

LAUREL RUN BOROUGH

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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LAUREL RUN BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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102.7 To guide public and private policy and action in order to provide adequate and efficient transportation, water, electrical service and other utilities, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

102.8 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Borough having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

102.9 To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.

102.10 To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.

102.11 To protect and regulate land in critical areas which may be unsuitable for development.

SECTION 103 APPLICATION OF THE ORDINANCE

103.1 No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the Subdivision and Land Development Ordinance regulations adopted herein.

103.2 No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:

(a) The plans and application have been granted final approval by the Borough Council:

((b) All required conditions and/or improvements as set forth in the grant of approval have been met and required improvements have

been constructed in accordance with the approved plans or until the applicant has posted a form of financial security, acceptable to the Borough Council, which guarantees that all required improvements shall be subsequently constructed within a defined period of time.

- (c) The final plan, as approved, is filed and recorded with the Luzerne County Recorder of Deeds.

SECTION 104 EFFECT OF ORDINANCE CHANGES UPON PLANS

104.1 PENDING ACTION

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

104.2 PROJECT COMPLETION AND EFFECT OF LITIGATION

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

104.3 FIVE YEAR INITIATION

Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt

as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

104.4 SUBSTANTIALLY COMPLETED IMPROVEMENTS

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

104.5 INSTALLATION OF IMPROVEMENTS BEYOND FIVE (5) YEARS

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

104.6 SECTIONS

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

104.7 FAILURE OF COMPLIANCE BY LANDOWNER

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

SECTION 105

RESUBDIVISION OF LAND

A revision or resubdivision of a plan of record and/or lot of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

SECTION 106 INTERPRETATION

In the interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

The provisions of this Ordinance are not intended to abrogate any private easement, covenant or any other restriction of record, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other restriction, the applicable provisions of this Ordinance shall govern.

SECTION 107

MODIFICATION OF REQUIRED STANDARDS

- 107.1 The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Borough Council to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Borough Council may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.
- 107.2 All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:
- A. The specific sections of this Ordinance in question.
 - B. Provisions for the minimum modification necessary as an alternate to the requirements.
 - C. Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.
- 107.3 All proposals for waiver/modification of provisions or requirements of this Ordinance shall require final approval by the Borough Council. Such requests shall be subject to initial review and recommendation by the Planning Commission.
- 107.4 If the request is denied, the applicant shall be notified in writing of the basis for denial. If the Borough Council grants the request, the final record plan shall include a note which identifies the waiver/modification as granted. The Borough Council shall keep a written record of all actions on all requests for waivers/modifications.

SECTION 108 FEES

108.1 ESTABLISHMENT OF FEES

The Borough Council shall establish by resolution, a fee schedule for subdivision and land development applications. Said fee schedule shall cover all costs incurred by the Borough associated with the processing and review of all plans and documents and all plan and document revisions. Such costs may include, but not be limited to, Borough administrative costs and the reasonable and necessary charges by the Borough's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

108.2 APPLICATION FEES

In accordance with the adopted fee schedule, an applicant, at the time of the filing an application shall pay to the Borough the required fee representing the administrative fee for filing said application. Said fee shall be separate and distinct from review and inspection fees.

108.3 REVIEW AND INSPECTION FEES

At the time of the filing of any application, the applicant shall pay to the Borough a fee deemed sufficient to cover the cost of:

- A. Reviewing compliance with ordinance requirements and engineering details.
- B. Inspecting property for the site for conformance.
- C. Evaluating cost estimates of required improvements.
- D. Inspection of required improvements during installation.
- E. Final inspection or reinspection on completion of installation of required improvements.
- F. Fees charged for other related consulting services.
- G. Any other review costs incurred by the Borough.

108.4 SUPPLEMENTAL FEES AND ADJUSTMENT

If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Borough, an additional fee shall be collected from the applicant prior to any action on the plan. If after Borough action on the plan, any review fees remain, there shall be a refund made to the applicant of the balance within thirty (30) days of action on the plan.

108.5 COUNTY FEES

The applicant shall also be required to pay for all required fees for review and comment by the Luzerne County Planning Commission.

108.6 FILING DATE AND PAYMENT OF FEES

A completed application and plans for any proposed subdivision or land development shall not be considered as filed with the Borough until all fees are paid and all applications are properly signed.

SECTION 109 PENALTIES

109.1 PREVENTIVE REMEDIES

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or 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 to 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.

The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following applicants:

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

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

109.2 JURISDICTION

District Justices shall have initial jurisdiction in proceedings brought under Section 109.3 of this Ordinance.

Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result of such proceedings. No judgment shall be commenced or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. Under such circumstances, there shall be deemed to have been only one such violation until the fifth day following the date of the termination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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.

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

SECTION 110 AMENDMENT PROCEDURE

The regulations set forth in this Ordinance may, from time to time, be amended by the Borough Council. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

- A. A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission not less than thirty (30) days prior to the public hearing.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission not less than thirty days prior to the public hearing.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the Borough Solicitor, setting forth all the

provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.

- F. Within thirty days following the adoption of an amendment to this Ordinance, the Council shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 111 PENNSYLVANIA MUNICIPALITIES PLANNING CODE
AMENDMENTS

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

SECTION 112 APPEALS TO COURT

Decisions rendered by the Borough Council may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 113 CONFLICTS WITH OTHER ORDINANCES

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including but not limited to the 1992 Laurel Run Borough Subdivision and Land Development Ordinance, and any amendments thereto, are hereby repealed.

SECTION 114 SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of Laurel Run Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 115 EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF LAUREL RUN ____ DAY OF _____, 2006.

COUNCIL PRESIDENT

ATTEST:

MAYOR

ARTICLE 2 DEFINITIONS

SECTION 200 GENERAL INTERPRETATION

Words used in the present tense include the future. Words in the masculine gender include the feminine and the neuter. The singular includes the plural, and the plural the singular. The word "may" is permissive. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise, or unless the context clearly indicates otherwise.

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

ABUT: Next to or adjacent to, and includes the words "directly across from streets, natural features, and right-of-ways."

ACRE: 43,560 square feet.

ADJACENT: A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features, and right-of-ways."

ADMINISTRATOR: The person designated by the Planning Commission who is authorized to accept and receive subdivision and land development plans and applications for and on behalf of the Planning Commission.

ALLEY: A public or private right-of-way affording secondary means of access to abutting property.

APPLICANT: A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

BASE FLOOD ELEVATION: The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-Year Flood, as projected and delineated upon the most recent official Flood Insurance Rate Map, published by the Federal Insurance Administration.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways or any other barrier to the continuity to development.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animal, or property of any kind.

BUILDING SETBACK LINE: The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property.

CARTWAY: The paved portion of a street or alley designated, intended or capable of being used for vehicular travel.

CATCH BASIN: An inlet designated to intercept and redirect surface storm water.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

COMPREHENSIVE PLAN: The most recent Comprehensive Plan, and any amendments thereto, as adopted by Laurel Run Borough.

CONDOMINIUM: A building, or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

CONSTRUCTION PLANS: The maps or drawings accompanying a subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the Planning Commission.

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

COVENANT: A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

CRITICAL AREA: An area with one or more of the following characteristics: (1) slopes in excess of twenty percent; (2) flood plain and/or wetlands; (3) soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion or highly acidic; (5) soils contaminated with a toxic pollutant; (6) land incapable of meeting percolation requirements.

CULVERT: A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

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

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or caused 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, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT PLAN: The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

DISTRICT OR ZONING DISTRICT: A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

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

DRAINAGE: (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRAINAGE EASEMENT: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

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

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

DWELLING: A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including hotels and boarding houses and dormitories.

DWELLING, MULTIFAMILY: A single building containing three (3) or more individual dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSE): A one family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

DWELLING, SINGLE-FAMILY, DETACHED: A residential building containing not more than one (1) dwelling unit.

DWELLING, TWO FAMILY: A residential building containing two (2) dwelling units, entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter/exit the building or for access to a common cellar or basement.

DWELLING UNIT: One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein.

EARTH DISTURBANCE ACTIVITY: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

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

ENGINEER: A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

FINAL APPROVAL: Last official action of the Planning Commission granting approval of a subdivision or land development which has been granted preliminary approval, after all conditions and requirements have been met, including as applicable, the installation of all required improvements or the posting of an improvement bond to guarantee the installation of such.

FLOOD: A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and rapid accumulation of runoff and surface waters from any source.

FLOOD FRINGE: The portion of a 100-Year Flood Plain outside of the Floodway, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration.

FLOOD HAZARD BOUNDARY MAP: The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the Floodway and Flood Fringe of a 100-Year Flood Plain.

FLOOD INSURANCE RATE MAPS: The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-Year Flood Plain.

FLOOD PLAIN (100-YEAR FLOOD PLAIN): Areas of land which are subject to inundation by waters of a one hundred (100) year flood. The source of delineating the boundaries of a one hundred (100) year flood plain shall be based upon the most recent maps of the Flood Insurance Administration.

FLOODPROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY: The portion of a 100-Year Flood Plain, as delineated upon the most recent Flood Hazard Boundary Maps as published by the Federal Insurance Administration, which is designated to carry and discharge water and flow of a 100-Year Flood without increasing the water surface elevation by more than one (1) foot at any given point.

GOVERNING BODY: The Laurel Run Borough Council.

GRADE: The slope of a road, street or other public or private way, specified in percentage terms.

GRADING: Any stripping, gutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

HIGHWAY OCCUPANCY PERMIT: A permit, issued by the Pennsylvania Department of Transportation, which authorizes access from a parcel of land onto a street or highway which is under the jurisdiction of the Pennsylvania Department of Transportation.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

IMPACT ANALYSIS: A study, which may be required by the Borough Council prior to preliminary or conditional approval of a subdivision or land development, to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The landowner and/or applicant shall be responsible for all costs related to the any and all reports and/or

studies required by the Borough Council under or within the context of the term "IMPACT ANALYSIS." The landowner and/or applicant shall also be responsible to fully reimburse the Borough for any engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

IMPROVEMENT BOND: Financial security which may be accepted by the Borough in lieu of a requirement that certain improvements be completed by a developer before a plat is approved; including a letter of irrevocable credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements as approved by the Laurel Run Borough Council upon the advice of its Solicitor.

IMPROVEMENTS: Man-made physical additions, alterations and/or changes which becomes part of, placed upon, or is affixed to real estate.

LAND DEVELOPMENT: The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, a single nonresidential building on a lot or lots with two (2) or more occupants regardless of their tenure, or a single nonresidential building, designed or intended for a single occupant, with a minimum gross floor area of not less than five thousand (5,000) square feet.
- (B) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (C) A subdivision of land.
- (D) The conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, described above that is intended to be a condominium, shall be exempt from classification as a land development.
- (E) Any nonresidential use of land, with or without structures, which encompasses five (5) or more acres of land, excluding agricultural use of land.
- (F) The development of a mobile home park or the expansion of an existing mobile home park within the context of the definition of said term as contained within this Ordinance.

LAND DEVELOPMENT: MAJOR: A land development which does not qualify or classify as a minor land development.

LAND DEVELOPMENT: MINOR: A development of a parcel of land which contains not more than two (2) detached single family residential structures, whether developed initially or cumulatively.

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

LAND SURVEYOR: A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

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

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-ways.

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

LOT COVERAGE: That portion of the lot that is covered by buildings and structures.

LOT DEPTH: The distance measured from the front lot line to the rear lot line.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: The lot line separating a lot from a street right of way.

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

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

LOT LINE ADJUSTMENT: A minor subdivision involving the revision or deletion of one or more lot lines in such a way that all of the following are true:

- A. No new lots will be created beyond what was previously approved.
- B. No additional street segments or significant changes in alignment are proposed other than what was previously approved.
- C. No additional nonconformities will be created under the Borough's Zoning Ordinance.

D. No new land development will occur other than a land development that was previously approved.

LOT, MINIMUM AREA OF: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular zoning district.

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

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, 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 with or without a permanent foundation when connected to required utilities.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home, which is leased or rented by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK: A site with required improvements and utilities for the long term placement of mobile homes which may include services and facilities for the residents.

MULTIPHASE DEVELOPMENT: A development project that is to be constructed in stages, each stage being capable of existing independently of the others.

MUNICIPALITY: The Laurel Run Borough, Luzerne County, Pennsylvania.

NATURAL DRAINAGE FLOW: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

OFFICIAL MAP: The Municipal Map adopted by Ordinance conclusively showing the location of the lines of existing and proposed public streets, watercourses, and public grounds including the widening, narrowing, extension, diminution, opening or closing of the same, for the entire Borough.

OFFICIAL SOIL MAP: Soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

OFFICIAL SOILS INTERPRETATION: The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

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

ONE HUNDRED (100) YEAR FLOOD PLAIN: The areas within the Borough that have a one (1) percent chance of being flooded in any given year based upon the most recent data and maps as provided by the Federal Insurance Administration.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include complementary structures and improvements which are deemed appropriate to the development.

ORDINANCE: The Laurel Run Borough Subdivision and Land Development Ordinance, and any amendments thereto.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT: The Pennsylvania Department of Transportation.

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

PERSON: An individual, partnership, organization, association, trust, or corporation. When used in a provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

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

A. SKETCH PLAN:

An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough

B. PRELIMINARY PLAN:

A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan having been prepared by a qualified professional (see definition of Qualified Professional).

C. FINAL PLAN:

A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of Qualified Professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.

D. RECORD PLAN:

The copy of the final plan which contains the original endorsements of the Borough and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION: The Planning Commission of Laurel Run Borough.

PROFESSIONAL CONSULTANT (S): A person or 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 HEARING: A formal meeting held pursuant to public notice by the Governing Body or the Planning Commission, intended to inform and obtain public comment, prior to taking action on a particular subject.

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Borough. 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 days and the second publication shall not be less than seven days from the date of the hearing.

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

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

RETAINING WALL: A structure constructed to hold back or support an earthen bank.

RIGHT-OF-WAY: A defined and designated area for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

SANITARY SEWER: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SEDIMENTATION: The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SANITARY SEWER: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SEDIMENTATION: The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEWAGE DISPOSAL SYSTEM (CENTRALIZED)

A publicly or privately owned and operated utility system or other system designed to collect, centrally treat (with a sewage treatment plant or similar process) and dispose of

sewage from users in compliance with regulations of the PA DEP and of the Laurel Run Borough.

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

SITE: A plot or parcel of land or combination of contiguous lots or parcels of land.

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

SOIL EROSION AND SEDIMENTATION CONTROL PLAN: A plan that indicates necessary land treatment measures, as approved by the Luzerne County Conversation District, designed to effectively minimize soil erosion and sedimentation.

STORM SEWER: A pipe that collects and transports rainwater, surface water, and other liquid waste exclusive of sewage.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, drive, lane, boulevard, highway, road and alley.

- A. **Arterial:** Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- B. **Collector Street:** Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.
- C. **Local Street:** Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. **Cul-De-Sac** A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- E. **Dead End Street:** A street with a single common ingress and egress.
- F. **Limited Access:** A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

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

- A. **Subdivision; Major:** Any subdivision which does not qualify or classify as a minor subdivision.
- B. **Subdivision; Minor:** A subdivision of a parcel of land into not more than six (6) lots, which has frontage along an existing street, which does not adversely affecting the remainder of the parcel or adjoining property, and not involving or requiring any of the following:

The extension or improvement of any street.

The extension of any municipal facilities or public utilities.

The construction of any improvements required in the subdivision of land or to service or otherwise provide access to lots within a proposed subdivision.

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval, based upon the cost of the posted financial security, 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.

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

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

WATERCOURSE, NATURAL: Any stream, creek, river, channel or similar waterway in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks.

WATER TABLE: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil

conditions, including swamps, marshes, bogs and similar areas. Said areas shall also meet the most current applicable state and federal regulations by the PA DEP and the U.S. Army Corps of Engineers.

YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

Front Yard: A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Rear Yard: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Side Yard: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

ZONING OFFICER: An administrative officer authorized to administer the literal terms and provisions of the Zoning Ordinance.

ZONING ORDINANCE: The governing Zoning Ordinance of Laurel Run Borough as amended.

ZONING PERMIT: A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.

ARTICLE 3

PROCEDURAL REQUIREMENTS

SECTION 301

REVIEW AND APPROVAL PROCESS

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- A. Sketch Plan - Sketch plans are not required but are encouraged for all types of major subdivisions and land developments to facilitate the formal plan submission and review process.
- B. Preliminary Plans for Major Subdivisions/Land Developments - Major subdivisions/land developments require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied by detail on the plans and/or conditions of approval for such compliance are met. Unconditioned preliminary plan approval authorizes the Applicant to proceed toward the completion of the subdivision/land development as detailed on the plans.
- C. Final Plans for Major Subdivisions/Land Developments - Final plans are required for major subdivisions/land developments. Said plans cannot be submitted until all conditions of approval have been satisfied. Lots in the subdivision cannot be sold until final plan approval is granted. In cases of a land development, the structures cannot be occupied nor can any use be put into operation or commence until final plan approval is granted. The applicant has the option of completing the improvements or providing a financial guarantee for the completion.
- D. Minor Subdivisions/Land Developments - Minor subdivisions require only final plan approval.

The applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. No action will be taken in the absence of the applicant or representative, and failure of appearance shall constitute grounds for denial of the application if the time for Borough action is due to expire.

SECTION 302

SKETCH PLAN REVIEW

The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout can be reached with the Borough.
- B. Identify the overall objectives of the applicant's development using a diagrammatic approach showing broad areas of development.

- C. Assist applicants and Borough to develop a better understanding of the property.
- D. Ensure that the plan generally conforms with the provisions of this Ordinance, the Zoning Ordinance and other applicable ordinances and statutes.

Borough Council, preceded by the Planning Commission review of the sketch plan, shall provide comment to the applicant on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other applicable ordinances and regulations.

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than fourteen (14) days prior to the next regularly scheduled meeting of Planning Commission:

- a. Ten (10) prefolded copies of the plan (sketch, preliminary or final).
- b. Ten (10) prefolded copies of construction plans (if applicable).
- c. A completed subdivision or land development application with original signatures and nine (9) copies of the same.
- d. A completed Sewage Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection.

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide the Planning Commission and the Borough Council with a copy of the complete set of plans (sketch, preliminary or final), a copy of the subdivision/land development application, and a copy of the PA DEP Planning Module.

304.2 The developer or applicant shall distribute, as applicable, and provide the Borough with dated written verification of the same, copies of complete sets of plans (preliminary or final), a copy of the application and the PA DEP Planning Module to the following agencies and officials for review, comment and approval:

- a. The Luzerne County Planning Commission.
- b. The Borough Zoning Officer.
- c. The Borough Engineer, Planning Consultant and/or any other "Professional Consultant" as defined in Article 2 of this Ordinance.
- d. The Solicitor to the Borough Council.

- e. The Solicitor to the Planning Commission.
- f. The Borough Sewage Enforcement Officer.
- g. The Luzerne County Conservation District.
- h. The Wyoming Valley Sanitary Authority.
- i. The Pennsylvania Department of Transportation, the Luzerne County Road and Bridge Department and/or Laurel Run Borough, if a proposed subdivision or land development fronts upon or is to have access to a road under their jurisdiction.
- j. The Pennsylvania Department of Environmental Protection.

304.4 The developer or applicant shall be responsible to ensure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

304.5 The applicant shall pay any applicable fees related to the review and inspection of other agencies and parties provided under Section 304.2.

SECTION 305 LUZERNE COUNTY REVIEW

The Laurel Run Borough Council shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendations of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Luzerne County Planning Commission. The applicant shall pay all review fees required by the Luzerne County Planning Commission.

SECTION 306 PUBLIC HEARING

The Borough Council, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which the approval was conditioned upon specific improvements, the Borough Council shall require the following of the applicant:

- a. the installation of all required improvements in accordance with the approved preliminary plan, including all the terms and conditions related to said approval, and with the design standards and specifications of this Ordinance.
- or
- b. provision of a form of financial security, acceptable by the Borough Council, which assures and guarantees the subsequent installation of all required improvements in

accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

SECTION 308

PROCEDURAL METHODS IN RENDERING DECISIONS

- 308.1 A subdivision plan or land development plan (preliminary or final) shall be submitted to the Laurel Run Borough Planning Commission for its review, comments and recommendation prior to its consideration by the Borough Council.
- 308.2 The Borough Council shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was formally submitted to the Borough, in accordance with Section 108.6 of this Ordinance.
- 308.3 The Borough Council shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.
- 308.4 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Borough Council shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- 308.5 In granting approval to a plan, preliminary or final, that is subject to specific conditions, the Borough Council shall expressly include such conditions in the minutes of the meeting at which the plan is considered and communicate said conditions and/or modifications, in writing, to the applicant as provided in §310.3. When a plan has been approved subject to any conditions and/or modifications and the applicant does not agree to accept said conditions and/or modifications, **in writing**, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the plan shall become an automatic disapproval. The written notice to the applicant shall include the specific terms of the approval and shall note that failure to respond **in writing** to agree and accept all conditions shall constitute a denial of the plan. Failure by the applicant to provide any **written response** within fifteen (15) calendar days of receipt of said written notice from the Borough shall be deemed to constitute that the applicant does not agree to accept the said conditions and/or modifications and said conditional approval of the plan shall become an automatic disapproval.
- 308.6 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Borough Council to render a decision and communicate said decision to the applicant as set forth in this Section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309

WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

- 309.1 Until a submission is approved or rejected by the Borough Council, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures, which apply to the plan. If a revised plan is resubmitted within 120 days from the date of withdrawing said plan, no additional submission fee shall be charged by the Borough for the first revision. Failure to resubmit a revised plan within said period of time, or a second revision and any subsequent revision shall be treated as a new submission for which a new submission fee shall be required. No additional fee shall be charged for plan revisions which are directed by the Borough Council. Should an applicant wish to withdraw a plan under review and consideration by the Borough Council notice of withdrawal shall be in writing and shall include a statement that the ninety (90) day time limitation for the Borough Council or the Planning Commission, as the case may be, to render a decision shall not include the period of time which the plan is withdrawn.
- 309.2 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.
- 309.3 Any revised plan may be resubmitted to the Luzerne County Planning Commission or to any other party noted within Section 304.2 of this Ordinance if the Borough Council renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

SECTION 310

RECORDING OF FINAL PLAN

- 310.1 The applicant shall record the final plan of a subdivision or land development as approved by the Borough Council, in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval, unless an extension has been granted in writing by the Borough Council. Failure by the applicant to record the final plan within the ninety (90) days, or an approved extension of the time period by the Borough Council, will result in the approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.
- 310.2 A final plan shall not be submitted for recording to the Recorder of Deeds Office unless it bears the required approval signatures of the Borough Council, along with an appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission
- 310.3 Within thirty (30) days from the date on which the final plan is recorded, the applicant shall furnish to the Borough a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office.

Prior to granting final approval of a major subdivision plan, the Borough Council may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. A total of twenty-five (25%) of the proposed number of dwelling units must be included within Phase I. The Borough Council may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Borough Council shall be granted concurrently with final approval of the plan.

ARTICLE 4
PRELIMINARY PLAN

SECTION 401 **INITIAL REVIEW**

The Preliminary Plan shall be reviewed to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be invalid. The applicant shall be notified in writing as to the nature and type of additional information which must be submitted.

SECTION 402 **PRELIMINARY PLAN DRAFTING STANDARDS**

- A. The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than
- (1) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
 - (2) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.
- B. The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.
- C. All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- D. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- E. If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.
- F. Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed. Plans shall be legible in every detail.

SECTION 403 **PRELIMINARY PLAN - EXISTING CONDITIONS**

The Preliminary Plan shall contain the following information:

- 403.1** The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.
- 403.2** Name and address of applicant if different from owner.

- 403.3 Name of proposed subdivision or land development, labeled as the "Preliminary Plan".
- 403.4 All contiguous land, including its dimensions, which is owned by the current landowner or the applicant of the proposed subdivision or land development.
- 403.5 Name and address of the registered engineer, registered land surveyor, landscape architect or qualified professional responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance.
- 403.6 North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 403.7 Total tract boundaries of the property being subdivided, showing bearings and distances, with bearings not less than the nearest ten (10) seconds and distances to the nearest one hundredth (.01) of a foot. The total size of the property shall be listed in both acreage and square feet.
- 403.8 The names of all adjoining landowners, including block and lot numbers from the Luzerne County Assessor's Office.
- 403.9 All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
- 403.10 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, other significant man-made features and any other type of easement within the proposed subdivision or land development.
- 403.11 All existing building or structures within the boundaries of the proposed subdivision or land development.
- 403.12 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.
- 403.13 Existing contour lines at vertical intervals of:
- not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.
- 403.14 A location map at a scale of not greater than one (1) inch equals two thousand

(2,000) feet, indicating the relation of the site to its geographic proximity within the Borough.

403.15 With regard to wetlands, all plans must specifically address the subject of whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans.

403.16 A block for the signatures of the Chairman and Secretary of the Planning Commission indicating the date of its recommended approval of the preliminary plan.

403.17 A block for the signatures of the Chairman and Secretary of the Borough Council indicating the date of its approval of the preliminary plan.

SECTION 404 PRELIMINARY PLANS - PROPOSED DEVELOPMENT

The Preliminary Plans shall contain and include the following information:

- 404.1 Lot layout and related features which shall indicate and provide:
- (a) the total number of lots proposed for the site, with identification numbers;
 - (b) the dimensions and area of all lots, expressed in either square feet or acres;
 - (c) the building setbacks for all lots along each street, or in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building;
 - (d) proposed open space, parks, playgrounds, or recreational facilities, with any governing conditions thereof;
 - (e) copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;
 - (f) proposed contour lines of the entire site at vertical intervals of:
 - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
 - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
 - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

- (g) location, width and purpose of proposed easements and utility right-of-way;
- (h) In the case of wetlands, total acreage of all wetlands and total acreage of wetlands proposed to be disturbed.

404.2

Street and right-of-way layout which shall indicate and/or provide:

- (a) the location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;
- (b) the location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use and the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;
- (c) suggested street names, in accordance with Section 806 of this Ordinance, the location of street signs in accordance with Section 808 of this Ordinance and the location of traffic control signs in accordance with Section 809 of this Ordinance;
- (d) the beginning and end point of proposed street construction;
- (e) location, width, and purpose of proposed easement and utility right-of-way;
- (f) the location of sidewalks.

404.3

All subdivisions and/or land developments, shall be connected to central sewage disposal system. The developer shall provide a letter of commitment from the Wyoming Valley Sanitary Authority providing notice that said Authority can adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the conveyance of sewage into their system to access intended conveyance of sewage to facilities of the Wyoming Valley Sanitary Authority shall also be required. The following information shall be provided upon the plan.

1. the layout, size and material of sanitary sewers within the site;
2. location of manholes with invert elevation of flow line and grade at the top of each manhole;
3. location of laterals.

404.4

A subdivision and/or land development, shall be serviced by a public water system shall indicate and/or provide the following:

- (a) a letter from water company or authority indicating said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service;
- (b) location and size of all waterlines;
- (c) location of fire hydrants.

404.5 Storm drainage shall indicate and/or provide:

- (a) the location, size and material of all storm drainage facilities;
- (b) watershed areas for each drainage facility or swale.

404.6 A letter from the applicable public utility companies which provides water service, electrical service and/or gas service to the Borough, indicating said company can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

404.7 All plans shall contain the following notice in compliance with PA. Act 287:

CALL BEFORE YOU DIG!

BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA

CALL 1-800-242-1776

PA ACT 287 OF 1974 REQUIRES THREE
WORKING DAYS NOTICE TO UTILITIES
BEFORE YOU EXCAVATE, DRILL OR BLAST
PENNSYLVANIA ONE CALL SYSTEM INC.

SECTION 405 ADDITIONAL MATERIALS SUBMITTED WITH
PRELIMINARY PLAN

The following material and information shall be submitted with the Preliminary Plan:

- 405.1 Proof of ownership including a copy of the existing deed.
- 405.2 Preliminary Plan Application and required fee.
- 405.3 The required fee for Luzerne County Planning Commission review.
- 405.4 If applicable, a copy of the application for a Highway Occupancy Permit, as required by the Pennsylvania Department of Transportation.
- 405.5 Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.

- (a) Cross-sections for proposed streets and sidewalks shall be provided at intervals of fifty (50') feet and at intersections and the limits of work.
- (b) Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
- (c) Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.

- 405.6 Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized.
- 405.7 A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Protection.
- 405.8 A copy of the Soil Erosion and Sedimentation Control Plan, application and related information as required by the Luzerne County Conservation District.
- 405.9 Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- 405.10 In the case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection based upon a jurisdictional determination of said agencies.
- 405.11 Estimated costs by item for required improvements in accordance with Section 703 of this Ordinance.
- 405.12 Any other information deemed necessary by the Borough Council, including but not limited to any Impact Analysis, as defined in Article 2 of this Ordinance.
- 405.13 An executed written agreement under which the applicant agrees to fully reimburse Laurel Run Borough for any and all consulting fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies. In providing for such an agreement, the Borough Council, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Borough's withdrawal of funds for the payment of consulting fees incurred by the Borough.

ARTICLE 5

FINAL PLAN

SECTION 501 **SUBMISSION AND REVIEW PROCEDURE**

501.1 The Final Plan shall be reviewed to determine its completeness including, but not limited to, conformance with the standards and data as set forth in Article 4 and any changes or modifications required by the Laurel Run Borough Council as a condition of granting approval of the Preliminary Plan.

501.2 The applicant shall submit the Final Plan within one (1) year from the date of the approval of the Preliminary Plan by the Borough Council, unless an extension in writing has been approved by the Borough Council. Failure to comply with the one (1) year time requirement, shall render the Preliminary Plan and any accompanying approval as null and void, thus requiring a new submission of the Preliminary Plan.

SECTION 502 **REVIEW AND APPROVAL/DISAPPROVAL OF PLAN**

The Borough Council shall consider the reports, comments and recommendations as provided in Section 304.3 of this Ordinance. The Borough Council shall render a decision in conformance with Section 308 of this Ordinance.

SECTION 503 **FINAL PLAN DRAFTING STANDARDS**

The Final Plan of a proposed subdivision or land development shall be in accordance with Section 402 of this Ordinance.

SECTION 504 **FINAL PLAN REQUIREMENTS**

The Final Plan shall include any additional information and any changes required by the Borough Council in granting approval of the Preliminary Plan. It shall not be necessary to resubmit all supporting data, required under the Preliminary Plan, provided there have been no changes. In the event of any changes, the procedures and requirements outlined in Section 309 of this Ordinance shall apply. The following additional information shall be included on the Final Plan:

504.1 Drawings and/or plans shall be titled "Final Plan."

504.2 The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.

504.3 Name and address of applicant if different from owner

- 504.4 An accurate field boundary survey of the entire site which shall be balanced and close with an error of closure not to exceed one (1) foot in five thousand (5,000) feet.
- 504.5 The location and material of all permanent monuments and lot markers.
- 504.6 Name and address of registered engineer, registered land surveyor, landscape architect or qualified professional responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance.
- 504.7 The latest source of title to the property as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.
- 504.8 The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.
- 504.9 All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.
- 504.10 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- 504.11 If applicable, the number of the approved PennDOT Highway Occupancy Permit and date of issuance.
- 504.12 A space shall be provided on the lower edge of the Final Plan for acknowledging receipt and recording of the plan by the Luzerne County Recorder of deeds Office.
- 504.13 A block for the signatures of the Chairman and Secretary of the Planning Commission indicating the date of its recommended approval of the final plan.
- A block for the signatures of the Chairman and Secretary of the Borough Council indicating the date of its approval of the final plan.
- A block for the signatures and/or seal of the authorized persons of the Luzerne County Planning Commission indicating its review of said plan.

SECTION 505

ADDITIONAL MATERIAL - SUBMITTED WITH FINAL PLAN

The following material and information shall be submitted with the Final Plan:

- 505.1 Certification of ownership, certification of Plan's compliance with all applicable terms and conditions required by this Ordinance and/or the Borough Council and any offer of dedication, if applicable, signed by the owner of the property and notarized.
- 505.2 Final application and required fee.
- 505.3 If applicable, a copy of the approved PennDOT Highway Occupancy Permit.
- 505.4 If applicable, copies of final deed restrictions, those existing and those to be included upon recording.
- 505.5 If applicable, all final covenants running with the land governing the ownership, reservation and maintenance responsibility of any common facilities and open space.
- 505.6 Written certification and/or verification from the Pennsylvania Department of Environmental Protection approving the required Planning Module and any supporting data.
- 505.7 Written certification and/or verification from the Luzerne County Conservation District approving the Soils Erosion and Sedimentation Control Plan.
- 505.8 Final construction plans and subsequent "as built" drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant's engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above referenced "as built" drawings shall precede the release of any remaining funds placed as a financial security by the developer.
- 505.9 If any streets are not offered for dedication for public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Borough's Solicitor and approval by the Borough Council, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Borough's design specifications at such time the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Borough Engineer, to provide the needed improvements required for

conformance to the Borough's design specifications at the time of such dedication.

- 505.10 An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners association is deemed to be responsible, such association must be legally organized prior to approval of the Final Plan.
- 505.11 A financial security, in accordance with Section 704 of this Ordinance, subject to the approval by the Borough Council, for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.
- 505.12 A financial security for the maintenance of improvements, in accordance with Section 710 of this Ordinance.
- 505.13 If applicable, written certification and/or verification from the Municipal Sanitary Authority granting final approval for the acceptance of the conveyance of sewage for treatment and disposal from the proposed subdivision and/or land development.
- 505.14 Written certification and/or verification from the appropriate public utility company which authorizes and approves the provision of water, gas and/or electrical service for the proposed subdivision and/or land development.
- 505.15 Any required permits and/or approvals from either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection for site development activities which disturbs, affects and/or crosses delineated wetlands.
- 505.16 Any other information deemed necessary by the Borough Council including but not limited to, any Impact Analysis, based on any specific characteristics of the proposed subdivision and/or land development.
- 505.17 The cost of all consulting fees incurred by the Borough for the review of the application, plan and supporting information, data and/or reports or studies, including but not limited to, any required impact analysis, site inspections and/or testing of materials to ensure compliance with the terms of approval and required improvements.

SECTION 506 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 6

MINOR SUBDIVISION/LAND DEVELOPMENT

SECTION 601 ONLY FINAL PLAN REQUIRED

The classification of a proposed subdivision as a "Minor Subdivision" shall only require the submission, review and approval of only a Final Plan. A land development classified as a "Minor Land Development" shall only require the submission, review and approval of only a Final Plan. The classification shall be based upon the definitions of terms "Minor Subdivision" and "Minor Land Development" as provided for under Article 2 of this Ordinance.

SECTION 602 SUBMISSION PROCEDURE

The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with Section 303 of this Ordinance.

SECTION 603 DISTRIBUTION OF PLAN

The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 304 of this Ordinance.

SECTION 604 DRAFTING STANDARDS FOR MINOR PLANS

The Final Plan of a proposed minor subdivision or minor land development shall be in accordance with Section 402 of this Ordinance.

SECTION 605 REQUIREMENTS FOR MINOR PLANS

The Final Plan shall be noted as "Minor Subdivision Final Plan" or "Minor Land Development - Final Plan" and contain the following information:

- 605.1 The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.
- 605.2 The name and address of the applicant, if different from owner.
- 605.3 Name of proposed subdivision or land development.
- 605.4 Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.

- 605.5 North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 605.6 Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- 605.7 The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each.
- 605.8 The dimensions and area of all lots, expressed in both square feet and acres.
- 605.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
- 605.10 The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- 605.11 The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- 605.12 The distance of all existing structures to lot lines, front, rear and side, which will result upon approval of the plan.
- 605.13 The names of all adjoining property owners, including block and lot numbers from the Luzerne County Assessors Office.
- 605.14 All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- 605.15 All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements or right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, and other significant man-made features located within the boundaries of the proposed subdivision or land development.
- 605.16 Existing watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.
- 605.17 With regard to wetlands, all plans must specifically address the subject of as to whether any wetlands are located upon the site. If no wetlands are located within the site, a certification of the absence of wetlands shall be so noted upon

the plan, which is certified by a person with appropriate training and experience in the identification of wetlands. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.

605.18 Existing contour lines at vertical intervals of not greater than five (5) feet, when existing slopes are five (5%) percent or greater. Existing contour lines at vertical intervals of not greater than ten (10) feet, when existing slopes are less than five (5%) percent.

605.19 All minor subdivisions and/or minor land developments, shall be connected to central sewage disposal system. The developer shall provide a letter of commitment from the Wyoming Valley Sanitary Authority providing notice that said Authority can adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service. If applicable, written approval from any adjoining municipality regarding the conveyance of sewage into their system to access intended conveyance of sewage to facilities of the Municipal Sanitary Authority shall also be required. The following information shall be provided upon the plan.

605.20 A minor subdivision and/or land development, shall be serviced by a public water system and shall indicate and/or provide the following:

- (a) a letter from water company or authority indicating said company or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service;
- (b) location and size of all waterlines.

605.21 All easements, existing and/or proposed, including their location, dimensions and purpose.

SECTION 606 INFORMATION TO BE SUBMITTED WITH PLAN

The following information, as applicable, shall be submitted with the Final Plan of a Minor Subdivision or Minor Land Development:

606.1 Proof of ownership including a copy of the existing deed.

606.2 Application for Minor Subdivision Plan or Minor Land Development Plan, and the required fee.

606.3 Required fee for Luzerne County Planning Commission review.

- 606.4 If applicable, a copy of the approved PennDOT Highway Occupancy Permit.
- 606.5 If applicable, a letter of commitment from the Wyoming Valley Sanitary Authority that said Authority can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.
- 606.6 If applicable, a letter of commitment from the appropriate public utility company which authorizes and approves the provision of water, gas and/or electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.
- 606.7 If applicable, copies of deed restrictions, those existing, and those to be included upon recording of plan.
- 606.8 If applicable, copies of description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- 606.9 If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- 606.10 If applicable, an appropriate Planning Module for Land Development, approved by DEP.
- 606.11 Any other information as required by the Borough Council.
- 606.12 The cost of all consulting fees incurred by the Borough for the review of the application, plans and supporting formation, data and/or reports or studies, including but not limited to, any required Impact Analysis and site inspections of the property to ensure compliance with the terms of approval and required improvements.

SECTION 607 RECORDING OF PLAN

The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 310 of this Ordinance.

ARTICLE 7
ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 **INSTALLATION OR GUARANTEE OF IMPROVEMENTS**

No plan shall be granted final approval until the applicant either:

- a. Installs all required improvements in accordance with the terms of approval and the applicable design standards of said improvements.
- b. Posts a form of financial security, acceptable to the Borough Council, which shall be of sufficient amount to fully cover the costs of all required improvements in accordance with the terms of approval and the applicable design standards of said improvements. The Borough Council shall retain sole discretion in all matters and decisions related to the acceptance and/or approval of the posting of any financial security.

SECTION 702 **TYPES OF FINANCIAL GUARANTEE**

702.1 A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

- a. An unconditional and irrevocable letter of credit with authorization for drawing upon by the Borough in the event of default or failure by the developer or applicant to complete the installation of required improvements.
- b. A restrictive escrow account.
- c. Other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld.

702.2 Such financial security shall be with a lending institution which is chartered by the Federal Government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

SECTION 703 **REVIEW BY SOLICITOR**

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Borough Council and their Solicitor for review not less than fourteen (14) days prior to the public meeting of the Borough Council at which the acceptance and/or approval of proposed financial security will be considered by the Borough Council.

SECTION 704 **AMOUNT OF FINANCIAL SECURITY**

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial

security shall be based upon a written estimated cost of completion of required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Borough Council, upon the recommendation of the Borough Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Borough and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Borough and the developer or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable, shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Borough and the developer or applicant.

SECTION 705 REQUIRED TIME PERIOD FOR COMPLETION

705.1 The financial security shall provide for and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final Plan for the completion of such improvements.

705.2 If the applicant in posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one year period beyond the anniversary date from posting of the financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one year period.

SECTION 706 PHASING OF DEVELOPMENT

In the case where development is projected over a period of years, the Borough Council may authorize the submission of final plans by sections or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

SECTION 707 START OF WORK NOTICE

The applicant and/or developer shall provide the Borough and the Borough Engineer with not less than a seventy-two (72) hour notice prior to the commencement of work at the site.

SECTION 708 PERIODIC INSPECTIONS DURING CONSTRUCTION

The Borough Engineer shall make periodic inspections to the site during the construction of improvements to ensure the work is in conformance with the approved plans. The Borough Engineer shall promptly provide Borough Council with a written report after any such inspection.

SECTION 709

RELEASE OF PORTIONS OF FINANCIAL SECURITY

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

SECTION 710

FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

- 710.1 Where Laurel Run Borough accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
- 710.2 Said financial security shall be of the same type as otherwise required in Section 702 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

SECTION 711

FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY

If water mains or sanitary sewer lines or both along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section. A copy of any such executed financial security shall be provided to the Borough

Council not less than fourteen (14) days prior to its next regularly scheduled meeting at which the final plan shall be considered.

SECTION 712

ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

712.1 If financial security has been provided in lieu of the completion of improvements required as a condition for final approval as set forth in this Article, the Borough shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.

712.2 If a financial security has been provided, certificates of zoning compliance or occupancy permits for any building or buildings to be erected shall not be withheld following:

- (a) The improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition.
- (b) The completion of all other improvements as shown on the approved final plan, either upon the lot or lots beyond the lot or lots in question, if such improvements are deemed necessary for the reasonable use of or occupancy of the building or buildings.

SECTION 713

COMPLETION OF REQUIRED IMPROVEMENTS

713.1 When the applicant has completed all of the necessary and required improvements, the applicant shall notify the Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.

713.2 The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all the aforesaid improvements. The Borough Engineer shall thereupon file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer. The report by the Borough Engineer shall be made and mailed within thirty (30) days from the aforesaid authorization from the Borough Council.

713.3 The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof be rejected, said report shall contain a statement of the reasons for such rejection.

713.4 The Borough Council shall notify the developer, in writing, within fifteen (15) days of receipt of the Borough's Engineer's report, by certified or registered mail, of the action of the Borough Council with relation thereto.

713.5 If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the applicant shall be released from all liability pursuant to its performance guarantee bond or other security agreement.

SECTION 714 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 713, shall be followed.

SECTION 715 APPLICANT'S RIGHT TO CONTEST ACTION

Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Borough Council or Borough Engineer.

SECTION 716 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

716.1 In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Borough can enforce any corporate bond or other security by appropriate legal and equitable remedies.

716.2 If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

716.3 All of the proceeds, whether resulting from the security or from any legal or equitable action or from both brought against the applicant shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

SECTION 717 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 110 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Borough may incur as related to Sections 704, 705, 708, 709, 710 and 713 of this Ordinance. The developer shall be required to fully reimburse the Borough for said engineering fees. The developer shall also be required to fully reimburse the Borough for any engineering and/or consulting fees which the Borough may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. Upon notification by the Borough of such costs, the developer shall provide a certified check or money order to the Borough to fully reimburse the Borough for said engineering fees, within thirty (30) days from the billing date from Laurel Run Borough.

An approved plan shall not be signed by the Borough Council nor shall any permits related to the development of the site be issued until all fees are paid in full.

The Borough Council shall also have the discretion to require the applicant deposit funds into an escrow account to be drawn upon by the Borough for the payment of the above fees. In such cases, the amount of funds to be deposited into such account shall be determined by the Borough with input from its consultants. Any funds deposited in said account at the conclusion of payment of all required reimbursable consulting fees shall be returned to the applicant. If the initial amount of funds deposited into said account appears to be insufficient to cover such costs, the Borough shall notify the applicant of any additional amount of funds required to be deposited for such purposes.

SECTION 718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

- 718.1 An applicant may contest the amount to be reimbursed to the Borough for consulting fees. The applicant shall notify the Borough, in writing, within ten (10) working days of the billing date, as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Borough for consulting fees, if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.
- 718.2 The Borough Council shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicants written request to contest certain consulting expenses.
- 718.3 If, within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Borough Council shall jointly, by mutual agreement, appoint another professional engineer; licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- 718.4 The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision within three (3) business days.
- 718.5 In the event that the Borough Council and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Luzerne County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.

718.6 The fee of the appointed professional engineer for determining the reasonable and necessary consulting expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Borough shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

ARTICLE 8

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 800 APPLICATION

800.1 The design standards and requirements as outlined in this Article shall be utilized by the Borough Council in evaluating the plans for all proposed subdivisions and land developments.

800.2 Any request to modify the design standards and requirements of this Article shall be in accordance with Section 107 of this Ordinance.

SECTION 801 GENERAL STANDARDS

- (a) All applicable Borough, County, State and Federal statutory provisions and/or regulations;
- (b) All governing rules and regulations of the Pennsylvania Department of Environmental Protection;
- (c) The applicable regulations and design standards of Pennsylvania Department of Transportation;
- (d) Whenever another Borough, County, State or Federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this Ordinance, the higher or more restrictive standard shall apply.
- (e) All applicable regulations and design standards for compliance with the American with Disabilities Act, and any subsequent amendments thereto.

SECTION 802 SITE SUITABILITY FOR DEVELOPMENT

802.1 The land for any proposed subdivision or land development shall be suited for the purpose of intended use.

802.2 Land which the Borough Council deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Borough Council upon the recommendation of the Borough Engineer.

802.3 The approval of a plan for any proposed subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Borough, any official, any employee, or agent thereof of the practicability or safety of the use of such land or development, and shall create no liability upon the Borough, its officials, employees or agents.

SECTION 803

MONUMENTS AND MARKERS

The applicant shall place permanent reference monuments and markers by a Registered Land Surveyor.

803.1

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

803.2

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Monuments shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

803.3

Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter. Markers normally shall be flush with the surrounding grade.

803.4

Monuments shall be set as follows:

- (a) One at each single angle of the perimeter of the property at all major subdivisions and land developments.
- (b) One at the beginning and end of all curves along street right-of-way lines along one side of the street.
- (c) A minimum of one at each street intersection along the street right-of-way line.

803.5

Markers normally shall be flush with the surrounding grade.

803.6 Markers shall be set as follows:

- (a) At all points where lot lines intersect street right-of-way lines, except for monument locations.
- (b) At all other lot corners.
- (c) At all points where lot lines intersect curves.

- (d) At all angles in property lines of lots.

SECTION 804 RESIDENTIAL BLOCKS

For blocks the following standards shall apply:

- a. Maximum length not to exceed 1,200 feet;
- b. Be of sufficient width to permit two (2) tiers of lots.

Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

SECTION 805 RESIDENTIAL LOTS

805.1 All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths in yard requirements as set forth in the Laurel Run Borough Zoning Ordinance.

805.2 Each lot or area platted for residential use shall be accessible from an existing or proposed street.

805.3 The lot depth shall not be greater than three (3) times its width.

805.4 Side lines of lots shall be at right angles to straight streets and on radius lines on curved streets. Some variation may be permitted at the discretion of the Borough Council, but pointed or very irregular shaped lots shall be avoided.

805.5 Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.

805.6 Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots.

SECTION 806 STREETS - GENERAL REQUIREMENTS

806.1 Any proposed subdivision or land development shall have frontage upon or access to an existing State, County, or Borough road.

806.2 Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.

806.3 Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.

806.4 Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.

806.5 All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way as established in the Comprehensive Plan.

806.6 All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

806.7 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Borough Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.

806.8 Any residential subdivision and/or land development containing ten (10) or more lots which do not front upon an existing off-site public road, shall provide within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.

SECTION 807 STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Borough, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Borough shall be vested with the Laurel Run Borough Council. Final approval of street names for streets to remain under private ownership shall be vested with the Laurel Run Borough Council.

SECTION 808 STREET SIGNS

Street signs, which provide the legal name of each street, shall be erected at the intersection of each street within a subdivision or land development prior to final approval. The size, color and construction materials of said signs shall be subject to approval by the Borough Council.

SECTION 809 TRAFFIC CONTROL SIGNS

Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists, shall be installed at appropriate locations by the applicant as determined by PennDOT and/or the Borough Council.

The applicant shall be responsible for line painting on all new streets, including the extension of existing streets, in accordance with the following standards:

Centerlines

Four (4) inch wide double yellow center lines shall be painted along the centerline of the travelway of each street.

Edge Lines

Four (4) inch wide white edge lines shall be painted four (4) inches inside the edge of pavement shoulder.

Stop Lines

Six (6) inch wide white stop lines shall be painted that completely traverse all traffic lanes on each approach to a stop sign and/or crosswalk

Unless stated otherwise all material and workmanship shall be in accordance with the latest edition of the Pennsylvania Department of Transportation Publication 408,

SECTION 810 CONSTRUCTION OF ROADS AND DEAD-END ROADS

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Borough's goals as provided for within the Statement of Community Development Objectives of the Laurel Run Borough Zoning Ordinance. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout designed as a "hammerhead" shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations

SECTION 811 DEAD-END ROADS (PERMANENT)

Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Borough Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Borough Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Borough construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with design standards of this Ordinance.

SECTION 812 ACCESS TO ARTERIAL STREETS

Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Borough Council may require that access to such street be limited by one of the following methods:

- a. The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street which shall contain a strip of screening along the rear property line of such lots.
- b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- c. A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

SECTION 813 INTERSECTIONS

- 813.1 Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.
- 813.2 Multiple intersections involving the junction of more than two streets shall be prohibited.
- 813.3 Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street.
- 813.4 Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- 813.5 The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

SECTION 814 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS

- 814.1 In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties.
- 814.2 The classification of any street, when not identified within any Comprehensive Plan adopted by Laurel Run Borough, shall be determined by the Borough Council by utilizing applicable definitions of this Ordinance.

814.3 Subgrade and Base Specifications

- (a) The subgrade of all streets shall be rolled and prepared in accordance with PennDOT Specifications as contained in the applicable sections of the most recent edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade:
1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.
 2. All unsuitable subgrade material shall be removed or stabilized.
 3. Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall by approval by the Borough Engineer.
 4. Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than eight (8) inches thick per layer.
 5. The subgrade shall be thoroughly compacted by rolling with a minimum ten ton roller and or a sheeps foot roller in layers not greater than six (6) inches.
 6. Backfill for trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
 7. All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Borough Engineer.
- (b) The base for all streets, unless otherwise specified shall contain a minimum of six (6") inches of stone subbase placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone subbase material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT Specifications as contained in the applicable sections of the most recent edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the base course:
1. The base course shall consist of a minimum of six (6) inches of AASHTO #1 crushed stone placed upon an acceptable rolled subgrade.
 2. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design, must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or wacker.

3. No base materials shall be placed upon a wet or frozen subgrade.

814.4 Slope

All streets shall have a minimum slope of two (2%) percent crown as measured from the centerline of the street to the edge of each side of the cartway.

814.5 Use of Fill Material

If fill material is proposed to be used for the roadway bed, subgrade or any other aspect of the design and construction of a street, the fill material shall be acceptable material for such use as determined by the Borough Engineer. Placement of acceptable fill material within three (3) feet of the proposed final roadway grade shall be in eight (8") loose lifts and compacted to not less than ninety-seven (97%) of the material's dry weight density as determined by methods prescribed by the Engineer. Placement of acceptable fill material below three (3) feet of the proposed final roadway grade shall be in eight (8") loose lifts and compacted to not less than ninety-five (95%) of the material's dry weight density as determined by methods prescribed by the Engineer. The type of compacting equipment to be used for such purposes shall be of sufficient and nature as determined by the Borough Engineer. Use of fill material shall comply with PennDOT Specifications of Section 206 of the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The regulations within this Section shall apply to the use of fill material within the area of the cartway and the shoulder of the roadway.

814.6 Slope of Embankments

The recommended slope of any required road embankment shall be three (3) horizontal to one (1) vertical, but under no circumstances shall the embankment have a slope greater than two (2) horizontal to one (1) vertical.

814.7 Local Streets

The minimum pavement structure for a Local Streets shall be governed by Super Pave Standards as set forth by PennDOT.

814.8 Collector Streets

The minimum pavement structure for a Collector Street shall be governed by Super Pave Standards as set forth by PennDOT.

814.9 Arterial Streets

The pavement structure for an Arterial Street or Highway shall be governed by Super Pave Standards as set forth by PennDOT.

SECTION 815

STREET RIGHT-OF-WAY WIDTHS

Street right-of-way widths in a proposed subdivision or land development shall conform to the following minimum standards:

Collector Street	60 feet
Local Street	50 feet
Turnaround of Cul-De-Sac	120 feet

SECTION 816

STREET CARTWAY WIDTHS

Street cartway widths, measured from curb to curb, shall conform to the following minimum standards.

Collector Street	40 feet
Local Street	34 feet
Diameter of Turnaround of Cul-De-Sac	100 feet

SECTION 817

HORIZONTAL VISIBILITY

All applicable regulations contained within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67 Transportation shall govern all design features of roads and driveways related to horizontal visibility.

817.1 A minimum tangent of one hundred fifty (150) feet shall be required between curves on all classifications of streets.

817.2 The centerline grades shall not exceed the following:

Arterial Street - five (5%) percent
Collector Street - seven (7%) percent
Local Street - nine (9%) percent

There shall be a minimum centerline grade of not less than two (2%) percent on all streets.

817.3 Vertical curves shall be used at changes of grade exceeding one (1%) percent. Vertical curves shall be designed to produce the following minimum sight distances:

Arterial Street - five hundred (500) feet
Collector Street - three hundred (300) feet
Local Street - one hundred fifty (150) feet

817.4 Clear sight triangles shall be provided at all street intersections. Within such triangles no object greater than two and one half (2 1/2) feet in height and no other object that would obscure the vision of the motorist shall be permitted.

Such triangles shall be in conformance with Chapter 441, Title 67, Department of Transportation of Pennsylvania.

SECTION 818 CUL-DE-SAC STREETS

- 818.1 A cul-de-sac street will not be approved when a through street is more advantageous.
- 818.2 Cul-de-sac streets, permanently designed as such and/or single access streets, shall not exceed 750 feet in length and furnish access to not more than ten (10) dwelling units, subject to all proposed lots being in compliance with the applicable zoning regulations for the minimum front footage for the Zoning District in which the subdivision is located.
- 818.3 Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 120 feet and 100 feet diameter to the outer pavement edge or curb line.
- 818.4 The pave width of a cul-de-sac shall not be less than the minimum cartway width For a local street.
- 818.5 The entire area within a cul-de-sac shall be paved. No physical obstructions shall be permitted within the cul-de-sac including, but not limited to, islands, vegetative cover, trees, and/or any other types of decorative features.
- 818.6 No physical obstructions shall be located within six (6) feet of the edge of the cartway within a cul-de-sac, including but not limited to, mailboxes, utility poles, utility transformer boxes and/or similar above grade obstructions.
- 818.7 An easement for the purpose of snow removal, having a size of not less than thirty-five (35) feet in length and 15 (fifteen) feet in depth, shall be provided upon the front yard areas of lot or lots located at the end of a cul-de-sac.

SECTION 819 BRIDGES AND STREAM CROSSINGS

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection, shall be provided by the developer, if applicable.

SECTION 820 DRIVEWAY ENTRANCES

- 820.1 Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be required. The adequacy of each proposed driveway shall be made based upon the recommendation of the Borough Engineer in relationship to existing site conditions.

820.2 Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of entrance.

820.3 Driveway entrances or aprons shall be stabilized and maintained by the property owner in a manner to prevent erosion of driveway material onto any adjoining public right-of-way.

820.4 All driveway entrances with access onto a public road shall be required to secure a Highway Occupancy Permit from either Laurel Run Borough or PennDOT prior to construction and the establishment of the same. A deed restriction requiring the owner or developer of a property as the responsible party to secure the required Highway Occupancy Permit shall be contained in all deeds.

820.5 All driveways shall be designed and constructed in accordance with all applicable provisions within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) of Title 67 Transportation.

SECTION 821 EROSION AND SEDIMENTATION CONTROL

The minimization of erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Borough.

821.1 General Standards:

- a. Erosion and Sedimentation Control Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been referred to and reviewed by the Borough Engineer and/or the Luzerne County Conservation District and approved by the Borough Council, or there has been a determination by the Borough Council after consultation with the above entities that such plans are not necessary.
- b. Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless: (i) there has been an Erosion and Sedimentation Control Plan approved by the Borough that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other form of financial security is deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements within five (5) years of preliminary plan approval or one (1) year of final plan approval or (ii) there has been a determination by the Borough that a plan for minimizing erosion and sedimentation is not necessary.

The developer or lot owner shall provide financial security as a construction guarantee in a form to be approved by the Borough Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to install the facilities

required by the approved plan. The financial security shall be released only after receipt by the Borough of certifications and "As-Built" drawings as required.

- c. Minimum Requirements of County Conservation District to be Met: Where not specified in this Ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the County Conservation District. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the County Conservation District.

821.2 Specific Standards: The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

- a. Stripping: Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.
- b. Natural Features: Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- c. Natural Vegetation: Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- d. Disturbed Areas: The disturbed area and the duration of exposure shall be kept to a practical minimum.
- e. Stabilization: Disturbed soils shall be stabilized as quickly as practicable.
- f. Temporary Vegetation and Mulching: Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- g. Permanent Vegetation and Measures: The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development. Permanent seeding on individual lots must be completed within thirty (30) days of issuance of an occupancy permit.
- h. Accommodation of Increased Runoff: Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
- i. Containment of Sedimentation: Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

821.3 Grading for Erosion and Other Environmental Controls: In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- a. Street Improvements: Streets shall be improved to a mud-free or otherwise permanently passable conditions as one of the first items of work done on a subdivision or development.
- b. Cuts and Fills: Provision shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by the installation of temporary or permanent drainage improvements across or above these areas.
- c. Compaction of Fill: Fill shall be placed and compacted so as to minimize sliding or erosion of the soil. Material for fill, other than that for a roadway base or subgrade, shall be acceptable material, placed in 12-inch loose lifts and compacted to 95% of the material's dry weight density as determined by Modified Proctor Test, ASTM D-1557, Method C or D.
- d. Fill Near Watercourses: No fill shall be placed within fifty (50) feet of a watercourse or other body of water or within any area designated as a flood plain.
- e. Dust Control: During grading operations necessary measures for dust control shall be exercised.
- f. Stream Crossings: Grading equipment shall not be allowed to enter into flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges. Where necessary, approval and/or permits must be secured from the proper state or federal agencies.

821.4 Responsibility

- a. Sedimentation Damage: Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the land developer, subdivider, contractor, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of Control Facilities: Maintenance of all erosion and sedimentation control facilities during the construction and development period and until or unless they are accepted for dedication by the Borough or other public authority shall be the responsibility of the land developer or subdivider.
- c. Maintenance of Watercourses: It shall be the responsibility of the developer, subdivider, person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.

Maintenance of drainage facilities or watercourses originating on and located completely on private property is the responsibility of the owner to the point of open discharge of the facility at the property line or at a communal watercourse within the property.

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 stream or watercourse without having obtained prior approval from the Borough Council or Pennsylvania Department of Environmental Protection, whichever has jurisdiction.

- d. Installation of Improvements: The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

821.5 Compliance with Regulations and Procedures

- a. Compliance as a Condition of Preliminary Plan Approval: The Borough, in its consideration of all Preliminary Plans of a subdivision and/or land development, shall condition its approval upon the execution of erosion and sedimentation control measures.
- b. Compliance with Requirements of County Conservation District: The installation and design of the required erosion and sedimentation control measures shall be in accordance with standards and specifications of the County Conservation District.
- c. Compliance with Requirements of Pennsylvania Department of Environmental Protection: Stream channel construction shall conform to criteria established by the Pennsylvania Department of Environmental Protection.

SECTION 822

CENTRALIZED WATER SYSTEM

822.1 All subdivisions and land developments shall utilize an approved public distribution system for water supply.

822.2 The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with Preliminary Plans.

822.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.

822.4 All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting

documentation, application for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and the Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Borough as part of the public record. One copy of the permit and Certificate of Convenience issued by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission authorizing such services shall be forwarded upon receipt to the Borough Council as part of the public record.

SECTION 823 SEWAGE DISPOSAL FACILITIES

All subdivisions and land developments shall be served by a centralized sewage system which meets or exceeds the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Protection. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DEP in accordance with Pennsylvania Code Title 25.

SECTION 824 CENTRALIZED SEWERS

- 824.1 All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Borough Sewage Plan, and be approved by the appropriate agencies prior to Final Plan approval.
- 824.2 All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development, plus additional flow as may be projected to be generated by adjacent properties.
- 824.3 All individual lateral connections shall be installed to the curb/right-of-way line at the time of initial installation of the system.
- 824.4 All systems classified as Sewage Services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations, shall be designed and constructed in accordance with regulations and requirements set forth in the most recent edition of the "Sewage Manual" prepared by the Bureau of Water Quality Management of Department of Environmental Protection and the applicable regulations of the Wyoming Valley Sanitary Authority. Construction material for sewers shall comply with the Wyoming Valley Sanitary Authority regulations.

SECTION 825 STORM WATER MANAGEMENT

A Storm Water Management Plan shall illustrate the following information:

- (a) Mapping of the watershed area or areas in which the proposed development is located, including both pre-development and post-development areas.
- (b) Calculations of all runoff for all points of runoff concentration, including pre-development and post-development conditions.

- (c) Complete drainage systems for the development. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to be developed in stages, a drainage plan for the entire development shall be submitted with the Preliminary Plan.
- (d) A Soil Erosion and Sedimentation Control Plan shall be integrated with the Storm Water Management Plan.
- (e) Any development, whether proposed initially or cumulatively, which equals or exceeds 10,000 square feet (combined building and paving area) shall require the submission of a Storm Water Management Plan in accordance with the applicable provisions within this Section.
- (f) A Storm Water Management Plan and a Soils Erosion and Sedimentation Control Plan must be approved prior to the start of any construction or development.

SECTION 826 INFORMATION ON STORM WATER MANAGEMENT PLAN

The following items, as applicable, shall be included upon and/or within the Storm Water Management Plan:

- (a) General description of project.
- (b) General description of storm water controls both during and after development.
- (c) Expected project time schedule, including anticipated start and completion dates.
- (d) Training and experience of person(s) preparing the plan.
- (e) A signature block by a Registered Professional Engineer attesting to the following:
"I, _____, have prepared and hereby certify that the Storm Water Management Plan meets all design standards and criteria of the Laurel Run Borough Subdivision and Land Development Ordinance.
- (f) A location map which provides the location of the project relative to its geographic proximity to streets highways, municipal boundaries or similar identifiable features.
- (g) Existing contours at intervals of two (2') feet. In areas of steep slopes (greater than 5%), five-foot contour intervals may be used.
- (h) Streams, lakes, ponds, or other bodies of water within the project area or adjacent to the site which will be affected by runoff from the project.
- (i) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
- (j) Location of existing underground utilities, sewers and water lines.
- (k) Location of proposed underground utilities, sewers and water lines.

- (l) Soil types and boundaries.
- (m) Proposed changes to land surface and vegetative cover.
- (n) Areas to be cut or filled.
- (o) Proposed structures, roads, paved areas and buildings.
- (p) Final contours at intervals of two (2') feet. In areas of steep slopes (greater than 5%) five-foot contour intervals may be used.
- (q) Location of where water will exit the site and the means for discharging.

SECTION 827 DESIGN FEATURES FOR DRAINAGE FACILITIES

Storm water drainage facilities shall be designed in accordance with the following provisions:

- (a) No storm water runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
- (b) Storm drainage systems shall be designed to convey through the proposed development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonably projected during the next twenty-five (25) years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
- (c) Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided which substantially conforms to the line of such watercourse at a width adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be established on both sides of the watercourse at least twenty (20') feet from any recognized high water mark of the watercourse, but in no case shall said drainage easement be less than twenty (20') feet from the top of the bank of the watercourse. The terms of the easement shall prohibit any form of development within any portion of the easement, including fill material, and activities related to grading or excavation.
- (d) Drainage facilities that are located on State highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Borough Council.
- (e) All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be one-quarter (1/4") inch per foot away from the centerline.
- (f) When it can be shown to the satisfaction of the Borough Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide

for drainage, open channels may be constructed which substantially conform to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the applicable procedures as contained in the most recent edition of the "Erosion and Sedimentation Control Manual" as published by the Pennsylvania Department of Environmental Protection.

- (g) Whenever storm sewers are required by the Borough Council, such storm sewers shall be separate from the sanitary sewer system. Storm sewer facilities shall be provided where the Borough Council, with the advice of the Borough Engineer, determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- (h) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- (i) Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- (j) The minimum size diameter of a drainage pipe shall be fifteen (15") inches, unless otherwise approved by the Borough Council, based upon a recommendation by the Borough Engineer. The minimum value for "v" in pipes shall be based on engineering judgment and experience. Pressure flow is permitted in storm sewers. The elevation of the hydraulic gradient shall be at least one (1') foot below ground level. Pressure heads up to twenty-five (25') feet can be used with concrete pipe with rubber gasket joints.
- (k) Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets. Capacity calculations for inlets shall be submitted with the design report.
- (l) All storm water drainage facilities shall be designed to handle, at minimum, the peak discharges from a 10-Year post-development storm event. The Borough Council shall have the discretion to require that certain drainage facilities be designed for peak discharges which may exceed a 10-Year post-development storm event, if so warranted in the recommendation of the Borough Engineer.
- (m) Drainage facilities shall be large enough to accommodate potential runoff from upstream drainage areas, whether inside or outside the subdivision. The Borough Engineer shall give approval to the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum runoff rate calculated by the applicant and reviewed by the Borough Engineer. The calculation of this runoff rate shall take into account any land use and development regulations including runoff controls in effect in the tributary areas.

- (n) The developer's Engineer shall also study the effect of the subdivision on existing downstream drainage facilities outside the area of the subdivision. Such studies will be subject to review and approval by the Borough Engineer. Authorized Borough drainage studies, together with such other studies as deemed appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident related to the development of the subdivision will overload an existing downstream drainage facility, the Borough Council may withhold approval of the development until provisions are made to correct and/or mitigate potential adverse downstream drainage conditions.
- (o) Any proposed or required storm drainage facilities or structures located on private property shall require the submission and approval of a detailed maintenance plan to the Borough Council. Included within said plan shall be the provision of an annual inspection of such private storm drainage facilities or structures by the Borough. A written agreement to reimburse the Borough for any cost incurred for such inspections shall be submitted with the required maintenance plan. Any deficiencies determined as a result of the required inspection shall be subject to correction within sixty (60) days upon receipt of notification from the Borough.

SECTION 828 DRAINAGE EASEMENTS

Required drainage easements shall be provided in accordance with the following:

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements twenty (20') feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. A greater width may be required for proper maintenance as determined by the Borough Engineer. A reduction in the width, when warranted by the topography and circumstances, will be permitted, if approved by the Borough Council after consulting with the Borough Engineer, but in no case shall the width be less than fifteen (15') feet. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (c) A drainage easement of twenty (20') feet from the recognized high-water mark of a watercourse shall be provided, but in no case shall the required drainage easement be less than twenty (20) feet from the top of the bank of the watercourse.

SECTION 829 STORM WATER DETENTION

It shall be the policy of the Borough Council to discourage areas of extremely poor drainage. Should a developer wish to overcome drainage problems through the inclusion of stormwater detention facilities, the following provisions shall apply:

- (a) Stormwater detention facilities shall be utilized whenever the Stormwater Management Plan indicates post-development runoff rates for each point of discharge exceed the pre-development runoff rates.
- (b) Stormwater detention facilities shall be designed to provide that the peak runoff rate at all points of discharge from the site following the proposed development will not exceed pre-development runoff rates.
- (c) Detention facilities shall be designed so that they return to ninety (90%) percent dry conditions within approximately twelve (12) hours after the termination of the storm, unless the Borough Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
- (d) The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
- (e) Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flows.
- (f) If the lands of the proposed development will remain in common ownership, the developer shall provide written assurances to the Borough Council that the detention ponds will be properly maintained. The Borough Council shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.
- (g) If the lands of the proposed development will be conveyed to two (2) or more separate owners, the developer shall provide written assurances to the Borough Council that the detention ponds will be properly maintained. The Borough Council shall hold sole discretion as to whether such assurances are acceptable for guaranteeing proper maintenance.

SECTION 830

DESIGN OF STORM DRAINAGE SYSTEM

Storm drainage systems required by this Ordinance shall be designed to provide protection from a 10 to 100 year storm as determined by the Borough Engineer.

- (a) Stormwater runoff calculations shall be calculated from methods described in the most recent edition of the "Erosion and Sediment Pollution Control Manual" as prepared by the Pennsylvania Department of Environmental Protection.
- (b) Stormwater control system design calculations shall be based on methods described in the "Erosion and Sediment Pollution Control Manual".
- (c) All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.
- (d) Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, polyethylene, PVC or other material approved by the Pennsylvania Department of Transportation.

- (e) Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
- (f) All detention and retention basins shall be designed and constructed with silt post detectors.

SECTION 831 UTILITY EASEMENTS

Easements shall be provided for all utilities, including but not limited to poles, wires, conduits, storm and sanitary sewers, water and heat mains, gas, electric power, telephone, cable TV and roadway embankments.

- 831.1 Location and Width: With the exception of on-lot sewer laterals, utilities shall be located either within the public right-of-way or in easements centered on or adjacent to front, rear, or side lot lines. No structures or trees shall be placed over or within such easements. Such easements shall be a minimum of twenty (20) feet in width.
- 831.2 Underground Installation: In developments of five (5) or more lots or residential developments of five (5) or more dwelling units electric, telephone, and all other utility facilities shall be installed underground. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for such a system. All underground utilities including laterals, service connections, etc. or provisions for the same shall be installed prior to the placing of the subbase material in areas where the utilities underlie the cartway.
- 831.3 Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to preliminary plan approval the developer shall be required to obtain a letter from the transmission or distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

Any company intending to install a petroleum, petroleum products or natural gas transmission line shall be required to construct such line on an easement at least fifty (50) feet wide, and the line shall be located at the center of such easement.

The installation shall comply with all applicable standards of the Pennsylvania Utilities Commission.

A minimum distance of twenty-five (25) feet, measured from the edge of the easement, shall be required between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses a subdivision.

SECTION 832 STREET LIGHTING

Street lights shall be installed at all street intersections and other such locations as recommended by the Borough Engineer and the applicable utility company.

SECTION 833 CURBS

Curbs shall be required and installed to the following minimum construction standards or PennDot construction standards and design specifications, where applicable:

- (a) Straight curbs of Portland Cement Concrete shall be twenty-four (24") inches in depth, six (6") inches wide at the top, and eight (8") inches wide at the bottom, and shall have an exposed face between six (6") inches and eight (8") inches.
- (b) Expansion joints shall be provided at least every twenty (20') feet. Each expansion joint shall contain 1/2" premolded bituminous expansion joint material. Contraction joints shall be provided at least every ten (10') feet.
- (c) Portland cement concrete used in the construction of curbs and gutters shall meet the minimum 3000 P.S.I. 28-day strength test according to A.S.T.M Standards, air entrained.
- (d) All curbs shall be depressed at intersections with the sidewalk to accommodate handicapped individuals. The design standards and specifications shall comply with all governing Federal and/or State standards.

SECTION 834 SIDEWALKS

Sidewalks shall be required in all residential developments. In other subdivisions or land developments, sidewalks or pedestrian interior walkways may also be required by the Borough Council based upon features of the site and the proposed use and/or development of the property.

a) Location

Sidewalks, where required or provided, shall be located within the street right-of-way and no closer than one (1') foot from the right-of-way line, no closer than three (3') feet from the curb line. A grass planting strip shall be planted between the curb and sidewalk.

(b) Width

Sidewalks shall have a minimum width of four (4') feet.

potential residential development and provisions for a permanently landscaped buffer strip when necessary.

- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing and potential residential areas.

ARTICLE 9

MOBILE HOME PARKS

SECTION 901 **GENERAL REQUIREMENTS**

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park shall be deemed as a subdivision or land development and shall be subject to design standards within Article 8 and regulations provided within this Article and all Sections and Subsections thereunder.

SECTION 902 **SITE LOCATION STANDARDS**

- A. All mobile home parks shall have a total land area of not less than five (5) acres.
- B. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent.
- C. All mobile home parks shall have access to public streets or roads.
- D. All mobile home parks shall be serviced by a centralized sewage disposal system and a central water supply and distribution system.
- E. Mobile homes shall not be located on sites so that any portion of any mobile home is closer than thirty (30') feet to any portion of any other mobile home or permanent building within the mobile home park.
- F. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from public street or roads. Entrance roads shall have a paved cartway width of at least twenty-four (24') feet.
- G. Every mobile home site shall be provided with a minimum of two (2) off-street parking spaces.
- H. All mobile home parks shall be provided with pedestrian walkways on at least one side of every street.
- I. The minimum area of land per mobile home site shall be not less than seven thousand two hundred (7,200) square feet, with the dimensions being sixty feet by one hundred and twenty (60x120) feet. There shall be an interior spacing distance of not less than thirty (30) feet from the defined site on which the mobile home is located to the next defined site for a mobile home.
- J. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be

**LAUREL RUN BOROUGH COUNCIL
RESOLUTION NO. OF 2006**

A RESOLUTION OF THE BOROUGH COUNCIL OF LAUREL RUN BOROUGH ESTABLISHING A SCHEDULE OF FEES TO BE PAID BY A DEVELOPER AND/OR APPLICANT IN ACCORDANCE WITH SECTION 108 OF THE LAUREL RUN BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

WHEREAS, the LAUREL RUN Borough Council, pursuant to the provisions of Section 108 of the LAUREL RUN Borough Subdivision and Land Development is authorized to establish a fee schedule in accordance with said Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF LAUREL RUN BOROUGH THAT THE FOLLOWING SCHEDULE OF FEES IS HEREBY ADOPTED:

The following fees shall be paid by the applicant and/or developer to LAUREL RUN Borough in such amounts and at such times hereinafter set forth.

1. MAJOR SUBDIVISION

\$300.00 plus \$50.00 per lot for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the subdivision and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the Borough of LAUREL RUN within thirty (30) days from the date of invoice.

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either

of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Subdivision Plan.

2. MINOR SUBDIVISION

\$150.00, plus \$25.00 per lot for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward of all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice.

3. MAJOR LAND DEVELOPMENT

A. TWO OR MORE PRINCIPAL BUILDINGS AND/OR USES

\$350.00, plus \$50.00 per building for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the site of the land development and/or required improvements contained therein.

The developer, and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice.

In addition to the above fees, the developer, and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer, and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies

with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Land Development Plan.

B. A SINGLE BUILDING DESIGNED OR INTENDED FOR TWO OR MORE OCCUPANTS AND/OR A SINGLE OCCUPANCY NONRESIDENTIAL BUILDING CONTAINING A MINIMUM OF 5,000 SQUARE FEET OF GROSS FLOOR AREA

\$300.00, plus \$50.00 per occupant for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the site of the land development and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice.

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Land Development Plan.

C. THE DIVISION OR ALLOCATION OF LAND OR SPACE, WHETHER INITIALLY OR CUMULATIVELY, BETWEEN OR AMONG TWO OR MORE EXISTING OR PROSPECTIVE OCCUPANTS BY MEANS OF, OR FOR THE PURPOSE OF STREETS, COMMON AREAS, LEASEHOLDS, CONDOMINIUMS, BUILDING GROUPS OR OTHER FEATURES.

\$300.00, plus \$50.00 per occupant, building and/or structure for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the

plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the site of the land development and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice.

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Land Development Plan.

D. CONVERSION OF EXISTING SINGLE FAMILY DWELLING INTO MORE THAN THREE (3) UNITS, EXCLUDING CONDOMINIUMS

\$300.00 plus \$50.00 per dwelling unit for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the subdivision and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward of all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the Borough of LAUREL RUN within thirty (30) days from the date of invoice.

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Subdivision Plan.

**E. NONRESIDENTIAL USE OF LAND, WITH OR WITHOUT STRUCTURES
THAT ENCOMPASSES FIVE OR MORE ACRES OF LAND**

\$300.00, plus \$50.00 per acre of land for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the site of the land development and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice. T

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies

with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Land Development Plan.

F. MOBILE HOME PARK

\$300.00, plus \$50.00 per mobile home site for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. Said fees shall include, but shall not be limited to, charges for the following types of services for the submission of a preliminary and/or final plan:

- a. Site inspection;
- b. Review of plans;
- c. Written reports on plan reviews;
- d. Certification of cost estimates for required improvements;
- e. Inspection of required improvements during the course of the construction and installation of said improvements;
- f. Final inspection of the site of the land development and/or required improvements contained therein.

The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to the LAUREL RUN Borough within thirty (30) days from the date of invoice.

In addition to the above fees, the developer and/or applicant shall also be required to pay any and all additional fees, charges or costs that may be charged by any other municipal agency (other than the Borough) for any fees connected with the review of the plans, additional calculations, additional reports or other such services which may be required or necessitated as a result of the application or any change(s) made to the application, proposed plans or preliminary and/or final plans by the developer and/or applicant, either of their own initiative or as required by the LAUREL RUN Borough Council in order that said application, proposed plan or preliminary plan and/or final plan conforms or complies with the applicable requirements of the LAUREL RUN Borough Subdivision and Land Development Ordinance. The applicant will also be responsible for all engineering testing, and inspection required in the approval process of a Major Land Development Plan.

4. MINOR LAND DEVELOPMENT

\$150.00, plus \$25.00 per building for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the plans, application and site inspection work. The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant, who shall make direct and prompt payment to LAUREL RUN Borough within thirty (30) days from the date of invoice.

5. SKETCH PLAN (OPTIONAL)

\$150.00 for the base application fee, plus the cost of all engineering fees and/or other consulting fees related to the review of the sketch plans and application. The developer and/or applicant shall be required to enter into a written agreement which guarantees the payment of all engineering and/or other consulting fees related to review functions of a plan. The Borough shall forward all engineering and/or other consulting invoices to the developer and/or applicant who shall make direct and prompt payment to LAUREL RUN Borough within thirty (30) days from the date of invoice.

ENACTED BY THE AUTHORITY OF THE BOROUGH COUNCIL OF LAUREL RUN BOROUGH THIS ____ DAY OF _____, 2006.

COUNCIL PRESIDENT

ATTEST:

BOROUGH SECRETARY

