.

- (a) The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of:

[1] Minor, local and private access streets: 10 feet.

- [2] Collector streets: 15 feet.
- [3] Connector streets: 25 feet.

(b) For arterial and collector streets the right-of-way lines shall be concentric or substantially concentric with the cartway arc.



(5) Borough Road Improvements.

(a) Where necessary, based on the standards and criteria set forth in the Pennsylvania Code, Title 67, Chapter 441. Access to and Occupancy of Highways by Driveways and Local Roads, the Borough will require the developer to improve any Borough road which is intersected by a road, access drive and/or driveway that is part of a subdivision and/or land development to the extent necessary to accommodate the anticipated traffic volume generated by the project, based on the Engineering Report and the Borough's analysis.

(b) Such improvements may include shoulder upgrading, auxiliary lanes, signs, traffic control devices and/or other improvements which are determined to be necessary to preserve the safety of motorists and pedestrians.

(6) Leveling Area. At all street intersections, a leveling area shall be provided in the street of lesser classification. The design of the leveling area shall be as follows:



- (a) The maximum grade of the leveling area shall be two percent within 50 feet of the nearest curb line.
- (b) The maximum grade of the through street shall be eight percent within any intersection.
- (c) The maximum change in grade from the cross-slope of the intersected road to the profile of the intersecting road shall not exceed the following amounts, unless a vertical curve designed in accordance with Table 196-51-1 is used:
  - [1] Local streets: eight percent
  - [2] Minor streets: six percent
  - [3] Collector and connector streets: three percent

(7) Traffic Signs and Signals. Traffic signs and traffic signals shall be required in accord with §196-51AA.

I. Major Street Frontage. Where a subdivision and/or land development abuts or contains an existing or proposed collector street or Borough or State street, the Borough may require reverse frontage lots with access from interior subdivision streets or such other treatment to provide protection for abutting properties, reduction in number of intersections with the collector or arterial street, and separation of local and through traffic. [See §196-50D(3).]

J. Street Cross Sections.

- (1) Minimum Standards. Street right-of-way, travelway, curb and sidewalk, and shoulder widths shall be provided to the minimum standards provided in Table 196-51-1.
- (2) Crown. Street crowns shall be designed and constructed as follows:
  - (a) Local and marginal access streets and alleys: two percent per foot.
  - (b) Minor, collector and connector streets: two percent on straight sections, with superelevation provided on curve sections and runoffs in accord with the latest PennDOT design criteria not to exceed the maximum established by Table 196-51-1.
- (3) Clear Zone. All street cross sections shall be designed and constructed to provide a clear zone along both sides in accord with PennDOT standards as set forth in the latest edition of PennDOT Publication 13, Design Manual, Part 2, Highway Design.
- (4) Side Slope. The maximum side slope in cut or fill areas adjacent to the cartway shall not be steeper than 3:1, in accord with the required clear zone, and shall be seeded and mulched or otherwise stabilized in accord with the soil erosion and sediment control plan.
- (5) Cut and Fill Slopes. Fill slopes outside the right-of-way shall not be steeper than 4:1 horizontal to vertical and cut slopes shall not be steeper than 3:1 horizontal to vertical, except for cuts in rock, which shall not be steeper than 1:4 horizontal to vertical.
- (6) Road Swales. Road swales within the right-of-way and/or adjacent to roadside slopes shall be of triangular cross-section, with side slopes not exceeding a steepness of 4:1 horizontal to vertical, with a minimum depth of 18 inches and shall not violate the clear zone.
- (7) Shoulders. Shoulder surfaces shall be graded at a slope of 0.75 inch per foot away from the pavement edge.

<b>TABLE 196-51-1 -- DESIGN STANDARDS FOR STREETS</b>				
<b>DESIGN SPECIFICATIONS</b>	<b>Street Classification</b>			
	<b>Collector</b>	<b>Minor</b>	<b>Local &amp; Marginal Access</b>	<b>Alley</b>
Design speed (mph)	40	30	30	20
Posted speed (mph)	35	25	25	15
Average daily traffic	1,501 - 4,000	501 - 1,500	≤ 500	NA
<b>CROSS SECTION STANDARDS</b>				
Street right-of-way width (feet)	60	60	40	20
Travelway width (feet)	24	24	20	12
Shoulder width, each side (feet)	NA	NA	NA	2
Cartway width (feet)				
-with shoulders	NA	NA	NA	16
-with curbs, no parking	NA	NA	NA	NA
-with curbs, parking one side	NA	NA	28	NA
-with curbs, parking each side	40	40	NA	NA
Crown (%)	2	2	2	2
Superelevation per AASHTO, maximum (%)	8	8	8	NA
Shoulder slope (%)	NA	NA	NA	6
<b>GEOMETRIC STANDARDS</b>				
Grade, maximum (%)	10	12	12	12
Grade, minimum (%)	1	1	1	1
Center line radius, minimum (feet)	400	300	200 <sup>3</sup>	75
Stopping sight distance, minimum (feet)	360	305	200	115
Tangent between reverse curves, minimum (feet)	100	50	50	0
Minimum K, vertical curves – crest/sag	61 / 79	44 / 64	19 / 37	7 / 17
Vertical curve length, minimum (feet)	135	120	90	60
Swale or gutter grade, minimum (%)	0.5	0.5	0.5	0.5
NA = not applicable The Applicant may submit alternative designs for consideration in accord with §196-87 for residential streets serving a limited number of lots provided AASHTO standards are met.				

<b>TABLE 196-51-2 -- MINIMUM CONSTRUCTION STANDARDS BY TYPE OF ROAD</b>			
<b>CONSTRUCTION SPECIFICATIONS</b> (See table 196-51-1 for classification details.)	<b>Street Classification</b>		
	<b>COLLECTOR</b>	<b>MINOR &amp; LOCAL</b>	<b>ALLEY</b>
<b>A. Wearing Course</b>			
material	Superpave Asphalt Mixture Design, 9.5 mm		
compacted depth	2.0 inches	1.5 inches	1.5 inches
<b>B. Binder Course</b>			
material	Superpave Asphalt Mixture Design, 19 mm		
compacted depth	3.0 inches	N/A	2.0 inches
<b>C. Base Course</b>			
material	Superpave Asphalt Mixture Design, 25 mm		PennDOT No. 2A Aggregate
compacted depth	4.0 inches	4.5 inches	4.0 inches
<b>D. Sub-Base</b>			
-The Developer shall install all underground utilities in the right-of-way prior to the placement of the stone sub-base. -The stone sub-base shall extend under the required shoulder. -Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.			
material	PennDOT No. 2A Aggregate		
compacted depth	6.0 inches	6.0 inches	4.0 inches
<b>E. Shoulders</b>		<b>COLLECTOR, MINOR &amp; LOCAL</b>	<b>ALLEY</b>
-Placed and compacted on top of the sub-base			
material	not applicable – sidewalks & curbs required		PennDOT No. 2A Aggregate
compacted depth	not applicable – sidewalks & curbs required		4.0 inches
- All material shall meet PennDOT Specifications, Publication 408, latest edition. - Pavement base drains will be required for poor subgrade soils. - Applicant may submit alternative designs based on PennDOT standards for consideration in accord with §196-87.			

K. Reserved.

L. Geometric Standards.

(1) Horizontal Alignment. Horizontal alignment shall be measured along the street centerline, except sight distances, which shall be measured along the centerline of the appropriate lane. The minimum standards for horizontal alignment shall be as follows:

(a) Horizontal curves shall be used at all changes in direction whenever street lines are deflected more

than two degrees within 100 feet or more than 0.50 degree at any point.

- (b) Single, long radius curves shall be used in lieu of a series of curves of varying radii or a series of short curves and tangent sections.
- (c) Streets shall be designed with the tangents between reverse curves as set forth in Table 196-51-1.
- (d) Streets shall be designed so that the unobstructed stopping sight distance along the centerline of each lane shall be a minimum of that set forth in Table 196-51-1. Stopping sight distances shall be measured from a point 3.50 feet above the road surface to a point 0.50 feet above the road surface.

(2) Vertical Alignment. Vertical alignment shall be measured horizontally along the street centerline, except for sight distances, which shall be horizontal distances measured along the lines of sight. The minimum standards for vertical alignment shall be as follows:

- (a) The vertical alignment of streets shall be designed and constructed to meet or exceed the minimum standards set forth in Table 196-51-1.
- (b) Vertical curves shall be introduced at all changes of grade exceeding one percent within 100 feet; vertical curve calculations shall be included on the road profile sheets.
- (c) The maximum grade across the turnaround in a cul-de-sac street shall not exceed six percent.
- (d) The minimum grade of any roadside swale shall be one percent.
- (e) Combinations of steep slopes and short curve radii shall be avoided; the sum of the grade in percent and the degree of curve (arc definition) shall not exceed 20 percent.

M. Topography and Street Grades. The arrangement of streets shall be properly and logically related to the existing topography to yield usable lots, to minimize cuts and fills, to minimize the potential for stormwater problems and to minimize grading problems at intersections. Street grades shall be designed as follows:

- (1) Center-line grades shall not exceed the grades set forth in Table 196-51-1.
- (2) The maximum grade across the turnaround on a cul-de-sac street shall not exceed four percent.
- (3) To provide for adequate drainage, the minimum grade of any street gutter or swale shall not be less than one-half (0.50) percent.
- (4) See §196-51H(6) for leveling area.

N. Sight Distance at Street Intersections.

(1) Sight Distance

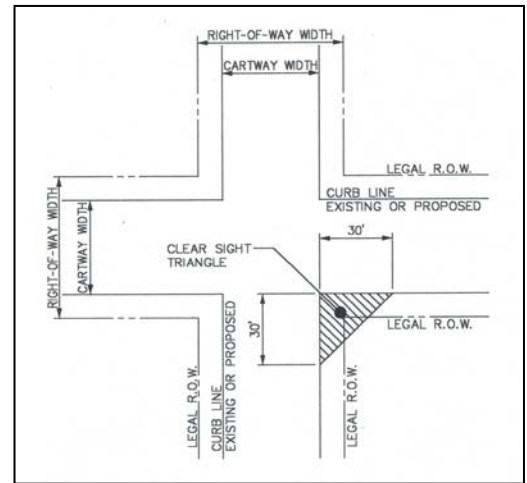
- (a) Proper, safe stopping sight distance shall be provided with respect to both horizontal and vertical alignment at all intersections.
- (b) Intersection sight distance shall be measured with the driver's eye assumed to be at a height of

3.50 feet from the finished grade, the vehicle which must be seen at a height of 3.50 feet above the finished grade and the location of the driver of the vehicle on the stop street at 15 feet back from the edge of the travelway of the through street

- (c) Safe stopping distances at intersections shall be provided in accord with the recommendations of the latest edition of *A Policy on Geometric Design of Highways and Streets*, published by American Association of State Highway Transportation Officials, for the configuration of the subject intersection and the type of vehicle which governs the design. An analysis of the recommended sight distances shall be provided in an accompanying report.

(3) Clear Sight Easement.

- (a) At all street intersections, a clear sight triangle shall be graphically indicated on all plans and shall be established by restrictive covenant as defined by the accompanying clear sight triangle diagram.
- (b) The clear sight easement shall be cleared, graded and prepared by the developer and then maintained by the owner of the underlying property so that sight obstructions between a height of 2.5 feet and 10 feet are removed.



Clear Sight Triangle

O. Reserved.

P. Access Drives and Driveways. All proposed access drives and driveways shall conform to the requirements of this chapter and the following requirements:

- (1) Alignment. The Borough may require that an access drive and/or driveway location be directly across from a road, drive, driveway, etc. on the opposite side of the intersected street if it is determined that an offset location may create a safety hazard.
- (2) Angle of Intersection. Access drives and driveways used for two-way operation shall intersect the street at an angle of 90 degrees or as near thereto as site conditions permit. A two-way driveway shall not intersect the street at an angle less than 75 degrees nor more than 105 degrees.
- (3) Nonresidential Access Drives
  - (a) Nonresidential access drives shall be designed and constructed to conform to the requirements for a street of the same function and ADT, except that an appropriate design speed shall be determined by the applicant and accepted by the Borough for the determination of sight distances, vertical curve lengths and centerline radii. The minimum travelway width shall be 24 feet.
  - (b) Where one-way traffic is proposed, the minimum lane width shall be 12 feet. The direction of traffic shall be clearly indicated by signs and/or markings, based on PennDOT standards.
  - (c) Access drives do not require a specific right-of-way unless the access drive is extended to serve

other users.

- (d) In the case of shared use of an access drive, appropriate access easements shall be created. The easements and responsibility for maintenance shall be indicated on the final plan and included in the deeds.
- (e) Except for common or jointly use, no portion of any access outside the street right-of-way shall be closer than 20 feet to a property line. Within the street right-of-way, no portion of an access shall be located outside the property frontage or the projected property line.
- (f) Access ways for nonresidential uses shall have a grade not exceeding eight percent.

(4) Residential Driveways

- (a) A residential driveway which is shared by more than one dwelling unit shall be considered a private access street and shall conform to the requirements set forth in §196-51G.
- (b) Except for common or jointly used driveways, no portion of any driveway outside the street right-of-way shall be closer than 10 feet to a property line.
- (c) Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.
- (d) The maximum grade of a driveway, outside of the right-of-way, shall not exceed 15 percent unless an emergency parking area is provided for at least two cars. Such parking area shall be located outside the street right-of-way and be accessible over grades which do not exceed 10 percent.
- (e) The maximum grade within the street right-of-way shall not exceed four (4) percent and shall not result in a change in grade of more than eight (8) percent from the shoulder grade.
- (f) All driveways shall be arranged so that it is not necessary for a vehicle to back into a street.
- (g) The minimum distance between the centerline of a driveway and the nearest intersecting street, road, access drive or nonresidential driveway shall be as follows:

[1] 75 feet along a local street.

[2] 100 feet along a minor street.

[3] 150 feet along a collector street

Q. Bridges and Stream Crossings. Bridges, other stream crossing structures and any obstructions or encroachments shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load and PA DEP regulations. Evidence of compliance with any state or federal requirements shall be provided.

R. Clearing and Grubbing. The right-of-way for all roads shall be cleared of vegetation only to the extent necessary for the installation of the required street and drainage improvements.

(1) Unsuitable Materials. All trees, stumps, roots, and other material deemed unsuitable by the Borough

for underlying the road improvements shall be removed from the grading area and shall be properly disposed of.

- (2) Voids. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Borough.
- (3) Rocks. Rocks greater than six (6) inches in diameter shall be removed to a minimum depth of six (6) inches below the finished subgrade.
- (4) Inspection/Approval. All cleared and grubbed areas shall be inspected and approved by the Borough Engineer prior to the subbase installation.
- (5) Cuts and Fills. All cuts and fills shall be constructed as follows:
  - (a) Maximum Earth Slope. The maximum slope of any earth embankment or excavation shall not exceed 3:1 horizontal to vertical unless stabilized by a retaining wall or cribbing, except as approved by the Borough Council for special conditions
  - (b) Maximum Rock Slope. The maximum slope of any rock excavation shall not exceed 1:4 horizontal to vertical.
  - (c) Compaction. All embankments shall be compacted to prevent erosion.
  - (d) Stabilization. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
  - (e) Lifts. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
  - (f) Watercourses or Constructed Channels. Fills shall not encroach on natural watercourses or constructed channels; and, fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
  - (g) Grading. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
  - (h) Dust Control. During grading operations, necessary measures for dust control shall be exercised.
  - (i) Water/Wetland Crossing. Grading equipment shall not be allowed to cross streams, wetlands or other waters of the Commonwealth except by PA DEP permit; and, adequate provisions shall be made for the installation of culverts and bridges.

S. Sub-Grade, Base and Surface.

- (1) Sub-Grade.
  - (a) The design and construction of the roadbed shall take into consideration the supporting capacities of the subgrade, with attention to those soils which are subject to frost heave.

- (b) No forest mat, roots or stones larger than six inches shall be incorporated into the subgrade.
  - (c) The subgrade shall be compacted to not less than 100 percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with Pennsylvania Test Method No. 106, Method B.
  - (d) Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
  - (e) Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Borough Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a roadbed in such locations, and particularly, on soils identified in the Carbon County Soil Survey as subject to frost heave is proposed, the Borough MAY require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Borough.
- (2) Subbase and Base Course. Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table 99-51-2 in accordance with the latest specifications of PA DOT (Form 408) and the requirements of the Borough.
  - (3) Surface Course. The bituminous surface course shall conform in type and be compacted to the depths shown in Table 99-51-2 in accordance with the latest specifications of the PA DOT (Form 408) and the requirements of the Borough.
  - (4) Shoulders. Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table 99-51-2.
  - (5) Commercial/Industrial Areas. Any road serving a commercial or industrial area shall be designed and constructed to a minimum of collector road standards.
  - (6) Parking Lanes. Where curbs are required and/or provided for collector roads, if a parking lane (between the travelway and the curb) is approved by the Borough, it shall be not less than eight (8) feet wide and shall be constructed to the same standards as the cartway. Such parking lane shall be not less than eight (8) feet wide for local roads; and it shall be constructed of the same material and to the same depth as required for shoulders and be stabilized by the application of bituminous product.
  - (7) Alternative Designs. Alternative roadbed designs may be proposed and shall be considered in accord with §196-87. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed based on design recommendations of the Asphalt Institute.

T. Walls, Slopes, and Guide Rails.

- (1) Walls, Slopes. Where the grade of the road is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough to support the road or the adjacent land. The design and construction of walls may require the certification of a registered professional engineer and guide rails and/or handrails or other restraints may be required.



- (2) Guide Rails. Streets shall be designed to preclude or minimize the need for guide rails. Guide rails shall be required where the adjoining embankment has a slope exceeding three (3) feet horizontally to one foot vertically and the grade of the road is two feet or more above the grade of the adjacent land. However, the Borough may require guide rails to be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards, and the required guide rail shall be installed in accord with most current PennDOT standards.

U. Curbs, Gutters, and Swales.

- (1) Curbs Required. Curbs shall be required in all developments.
- (2) Intersections Radii. Minimum curb or pavement edge radii at road intersections shall equal that required for the cartway edge.
- (3) Existing Curbs. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision.
- (4) Construction. Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans with Disabilities Act standards.
- (5) Design. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Borough Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PennDOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.
- (6) Velocity Calculation. Velocity calculation shall be placed on the centerline profile drawings or shall be submitted separately.

- V. Sidewalks; Crosswalks. Sidewalks and road crosswalks shall be required in all developments. Sidewalks shall be located within the road right-of-way immediately adjacent to the curbs, except as may be approved by the Borough to accommodate road trees or other landscaping. Sidewalks and road crosswalks shall be constructed in accord with the most current PennDOT RC67M standard and Americans with Disabilities Act standards.

- W. Alleys. Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes are small, to improve the subdivision design and lot layout, reduce the number of driveways entering roads, and maintain a pedestrian-scaled community by providing for rear access to lots.

- X. Traffic Signs, Signals and Pavement Markings. Traffic signs, traffic signals and pavement markings shall be required when considered necessary by the Borough Council to ensure safe traffic or pedestrian circulation. All traffic signs traffic signals and pavement markings shall meet the most current requirements of PennDOT including the Manual for Uniform Traffic Control Devices. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long-term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

- Y. Road Striping. All roads constructed or improved as part of any subdivision or land development shall be

striped in accord with the most current PennDOT requirements.

- Z. Applicability of PennDOT Standards. For any required road improvements for which standards are not provided in this chapter, the minimum standards shall be as set forth in the latest edition of PennDOT *Publication 408 - Specifications* and PennDOT *Publication 72M - Standards for Roadway Construction*.

**§196-52 Survey Monuments and Markers**

Monuments and markers shall be placed so that the center or a scored or marked point shall coincide with the intersection of the lines to be marked and shall be set to an accuracy of 0.03 feet; and shall be certified by the project surveyor.

A. Monuments.

(1) Monuments shall consist of either:

- (a) Solid steel rods a minimum of 0.5 inches in diameter and a minimum of 24 inches in length, centered in a cylinder of concrete a minimum of six inches in diameter and a minimum of 30 inches in depth, poured in place.
- (b) Steel pipes a minimum of 0.75 inch in diameter and a minimum of 24 inches in length, centered in a cylinder of concrete a minimum of six inches in diameter and a minimum of 30 inches in depth, poured in place.
- (c) Precast (i.e., manufactured) reinforced concrete monuments measuring a minimum of four inches by four inches by and a minimum of 30 inches in length.
- (d) Such other monuments as the Borough may approve.

(2) Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.

(3) Monuments shall not be placed until road grading has been completed.

(4) Monuments shall be set at all outbound locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation, and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

B. Markers.

(1) Markers shall consist of solid steel rods a minimum of 0.5 inches in diameter and 24 inches long.

(2) Such other marker as the Borough may approve.

(3) Markers shall be set two inches above the surrounding grade.

(4) Markers shall be set at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plan.

(5) A wooden stake or other suitable object shall be placed or found near each survey marker as a witness

with a notation made on it which identifies the lot by number, letter, or name of landowner.

**§196-53 Stormwater and Drainage Control**

All subdivisions and land developments shall comply with the requirements of Chapter 190 (Stormwater Management).

**§196-54 Soil Erosion and Sedimentation Controls**

Land shall not be developed or changed by grading, excavation or the removal or destruction of natural topsoil, trees or other vegetative cover unless a plan for erosion and sediment control has been submitted to and approved by the Carbon County Conservation District.

- A. Standards. All soil erosion and sedimentation control plans shall meet the specifications of the Carbon County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.
- B. Condition of Approval. Preliminary Plan approval shall be conditioned on all required approvals and permits from the Carbon County Conservation District and/or PA DEP.
- C. Installation. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Carbon County Conservation District. Failure to install and maintain the controls shall constitute a violation this chapter.
- D. Building Permit. The Borough shall require a note on the plan indicating that as a condition to the issuance of a building permit for a lot, an erosion and sediment control plan for that lot shall be submitted and approved by the Carbon County Conservation District.

**§196-55 Water Supply and Sewage Disposal**

All proposed subdivisions and land developments shall be connected to the Lehighon Water Authority system and the Lehighon Sewer Authority System and comply with Authority and PA DEP regulations.

**§196-57 Other Utilities**

- A. Power, Telephone, Television Cable and Internet Lines. The location for all utilities shall be coordinated with the Lehighon Borough and Light Department. If easements are required, they shall be at a width determined to accommodate all poles, guy anchors and access needed for the project.
- B. Gas Transmission Lines. When an Applicant proposes to provide gas transmission lines within a subdivision or land development, said gas transmission lines shall be located within the proposed right-of-way in accord with UGI Utilities, Inc., requirements.

**§196-58 Sidewalks**

See §196-51V.

**§196-59 Landscape Requirements**

A landscaping plan for the proposed project shall be submitted by the developer for review and approval by the Borough. Where the project involves landscaping of more than 0.5 acre the plan shall be prepared by a qualified registered landscape architect. The landscaping plan shall include the overall design of the landscaping

proposed, the type and size of vegetation to be utilized, and details of installation. Following the completion of any land development project, the ongoing maintenance of the landscaping shall comply with the requirements of this §196-59 and violations shall be subject to the enforcement provisions of this chapter. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four feet in width.
- C. Plants shall be species which are native to Pennsylvania or are suitable for local growing conditions and which are not included on the Invasive Plants list maintained by the PA Department of Conservation and Natural Resources.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions, or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one inch as measured one foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.

**§196-60 Street, Parking Area and Building Lighting**

A lighting plan shall be provided by the Developer and shall include details for lighting of roads, parking areas and buildings. Streetlights shall be required for all major subdivisions and land developments. All lighting shall comply with the standards in Chapter 218 (Zoning) and the following additional requirements and other Borough requirements.

**§196-61 Reserved**

**§196-62 Wetlands**

- A. Identification. If a proposed subdivision or land development includes any area that is suspected of being a wetland, then the Applicant may be required to provide a wetland delineation conducted by a qualified professional. The Borough may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until Borough Council has approved application, the wetland limits shall be visibly identified in the field.
- B. State and Federal Regulations. Any approval under this chapter shall be conditioned upon compliance with federal and state wetland regulations. The Borough Council may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- C. Buffers. The wetland buffers required by Chapter 218 (Zoning) shall be provided and shall be shown on the plan.
- D. Mitigation. Compensatory mitigation projects required as part of federal or state permits shall be shown on plans and shall be protected by a permanent easement included and described in the deed of record of each lot affected by the easement. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. To help ensure the long-term viability of wetland mitigation efforts, the Borough discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowner's association is encouraged. Owners of the wetland mitigation areas must be clearly identified on the plan.
- E. Protection. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of 20 feet outside the delineated boundary, prior to any construction or issuance of building permits. No land shall be disturbed within any required buffer area except in accord with Borough requirements. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

**§196-63 Firefighting -- Adequate and Reliable Water Source**

Each major residential subdivision or residential land development shall provide fire hydrants of a type and installation in conformance with the requirements of the Lehighon Water Authority and the Lehighon Fire Company.

**§196-64 Fire Access**

Fire apparatus access roads and fire lanes shall be provided within all major subdivisions and all land developments in accordance with the minimum standards set forth in this section.

- A. Fire Apparatus Access Roads. A road providing access for fire apparatus from the fire station to every facility, building or portion of a building within all major subdivisions and all land developments approved under this chapter shall be provided and maintained in accordance with the following requirements:
  - (1) The fire apparatus access road shall comply with the requirements of this §196-65 and shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first story of any building, as measured by an approved route around the exterior of the building or facility, except as follows:

- (a) If the building is equipped throughout with an approved automatic sprinkler system, the Borough may allow an increase of the dimension of 150 feet.
  - (b) Where fire apparatus access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades or similar conditions, and an alternative means of fire protection is provided.
- (2) Specifications. Fire apparatus access roads shall be designed, installed and maintained in accordance with the following criteria:
- (a) Existing Public Roads. All roads and bridges which are public at the time of adoption of this chapter shall be considered adequate to meet the required specifications of this section.
  - (b) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 14 feet. The portion of a fire apparatus access road adjacent to a fire hydrant or adjacent to a building with a height exceeding 30 feet shall have a minimum width of 26 feet.
  - (c) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities.
  - (d) Turning Radius. The minimum turning radius of any fire apparatus access road shall be determined by the Borough depending upon specific conditions but shall not be less than 30 feet for the inside radius.
  - (e) Dead End Roads. Dead end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus, with a minimum constructed diameter of 100 feet, or such other configuration as may be approved by the Borough.
  - (f) Bridges. Where a bridge is part of a fire apparatus access road, the bridge shall be constructed, maintained and posted in accordance with AASHTO *Standard Specifications for Highway Bridges*.
  - (g) Grade. Except for any public road portion, the grade of a fire apparatus access road shall not exceed 12 percent, unless a steeper grade is approved by the Borough.
  - (h) Marking. Where required by the Borough, approved signs shall be provided for the fire apparatus access roads to identify such roads and to prohibit the obstruction thereof.
  - (i) Obstructions. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established above must always be maintained.
  - (j) Gates. The Borough may require or approve the installation and maintenance of gates or otherwise approved barricades. Such gates shall comply with the following criteria:
    - [1] The minimum gate width shall be 20 feet clear when open.
    - [2] Gates shall be of the swinging or sliding type.
    - [3] Gates shall be properly maintained in a fully operational condition.
    - [4] Electric gates shall have a manual override.

[5] Locking devices shall be approved by the Borough and keys provided to all emergency service units.

(3) Multiple Fire Apparatus Access Roads. The Borough may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access, in addition to the criteria below, for which multiple fire apparatus access roads are required:

(a) Buildings exceeding 20,000 square feet gross floor area shall be provided with at least two separate means of fire apparatus access.

(b) Projects containing more than 12 dwelling units shall be provided with at least two separate means of fire apparatus access.

(c) When such multiple fire apparatus access roads are required, they shall be separated by a minimum of 0.50 the length of the overall diagonal dimension of the property or area to be served.

B. Fire Lanes. Except for single-family and two-family dwellings, fire lanes shall be provided for all buildings which are set back more than 150 feet from a fire apparatus access road, for buildings which exceed thirty (30) feet in height and are set back more than 50 feet from a fire apparatus access road, and for buildings which exceed twenty thousand 20,000 square feet gross floor area, in accord with the following criteria:

(1) Exceptions. When a combination of private fire protection facilities and methods, including but not limited to fire-resistive roofs, fire separation walls, space separation and fire extinguishing systems, are provided by the Applicant, and approved by the Fire Chief as an acceptable alternative, fire lanes shall not be required.

(2) Width. Fire lanes shall have a minimum width of twenty-four (24) feet.

(3) Locations. Fire lanes shall provide access to the main entrance to the building (in the case of multiple occupancy, to the main entrance of each occupancy), to entrances to equipment areas and to shipping/loading docks.

(a) Fire lanes shall be a minimum of 10 feet from any exterior wall or building overhang, and a maximum of 50 feet from the exterior wall if one or two stories, and a maximum of 30 feet from the wall if more than two stories.

(b) Fire lanes shall run along the front of the building as determined by the primary entrance(s) and the side(s) where there are equipment areas and/or shipping/loading docks. Where there is more than one primary entrance, each entrance shall be served by a fire lane.

(c) For buildings with a gross floor area of 10,000 square feet or less of gross floor area, parking may be provided between the building and the fire lane, provided that unobstructed emergency services access shall be provided in the parking rows at intervals not exceeding 100 feet.

[1] Handicap parking may be permitted to be included as an emergency services access.

[2] Parking shall be prohibited in front of the primary entrance(s) for a minimum width of 10 feet, and in front of any secondary entrance(s) for a minimum width of five feet.

(d) For buildings with a gross floor area exceeding 10,000 square feet of gross floor area, parking shall not

be permitted between the building and the fire lane.

- (e) For buildings with a gross floor area exceeding 20,000 square feet of gross floor area, fire lanes shall be provided around the perimeter of the building.
- (f) Fire lanes exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus.
- (g) Marking and identification of fire lanes shall be provided as approved by the Borough.

C. Additional Reviews. Where fire lanes are required by §196-65B, the Borough may require the applicant to provide such number of additional sets of the land development plans as it deems necessary for the information and potential review of emergency services providers.

**§196-65 Public Safety and Convenience**

For each major residential subdivision and each major residential land development, safe and convenient areas for appropriate services, including but not limited to U.S. Postal Service and school bus pick-up and drop off must be provided.

- A. Access. Where private roads and/or access ways will be provided within the development, access shall be provided from a public road to a suitable common services area from which the above-referenced services can be safely and conveniently provided.
- B. Services. A suitable common services area shall be designed, constructed and maintained for at least the following services:
  - (1) School Bus Stop. An approved school bus stop shall be provided at a safe location within or adjacent to the common services area unless the development is age restricted with no school age children.
  - (2) U.S. Postal Service. An area approved by the U.S. Postal Service shall be provided within the common services area for the location of centralized or cluster mailboxes for the residents of the development.
- C. Parking Area. For any residential development which contains 10 or more dwelling units, a parking area must be provided and maintained adjacent to the school bus stop and mailbox areas for the convenience of residents. Such parking area must provide an adequate number of parking spaces for the use of residents waiting at the school bus stop and for depositing or picking up mail.
  - (1) A minimum of one parking space for each five dwelling units shall be provided, with an absolute minimum of 4 parking spaces.
  - (2) The parking area shall be designed, constructed and maintained in accordance with the requirements of §196-56.
  - (3) The parking area shall include a safe waiting area for school bus pick-up and shall provide safe pedestrian access to and from the school bus stop.
  - (4) For developments of 50 or more dwelling units, the parking area aisles shall be designed to accommodate buses.

**§196-66 Reserved**

**§196-67 Reserved**



**ARTICLE VII**  
**MANUFACTURED HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS**

**§196-68    Application**

- A. Parks for Sale or Longer-Term Lease. Applications for proposed development of manufactured home parks with lots proposed for sale or lease exceeding 12 months shall meet all requirements and standards for a single-family residence residential subdivision in this chapter and Chapter 218 (Zoning).
- B. Parks to be Held under Single Ownership. Applications for proposed development of manufactured home parks that are proposed to be held under single ownership and to provide manufactured home sites on a maximum 12-month lease period or rental basis only shall meet the design standards and required improvements set forth in this Article.

**§196-69    General Standards and Requirements**

- A. Acreage. All manufactured home parks shall have a total land area of not less than five acres.
- B. Floodplain. The site of any proposed manufactured home park shall not be located within a 100-year frequency floodplain as defined by the Federal Flood Insurance Rate Maps.
- C. Nuisances. The site of any proposed manufactured home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- D. Soils and Slope. The site of any manufactured home parks shall be located on well drained land; and, the average natural slope of the area of the site intended for development shall not exceed 10 percent.
- E. Access. Any proposed manufactured home park shall have direct access to a public street.

**§196-70    Submission of Application and Compliance**

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application and approval. Fees shall be charged in accordance with the approved fee schedule.
- B. Conformity. The plans of the proposed manufactured home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this chapter.

**§196-71    Design Standards**

- A. General. All plans for proposed new manufactured home parks or expansion of existing manufactured home parks shall be designed in accord with the four-step process in §196-46 and meet the design standards applicable to all types of development contained in Article VI.
- B. Lot Size and Width, and Setbacks. Each manufactured home lot shall have a minimum area of 5,000 square feet. Minimum lot width shall be 50 feet. No structure located on any lot in any manufactured home park shall be closer to any front lot line than 35 feet; to any side lot line than 10 feet; nor to any rear lot line than 20 feet.

- C. Open Space. Open space consisting of 15 percent of the total area of the park shall be maintained for the use of all park residents. Fifty percent of this area shall be designed, equipped and properly maintained for recreational use in the manufactured home park. This area shall be of suitable configuration and free of hazards to permit recreational use.
- D. Site Drainage Requirements
- (1) Ground Surface. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in §196-53.
  - (2) Surface Water Collectors. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection and the Borough Council.
- E. Soil and Ground Cover Requirements.
- (1) Soil and Ground Cover. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that can prevent soil erosion and the emanation of dust during dry weather.
  - (2) Prohibited Vegetation. Park grounds shall be maintained free of vegetation growth which is poisonous, or which may harbor rodents, insects, or other pests harmful to man.
- F. Park Areas for Nonresidential Uses. No part of any park shall be used for nonresidential purposes, except for such uses that are required solely for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- G. Buffer and Screening.
- (1) Buffer. No lot or other park buildings shall be located within 75 feet of the perimeter of the manufactured home park. This 75-foot area shall be separate from and in addition to the individual manufactured home setback requirements and shall be maintained as a buffer. At the discretion of the developer, this area can be counted toward the open space requirement set forth in §196-71C.
  - (2) Setbacks from Common Areas and Structures. There shall be a minimum distance of 20 feet between an individual manufactured home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures
  - (3) Screening. All manufactured home parks existing may be required to provide screening such as fences, or plant materials along the property boundary line separating park and such adjacent use. These plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.
- H. Streets. All streets within proposed manufactured home parks shall conform to the requirements for local streets as set forth in §196-51.
- I. Lot Frontage. Manufactured home sites and parking spaces shall have direct access to, and frontage on, the interior park street system. Manufactured home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the manufactured home park and providing access to other parcels or developments.

- J. Illumination. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- K. Off Street Parking. Off-street parking for two motor vehicles shall be provided at each manufactured home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade not greater than eight percent and shall be paved with a minimum six inches depth of select material approved by the Borough Engineer.
- L. Walks.
- (1) General Requirements. All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
  - (2) Common Walk System. Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four feet.
  - (3) Individual Walks. All manufactured home lots shall be connected to common walk or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three feet.
  - (4) Sidewalks along Streets. Sidewalks along streets shall be required and shall meet the requirements of §196-51V.
- M. Sewer and Water Systems. All manufactured home lots in proposed manufactured home parks shall be connected to the Lehighton Sewer Authority system and the Lehighton Water Authority system in accord with applicable authority regulations.
- N. Underground Utilities. All manufactured home lots in proposed manufactured home parks shall be provided with underground electric, telephone and TV cable (if available) service. These service systems shall be installed and maintained in accord with Lehighton Light and Power and local service company specifications.
- O. Manufactured home Foundation. Each manufactured home lot shall be improved to provide an adequate foundation for the placement of the manufactured home. The foundation shall be either a solid perimeter of masonry or piers both below frost or a slab properly constructed of poured concrete.
- P. Skirting. Each manufactured home shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one normal step height below the first-floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.
- Q. Central Fuel System. Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

**§196-72** Exceptions

- A. Manufactured home Sales. None of the provisions of this chapter shall be applicable to the business of manufactured home sales, provided that the manufactured home on such lots shall not be occupied.
  
- B. Construction Project. None of the provisions of this chapter shall be applicable to a manufactured home located on the site of a construction project, survey project, or other work project and used solely as a temporary field office or work or tool house in connection with such project, provided such manufactured home is removed from said site within thirty (30) days after the completion of such project.

**§196-73    Reserved**

**ARTICLE VIII**  
**CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS**

**§196-74    Applicability; Occupancy**

- A. Applicability. The design standards and required improvements set forth in this Article will be applied by the Planning Commission and the Borough Council in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum 12-month lease, or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a twelve-month period shall meet all standards and requirements of a single-family residence, residential subdivision.
- B. Occupancy. Campsites shall be used only for camping purposes and not as a residence. No improvement or recreational vehicle designed for long-term residency or occupancy (exceeding 180 days in any calendar year) shall be erected or placed on any campsite. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times, and any action toward removal of wheels is hereby prohibited.

**§196-75    General Standards and Requirements**

- A. Required Acreage. All campgrounds shall have a total land area of not less than five acres.
- B. Soils and Slope. All campgrounds shall be located on moderately well or better drained land with the average natural slope of the area to be improved for camp sites not to exceed 12 percent.
- C. Borough Comprehensive Plan. The location and layout of the proposed campground shall be consistent with the Borough Comprehensive Plan.
- D. Floodplain. No permanent campground structures or buildings shall be located within any defined 100-year floodplain area.
- E. Access. The proposed campground shall have direct access to an existing public street or road.
- F. Improved Area. The area improved for camping sites shall not exceed 50 percent of the total gross area of the tract being developed as a campground.
- G. Prohibited Use. No camping site may be occupied as a permanent residence and shall not be occupied for more than 180 days in any calendar year.

**§196-76    Submission, Application and Compliance**

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application and approval, and fees shall be in accordance with the Borough fee schedule.
- B. Design Requirements. The design of the campground shall conform to the requirements of this chapter and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Planning Commission and the Borough Council.

**§196-77 Design Standards**

All plans for proposed new mobile campgrounds or expansion of existing campgrounds shall be designed in accord with the four-step process in §196-46 and meet the design standards applicable to all types of development contained in Article VI.

- A. Required Area. Each camping site shall have a minimum area of 2,000 square feet exclusive of street rights-of-way and walkways and a minimum width of 40 feet.
- B. Density. The maximum gross density of development in the area improved for campsites shall not exceed 10 sites per acre of the adjusted tract acreage of the parcel determined in accord with Chapter 218 (Zoning).
- C. Existing Trees and Shrubbery. To the extent possible, existing trees and shrubbery shall be retained by the campground developer.
- D. Buffers. No individual campsite may be located closer than 100 feet to any exterior property line of the campground or public road right-of-way. The 100-foot buffer shall remain undisturbed except for require accesses and additional planted trees and/or shrubbery may be required to screen the campground from adjacent land.
- E. Electric Service. Electric service shall be provided to at least 50 percent of the campsites. Such electric service shall be installed underground.
- F. Centralized Sewage. At least 50 percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.
- G. Non-Centralized Sewage. All campsites which are not provided with a connection to a centralized sewage system shall be located within 500 feet of a bath-house/toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.
- H. Off-Street Parking. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved; but they shall have a minimum depth of six inches of compacted crushed stone, bank run gravel or shale.
- I. On-Site Parking. All campsites designed for tenting may be provided with on-site parking spaces in accordance with §196-77H or may have a common parking area not over 500 feet from the most distant campsite. Common parking areas shall provide at least 1.50 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.
- J. Sewer and Water Systems. All sites in a proposed campground shall be connected to the Lehighton Sewer Authority system and the Lehighton Water Authority system in accord with applicable authority regulations.
- K. Sewage Dumping Stations. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.
- L. Streets. Streets within the campground shall conform to the following:
  - (1) Conformity. The road(s) serving the campground shall be designed and constructed in accord with the standards for Local Streets in Table 196-51-1 and Table 196-51-2.
  - (2) Drainage. Drainage facilities shall be designed and constructed in accordance with the standards set

forth in §196-53.

(3) Construction and Maintenance. No campground street may be offered for dedication to the Borough. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.

M. Recreation Area. At least five percent (but not less than one-half acre) of the area improved for campsites shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Planning Commission and the Borough Council will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities before granting approval.

N. Other Improvements. There shall be provided in each campground such other improvements as the Planning Commission and the Borough Council may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection, adequate park lighting system, and maintenance of all areas.

**§196-78**    Reserved

**ARTICLE IX**  
**NONRESIDENTIAL LAND DEVELOPMENTS AND**  
**COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

**§196-79    Nonresidential Land Developments and Commercial and Industrial Subdivisions**

All nonresidential land developments and commercial and industrial subdivisions shall comply with the applicable requirements of this chapter unless otherwise specified in this Part IX.

**§196-80    General Design and Site Standards**

- A. Land Development. Any proposed commercial establishment shall be considered a *land development* as defined by the Pennsylvania Municipalities Planning Code and this chapter and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Borough may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Borough ordinances.
- (1) Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within 100 feet of the tract.
  - (2) A traffic and pedestrian diagram showing circulation patterns from the public right-of-way and within the confines of the development.
  - (3) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes.
  - (4) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
  - (5) Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
  - (6) Location and dimensions of pedestrian entrances, exits, walks.
  - (7) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
  - (8) Preliminary drawings for all buildings.
  - (9) Location, size, height, and orientation of all signs other than signs flat on building facades.
- B. Design of Commercial Establishments and Nonresidential Uses. It is the intent of this §196-80B to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Borough. This shall be accomplished by:
- (1) Siting buildings, parking areas and other facilities and improvements based upon the topography of development site;
  - (2) Providing safe and convenient access for vehicles and pedestrians from the public right-of-way and to adjacent development based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;



- (3) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- (4) Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- (5) Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- (6) Being consistent with any design guidelines adopted by the Borough.

C. Design Considerations. The design shall to the greatest extent possible ensure:

- (1) Desirable land utilization and aesthetics.
- (2) Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck.
- (3) Adequate service, delivery and pickup.
- (4) Design coordination with adjacent parcels of land.
- (5) The Applicant, prior to applying, shall obtain written approval from the Lehighon Water Authority and Lehighon Sewage Authority that adequate capacity is available to serve the proposed development.
- (6) Adequate storm drainage facilities shall be provided in accord with §196-53.

D. Four-Step Design. All land developments and all commercial and industrial subdivisions shall be designed in accord with the four-step design process in §196-46 with respect to conservation areas and development sites. The applicant shall demonstrate to the Borough by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- (1) Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- (2) Locating the building site.
- (3) Locating required buffers.
- (4) Laying out street access, parking/loading areas, and other required or proposed improvements.

E. Ownership. The site proposed for any multiple-occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Borough evidence of said ownership and/or control.

**§196-81 Unified Development**

Wherever possible, commercial and industrial parcels shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow,

highway ribbon developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

**§196-82    Roads**

Roads in commercial and industrial developments shall comply with the requirements of §196-51 and shall be constructed to a minimum of collector road standards as required by this chapter.

**§196-83    Reserved**

**§196-84    Reserved**

**ARTICLE X  
ADMINISTRATION**

**§196-85 Purpose**

The purpose of this Article is to establish the procedures for the amendment, administration and enforcement of this chapter.

**§196-86 Amendment**

Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

**§196-87 Waivers/Modifications**

- A. Intent. The provisions of this chapter are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Borough Council, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Borough Council may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this chapter.
- B. Conditions. In granting waivers/modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
- C. Procedure. All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:
- (1) The specific sections of this chapter in question.
  - (2) Provisions for the minimum modification necessary as an alternate to the requirements.
  - (3) Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.
- D. Planning Commission Review. The Planning Commission shall review all waiver/modification requests in conjunction with the development application and make a specific recommendation to the Borough Council.
- E. Action.
- (1) If the Borough Council denies the request, the applicant shall be notified, in writing, of the reasons for denial.
  - (2) If the Borough Council grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.
  - (3) In any case, the Borough Council shall keep a written record of all actions on all requests for waivers/modifications.

**§196-88 Preventive and Enforcement Remedies**

A. Preventive Remedies.

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

B. Enforcement Remedies.

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

than the Borough the right to commence any action for enforcement pursuant to this section including, but not limited to, injunctive relief.

- C. Jurisdiction. District Magisterial Judges shall have initial jurisdiction in proceedings brought under §196-88B.
- D. Transfer. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- E. Construction. In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this chapter. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §196-21G. No deeds shall be executed or recorded for the transfer of any lots or units before the Borough has approved the Final Plan and such Plan is filed with the Carbon County Recorder of Deeds.

#### **§196-89    Fees**

- A. Establishment of Fees. Fees to be paid by the Applicant shall be established by resolution of the Borough Council to cover all costs incurred by the Borough associated with the processing and review of all plans and documents and all plan and document revisions. Such cost may include, but not be limited to, Borough administrative costs and the reasonable and necessary charges by the Borough's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.
- B. Application Fees. At the time of the filing of any application, the Applicant shall pay to the Borough a fee sufficient to cover the administrative costs associated with the review of the application.
- C. Review and Inspection Fees. At the time of the filing of any application, the Applicant shall pay to the Borough a fee deemed sufficient to cover the cost of:
  - (1) Reviewing compliance with chapter and engineering details.
  - (2) Inspecting the site for conformance.
  - (3) Evaluating cost estimates of required improvements.
  - (4) Inspection of required improvements during installation.
  - (5) Final inspection or re-inspection on completion of installation of required improvements.
  - (6) Fees charged for other related consulting services.
  - (7) Any other review costs incurred by the Borough.
- D. Supplemental Fees and Adjustment. If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Borough, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Borough action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.
- E. Disputes. Disputes between the Applicant and the Borough regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.
- F. Failure to Pay Fees. Any failure by the Applicant to pay any required fees shall be deemed a violation of this chapter and shall make null and void any approval granted by the Borough and the Borough shall have the

right to collect any unpaid fees and costs of collection in accord with applicable law.

**§196-90 Records**

The Borough shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

**§196-91 Change of Name of Subdivision**

Any subdivision owner or homeowners association proposing to change the name of any subdivision, whether the subdivision occurred before or after the effective date of this chapter, or any amendment thereto, shall first obtain the approval of the Borough Council to the change of name by applying in writing, and once the request is approved by the Borough Council, the Applicant shall record said change of name of the subdivision in the office of the Recorder of Deeds of Carbon County by setting forth in affidavit form the name of the old subdivision and the new name of the subdivision.

**ARTICLE XI  
ADOPTION**

This ORDINANCE ORDAINED AND ENACTED this **7<sup>th</sup>** Day of **November** 2022, by the Borough Council of Lehighton Borough, Carbon County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Grant Hunsicker, President of Council

ATTEST:

\_\_\_\_\_  
Brenda L. Kreitz, Secretary

APPROVED this **7<sup>th</sup>** Day of **November**, 2022.

\_\_\_\_\_  
Clark Ritter, Mayor

**APPENDIX A**  
**DETERMINATION OF FLOODPLAINS**

[See 196-28C(2)(e)]

- A. For all subdivisions and land developments to be reviewed according to the procedures set forth in this chapter, all floodplain and floodway delineation lines shall be shown on the subdivision and land development plans. Floodplain areas shall be determined using the methods set forth below, except that when one-hundred-year floodplains have been calculated and mapped by the Federal Insurance Administration as part of the National Flood Insurance Program, that mapping shall be used.
- (1) Hydrologic criteria for estimating runoff. The following methods may be used in computing runoff for the one-hundred-year storm:
- (a) The method in Technical Release Number 55, Urban Hydrology For Small Watershed, by the United States Department of Agriculture Soil Conservation Service. This method can be used for streams whose drainage area at the point in question is no larger than 2,000 acres.
  - (b) The Rational Method can be used for streams whose drainage area at the point in question is no larger than 320 acres. The method in Technical Release 55 is preferred.
  - (c) The method in Water Resources Bulletin Number 13, Floods in Pennsylvania, issued by the Pennsylvania Department of Environmental Resources can be used for streams whose drainage area at the point in question is larger than two square miles.
  - (d) The method in Section 2.10.24 of the January 1990 Edition of Pennsylvania Department of Transportation Design Manual Part 2, Highway Design can be used for drainage areas between 1 1/2 square miles and 150 square miles. The risk factor to be used is 1.0. The factor to multiply the Q 2.33 value by in determining flood discharge (Q) is 3.5.
  - (e) The method in Section 2.10.25 of the January 1990 Edition of Pennsylvania Department of Transportation Design Manual Part 2, Highway Design can be used for drainage areas greater than 150 square miles. The safety factor to be used is 1.7.
- (2) Hydraulics of flow. In general, the Manning Equation shall be used to compute one-hundred-year flood elevations; however, the effect of bridges, culverts and channel restraints may require backwater analysis. Backwater analysis shall be performed where required by the Borough.
- B. All methods used, and calculations performed in estimating runoff and computing flood elevations are subject to the review and approval of the Borough.