SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND COMMUNICATION TOWER ORDINANCE FOR PERRY TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

Adopted November 13**, 2007**

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TABLE OF CONTENTS

ARTICLE 1

GENERAL PROVISIONS

Section 101 Short Title 1
Section 102 Purpose 1
Section 103 Authority 2
Section 104 Jurisdiction 2
Section 105 Municipal Responsibility and Liability 3
Section 106 Effective Date and Repealer 3
Section 107 Copies 3
Section 108 Compliance Required 4

ARTICLE 2

DEFINITIONS

Section 201 General Interpretations 5
Section 202 Meaning of Words 5

ARTICLE 3

SUBMISSION PROCEDURES FOR SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

Section 301 Purpose 17
Section 302 Pre-Application/Sketch Plan 17
Section 303 Submission Procedures 17

ARTICLE 4

REVIEW AND APPROVAL PROCEDURES FOR SUBDIVISION AND LAND DEVELOPMENTS

Section 401 Purpose 19
Section 402 Preliminary Plan Review and Approval 19
Section 403 Final Plan Review and Approval 20
Section 404 Subdivisions without Improvements/Lot Line Revisions 22
Section 405 Recording of Plan/Plat 22

ARTICLE 5

CONSTRUCTION GUARANTEES

Section 501 General 24
Section 502 Coordination 24
Section 503 Improvements 24
Section 504 Financial Security 25

ARTICLE 6

DEVELOPMENT STANDARDS

Section 601 General Standards 28

ARTICLE 7

REQUIRED IMPROVEMENTS

Section 701 General 29
Section 702 Improvements 29

ARTICLE 8

PLAN REQUIREMENTS

Section 801 Sketch Plan 31
Section 802 Preliminary Plan 31
Section 803 Final Plan 34

ARTICLE 9

DESIGN STANDARDS

Section 901 General 38
Section 902 Streets 39
Table A 42
Section 903 Curbs and Sidewalks 43
Section 904 Blocks 44
Section 905 Lots and Building Lines 44
Section 906 Lot Grading for Subdivisions and Land Developments 46
Section 907 Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments 47
Section 908 Easements 48
Section 909 Public Areas 49
Section 910 Street Names 49
Section 911 Stormwater Drainage 49
Section 912 Contribution for Recreation Purposes 52
Section 913 Floodplain Area Regulations 53

ARTICLE 10

CONSTRUCTION REQUIREMENTS

Section 1001 General 58
Section 1002 Monuments 58
Section 1003 Water Supply 59
Section 1004 Sanitary Sewage Conveyance 59
Section 1005 Stormwater Facilities 60
Section 1006 Streets, Subgrade, Subdrains, Pavement, Curbs, and Sidewalks 61
Section 1007 Utilities 62
Section 1008 Street Trees 62
Section 1009 Street Lighting 63
Section 1010 Existing Natural Areas 63
Section 1011 Erosion Control 63

ARTICLE 11

MOBILE HOME PARK REGULATIONS

Section 1101 Applicability 64
Section 1102 Plan Requirements 64
Section 1103 Preliminary Plan 65
Section 1104 Final Plan Approval 65
Section 1105 Design Requirements 65
Section 1106 Utility and Fire Requirements 68
Section 1107 Removal of Mobile Homes 70

ARTICLE 12

RECREATIONAL VEHICLE PARK REGULATIONS

Section 1201 Applicability 71
Section 1202 Permits 71
Section 1203 Plan Requirements 71
Section 1204 Design Requirements 74

ARTICLE 13

LAND DEVELOPMENT STANDARDS AND REQUIREMENTS

Section 1301 Jurisdiction 80
Section 1302 Procedures 80
Section 1303 Design Standards 81
Section 1304 Assurance for Completion and Maintenance of Improvements . 83

ARTICLE 14

ADMINISTRATION AND MODIFICATION

Section 1401 Amendments 84
Section 1402 Filing Fee 84
Section 1403 Records 84
Section 1404 Appeals 84
Section 1405 Validity 84
Section 1406 Preventive Remedies 84
Section 1407 Enforcement Action 85
Section 1407 Modification of Regulations 85
Section 1408 Conflict 86

ARTICLE 15

COMMUNICATION TOWERS

Section 1501 Definitions 87
Section 1502 Regulations 87
Section 1503 Building Permits 88
Section 1504 Abandonment 88
Section 1505 Enforcement and Penalties 89

APPENDIX

Certification Language
Modification Request Form
Types of Lots Illustration
Sight Distance Illustration
Clear Sight Triangle Illustration

ORDINANCE NO. ____ of 2007

AN ORDINANCE OF THE PERRY TOWNSHIP BOARD OF SUPERVISORS, LAWRENCE COUNTY, PENNSYLVANIA, KNOWN AS THE PERRY TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AND COMMUNICATION TOWER ORDINANCE, TO COMPLY WITH THE REQUIREMENTS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, AS AMENDED.

WHEREAS, the Perry Township Board of Supervisors deem it to be in the best interest and general welfare of the residents of Perry Township to make sure that the Lawrence County Subdivision and Land Development Ordinance is fully implemented in Perry Township, and furthermore, to include a provision in this ordinance relative to the construction and location of communication towers located within the Township;

WHEREAS, the Perry Township Board of Supervisors deem it to be in the best interest of the residents of the Township to make sure that communication towers are constructed in a safe manner, and the Supervisors acknowledge that communication towers cannot be prohibited from the Township, although reasonable restrictions concerning their location and construction can be implemented by the Township;

THEREFORE, it is enacted and ordained by the Perry Township Board of Supervisors, as follows:

ARTICLE I

GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the "Perry Township Subdivision and Land Development Ordinance."

Section 102 Purpose

This Ordinance is adopted for the following purposes:

102.1 To assure sites suitable for building purposes and human habitation.

102.2 To provide for the harmonious, orderly, efficient and integrated development of the Township of Perry.

102.3 To assure new development will be coordinated with existing Township development.

102.4 To provide for adequate easements and rights-of-way for drainage and utilities.

102.5 To make provisions, as needed, for the reservation of land as it may be needed for public grounds.

102.6 To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.

102.7 To make provisions for appropriate standards for streets, storm drainage, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered needed by the Township.

102.8 To promote the sound layout and design for subdivisions and land developments.

102.9 To allow for new and flexible standards of design, where appropriate.

102.10 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

102.11 To implement the County Comprehensive Plan.

102.12 To provide consumer protection for buyers and sellers of land.

Section 103 Authority

The Township of Perry is vested by law with jurisdiction and control of the subdivision of land located within the Township limits in accordance with Article 5, Sections 501 and 502.c of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. (Section 502.c of the PA MPC states: "any municipality within Lawrence County may adopt, by reference, the Lawrence County Subdivision and Land Development Ordinance, and may, by separate ordinance, designate the Lawrence County Planning Department (with the Lawrence County Planning Commission's concurrence) as its official planning agency for the review and approval of all plans, in which case any Planning Department action shall be considered as action of the Governing Body). The power to regulate and approve subdivisions and land developments is, therefore, conferred on the Lawrence County Planning Commission and the Lawrence County Planning Department as official administrative agency for review and approval of plans within the township.

Section 104 Jurisdiction of the Lawrence County Planning Commission/Department

104.1 This Ordinance shall apply to all land situated in the Township of Perry.

104.2 Plans for subdivisions, land developments and mobile home parks located in Perry Township shall be submitted to, and approved by the County before they may be recorded by the Lawrence County Recorder of Deeds.

104.3 Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions, or regulations of the County or Perry Township.

104.4 Land Development Control

A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to:

1. the filing of preliminary and final plats (plans)
2. the dedication and improvements of rights-of-way, streets and roads
3. the payment of fees and charges as established by Resolution of Lawrence County.

B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of way. Developments are subject to the zoning regulations, if applicable, as they apply to use and density requirements, setbacks, parking and other features, and such requirements shall be indicated on the land development plans.

Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and land owners in the Township is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions, land developments or mobile home parks will be free from inconveniences, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of the individual members of the Perry Township Board of Supervisors, the Lawrence County Planning Commission or any officer, appointee or employee of the County or Township for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 106 Effective Date and Repealer

This Ordinance shall become effective _____, 2007 and shall remain in effect until modified or rescinded by the Township of Perry Supervisors. .

Section 107 Copies

Copies of the Perry Township Subdivision and Land Development Ordinance shall be made available to the general public at the Lawrence County Planning Department offices, at a fee adequate to compensate the County for the cost of reproduction.

Section 108 Compliance Required

108.1 No subdivision or land development of any lot, tract or parcel of land shall be made, no mobile home park shall be initiated or altered, no street, sanitary sewer, storm sewer, water main or other required improvement shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

108.2 No plan of a subdivision or land development proposed in the Township shall be recorded in any public office unless, or until, the plan has been approved by the Lawrence County Planning Department/Commission, and bears the certified approval of the Department/Commission.

108.3 It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey, any lot, parcel or tract of land as part of, or in conformity with, any plan, plat or replat of any subdivision or land development, unless and until said plan, plat or replat shall have been first recorded in the office of the Lawrence County Recorder of Deeds.

ARTICLE II

DEFINITIONS

Section 201 General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words "shall" and "will" are mandatory; the word "may" is permissive. An "agency" shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have their normal meanings.

Section 202 Meaning of Words

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ADT (Average Daily Trips): The average number of trips generated by a land use over a twenty-four (24) hour period during the week.

Alley: A minor right-of-way, publicly owned, primarily for service access to the back and sides of properties.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the 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 land development plan.

As-Built Plans: Plans and profiles prepared by the developer's engineer showing the exact location, size, grade and depth of all required improvements, as constructed.

Bikeway: A path designed to be used by non-motorized bicycles.

Block: An area, divided into lots, and usually bounded by streets.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously, the view of, and/or sound from the site to adjacent properties.

Building envelope: That portion of a lot, exclusive of the required setbacks, in which a structure may be placed.

Building or Setback Line: The line within a property defining the required minimum distance between any building and the right-of-way and/or adjacent property lines.

CAD: Computer Aided Drawing. A digital format of the plans and drawings that are generally submitted on paper or mylar.

Cartway or Roadway: The improved surface of a street or alley designed for vehicular traffic.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

Commission: The Lawrence County Planning Commission, unless otherwise stated.

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

Comprehensive Plan: The Lawrence County Comprehensive Plan of 2004, and any amendments thereto.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building, structure or required improvement including the placement of a mobile home.

Corner Lot: A lot, located at the intersection of two (2) or more existing or proposed street rights-of-way.

County: The County of Lawrence, Pennsylvania.

County Engineer: A professional engineer licensed as such in Pennsylvania, duly appointed as the Engineer of the County of Lawrence.

County Solicitor: A professional attorney licensed as such in Pennsylvania, duly appointed as the Solicitor of the County of Lawrence.

Covenant: A formal agreement of legal validity between two or more parties.

Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Dedication: An act of transmitting property or interest thereto.

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

Designated Floodplain Areas: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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 mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

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 Ordinance shall mean the written and graphic materials referred to in this definition.

Double-frontage Lot: A lot with front and rear street frontage.

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Right-of-Way: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving

the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

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

Erosion: The removal of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion and sediment controls, and which is in accordance with Section 1011 of this Ordinance.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Floodplain: The area along a natural watercourse which may from time to time be overflowed by water therefrom.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

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

Land Development: Any of the following activities:

A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or non-residential 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of land.

C. "Land development" does not include development which involves:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

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

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, 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 proper authorities.

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

Lawrence County Department: The Department of Planning for the County of Lawrence.

Local Municipality: For the purpose of this Ordinance, the term local municipality shall mean the borough, township, or city wherein the subdivision under consideration is located. Its meaning also includes any municipal authority or private agency which may be asked to accept improvements required by this Ordinance.

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 Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-ways, but including the area of any easement.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designed as the "front" of the lot.

Lot, Double Frontage: An interior lot which abuts streets in both the front and rear.

Lot, Interior: A lot having side lot lines which do not abut on a street.

Lot, Non-Conforming: A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension, does not conform to the requirements of this Ordinance.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

Lot line Revision: A land development plan in which existing property lines are moved but in which no new additional lot is created.

Lot of Record: A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Lawrence County, Pennsylvania.

Lot Width: The distance between the side lot lines measured at the building set-back line.

Maintenance Guarantee: Any financial security, acceptable under Article V of the PA Municipalities Planning Code (MPC), which may be accepted by the Township of Perry for the maintenance of any improvements required by this Ordinance.

Marker: A metal stake pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and facilitate the sale of lots. Wood stakes may be used to identify in the location of the metal pin.

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

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile homes.

Monument: A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

Municipalities Planning Code (MPC): Act of Assembly of July 31, 1968, P.L. 805, as amended.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years.

Open Space: Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated or reserved for the public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such parcel or area of land or water.

PennDOT: The Pennsylvania Department of Transportation.

Performance Guarantee: Any security which may be in lieu of the construction of required improvements prior to the County and/or local municipality approval of a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the County of Lawrence for consideration, as required by this Ordinance.

Plan, Sketch: An informal plan indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision or land development.

Plan, Soil Erosion and Sedimentation Control: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

Planning Code: See "Municipalities Planning Code."

Planning Commission: The Planning Commission of the County of Lawrence, Pennsylvania.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second or third class, as defined by the U.S. Department of Agriculture, Natural Resources and Conservation Services (NRCS) County Soil Survey.

Professional Consultant: Persons who provide expert or professional advice, including, but not limited to: architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

Public Grounds: Include:

A. parks, playgrounds, trails, paths and other recreational areas and public areas:

B. sites for schools, sewage treatment plants, refuse, disposal and other publicly-owned or operated facilities;

C. publicly-owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Lawrence County Planning Commission/Department, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq.

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

Recreational Vehicle: A type of vehicular unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own motive power or is mounted and drawn by another vehicle, including, but not limited to: travel trailers, camping trailers, truck camper or motor home.

Recreational Vehicle Park: A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one-and-one-half (1-1/2) feet.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Re-Subdivision: Any subdivision or transfer of land, laid out on a plan which has been approved by the County of Lawrence which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan. (See also Subdivision Replat.)

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

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

Secretary: The Secretary of the Lawrence County Planning Commission.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Setback (Building Setback Line): The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

Sewage Disposal System, On-Site: A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

Sewage Disposal System, Public: A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Shoulder: The portion of a roadway (cartway) between the curb or gutter and the travel-way intended for emergency and parking use.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 802 of this Ordinance.
Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

A. Principal Arterial or Expressway: This class of highway facility is devoted entirely to the task of moving large volumes of traffic and performs little or no land service function. It is generally characterized by some degree of access control. Normally, this classification should be reserved for multi-lane, divided roads with few, if any, grade intersections.

B. Minor Arterial: Arterials bring traffic to and from the expressway and serve major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service.

C. Collector: This class of road serves the internal traffic movement within the municipality and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.

D. Commercial: Commercial roads service areas whose predominant use is commercial. In function, design and specification, they will be considered as a collector street.

E. Local and Minor: The sole function of a minor street is to provide access to immediately adjacent land.

F. Industrial: Industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.

G. Private: A residential street designed and constructed to the private street specifications of this Ordinance, which serves no more than three (3) residential lots.

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

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 division 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.

Subdivision - Replat: The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this Ordinance, any local zoning ordinance and related ordinances, rules and regulations of the County. A replat which involves the creation of new lots or involves more than two (2) lots shall be treated as a major or minor subdivision.

Substantially Completed: Where, in the judgment of the County Engineer or local municipal engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) 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 surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Temporary Turn-around: A temporary circular turn-around at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

Top Soil: Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

Township: The Township of Perry, Lawrence County, PA

Traffic Impact Analysis: An analysis, prepared by a professional engineer, of traffic generated by a new or expanded development plan, on all roads that provide access to the development.

Trip: A single, or one-way, vehicle movement to or from a property or study area.

Undeveloped Land: Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Unit: A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate

undivided interest in the common elements, which is assigned to the property, structure or building.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, and street lighting.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield, and use of groundwater and surface-water resources within the County.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made.

ARTICLE III

SUBMISSION PROCEDURES FOR SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

Section 301 Purpose

301.1 The purpose of this Article is to establish the procedure for the Lawrence County Planning Commission/Department staff to receive applications for subdivision and/or land development plans. This procedure is intended to provide orderly and consistent processing of such applications to conserve time, effort and expense for the applicant.

301.2 This Article requires the submission of proposed subdivision and/or land development plans located in municipalities with adopted subdivision and land development ordinances to the Lawrence County Planning Commission/Department for review and comment.

Section 302 Pre-Application/Sketch Plan

302.1 Applicants are urged to discuss possible subdivision and/or development plans with the Planning Department staff prior to the submission of an application. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself/herself of the advice and assistance of responsible agencies. A second purpose is to determine if the proposed plan is in general accordance with the applicable Ordinance. The applicant is encouraged to further discuss the proposal with all appropriate state and local agencies.

302.2 A sketch plan shall be prepared and presented for review and discussion at the same time as the meeting. Such plans should generally, include those items identified under "Plan Requirements," Article VIII, Section 801 of this Ordinance.

302.3 Such discussion and/or sketch plan review will be considered as confidential between the applicant and the Planning Department. Submission of a sketch plan shall not constitute formal filing of an application.

Section 303 Submission Procedures

Applications for all proposed subdivision and land development plans, whether Preliminary or Final, on land lying within Lawrence County shall be filed with the Lawrence County Planning Department. Such applications must be complete to be accepted for review as follows:

303.1 A. All applications, fees, plans and required information must be submitted to the Lawrence County Planning Commission, Lawrence County Government Center, 430 Court Street, New Castle, Pennsylvania, 16101 during regular office hours (8:00 am to 4:00 pm).

B. A complete application and all required exhibits shall be received during regular office hours of the Planning Office and must be received at least two (2) weeks prior to the Planning Commission meeting.

C. Information to be filed with the application shall generally include those items listed under Application Requirements, Article VIII, Section 802 of this Ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.

D. In cases where the subdivision fronts on an existing or proposed State Highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation (PennDOT) for review and permits(s) as applicable.

E. See also Article IX, Design Standards.

ARTICLE IV

REVIEW AND APPROVAL PROCEDURES FOR SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

Section 401 Purpose

This Article establishes the process for review and approval of all subdivision and land development applications by the Lawrence County Planning Commission and the Planning Department staff, where applicable. It includes applications for both preliminary and final approval, including lot line revisions and subdivision applications that do not propose any improvements

Section 402 Preliminary Plan Approval

402.1 A. Upon receipt of a completed application, and all required information, requesting preliminary approval for a subdivision or land development, the Lawrence County Planning Department staff shall review and complete a report to be submitted to the applicant. When applicable, the Planning Department staff shall provide a copy of the application to the Planning Commission for review and approval at a regular public meeting.

B. Before acting on the application, the Planning Commission may arrange for a public hearing thereon. Public notice shall be provided as required by the MPC.

C. The Planning Commission or Planning Department staff, as applicable, shall take final action on the application within ninety (90) days of its submission to the Planning Office. The Planning Commission shall render its decision during a public meeting. Within fifteen (15) days after the public meeting, the Planning Commission shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan. A copy of the Planning Commission or Planning Department action shall be sent to the Township.

D. Approval of the preliminary plan application, subject to conditions, revisions or modifications as stipulated by the Planning Commission or Planning Department staff, shall constitute conditional approval of the subdivision or land development as to the character, intensity of development and the general layout of the proposed plan.

E. If conditional approval is granted, the applicant must accept the same, in writing, within twenty (20) days. If the applicant fails to accept the Planning Commission or Planning Department staff's conditions within the time period, the conditional approval shall be automatically rescinded and the application shall be considered not approved.

F. When conditional approval has been granted, in no event shall the time for meeting all required conditions extend beyond ninety (90) days from the date of Planning Commission/Planning Department staff approval. If the applicant has not met the conditions as agreed upon within the specified time period, then conditional approval shall be rescinded and the application shall be considered not approved.

G. The Lawrence County Planning Department shall retain a complete record of all correspondence related to the submission and action on the application, as well as a copy of the preliminary plan.

H. Approval of the preliminary plan application is necessary precedent to approval of the final plan.

Section 403 Final Plan Approval

403.1 A. Upon receipt of notice of approval of the Preliminary Plan, such Plan will be "protected" from any amendments to this Ordinance or applicable municipal ordinances regulating land use. However, if the developer does not submit a Final Plan within one (1) year of Preliminary Approval, the Plan shall be considered as a new Preliminary Plan, unless an extension of time is requested by the developer in writing and is granted in writing by the Commission.

B. A complete application for Final Plan approval shall include those items listed under Plan Requirements, Article VIII, Section 803 of this Ordinance, and the submission shall be prepared in accordance with that Article.

C. Upon receipt of a completed application, and all required information, requesting final approval for a subdivision or land development, the Lawrence County Planning Department staff shall review and complete a report to be submitted to the applicant. When applicable, the Planning Department staff shall provide a copy of the application to the Planning Commission for review and approval at a regular public meeting.

D. Before acting on the application, the Planning Commission may arrange for a public hearing thereon. Public notice shall be provided as required by the MPC.

E. The Planning Commission/Planning Department, as applicable, shall take final action on the application within ninety (90) days of its submission to the County. The Commission/Department shall render its decision during a public meeting. Within fifteen (15) days after the public meeting, the Commission/Department shall notify the developer, in writing, of the action taken at the public meeting. A copy of the action shall be sent to the Township.

F. No Final Plan shall receive approval by the Planning Commission unless the developer shall have filed with the Township an improvement performance bond in favor of the Township or other assurance acceptable to the Township, or shall have completed all required improvements listed in Article X or as the Township may require in the public interest.

G. Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the Township, the developer shall take steps to dedicate the improvements and have the same accepted by the Township.

H. If conditional approval is granted, the applicant must accept the same, in writing, within twenty (20) days. If the applicant fails to accept the Planning Commission or Planning Department staff's conditions within the time period, the conditional approval shall be automatically rescinded and the application shall be considered not approved.

I. When conditional approval has been granted, in no event shall the time for meeting all required conditions extend beyond ninety (90) days from the date of Planning Commission/Planning Department staff approval. If the applicant has not met the conditions as agreed upon within the specified time period, then conditional approval shall be rescinded and the application shall be considered not approved.

J. The Lawrence County Planning Department shall retain a complete record of all correspondence related to the submission and action on the application, as well as a copy of the Final Plan.

K. It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. The proposed phasing of the Final Plan shall be consistent with the requirements of the MPC.

L. The developer must provide sewerage and water system plans for the entire development site of the Preliminary Plan regardless of the number of sections or stages to be initially developed.

M. A complete copy of the developer's Final Plan application shall be sent to the Township.

Section 404 Subdivisions Without Improvements and Lot Line Revisions

404.1 Applications for subdivisions that do not propose any roads, streets, sewer or water line extensions, stormwater management facilities or other required improvements, and lot (property) line revisions shall be submitted to the Lawrence County Planning Department for review and approval.

404.2 All applications shall comply with the requirements established in this Ordinance.

404.3 Information required for lot line revisions and subdivision plans that do not propose any improvements may found in Section 403.

404.4 The staff of the Lawrence County Planning Department is authorized to accept, review and approve such applications provided all of the following conditions have been met:

A Complete application, including the plan review fee (must be paid prior to the commencement of the review process).

B. If a waiver of the literal terms of the Subdivision and Land Development Ordinance has been requested, then review by the full Commission is mandatory.

C. Each member of the Lawrence County Planning Commission shall be afforded an opportunity to review the plan and recommendation. No action shall be taken until five (5) working days have transpired from the date copies of the plan and review have been sent to each Lawrence County Planning Commission member.

D. The applicant, at his/her sole discretion, may request a review by the full commission of such plans.

Section 405 Recording of Plan/Plat

405.1 After completion of all procedures and upon approval of the Final Plan, the Plan shall then be recorded with the Lawrence County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval by the Planning Commission. For plans that have not been recorded within ninety (90) days, the chairman and secretary of the Lawrence County Planning Commission may reinstate their names provided that no major changes have been made. Re-approval thereafter may be granted by the Planning Commission, provided no changes have been made to the Final Plan.

405.2 The Final Plan shall be recorded with the Lawrence County Recorder of Deeds before proceeding with the sale of lots, issuances of building permits or the construction of buildings.

405.3 A copy of the recorded Plan shall be delivered to the Lawrence County Planning Commission and the municipality in which the subdivision occurred for their records.

405.4 Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the County or the Township concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the Township shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.

405.5 The developer may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, or streets or alleys, in which event the title to such areas shall remain with the owner, and the local municipality shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.

ARTICLE V

CONSTRUCTION GUARANTEES

Section 501 General

The purpose of these regulations is to provide sound subdivision and land development standards for those municipalities within Lawrence County which lack such regulations themselves. Therefore, the "guarantee of completion," as set forth in this Article, is intended for the protection of the municipality or authority who will be the party(ies) to accept the public improvements required by this Ordinance. For the purpose of this Ordinance, the term municipality also means any municipal authority or private agency that may be asked to accept improvements required by this Ordinance. (See DEFINITIONS.)

Section 502 Coordination

It is the intention of this Ordinance to require the appropriate surety guaranteeing construction and the maintenance of the required improvements in such amount and form as is acceptable to the municipality, consistent with this Ordinance and the provisions of the Pennsylvania Municipalities Planning Code (MPC).

Section 503 Improvements

503.1 The applicant shall, for all subdivisions proposing the placement or construction of improvements, agree to complete all improvements in accordance with these regulations or such other applicable regulations.

503.2 No plan shall receive Final Plan approval by the Planning Commission unless the applicant shall have completed all improvements as required by these regulations or shall have filed with the municipality appropriate financial guarantee to ensure the completion of the required improvements.

503.3 The Lawrence County Planning Commission shall require the County Engineer, or a designated representative, to review all final construction plans for their correctness and to inspect the construction of said improvements. The cost of any review or inspections shall be borne by the applicant in accordance with the MPC.

503.4 The Planning Commission shall also require the municipal engineer to review final construction plans for the correctness and to inspect the construction of improvements. The municipality shall be further requested to submit its findings, in writing, to the Planning Department. In the event the municipality does not approve the final construction plans, it shall specify how such plans do not meet applicable specifications, citing the specific deficiencies by reference to said specifications. Likewise, if the

municipality does not approve construction of the improvements, it shall specify their deficiencies. These requirements are made to ensure the County the ability to communicate any plan or construction deficiencies to the applicant in accordance with the provisions of this Ordinance and the MPC.

503.5 Upon completion of the improvements in accordance with the specifications of this Ordinance and/or the municipality, and upon final inspection of the improvements by the municipal engineer, the applicant shall take the final steps to dedicate the improvements and have the same accepted by the municipality.

503.5 Improvements shall include, but not necessarily be limited to, the following:

A. Monuments or markers.

B. Grading, streets, curbs and walks, as required.

C. Sanitary sewers.

D. Water service, including fire hydrants.

E. Storm drainage, as required.

F. Erosion and sedimentation control measures, as required.

G. Street lighting, where required.

503.6 Where grading conditions or other circumstances prohibit the placing of lot markers or street monuments at the time of submission of final plat, a cash deposit shall be made with the municipality in an amount sufficient to cover the installation at some future date. Should installation of the above monuments and markers not be completed within three (3) months after completion date of subdivision by the applicant, the municipality shall cause such installation to be completed and pay for same from said cash deposits.

Section 504 Financial Security

504.1 The purpose of this Section is to require the filing of financial security as provided for by Section 509 of the MPC.

A. Where the improvement is to be dedicated to an authority or agency other than the municipality, the applicant shall follow that organization's practices. In any event, it is the clear intent of this Ordinance that all improvements required by this Ordinance be installed and approved by the applicant or his/her agent, or, in lieu of installation, that the applicant shall post adequate financial security as

established by Section 509 of the MPC, as a condition to final plan approval.

B. The 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 Section 402 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."

504.2 An assurance of proper completion of the improvements by financial security in the subdivision shall be made by one of the following methods, or such other methods as shall be satisfactory to the Lawrence County Planning Commission and the Township:

A. An irrevocable letter of credit.

B. Restrictive or escrow account.

C. Certified check.

D. Other security satisfactory to the municipal solicitor.

504.3 The amount of financial security shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the applicant, as determined in accordance with Section 509 of the MPC, and shall be approved by the municipal engineer.

504.4 The financial security shall specify the time for completion of the required improvements. Annually, the amount of the financial security may be adjusted as provided for by Section 509(f) of the MPC.

504.5 As the required improvements are completed, inspected and approved by the municipality, a portion of the financial security commensurate with the cost of the improvement may be released in accordance with Section 509 of the MPC.

504.6 In no event shall the entire financial security be released to the applicant. A minimum of ten percent (10%) shall be retained until:

A. All improvements have been completed, inspected and approved by the municipal engineer and accepted by the Township.

B. A maintenance security in the amount of 15% of the actual costs to install the improvements has been posted. The term of the security shall not exceed eighteen (18) months from the date of acceptance.

C. One (1) paper and digital (CAD) copy of the "as-built" plans has been filed with the Lawrence County Planning Commission and the Township.

504.7 In the event any required improvement has not been installed as provided herein, the Township may institute remedies to effect the completion of such improvements, as provided by Section 511 of the MPC.

ARTICLE VI

DEVELOPMENT STANDARDS

Section 601 General Standards

601.1 It is the policy of the Commission that these regulations shall state minimum standards for development.

601.2 The following requirements and guiding principles for the subdivision and development of land shall be observed by all applicants, landowners and developers, and the Commission shall consider the suitability as to location of any proposed subdivision or land development with respect to the following:

A. Any development in areas considered by the Commission as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under Section 913 of this Ordinance and any other Federal, State or local municipal law, rule and regulation, including, but not limited to, the Floodplain Management Act.

B. The subdivision or land development plan shall conform to the Official Map of the Township, if one has been adopted, and as the same shall have been amended from time to time.

C. No subdivision showing reserve strips controlling the access of public ways will be approved.

D. The following regulations and/or legislation must also be complied with:

1. Pennsylvania Sewage Facilities Act.

2. Pennsylvania Stormwater Management Act.

3. Township ordinances pertaining to land use or development.

4. Regulations of the Pennsylvania Department of Transportation relating, but not limited to, driveway and street openings.

5. Wetland regulations and restrictions.

6. Fire protection.

ARTICLE VII

REQUIRED IMPROVEMENTS

Section 701 General

701.1 The construction of subdivision improvements is the responsibility of the developer insomuch as it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.

701.2 All of the following improvements, as required by the County pursuant to the authority granted in the Pennsylvania Planning Code, Act 247, as amended, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.

701.3 Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements.

701.4 All the requirements in this Ordinance concerning street paving, curbing, and sidewalks shall be followed, except where the Township has adopted other criteria and has requested, in writing, by its governing body that these local standards be used.

Section 702 Improvements

702.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.

A. Survey monumentation.

B. Water supply.

C. Sanitary sewage conveyance.

D. Storm sewers outside of public streets.

E. Streets, including required grading, subgrade, preparation, underdrains, base and paving.

F. Subgrade drains where necessary.

G. Curbing on streets.

H. Sidewalks (if required).

I. Seeding between the sidewalk and curb.

J. Required utilities, street lighting, street name signs and required grading.

K. Erosion control, as needed.

ARTICLE VIII

PLAN REQUIREMENTS

Section 801 Sketch Plan

801.1 A subdivision sketch plan may be submitted by the developer or property owner as a basis for informal and confidential discussion with the Staff of the Planning Department.

801.2 Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and the precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:

- Subdivision boundary
- North arrow
- Streets on and adjacent to the tract
- General topographical and physical features
- Proposed general street layout
- Proposed general lot layout
- Proposed easements
- Information relative to and the location of water and sanitary sewer lines in and adjacent to the proposed subdivision
- Surrounding property and the names of owners
- Name, address and telephone number of the Surveyor, and, if needed, Engineer

Section 802 Preliminary Plan

802.1 A Preliminary Plan is required for major subdivisions. Copies of the Preliminary Plan drawing shall consist of an original drawn on stable plastic film and shall be in permanent ink. Accurate, digital CAD reproductions in black, drawn on stable plastic film, will be accepted in lieu of inked drawings.

802.2 The Preliminary Plan shall be drawn at a scale of fifty (50) up to two hundred (200) feet to the inch, depending upon the size of the overall development and the individual lots therein. In unusual circumstances, other scales may be acceptable. If the Preliminary Plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the various sections. The size of the Preliminary Plans shall be consistent with the requirements for Final Plans.

802.3 The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the Commission:

A. Proposed subdivision name, identifying title and the words "Preliminary Plan."

B. Name and address of the owner of the tract or of his agent, if any, and of the developer.

C. Date, north arrow, and graphic scale.

D. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any unsubdivided land. Subdivisions of land up to ten (10) acres in size must include survey of entire parcel on plot plan.

E. Tract boundaries which shall show distances and bearings.

F. A digital (CAD) copy of the Plan and all applicable layers.

G. A key map, for the purpose of locating the site in the County, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries within two thousand (2,000) feet.

H. Contours at vertical intervals of five (5) feet. Location of Bench Marks should be shown.

I. The names of all owners of all immediately adjacent unplatted land; the names of all platted subdivisions immediately adjacent to the development, and the locations and dimensions of any streets or easements terminating adjacent to the development.

J. The locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, and other significant features within the property proposed to be subdivided, or within ten (10) feet of said property.

K. The location of all buildings and approximate location of all tree masses within the property.

L. A description of the existing vegetative cover.

M. A plan showing the location of all proposed streets, roads, alleys, driveways, utility easements, parks, playgrounds, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and

approximate dimensions of lots; building envelope; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.

N. The sight distance, in each direction, for roadways or driveways entering State and Municipal roads.

O. If recommended by the Planning Commission, a traffic impact analysis, including mitigation, shall be prepared by an engineer demonstrating the traffic impact of the proposed subdivision and/or development on all roads in the vicinity of the site.

P. Components for Act 537 on-lot sewage disposal system, if applicable. Status of any required DEP sewer system or water system permits (as applicable), including permits or approvals for system line extension.

Q. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.

R. Typical cross-sections and centerline profiles for each proposed street shall be shown on the Preliminary Plan. These profiles may be submitted as separate sheets.

S. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.

T. Name, address and telephone number of Engineer/Surveyor.

802.4 The following certificates, where applicable, shall appear on the Preliminary Plan:

A. Certificate for the approval of the County of Lawrence Planning Commission.

B. Certificate for surveyor's signature and seal.

802.5 Where the Preliminary Plan submitted covers only a part of the landowner's entire holding, a sketch plan of the prospective future street system of the unsubmitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

Section 803 Final Plan

803.1 A copy of the Final Plan is required for all subdivisions and land developments.

803.2 The Final Plan original for all subdivisions shall be drawn on stable plastic film, and shall be in permanent ink. Accurate, digital CAD reproductions in black drawn on stable plastic film will be accepted in lieu of inked drawings.

803.3 A digital (CAD) copy of the Final Plan and all applicable layers.

803.4 Sheet size for Final Plans shall be eighteen by twenty-four (18 x 24) inches in size for all subdivisions.

803.5 If the Final Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.

803.6 The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise approved by the Lawrence County Planning Department.

803.7 The following information shall be included on Final Plans where applicable:

A. Block and lot numbers (in consecutive order), identifying title, graphic scale, date.

B. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less. A copy of the closure computations shall also be submitted as a matter of record. Survey closures need not be submitted for lots that are parallelograms.

C. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights-of-ways, or other public areas. Subdivisions of land up to ten (10) acres in size must include a survey of the entire parcel on plot plan.

D. Accurate bearings and distances to the nearest established street corners or official monuments where practicable. Reference corners shall be accurately described on the Plan.

E. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

F. Complete curve data for all curves included in the Plan, including radius, arc length, chord and chord bearing.

G. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.

H. Street names, cartway widths and right-of-way widths.

I. Sight distance of all roads and driveways entering State and/or Municipal roads.

J. Permanent markers shall be placed at all corners of boundary and individual lots unless already marked or referenced by an existing monument or witness to the corner. The preferred marker is a 5/8" x 30" metal pin. However, in extenuating circumstances, such as corners in concrete pavement or sidewalks, a cross cut may be utilized. All permanent markers shall be identified and located on the Plan and shall be installed under the direction of a registered surveyor or engineer.

K. Easements for utilities and any limitations on such easements.

L. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use; and all areas to which title is reserved by owner.

M. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining unsubdivided land. Include dates when outake parcels were recorded.

N. The locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales and other significant features within the property proposed to be subdivided or within ten (10) feet of said property.

O. Location of all buildings and approximate location of tree masses within property.

P. Culverts

Q. A key map for the purpose of locating the site in the County, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries within two thousand (2,000) feet of said property. Include street names on vicinity sketch.

R. Names and addresses of owners and developers shall be put on the plan.

S. The name and address of all utility companies that provide service to the subdivision/development.

803.8 The following certificates, where applicable, shall be shown on the Final Plan. (Approved forms of some of these requirements can be found in the Appendix):

A. Certification, with seal, by a registered land surveyor to the effect that the survey and plan are correct.

B. Certificate for approval by the County of Lawrence Planning Commission.

C. A statement, duly acknowledged before a Notary Public, with Seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement to include an offer of dedicating of public roads, easements or other improvements as needed.

D. A certificate to provide for the recording of the Subdivision Plan.

E. A highway occupancy permit notice when so required by Section 508(6) of the Pennsylvania Municipalities Planning Code.

F. A certificate to advise of date plan must be recorded by.

803.9 The following information, in addition to that shown on the Final Plan, shall be submitted to the Planning Commission for Final Plan review::

A. A detailed narrative of the proposed subdivision/land development explaining the location, nature and intent of the activity.

B. Approval of sanitary sewerage service and water service by the local municipal engineer or letter from Sewer Authority for tap-in approval. Include DEP Sewage Facilities Planning Modules, components and waivers where applicable.

C. Draft of any proposed covenants to run with land.

D. Tentative timetable for the proposed sequence of development for the subdivision, if required.

E. A letter from the Lawrence County Public Safety Department stating that the proposed names (except in the case of the extension of existing or proposed streets) do not duplicate the names of streets now in use.

F. When wetlands exist on property proposed to be subdivided the following note shall be recorded on the plan..."NOTE: Wetlands exist on Lot(s) No. ___. Wetlands are protected under Pennsylvania Code Chapter 105. Caution should be exercised to ensure that any development proposed for Lot No. ___ does not disturb the wetlands."

G. Certificate of dedication of streets and other public property. This is the offer of dedication.

H. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets.

ARTICLE IX

DESIGN STANDARDS

Section 901 General

The design standards set forth by these regulations are intended to insure proper development in the Township.

901.1 The following land subdivision principles, standards, and requirements shall be applied by the Lawrence County Planning Commission and staff in evaluating the plans for proposed subdivisions and shall be considered minimum requirements, except as provided for above.

901.2 In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.

901.3 The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the allotment. The County may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.

901.4 Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:

A. Land subject to flooding or which has a high ground water table.

B. Land which, if developed, will create or aggravate a flooding condition upon other land.

C. Land subject to subsidence.

D. Land subject to underground fires.

E. Land containing significant areas of slopes greater than fifteen percent (15%).

F. Land which, because of topography or means of access, is considered hazardous by the County of Lawrence.

G. Land which is subject to ground pollution or contamination.

901.5 Proposed subdivisions of land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

901.6 Proposed land uses shall conform to the local municipal Zoning Ordinance as applicable.

Section 902 Streets

902.1 Minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Cartway With Curbs	Cartway No Curbs*	Right-of-Way
Cul-de-sac	26 feet	22 feet	50 feet
Minor	26 feet	22 feet	50 feet
Collector	36 feet	32 feet	60 feet
Commercial/ Industrial	36 feet	30 feet	60 feet
Arterial	As prescribed by the Pennsylvania Department of Transportation.		

*Shoulders of 8 feet will be required on each side of the cartway.

902.2 In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and right-of-ways are larger than required. In this event, the Planning Commission may require that the new streets and right-of-ways be as large as those in the existing subdivision. Any street or way that is planned, though not already established shall be continued at not less than its width as planned.

902.3 Provisions for additional street width (right-of-way) may be required by the County in specific cases for:

A. Public safety and convenience.

B. Parking in commercial and industrial areas and in areas of high density residential development.

C. Widening existing streets (rights-of-way) where the width does not meet with the requirements of these regulations.

902.4 General design criteria for streets shall be in accordance with specifications as set forth by the County.

902.5 Dead end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of sixty (60) feet, and a minimum road edge or curb radius of forty-five (45) feet.

902.6 Street intersections shall comply with the following requirements:

A. All curbs at intersections shall be rounded by a minimum radius of:

Collector, Commercial and Arterial Streets . . . . . .30 feet
Minor Streets . . . . . 25 feet
Industrial Streets . . . . . 50 feet

Thirty (30) foot radii may be used where minor streets intersect collector and/or arterial streets.

B. When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a sight line of one hundred fifty (150) feet along the centerline of a collector, commercial, arterial or industrial street from the centerline intersections and one hundred twenty (120) feet at minor street intersections. When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.

C. Where the grade of any street at the approach to an intersection exceeds two percent (2%), a leveling area shall be provided, if possible, with a transitional grade not to exceed one percent (1%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.

D. Intersections of more than two (2) streets shall be avoided.

E. Minimum street intersection angles shall be sixty (60) degrees. Right angle intersections shall be used whenever possible.

F. Intersecting streets shall be separated by three hundred fifty (350) feet or more, measured between centerlines along the centerline of the intersected street.

902.7 Horizontal curves shall be laid on all deflecting angles along the centerline of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.

902.8 Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed for maximum visibility as set forth by Table A.

902.9 In general, minor and collector streets shall not adjoin into the same side of arterial streets at intervals of less than five hundred (500) feet.

902.10 Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.

902.11 The provisions for the extension and continuation of major streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.

902.12 When the subdivision adjoins unsubdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.

902.13 Proposed streets shall be properly related to the official map of Perry Township and shall be logically related to the topography so as to produce usable lots and reasonable grades.

902.14 Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or swamp, the County may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land, where permitted.

902.15 If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings

for such resubdivision shall be provided. Such access and/or street openings shall not be less than fifty (50) feet in width.

902.16 In those instances where a private street is proposed, the following conditions shall be met:

A. No more than three (3) lots shall have access to the road.

B. A maintenance agreement holding harmless the County or Perry Township shall be executed and recorded with the subdivision or land development plan. Such agreement shall be recorded with the Plan.

C. A private road shall be considered a minor road and shall meet the standards established for a minor road.

D. The surface of the road shall be dust and mud free.

TABLE A

Design Criteria for Streets
(Not to Include Intersections)

Item	Type of Street			
	Arterial	Collector	Minor	Cul-de-sac[1]
Maximum Grade*	6.0%	6.0%	8.0%	8.0%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Center-line Radius	500 feet	300 feet	150 feet	150 feet
Minimum Sight Distance**	450 feet	250 feet	200 feet	200 feet
Tangent between Curves	300 feet	150 feet	100 feet	0

*Grades in excess of the allowable percentage may be approved by the County Engineer or local municipal engineer where it is clear that it is necessary and that no traffic hazard is or will be created thereby.

**Sight distance shall be measured along the centerline of the street between points where a driver's eyes at 3' 6" in height can see an object 6" high.

[1] Please see cul-de-sac definition - a cul-de-sac is the entire street, not merely the vehicular turn-around.

Section 903 Curbs and Sidewalks

903.1 Curbs

A. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is one hundred (100) feet or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the centerline street grade of any street exceeds three percent (3%). In such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of the curbs may be waived at the discretion of the Planning Commission and/or the Township.

B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.

C. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.

D. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards where applicable.

903.2 Sidewalks

A. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments in which average lot width of interior lots at the required building setback line is one hundred (100) feet or less. The requirement of sidewalks may be waived at the discretion of the Planning Commission and/or local municipality.

B. Minimum widths for sidewalks along each type of public street shall be four (4) feet, and shall follow PennDOT Specifications where applicable.

Section 904 Blocks

904.1 Blocks shall be designed to insure proper fire safety.

904.2 In general all blocks in a subdivision shall have a maximum length of eight hundred (800) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than five hundred thirty (530) feet.

904.3 In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.

904.4 The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Of special interest will be the accommodation of truck traffic.

Section 905 Lots and Building Lines

905.1 All lots shall abut by their frontage on a publicly dedicated street or on a street that has received the legal status as such. Lots abutting on a private street or easement are not recommended. If permitted, the use of private streets must be approved, in writing, by the Perry Township Board of Supervisors. All streets, public or private, must meet the design and construction standards set forth in Section 902.16 of this Ordinance.

905.2 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the Planning Commission along the line of lots abutting such a traffic artery or other disadvantageous use.

905.3 The use of flag lots shall be discouraged, as a matter of policy, by the Planning Commission. However, the Planning Commission recognizes that, in certain circumstances, a flag lot may be the only practical method to develop road frontage. All proposed flag lots must comply with the following:

A. The flag lot shall access a public street.

B. For residential development, the minimum width of the frontage shall be fifty feet (50').

C. For non-residential development, the minimum width of the frontage shall be sixty feet (60').

905.3 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

905.4 Corner lots shall be increased in size whenever necessary so as to conform to the County Land Development Standards so that any structure to be placed thereon shall conform to minimum building setback line requirements.

905.5 Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.

905.6 If zoning ordinances are not applicable in the municipalities and land development standards do not apply, lot size and width shall be controlled by the following minimums, which are designed to prevent unsanitary conditions and hazards to public health.

A. Public Water and Sewer - Seven thousand two hundred (7,200) Square Feet
Where central water supply and sewage disposal facilities are available or will be installed, the lot areas shall not be less than seven thousand two hundred (7,200) square feet and the lot width not less than sixty (60) feet for interior lots and eighty (80) feet for corner lots, and such minimum size lot shall not be used to accommodate more than one (1) family dwelling unit. For lots intended for more than one (1) family (within a single structure) the minimum lot area shall be increased by one thousand five hundred (1,500) square feet for each family dwelling unit.

B. On-lot water - Ten thousand (10,000) Square Feet
Where the water supply is handled on the lot, and central sewage disposal facilities are available or are to be installed, the lot area for single-family dwellings shall not be less than ten thousand (10,000) square feet and the lot width not less than seventy-five (75) feet for interior lots and one hundred (100) feet for corner lots, and such minimum size lot shall not be used to accommodate more than one (1) family dwelling unit. More than one (1) family dwelling unit (within a single structure) may be accommodated on a lot if the minimum size of the lot is increased by three thousand (3,000) square feet for each family dwelling unit.

C. On-lot water and sewer - Twenty thousand (20,000) Square Feet
Where both water supply and sanitary sewage disposal or sanitary sewage disposal only are provided on the lot by a well and/or septic tank with tile field respectively or by similar facilities, the lot area shall not be less than twenty thousand (20,000) square feet and the lot width not less than one hundred (100) feet for interior lots and one hundred twenty (120) feet for corner lots and such minimum size lot shall not be used to accommodate more than one (1) family dwelling unit. All isolation distances between the water well and on-lot sanitary sewage facilities are to be maintained.

905.7 The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Section 906 Lot Grading for Subdivisions and Land Developments

906.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.

906.2 Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A Grading and Draining Plan shall be required for all subdivisions and land developments, except minor subdivisions.

906.3 No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the County Engineer and/or Township Engineer and approved by same. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the County Engineer and/or Township Engineer for review and written approval is provided.

906.4 No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

A. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.

B. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the County Engineer and/or Township Engineer.

C. A wall is constructed to support the face of the fill.

906.5 The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the County Engineer and/or Township Engineer.

Section 907 Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments

907.1 In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas, and watercourse.

907.2 Open Space - Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

907.3 Tree Preservation - Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the

proposed building area, well area, sewage facility area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

907.4 Topsoil Preservation - All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.

907.5 Landscaping - For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screening, formal gardens, shade trees, and natural barriers.

907.6 Buffer Planting Requirements - Buffer Yard as may be required.

907.7 Preserved Landscaping - When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

907.8 Trees - The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

Section 908 Easements

908.1 Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.

908.2 Where desirable or necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.

908.3 Utility easements, where required, shall have a minimum width of twenty feet (20') and be placed at the side or rear of lots whenever possible.

908.4 Aerial easements, if required, shall commence at a point fifteen (15) feet or more above ground.

Section 909 Public Areas

909.1 The applicant shall consider reserved areas for public use where required, or where topography may preclude use for proper development. Reserve areas, however, which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas will not be approved.

909.2 The Planning Commission may require that areas for parks and playgrounds (of a size not to exceed ten percent (10%) of the land area to be subdivided) be dedicated to the Township for recreation purposes. (See Section 912.)

Section 910 Street Names

910.1 The applicant may choose his street names subject to the review of the County, the Township, the Post Office, and the Public Safety Department. No street, other than an extension, may be given a name identical or similar to another street in the local municipality or nearby areas.

Section 911 Stormwater Drainage

911.1 All drainage facilities and plans shall comply with the Pennsylvania Stormwater Management Act and such County and/or local municipal regulations that may be applicable. (See Section 601.2)

911.2 Lots shall be laid out and graded to provide positive drainage away from buildings. The County may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

911.3 No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the County or Department of Environmental Protection, whichever is applicable.

911.4 Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such

width as will be adequate to preserve natural drainage. (See also Section 808.)

911.5 The applicant or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:

A. Design all storm drainage facilities and plan to be in conformity with the Pennsylvania Stormwater Management Act.

B. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

C. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the County.

D. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.

911.6 Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

911.7 Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than twenty feet (20) wide, as approved by the County Engineer and/or Township engineer, who may require additional width of easement as circumstances warrant.

911.8 Street drainage will not be permitted to cross intersections or the crown of the road.

A. Maximum spacing of street inlets shall not exceed six hundred (600) feet.

B. All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.

C. All culvert ends shall be provided with either reinforced concrete head walls or pipe end sections.

D. Minimum pipe size shall be fifteen (15) inch diameter.

E. When material for storm drain systems is not specified, PennDOT specifications will govern.

911.9 All springs and sump pump discharges shall be collected so as not to flow in the streets.

911.10 Stormwater roof drains shall not discharge water directly over a sidewalk.

911.11 Stabilized outlets shall be provided for footer drains, floor drains, and down spouts.

911.12 The Soils Cover Complex Method (TR55) of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

911.13 Where the estimated runoff based upon the above method is doubtful, other recognized methods should be studied and compared.

911.14 The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used in sensitive areas where an overflow would endanger public or private property.

911.15 Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

911.16 Control Facilities

A. Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a ten (10) year storm frequency. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.

B. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the "Erosion and Sedimentation Control Handbook for Counties."

1. Detention ponds may be waived by the County of Lawrence on the recommendation of the County Engineer and/or Township Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.

2. In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the local municipality, a lining shall be required.

3. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence with a type subject to the approval of the local municipality.

C. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.

1. Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.

2. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the County.

D. In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and the Township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the Township.

Section 912 Contribution for Recreation Purposes

912.1 It is the policy of this County to provide recreational facilities for all the residents of the County pursuant to the County Recreation and Local Municipal Plan. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.

912.2 A contribution for recreation purposes to the Township shall be made at the rate of two hundred dollars ($200) per dwelling unit payable upon and as a condition of obtaining an occupancy permit pursuant to the ordinances of the Township.

912.3 All monies paid to the Township in this manner shall be kept in a capital reserve fund established as provided by law. Monies in such fund may be

combined for investment purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space and park and recreation purposes. All funds shall be used within three (3) years of payment.

Section 913 Floodplain Area Regulations

913.1 Purpose - The specific purposes of these special provisions are:

A. To regulate the subdivision or development of land within any Designated Floodplain Area in order to promote the general health, welfare, and safety of the community.

B. To require that each subdivision lot or land development in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.

913.2 Abrogation and Greater Restrictions - To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.

913.3 Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Designated Floodplain Area shall not constitute a representation, guarantee, or warranty of any kind by the County or the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the County, the Township, their officials, employees, or agents.

913.4 Application Procedures and Requirements

A. Pre-Application Procedures

1. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection and/or Township Sewage

Enforcement Officer concerning soil suitability when on-site sewage disposal facilities are proposed.

2. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

B. Preliminary Plan Requirements - The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:

1. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.

2. A map showing the location of the proposed subdivision or land development with respect to any Designated Floodplain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

3. Where the subdivision or land development lies partially or completely within any Designated Floodplain Area, or where the subdivision or land development borders on a Floodplain Area, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five (5) feet or less (as required), and shall identify accurately the boundaries of the Floodplain Area.

4. Such information as is required by this Ordinance.

C. Final Plan Requirements - The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor.

1. All information required for the submission of the Preliminary Plan incorporating any changes requested by the County.

2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any Designated Floodplain Area. All such maps show

contours at intervals of five (5) feet or less (as required) within the Floodplain Area and shall identify accurately the boundaries of the flood-prone areas.

3. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development, and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such Plan is to be considered.

913.5 Design Standards and Improvements in Designated Floodplain Areas

A. General

1. Where not prohibited by this or any other laws and ordinances, land located in any Designated Floodplain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

2. No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

3. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Floodplain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall meet the requirements of 913.5.c of this Section.

4. Building sites for structures or other buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Floodplain Area shall be protected as provided in Section 913.5(A)3 above. However, the County may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed to the Regulatory Flood Elevation.

5. If the County determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

6. When a developer does not intend to develop the plat himself and the County determines that additional controls are required to insure safe development, they may require the developer to improve appropriate deed restriction on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities

1. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

2. Plans shall be subject to the approval of the County. The County may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Streets and Driveways - The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Subdivision Ordinance shall be submitted with the Final

Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

D. Sewer Facilities - All sanitary sewer systems located in any Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

E. Water Facilities - All water systems located in any Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

F. Other Utilities and Facilities - All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

ARTICLE X

CONSTRUCTION REQUIREMENTS

Section 1001 General

1001.1 The construction of improvements shall be in accordance with the requirements of this section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability.

Section 1002 Monuments

1002.1 Survey monuments and markers shall be placed at all points as determined by the following criteria:

A. Monuments shall be concrete with a 3/8" metal dowel in the center at the top. Monument size shall be no less than 4" x 4" x 30". Where double monuments are used, the top monument shall be as described in the preceding sentence, the bottom monument shall be concrete with a 3/8" metal dowel in the center at the top. A bottom monument shall be no less than 6" x 6" x 6" in size.

B. Markers shall be ferrous metal pipe or rods, one-half inch (½") minimum diameter by eighteen inches (18") minimum length, or may be standard manufactured steel survey markers of a similar length.

C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.

D. Monuments shall be placed so that they protrude approximately two (2) inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic, and four (4) inches to eight (8) inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one above the other, with the top monument flush with the pavement.

E. Markers shall be driven into the ground so as to be approximately flush with the final grade.

F. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions and at all street angle points, and at the intersection of all street centerlines.

G. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines. Curves for corner radii at intersection need not be marked if the intersection is monumented.

Section 1003 Water Supply

1003.1 The applicant shall contact the local municipality and/or public utility for the specifications of a water supply system. Prior to the approval of the Preliminary Plan, the applicant shall provide documentation to the Planning Commission that arrangements for the provision of the water system are proceeding satisfactorily.

1003.2 Fire hydrants shall be provided concurrently with the water supply.

1003.3 If a development requires such additional water supply as to require changes to the local municipality's water distribution system, the applicant will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

1003.4 When a municipal or community water supply system is reasonably available (within five hundred feet (500'), each lot in the subdivision or land development application shall be capable of being provided with an individual water supply system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Protection standards.

Section 1004 Sanitary Sewage Collection and Treatment

1004.1 Where required, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the local municipality.

1004.2 The developer shall secure from the local municipality, prior to approval of the Preliminary Plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the Final Plan, the developer shall supply documentation attesting to the installation of the sanitary sewer collection system and its approval/acceptance by the local municipality. The developer may also offer an acceptable financial surety in lieu of this arrangement.

1004.3 If a development generates such additional sanitary sewer flows as to require changes to the local municipality's sanitary sewer collection system,

the developer will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

1004.4 Private Sewer Systems - When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the County from the Pennsylvania Department of Environmental Protection (DEP) certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the County and local municipality.

1004.5 On-Lot Sewage Disposal - In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided. In such instances, the developer shall provide evidence that the planning module required for on-lot disposal by DEP has been approved. The developer must show compliance with Act 537, and other state, county, or local law and/or regulation governing on-lot sewage disposal.

1004.6 Capped Sewer System - Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the applicant shall install sewer lines, including lateral connections to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required.

Section 1005. Stormwater Facilities

1005.1 A stormwater drainage system adequate to serve the needs of the proposed natural waterways, and overland flow will be required in new subdivisions. The applicant shall construct a stormwater drainage system and connect the system with the existing local municipal storm sewer system if one exists.

1005.2 If a development generates such additional stormwater flows as to require changes to the local municipality's stormwater collection system, the applicant will be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by Act 203 of 1990.

1005.3 Bridges or culverts shall be designed to support and carry loads according to the requirements of the County Engineer, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.

1005.4 Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of stormwater. All open watercourses must be approved by the County Engineer and/or Township Engineer.

1005.5 Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two (2) feet per second). Lesser grades may be permitted by the County Engineer and/or Township Engineer where such required grades cannot be achieved.

1005.6 Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one-half (½) of one percent (1%). Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.

1005.7 Manholes shall normally be spaced at three hundred (300) feet maximum spacing where pipe sizes of twenty-four (24) inches or less are used, and not over four hundred (400) feet where larger sizes are installed. Inlets may, if approved by the County Engineer and/or Township Engineer, be substituted for manholes.

1005.8 All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of these regulations and all storm drainage facilities shall be inspected and certified by the County Engineer and/or Township Engineer.

Section 1006 Streets, Subgrade, Subdrains, Pavement, Curbs, and Sidewalks

1006.1 Streets shall be graded to the full width of the right-of-way, surfaced, curbed (if required), and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the County Engineer and/or Township Engineer.

1006.2 Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the County Engineer and/or Township Engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with Pennsylvania Department of Transportation Form 408 Specifications for embankment. A

slope of two (2) horizontal feet to one (1) vertical foot beyond the right-of-way line in cut or fill, shall ordinarily be required.

1006.3 The subgrade shall be shaped to rough lines and elevations equal to the width of the pavement plus two (2) feet. Adequate drainage facilities shall be installed to provide for the disposition of underground seepage and the percolation of surface water. The subgrade shall be thoroughly compacted by power rollers as required by the County Engineer or Township Engineer. It shall be compacted at optimum moisture content. The finish surface shall be uniformly shaped to facilitate drainage, and any irregularities from planned grade shall be corrected prior to placing the subbase. Where material encountered in the normal excavation has a C.B.R. value of 2.5 or less and will not develop the required stability and provide for adequate drainage, the area shall be undercut and granular material added to a depth of at least twelve (12) inches. It shall then be brought to a firm and thoroughly compacted surface as hereinbefore specified. The prepared subgrade shall be protected by the contractor to prevent undue rutting from trucks or other equipment and if such damage does occur, the subgrade shall be reshaped and compacted prior to placing the subbase material.

1006.4 Subdrains shall be designed and installed per the specifications of the County Engineer and/or Township Engineer.

1006.5 All pavement, base, subbase (where required), and sidewalks shall conform to the requirements of the County Engineer and/or Township Engineer.

1006.6 Areas between the sidewalk and curb (if required) shall be seeded as required by the County Engineer and/or Township Engineer.

1006.7 See Section 903 for Curb and Sidewalk Specifications.

Section 1007 Utilities

Gas, electric and telephone utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by, the County Engineer and/or Township Engineer.

Section 1008 Street Trees

Street trees of a deciduous hardwood type with a minimum caliper of one-and-one-half (1-1/2) inches shall, when provided, be planted between the curb and the sidewalk (if required), provided the planting strip is a minimum of six (6) feet wide and located as near the center of the planting strip as possible, but at no instance shall a tree be planted closer than three (3) feet to the curb, sidewalk or any

other utility above or below the ground. The tree species shall be subject to the approval of the County Planning Commission.

Section 1009 Street Lighting

Street lighting shall be provided if required by the local municipality in accordance with their practice.

Section 1010 Existing Natural Areas

In wooded areas, floodplains, wetlands, areas having slopes of fifteen percent (15%) or greater or where other natural conditions exist in such a manner that development would be hazardous to the safety of life and property or would cause permanent ecologic instability, the County may require that the applicant preserve as much of the original natural conditions as is economically feasible and ecologically practicable and may limit the amount of grading and excavating to the minimum improvement standards included herein.

Section 1011 Erosion Control

It shall be a requirement of all subdivisions that the applicant provide a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), reviewed by the Lawrence Conservation District. The Plan shall be fully implemented during the construction of the development.

ARTICLE XI

MOBILE HOME PARK REGULATIONS

Section 1101 Applicability

Mobile Home Parks shall be permitted in any Township or Borough which is regulated by the Lawrence County Subdivision and Land Development Regulations subject to local municipal zoning regulations, if applicable. In any municipality which has a locally adopted ordinance which governs Mobile Home Parks with greater restrictions, the ordinance, whose standards are more strict shall apply.

1101.1 The standards sets forth under this section are intended for those Mobile Home Parks where lots within the park are for occupancy, rental or lease.

1101.2 Where it is intended by the owner or developer to offer Mobile Home lots for sale, the development shall be treated as a regular subdivision and subject to the regulations concerning same.

Section 1102 Plan Requirements

1102.1. No person, firm or corporation proposing to open a Mobile Home Park in those municipalities which fall under the jurisdiction of the Lawrence County Planning Commission, shall proceed with any construction work on the proposed park until they have received written approval of the preliminary plan of the proposed park, according to procedures herein outlined, from the Commission.

1102.2 Preliminary and final plans as required, shall comply in form and content to Articles III and IV of these regulations in-so-far as applicable and the standards set forth herein.

1102.3 The owner shall prepare and submit for review and approval to the Township and Commission a stormwater management plan. Such plan shall indicate the proposed stormwater handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties. Such plan shall conform with any locally adopted stormwater management plan and any other applicable regulations. The plan shall be referred to the Lawrence Conservation District for review and comment prior to Plan approval.

Section 1103 Preliminary Plan

1103.1 The Mobile Home Park developer shall meet with the Planning Department, prior to formal application. The developer shall prepare a suitable sketch and plans sufficient to give a general understanding of the project. The Planning Department shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.

1103.2 The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.

1103.3 The Planning Commission shall review the park plan as submitted and take action as required in Article IV.

Section 1104 Final Plan Approval

1104.1. Upon completion of any modifications required by the Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.

1104.2. The Commission shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. They shall require a written statement from the Township Secretary that appropriate bond has been posted or that required improvements have been installed, according to specifications. Within forty-five (45) days of receipt of complete information, the Commission shall approve or disapprove such plan, stating in writing its reasons for disapproval.

1104.3 Following approval, the developer shall file one (1) copy of the approved plan with the Lawrence County Recorder's Office within ninety (90) days. Should the developer fail to file such plan within said period, the approval shall be null and void.

Section 1105 Design Requirements

1105.1 The minimum area of the Tract or Park shall be five (5) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.

1105.2 Parks shall be designed to serve the long-term placement of Mobile Homes.

1105.3 The planning and location of individual lots shall be guided by the following requirements:

A. Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.

B. Each Mobile Home lot shall have a minimum width of fifty feet (50') and a minimum of five thousand (5,000) square feet in area.

C. The following yard requirements shall be provided:

1. Mobile Homes shall be parked on each lot so that there will be a minimum of ten feet (10') between the Mobile Home, appurtenant structures, and any adjacent side or rear lot line.

2. There shall be a minimum of twenty feet (20') between an individual Mobile Home, attached structure, and accessory structure, and the pavement of a park street or common parking area.

3. The setback from the right-of-way of any public street or highway shall be thirty-five feet (35') or comply with the local zoning ordinance (where applicable), whichever is more restrictive.

4. Mobile Homes shall be located a minimum of twenty feet (20') from any common building or structure.

5. Secondary entrance-ways may utilize stoops, landings, patios, or awnings, which may extend a width of five feet (5') into the yard requirement.

D. Each lot shall have a number placed on the lot in the form of a sign or directly on the Mobile Home. It shall be arranged in such a way so that it is visible from the road on which the Mobile Home or lot is fronting.

E. The plans shall specify that skirting shall be provided on all Mobile Homes.

F. Stormwater drainage plans shall be submitted with the preliminary plan.

1105.4 Mobile Home Stands

A. The location of each Mobile Home Stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the Mobile Home is practical.

B. The size of each Mobile Home Stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of Mobile Homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.

C. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.

D. Mobile Home Stands shall be either concrete pads or piers. The piers shall be set at least thirty-six inches (36") deep.

E. Each Mobile Home Stand shall provide adequate tie downs, able to withstand a wind pressure of fifteen (15) pounds per square foot on an exposed vertical surface. Both "over-the-top" and "frame tie downs" shall be required. The strapping for any "over-the-top" tie downs shall be of four thousand seven hundred (4,700) tensile strength.

1105.5 The internal street system in privately owned Mobile Home Parks shall be privately owned, constructed and maintained in accordance with the applicable sections set forth in Article IX, Design Standards, and Article X, Construction Requirements, of this Ordinance.

1105.6 At points where general traffic enters or leaves the park, streets shall be thirty-five feet (35') in width within twenty feet (20') of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.

1105.7 Car parking spaces, at a minimum size of ten (10) by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each Mobile Home lot, located in adjacent parking bays. If no on-street parking is permitted, then one (1) parking space for each four (4) lots shall be provided. Required car parking spaces shall be located for convenient access to the Mobile Home Stands.

1105.8 For a proposed park of fifteen (15) acres or more, at least five percent (5%) shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics which, in the judgment of the Planning Commission, lend themselves to recreational uses.

Section 1106 Utility and Fire Requirements

1106.1 General

In accordance with the Rules and Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, provisions for all sewerage disposal and treatment of water supply and such other information required shall be shown on plans and submitted for review and approval, as applicable, to DEP.

1106.2 All electrical facilities shall be installed and inspected according to the standards set forth in the latest edition of the National Electrical Code and the local Power Company regulations. All electrical facilities shall be inspected, as required by the applicable inspection company, as approved by the Commonwealth of Pennsylvania.

1106.3 Fire:

A. For the safety and welfare of the residents and future residents of the Mobile Home Park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated fire chief of the municipality in which the park is located:

1. Fire hydrants shall hereafter be required on any new Mobile Home Park of ten (10) lots or more, where the extension of central water lines, whether public or private, are proposed for the Mobile Home Park development.

2. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief of the municipality in which the Mobile Home Park is proposed to be located.

3. Hydrant spacing shall be adequate to serve all lots within the Mobile Home Park. Hydrants shall be arranged not more than one thousand feet (1,000') apart from one another. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

4. Hydrants shall be located within dedicated easements.

5. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one

thousand feet (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the Mobile Home Park.

B. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The applicant retains the option of installing either the tank or pond system:

1. The Tank System
An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'). In addition:

a. The Tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inch (24") square, covered by either a removable type lid or a hinged-type lid.

c. Each tank shall have an approved outlet above ground, no less than four and one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two - two and one-half (2, 2-1/2) inch outlets.

2. The Pond System

a. A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief of the municipality, to adequately serve all park lots.

b. In addition, a cyclone fence at a minimum height of six feet (6') with single strand barbed wire shall enclose the pond.

1106.4. Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Lighting fixtures shall be no less than two-tenths (2/10) of a foot candle power per pole.

Section 1107 Removal of Mobile Homes

No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the municipality without first obtaining a permit from the municipal tax collector charged with the collection of municipal real estate taxes. Such permit for the removal of the mobile home shall be issued upon payment of a fee and payment of all real estate taxes and personal tax owed by anyone having occupied the mobile home.

ARTICLE XII

RECREATIONAL VEHICLE PARK REGULATIONS

Section 1201 Applicability

The standards set forth under this section are intended for those Recreational Vehicle Parks where lots within the park are for rental, sale or lease and are to serve the short-term placement of Recreational Vehicles as defined.

Section 1202 Permits

In conjunction with the rules and regulations as herein specified, the Recreational Vehicle Park developer shall submit properly prepared plans and specifications to the Department of Environmental Protection. Such submission shall be in accordance with Title 25, Rules and Regulations Part I; Department of Environmental Protection - Subpart D Environmental Health and Safety, Article III - Recreational Facilities - Chapter 191 - Organized Camps and Campgrounds, as amended. Prior to final approval of development plans by the Lawrence County Planning Commission, the applicant shall forward a copy of such permit or evidence of same to the Lawrence County Planning Commission.

Section 1203 Plan Requirements

1203.1 Persons, firms, or corporations proposing to open a Recreational Vehicle Park in those municipalities which fall under the jurisdiction of the Lawrence County Subdivision and Land Development Regulations shall not proceed with any construction work on the proposed park until they have obtained from the Lawrence County Planning Commission written approval of the preliminary plan of the proposed park, according to procedures herein outlined, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection as indicated in Section 1202.

1203.2 The Recreational Vehicle Park developer shall meet with the Lawrence County Planning Department, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his proposal. The Lawrence County Planning Department shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.

1203.3 The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.

1203.4 Where a Recreational Vehicle Park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

1203.5 Preliminary Plan

Preliminary plans as required, shall comply in form and content as follows, insofar as applicable and the standards set forth herein. All applications to the Lawrence County Planning Commission shall contain the following:

A. Name, mailing address, legal address and telephone number of applicant.

B. Interest of the applicant in the proposed travel park.

C. Location, address and legal description of the entire proposed travel park site.

D. Existing zoning of subject property and all adjacent properties, if applicable.

E. Complete engineering plans and specifications of the proposed travel park showing:

1. The area and dimensions of the entire tract of land;

2. The land uses occupying the adjacent properties;

3. The number, size and location of the proposed vehicle sites and other parking areas;

4. The location, right-of-way, and surfaced roadway width; roadway design data and walkways;

5. The proposed interior vehicular and pedestrian circulation patterns;

6 The location of service buildings, sanitary stations and any other existing or proposed structures;

7. The location of water and sewer lines and riser pipes;

8. Plans and specifications of the water supply, sewage disposal and refuse facilities;

9. Plans and specifications of all buildings constructed or to be constructed within the travel park; and

10. The location and details of area lighting, electric and gas systems as related to all applicable codes and sound engineering practice.

11. The location of all drainage easements to comply with County drainage plans.

12. The location of prominent existing landscape features and proposed landscape features.

F. The owner shall submit to the Lawrence Conservation District a soil erosion and sedimentation control plan. Such plan shall be prepared by a registered professional engineer and shall be as per Soil Conservation Service guidelines as may be applicable. Such plan shall be approved prior to commencement of site preparation and construction.

G. The owner shall prepare and submit for review and approval to the Township and County Planning Department a stormwater management plan. Such plan shall indicate the proposed stormwater handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties. Such plan shall conform with any locally adopted stormwater management plan and any other applicable regulations. The plan shall be referred to the Lawrence Conservation District for review and comment prior to plan approval.

1203.6 The Lawrence County Planning Commission shall review the preliminary park plan as submitted and within ninety (90) days of submission, shall take formal action on the plan and notify the applicant, in writing of the action.

1203.7 Final Plan

A. Approval of a preliminary plan by the Lawrence County Planning Commission shall not constitute approval of the final plan or of roads or other improvements therein but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan, which final plan shall be submitted for approval by the Lawrence County Planning Commission, in that order, upon fulfillment of the requirements of these regulations.

B. Upon completion of any modifications required by the Lawrence County Planning Commission and/or upon completion of required improvements or the posting of acceptable surety, the developer may apply for approval of final plans.

C. The Lawrence County Planning Commission shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. They shall require a written statement from the Township Secretary that appropriate bond has been posted or that required improvements have been installed, according to specifications. Within ninety (90) days of receipt of complete information, the Lawrence County Planning Commission shall approve or disapprove such plan, stating in writing its reasons for disapproval.

Section 1204 Design Requirements

1204.1 Lot Area Requirements

The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:

A. Recreational Vehicle lots shall have a minimum width of thirty feet (30') and shall not be less than one thousand five hundred (1,500) square feet in total area. Such size is considered to accommodate parking for one Recreational Vehicle, one automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).

B. Maximum density per acre shall not exceed eighteen (18) units/gross acre.

C. Front setback for Recreational Vehicle units shall be fifteen (15) feet from the front and side lot line of any internal road or street. However, structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be set back from adjacent or access streets seventy-five (75) feet as measured from the centerline of such street. In no case shall a Recreational Vehicle be closer than fifteen (15) feet from another Recreation Vehicle.

1204.2 Perimeter Requirements

A. When abutting residential districts, a setback buffer area shall be fifty (50) feet as measured from the park property line or zoning boundary line whichever may be applicable. When abutting any other zoning district, the setback shall be twenty-five (25) feet as measured from the property line or zoning boundary line as may be applicable.

B. When abutting an existing dedicated public right-of-way, the setback shall be seventy-five (75) feet as measured from the street centerline,

or twenty-five (25) feet from the existing right-of-way whichever results in the greater setback.

C. In no case shall a Recreational Vehicle be closer than fifteen (15) feet from another Recreational Vehicle.

1204.3 Roadway Design Standards

Recreational Vehicle Park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system shall be generally as outlined in Article IX, Design Standards of this Ordinance, and specifically as follows:

A. Collector Street

Twenty-six (26) feet as per Article VIII. All requirements for a public street shall be applicable, including a fifty foot (50') right-of-way. Such street shall serve as collector internal to the development and provide access to park lots, administrative and ancillary facilities. Such collector streets shall be improved as specified in Articles IX and X of the this Ordinance.

B. Minor Streets

1. Width of minor streets in the park shall be;
   One way - 12 feet
   Two way - 20 feet

2. Minor street shall be constructed of select material surfacing as per Section 677 Form 408 PennDOT Highway Specifications or approved equal. Materials shall be identified as no. 2 R.C. aggregate. It shall be made from stone, slag or gravel and meet the following gradation:

Passing #1-1/2 sieve	100%
Passing #4 sieve	15-60%
Passing #100 sieve	0-20%

3. Construction Requirements

   a. The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers not exceeding five (5) inches in depth, and compacted with a 10-ton roller meeting the requirements

of Section 108.05(c).a or 3.b, Form 408 Specifications, Commonwealth of Pennsylvania Department of Transportation.

b. The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the drawings.

c. Satisfactory compaction will be determined by the stability of the material under the specified compaction equipment; if the material used does not contain sufficient fines to properly lock under the roller, additional fines of the same material or limestone fines shall be added as necessary to secure the desired compaction and stability.

C. Cul-de-sac Streets

Shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80').

1204.4 Parking Spaces

Car parking spaces, at a minimum size of ten (10) by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one and one-half (1-1/2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in designated parking areas - no on-street parking shall be permitted for safety reasons.

1204.5 Recreation

At least ten percent (10%) of the park area shall be reserved for active and passive recreation purposes with appropriate location, dimensions and topographic characteristics which lend themselves to recreational use. Such area shall exclude required buffer and setbacks.

1204.6 Ancillary Services

The developer may include certain ancillary services such as laundromat, camp store, grocery store, office, bathhouse, caretaker's residence, etc., provided that such uses shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park and does not violate local zoning regulations, if applicable.

1204.7 Plans and Compliance

A. No person shall construct, open or dedicate any road, or any drainage facilities in connection therewith, for public use or travel in Lawrence County, without first submitting plans thereof to the Township and the Lawrence County Planning Commission for their approval. Such plans shall be prepared by as provided for in Article IV of this Ordinance.

B. Said plans shall show the profiles, course, structure of such roads, the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous territory. Also, said plans shall show any other details that may be required by the Township or the Lawrence County Planning Commission. Construction shall be in strict accordance with street specifications and the final plans as approved.

C. Subsequent to final plan approval where new streets are to be constructed, the streets shall be installed and a certified report, prepared by a registered professional engineer as outlined in Section 1204 shall be submitted. Such street shall also be inspected by the Township and notice of approval forwarded to the Lawrence County Planning Commission.

1204.8 Excavation and Grading

A. Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the Commission and the Township to meet conditions encountered during construction, the excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits; and shall also include the widening of cuts, flattening and rounding of slopes outside the right-of-way as called for on approved plans, removal of the top soil and excavating of ditches and the construction of fill. Inspection shall be performed and approval granted by the municipality prior to further work.

B. All drainage structures shown on the approved plans shall be installed to current State standards. Culverts may be corrugated metal pipe, concrete or reinforced concrete as specified and prepared according to State standards.

1204.9 Fire

A. General

For the safety and welfare of the occupants of the Recreational Vehicle Park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated fire chief of the municipality in which the park is located.

B. Fire hydrants shall hereafter be required in any new Recreational Vehicle Park where the extension of central water lines, whether public or private, are proposed for the Recreational Vehicle Park development.

C. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief of the municipality in which the Recreational Vehicle Park is proposed to be located.

D. Hydrant spacing shall be adequate to serve all lots within the Recreational Vehicle Park. Hydrants shall be arranged not more than one thousand feet (1,000') apart from one another. Where an existing hydrant is less than one thousand feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

E. Hydrants shall be located within dedicated easements.

F. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the Recreational Vehicle Park.

G. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.

1. The Tank System - An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'). In addition:

(a) The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

(b) Each tank shall have two combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inch (24") square covered by either a removable type lid or a hinged type lid.

(c) Each tank shall have an approved outlet above ground, no less than four and one-half inches (4-1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two - two and one-half inch (2, 2-1/2") outlets.

2. The Pond System - A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief of the municipality, to adequately serve all park lots. In addition, a cyclone fence at a minimum height of six feet (6') with single strand barbed wire shall enclose the pond.

ARTICLE XIII

LAND DEVELOPMENT STANDARDS AND REQUIREMENTS

Section 1301 Jurisdiction

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 247 and, although there may not necessarily be a subdivision of land, they are subject to regulation. Land development is characterized by the fact that the development site is in single ownership and the buildings and/or use areas are rented or leased to prospective users.

The applicable design and construction standards in this Ordinance shall be applied to all land developments under the County's jurisdiction. Therefore, it shall be unlawful for an applicant to construct a land development as defined herein without complying with the requirements of this Ordinance.

Section 1302 Procedures

1302.1 General

In processing a land development, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Site Plan, and Final Site Plan stages. The land development shall be processed, and submission requirements shall be the same as that required for subdivisions. The Final Site Plan shall be recorded in the County Recorder's Office.

1302.2 Plan Review

In addition to the other "Final Plan" requirements for a subdivision, as established in Section 803, the following items shall be included for final plan review for all land developments, as applicable:

A. In lieu of a "plot plan," the applicant shall submit a Site Plan. Such plan shall meet the following requirements:

1. Drawing scale shall be one inch to twenty feet (1":20'). More than one sheet shall be provided, if necessary. A match line shall be provided when more than one sheet is submitted.

2. When the proposed development consists of 25,000 square feet or more of impervious surface(s), the Site Plan shall show combined topographic data at two foot (2') contour intervals.

3. Existing site conditions, including drainage, tree clusters, buildings and structures, utilities, streets, and adjacent properties.

4. Proposed improvements, including, but not limited to, buildings, structures, parking areas, vehicular and pedestrian access areas, stormwater drainage facilities, landscaping, utility location and size, lighting and signage.

5. Property information with boundary survey completed by a registered professional land surveyor.

1302.3 Additional Information

A. The following information shall be provided along with the Site Plan:

1. Engineering plans detailing the construction of all required improvements and other information necessary to establish compliance with the design standards of this Ordinance.

2. A Parking and Access Plan including estimated traffic flow calculations. This Plan shall demonstrate that the proposed layout is adequate for the proposed development.

3. A stormwater management plan (to be reviewed and approved by the Lawrence Conservation District).

4. A maintenance plan for all improvements that are not to be dedicated to the Township.

Section 1303 Design Standards

1303.1 In addition to the applicable design standards of this Ordinance, land developments shall meet the following standards. Where criteria for traffic generation and parking facilities are not specified, the criteria shall be based on an accepted source, such as the Institute of Transportation Engineers manual:

A. The plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and building site layout.

B. Vehicular access connections to the existing street network shall be safe, shall have adequate sight distance and shall have the capacity to accommodate the projected traffic flow.

C. Street may be planned for dedication to the public or may be planned as private streets to be maintained by the applicant or other association or entity. Off-street parking may be integrated with public street design and construction provided that maintenance responsibilities are mutually agreed upon.

D. Service and waste storage and disposal areas for the Land Development shall be planned and constructed such that they are not visible from adjacent streets.

E. Building locations, areas, roadways and driveways shall be sufficient for reasonably anticipated vehicular traffic, use and circulation.

F. For multi-structure land developments, a complete Landscaping Plan shall be submitted that includes a complete interior landscaping plan in addition to a landscaped transition to adjoining properties. Landscape planning shall be provided to enhance architectural features, manage stormwater runoff, enhance vistas, provide shade, protection and energy efficiency.

G. For multi-structure land developments, a complete interior Pedestrian Circulation Plan shall be submitted, providing for the safe and efficient movement of people within and through the site.

I. Exterior parking lots, driveways, vehicular access aisles, pedestrian access areas and loading spaces shall be sufficiently illuminated so as to provide safe movement on site.

J. Exterior lighting shall be designed and installed as follows:

1. All lighting shall shine directly down and against an opaque surface. At no time shall illumination from the lighting be allowed to encroach into the sky or onto adjacent properties.

2. Lighting on a commercial or industrial property shall not exceed two (2) foot candles at any lot line which abuts a residential lot.

3. Lighting shall not glare so as to hinder pedestrians or drivers either on or off the site.

K. For non-residential complexes, all individual tenants must have access to an interior circulation roadway, that connects to a local public street.

L. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by the Department.

Section 1304 Assurance for Completion and Maintenance of Improvements

1304.1 Municipal acceptance of site improvements is not warranted since land development involves the lease or rental of buildings and/or space on the site and site improvements (for example, streets, parking lots and stormwater drainage facilities) which are to be privately maintained, or maintained by a private organization or entity created by the developer. However, the required improvements shall be designed and built to the standards established in this Ordinance, and the County Engineer or designated representative shall ascertain that these improvements are, in fact, constructed to the standards.

1304.2 Where the developer does not intend to maintain the improvement(s), and where a homeowner's association or similar organization will not be created to carry out these responsibilities, the developer shall submit a plan for the maintenance of such facilities. This document shall be legally enforceable, clearly establishing maintenance responsibility. The Maintenance Plan shall be submitted to, and approved by, the Lawrence County Planning Commission.

1304.3 Any proposed improvement to be offered for public dedication will follow the requirements as specified by this Ordinance.

ARTICLE XIV

ADMINISTRATION AND MODIFICATION

Section 1401 Amendments

The County Commissioners of the County of Lawrence may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Planning Code, Act 247, as amended.

Section 1402 Filing Fee

The filing fee shall be as fixed by the Planning Commission by resolution. Any additional costs of review, design, inspection or maintenance by County officials shall be borne by the applicant.

Section 1403 Records

The Commission shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

Section 1404 Appeals

In any case where the Planning Commission disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Lawrence County, Pennsylvania in accordance with Article X-A of the Pennsylvania Planning Code.

Section 1405 Validity

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

Section 1406 Preventive Remedies

1406.1 In addition to other remedies, the County 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.

1406.2 The County may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or preceding regulations of the County of Lawrence. 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 subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

1406.3 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 County may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1407 Enforcement Action

1407.1 Any person, partnership or corporation who or which has violated the provisions of this Subdivision or Land Development Ordinance enacted under the Pennsylvania Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County of Lawrence, pay a judgment of not more than five hundred dollars ($500), plus all court costs, including reasonable attorney fees incurred by the County of Lawrence as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the County of Lawrence may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in

which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

1407.2 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.

1407.3 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

Section 1408 Modification of Regulations

1408.1 The Planning Commission may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

1408.2 All requests for a modification shall be completed in the form provided and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

1408.3 The Planning Commission shall keep a written record of all action on all requests for modification.

1408.4 The Planning Commission may approve, or deny the request for modification. If the Planning Commission approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Approved modifications must be recorded on the plan.

Section 1409 Conflict

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the County, the highest standards shall govern.

ARTICLE XV

COMMUNICATION TOWERS

Section 1501 Definitions

For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

A. Communications Tower: A structure other than a building, such as a self supporting, or guyed tower, designed and used to support communication antennas.

B. Communication Equipment Building: A building required for the operation or construction of a communication antenna.

C. Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or other wireless communication signals, including without limitation omnidirectional or whip antennas and directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

D. Height of a communications tower: The vertical distance measured from ground level to the highest point on a communications tower, including antennas mounted on the tower.

Section 1502 Regulations

A. Any applicant proposing the construction or installation of a communications antenna or communications tower shall submit detailed construction and elevation drawings indicating how the antennas will be mounted and how the tower will be constructed, for review by the Township Engineer with a fee sufficient to cover the cost of the Township Engineer to review the plans.

B. An applicant proposing the installation or construction of a communications antenna or communications tower shall submit evidence from a Pennsylvania Registered Professional Engineer certifying that the proposed installation will not exceed the structure capacity of the building or other structure, considering wind and other loads associated with the antenna and tower location.

C. The applicant shall demonstrate that the proposed communications tower and antenna comply with all standards established by the Federal Communications Commission (FCC).

D. Setback requirements: There shall be a setback requirement of two (2) feet for each foot of height for the communications tower, from all adjoining property lines and street rights-of-ways. For example, a communications tower that is 150 feet in height shall have a setback requirement of 300 feet.

E. A fence of at least six (6) feet in height shall be installed around the perimeter of the building or structure that provided the base for the communications tower, and the fence shall be constructed as to prevent any unauthorized person from entering the property upon which the communications tower is located, and furthermore, the fence shall be locked at all times to prevent unauthorized entry.

F. Prior to submitting an application to Perry Township for a building permit, the applicant shall have obtained all the necessary approvals from the Federal Communications Commission, and copies of those approvals shall be submitted with the building permit application.

G. The maximum height of any communications tower shall be 200 feet.

H. All guyed wires associated with the communications tower shall be clearly marked so as to be visible at all times, and shall be located within the fenced enclosure. All ground attachments for the guyed wires shall be at least fifty (50) feet from all adjoining property boundaries and street rights-of-ways.

Section 1503 Building Permits

The applicant shall be required to apply for a building permit, consistent with any other building code regulations adopted by Perry Township.

Section 1504 Abandonment

If a communications tower remains unused for a period of twelve (12) months, then the owner or operator shall dismantle and remove the communications tower within six (6) months of the expirations of the twelve (12) month period.

Section 1505 Enforcement and Penalties

A. Any person violating this ordinance shall be subject to the same penalties and enforcement procedures concerning a violation of the Township's building permit procedure and/or applicable building codes.

B. The Township shall also have the option to file an action in the Court of Common Pleas of Lawrence County, Pennsylvania, through the Township Solicitor, to request injunctive relief to remove any building or structure that is constructed in violation of this ordinance, and the party in violation of this ordinance will be responsible for all costs and attorney's fees incurred by the Township relative to the enforcement of this ordinance.

C. In addition to the above two (2) remedies, the Code Enforcement Officer for the Township shall have the right to file an action at the local District Justice office and to request a fine to be imposed of not less than $300.00 per each day for a violation of this ordinance. Each day that the ordinance is violated shall constitute a separate violation of this ordinance.

D. The Perry Township Supervisors hereby designate the Lawrence County Planning Commission as the exclusive agency to implement this ordinance.

THIS ORDINANCE shall be effective on this date, the 13 day of November, 2007.

APPENDIX

RECOMMENDED STATEMENTS AND ACKNOWLEDGMENTS TO APPEAR ON THE PRELIMINARY PLAN OR THE FINAL PLAN AS APPLICABLE

1. I do hereby certify that I have surveyed the above area and prepared the plat shown hereon that said plat is correct and that all iron pins and monuments are located and installed as shown._____

_____ Engineer/Surveyor's Signature
Date

2. Approved by the Lawrence County Planning Commission.

_____ _____
Date Chairperson

_____
Secretary

3. Before me the subscriber a Notary Public in and for said State and County personally appeared the above _____
Owner's Name
and acknowledged the above to be their own free act and deed.

Witness my hand and seal this _____ day of _____,2_____

My Commission expires _____
Notary Public Signature Date

4. Know all me by these present that _____.
Owner's Name
_____, Lawrence County, Pennsylvania
Name of Municipality
for themselves, their heirs, executors, administrators, and assigns do hereby adopt this plan of lots of their property situated in
_____, Lawrence County, Pennsylvania
Name of Municipality
and do hereby dedicate the streets, right-of-ways, and other improvements shown hereon to the public forever.

This ____ day of _____, 2_____.

_____
Owner's Name

5. IF APPLICABLE: Access to the State highways shall be only as authorized by a highway occupancy permit.

Parcels _____ cannot obtain building permits until a PennDOT highway occupancy permit is secured.

SUBDIVISION/LAND DEVELOPMENT MODIFICATION REQUEST

NOTE: *This form shall be included with the application for a subdivision or land development.*

APPLICANT: _____ (Name)

_____ (Address)

_____ (City, State, Zip)

_____ (Phone Number)

OWNER: _____ (Name)

_____ (Address)

_____ (City, State, Zip)

_____ (Phone Number)

ARTICLE/SECTION TO BE MODIFIED: _____ (Article, Section, Page Number)

REASON(S) FOR REQUEST: _____

PROPOSED USE OF PROPERTY: _____

CERTIFICATION

(I/WE) hereby certify that the statements contained herein are true and correct to the best of (my/our) knowledge and belief.

Signature _____ Date: _____

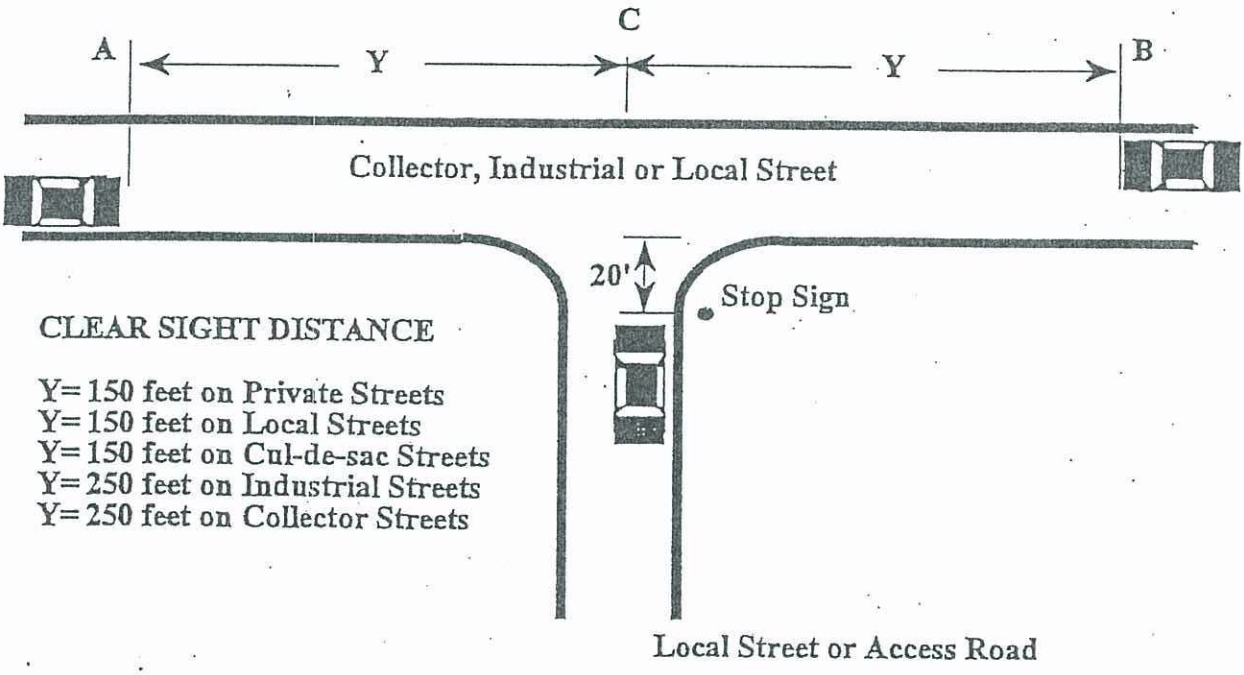
Office use Only

LCPC Action: ☐ Approved ☐ Denied Date: _____

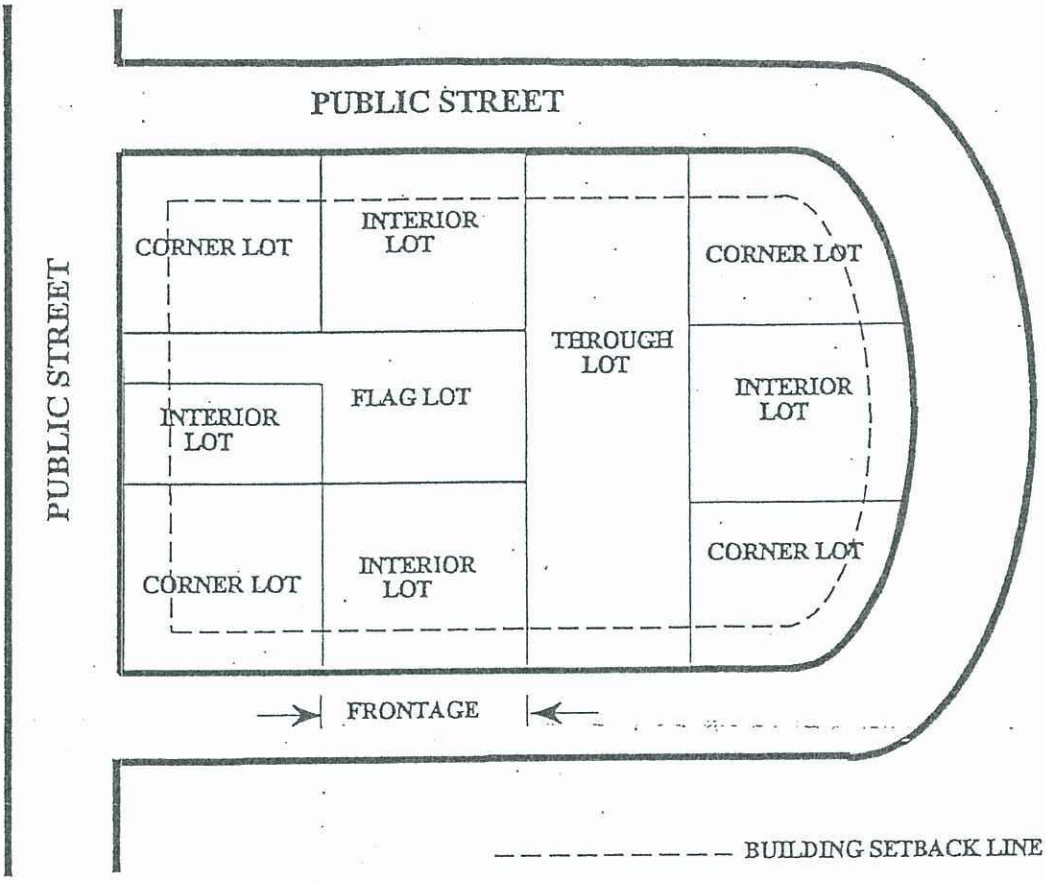
Comments: _____

Sight Distance Illustration

Not To Scale

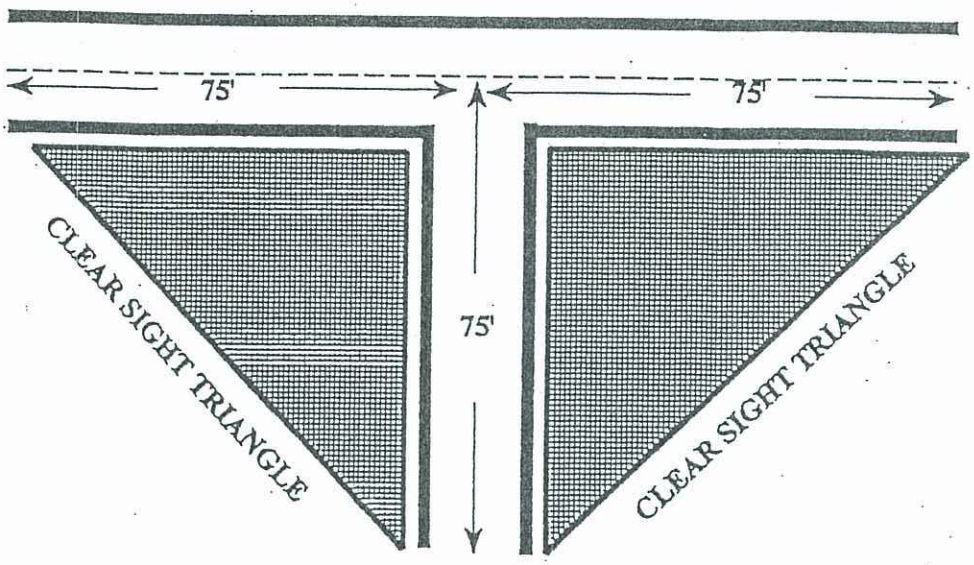


Types of Lots



Clear Sight Triangle

(NOT TO SCALE)



Clear Sight Triangles of seventy-five (75) feet measured along street center lines from their point of junction shall be provided at all intersections and no structures or vegetation higher than three (3) feet shall be permitted within such triangles. The three foot measurement shall begin from the elevation of the road, where the topography within the triangle is higher than the road, the following standards shall be used for measurement:

Topography Elevation	Allowable Structure or Vegetation Height
1 foot higher than the road	2 feet
2 feet higher than the road	1 foot
3 feet or more higher than the road	No vegetation or structure shall be permitted within the sight triangle