

BOROUGH OF CLARKS GREEN



LACKAWANNA COUNTY
104 NORTH ABINGTON ROAD • CLARKS GREEN, PENNSYLVANIA 18411
PHONE: 717-586-4446
FAX: 586-6896

SUBDIVISION & LAND
DEVELOPMENT

SUBDIVISION & LAND DEVELOPMENT

Chapter 100

SUBDIVISION AND LAND DEVELOPMENT

ARTICLE I
General Provisions

- § 100-1. Legislative authority.
- § 100-2. Plan approval required.
- § 100-3. Purpose.
- § 100-4. Applicability.
- § 100-5. Title.

ARTICLE II
Definitions

- § 100-6. Word usage.
- § 100-7. Definitions.

ARTICLE III
Procedure for Submission of Plans

- § 100-8. Observance required.
- § 100-9. General requirements.
- § 100-10. Preliminary plan.
- § 100-11. Final plan.

ARTICLE IV
Design Standards

- § 100-12. Application of standards.

CLARKS GREEN CODE

- § 100-13. General standards applicable to all types of development.
- § 100-14. Residential standards.
- § 100-15. Mobile home park standards.
- § 100-16. Commercial and industrial standards.

ARTICLE V Required Improvements

- § 100-17. General requirements.
- § 100-18. Monuments.
- § 100-19. Street pavement, curbs and sidewalks.
- § 100-20. Street signs.
- § 100-21. Water.
- § 100-22. Sanitary sewers.
- § 100-23. Storm sewers.
- § 100-24. Erosion and sediment control.
- § 100-25. Other utilities.
- § 100-26. Procedure for installation.

ARTICLE VI Plan Requirements

- § 100-27. Preliminary plan.
- § 100-28. Final plan.

ARTICLE VII Variances

- § 100-29. When granted; conditions.

SUBDIVISION & LAND DEVELOPMENT

- § 100-30. Large-scale development.
- § 100-31. Reconsideration.
- § 100-32. Application procedure.
- § 100-33. Recording.

ARTICLE VIII Miscellaneous Provisions

- § 100-34. Amendments.
- § 100-35. Commission records.
- § 100-36. Violations and penalties.
- § 100-37. Interpretation; applicability.

Table 1: Street Right-of-Way Widths

Table 2: Geometric Standards for Streets

Table 3: Lot Standards for Residential Subdivisions

Table 4: Basic Improvement Requirements for Street Pavements, Curbs, Sidewalks and Shoulders

[HISTORY: Adopted by the Council of the Borough of Clarks Green 12-11-72 as Ord. No. 4-1972. Section 100-22A and B and Table 3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 25
Sewer Committee — See Ch. 33.
Flood damage prevention — See Ch. 67.
Sewers — See Ch. 87.
Streets and sidewalks — See Ch. 95.
Zoning — See Ch. 120.
Cable television franchise — See Ch. A126.
Electric company franchise — See Ch. A131.
Telephone company franchise — See Ch. A136.

ARTICLE I
General Provisions

§ 100-1. Legislative authority.

The Borough of Clarks Green, County of Lackawanna, Pennsylvania, under the authority granted by Article V, Subdivision and Land Development, Sections 501 through 516 of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, and subsequent amendments thereto, hereby adopts the following regulations governing the subdivision and development of land within the borough.

§ 100-2. Plan approval required.

All plans for subdivisions shall be submitted to the Clarks Green Planning Commission and approved by it and the Borough Council before they shall be recorded.

§ 100-3. Purpose.

This chapter has been adopted in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Borough of Clarks Green through the provisions of regulations that will ensure the harmonious development of the community.

§ 100-4. Applicability.

The provisions contained herein shall apply to all land within the borough limits of the Borough of Clarks Green.

§ 100-5. Title.

This chapter shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Clarks Green."

ARTICLE II
Definitions

§ 100-6. Word usage.

As used in this chapter, words in the singular include the plural, and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof." The word "street" includes avenue, boulevard, court, expressway, highway, lane, arterial and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The word "may" is permissive; the words "shall" and "will" are mandatory, subject, however, to the provisions of § 100-29 hereof.

§ 100-7. Definitions.

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

ALLEY — A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

BLOCK — An area bounded by streets.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined from the intersection between points at a given distance from the intersection of street rights-of-way.

COMMISSION — The Clarks Green Planning Commission.

COMMISSION ENGINEER — The Borough Engineer if said office exists, and if not, shall be the engineer or other qualified person designated by the Planning Commission to perform all administrative and/or supervisory duties required of the Commission Engineer by the provisions of this chapter.

COUNCIL — The Clarks Green Borough Council.

CUL-DE-SAC — A minor street intersecting another street at one end and terminated at the other by a vehicular turnabout.

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

EASEMENT — A right-of-way granted for the limited use of private land for a public or quasi-public purpose.

HALF- OR PARTIAL STREET — A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

INTERIOR WALK — A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

LOT — A tract or parcel of land intended for transfer of ownership, use or improvement.

PAVEMENT — The portion of a street or alley intended for vehicular use.

PLAN, FINAL — A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY — A tentative subdivision plan, in lesser detail than a final plan, showing approximate proposed streets and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH — An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

REVERSE-FRONTAGE LOT — A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

RIGHT-OF-WAY — Land reserved for use as a street, alley, interior walk or for other public purpose.

SETBACK OR BUILDING LINE — The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.

SITE DISTANCE — The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

STREET — A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Classes of "streets" are as follows:

- A. MAJOR TRAFFIC STREETS — Those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania State Transportation Department, and include streets classified as expressways and major traffic streets in the Thoroughfares Plan adopted by the Planning Commission.
- B. COLLECTOR STREETS — Those which, in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic, to community facilities and to major traffic streets, and include streets classified as collector streets in the Thoroughfare Plan adopted by the Planning Commission.
- C. MINOR STREETS — Those used primarily to provide access to abutting property.
- D. MARGINAL ACCESS STREETS — Minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic streets.

STREET, PUBLIC — A street dedicated to public use.

SUBDIVIDER — The owner, or authorized agent of the owner, of a subdivision.

SUBDIVISION:

- A. A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds,

into lots or parcels two (2) or more in number for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon. A "subdivision" as defined above includes division of a parcel of land having frontage on an existing street, into two (2) or more lots having frontage on the existing street. However, for the purpose of this chapter, division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement, shall not be deemed a "subdivision."

- B. Any development of a piece of land which involves installation of sanitary sewers, storm sewers, water mains, gas mains or pipes, or other facilities for the use, whether immediate or future, of the owners or occupants of the land, or of buildings abutting thereon.
- C. The term "subdivision" includes resubdivision and, as appropriate in this chapter, shall refer to the process of subdividing or to the land subdivided.

YARD — An open space as may be required by this chapter of uniform width or depth, on the same lot with a building or group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

- A. **FRONT YARD** — An open space extending the full width of the lot between a building and front lot line, unoccupied and unobstructed from the ground upward.
- B. **REAR YARD** — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. **SIDE YARD** — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ARTICLE III
Procedure for Submission of Plans

§ 100-8. Observance required.

The following procedures shall be observed by all subdividers.

§ 100-9. General requirements.

- A. Preliminary and final plans for all proposed subdivisions of land lying within the limits of the municipality shall be filed with the Commission for approval.
- B. Subdivision plans and supporting data submitted to the Planning Commission will be considered at the Commission's next regularly scheduled meeting, provided that they are received at least thirty (30) calendar days in advance of said meeting.
- C. The initial plan filed with the Commission for review shall be considered the official preliminary plan. However, the Commission may proceed to final action at the first consideration of a plan for a small subdivision containing no new streets if the plan and supporting data comply with all of the requirements for final plans. (See § 100-26.)
- D. The subdivider may prepare a sketch plan for informal discussion with the Commission prior to submitting the official preliminary plan for review. This plan shall be for the purpose of establishing in advance, if possible, the extent to which the proposed subdivision conforms to the design standards of this chapter.

§ 100-10. Preliminary plan.

- A. Preliminary plans and supporting data shall comply with the provisions of Article IV of this chapter.
- B. Ten (10) copies of the preliminary plan shall be submitted to the Commission by the subdivider.

- C. Fees to defray the cost of subdivision review shall be paid (to order of the municipality) at filing of the preliminary plan in the amount of fifty dollars (\$50.) per application, plus seventy-five dollars (\$75.) per lot for subdivisions consisting of ten (10) or fewer lots; sixty dollars (\$60.) per lot for subdivisions consisting of eleven (11) to twenty (20) lots; fifty dollars (\$50.) per lot for subdivisions consisting of over twenty (20) lots. [Amended 1-9-78 by Ord. No. 2-1978]
- D. The Commission Secretary shall transmit copies of the preliminary plan to the municipal governing body, Commission Engineer, County Planning Commission, the County Soil and Water Conservation District Office, the Pennsylvania Department of Environmental Resources and to each affected utility company for comments and recommendations.
- E. Within forty (40) days after the meeting at which the preliminary plan is reviewed, the Commission shall notify the subdivider of the changes and modifications, if any, which must be incorporated on the final plan before it shall be approved.
- F. Approval of the preliminary plan, subject to conditions, revisions and modifications as stipulated by the Commission, shall constitute conditional approval by the Commission of the subdivision as to the character and intensity of the development and the general layout and approximate dimensions of streets, lots and other proposed features.

§ 100-11. Final plan.

- A. A final plan with supporting data shall be submitted to the Commission for final approval within three (3) years after Commission action on the preliminary plan, provided that an extension of time may be granted by the Commission upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.
- B. The final plan shall conform in all important respects to the preliminary plan as previously reviewed by the Commission and shall incorporate all modifications and revisions specified by the Commission in its conditional approval of the

§ 100-11 SUBDIVISION & LAND DEVELOPMENT § 100-11

preliminary plan. Otherwise, the plan shall be considered as a revised preliminary plan.

- C. The Commission may permit submission of the final plan in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plan.
- D. The final plan and supporting data shall comply with the provisions of Articles V and VI of this chapter. Failure to do so shall be cause for tabling the plan.
- E. Ten (10) copies of the final plan with supporting data shall be submitted to the Commission. The Commission Secretary shall transmit copies of the plan to the municipal governing body, Commission Engineer, County Planning Commission, the County Soil and Water Conservation District Office, the Pennsylvania Department of Environmental Resources and to each affected utility company for comments and recommendations.
- F. Within thirty (30) days after the meeting at which the final plan is reviewed, the Commission shall notify the Council in writing of its approval or disapproval. Reasons for disapproval shall be explicitly stated. A copy of said notification to Council shall be sent to the subdivider.
- G. Upon receipt of the final plan from the Commission, the Council may arrange for a public hearing after giving proper public notice, or may take final action on the plan at a regularly scheduled meeting. Disapproval of the final plan by Council shall be by resolution, giving the reasons therefor. Failure of the Council to take final action on the plan within forty (40) days of receipt from the Commission shall constitute Council approval of the plan.
- H. When both the Planning Commission and the Council have approved the final plan, the Borough Secretary and the Commission Secretary shall endorse two (2) copies of the final plan to that effect. One (1) copy of the endorsed final plan shall be kept in the Commission files and the other returned to the subdivider.
- I. The subdivider shall record the final plan in the office of the Recorder of Deeds of Lackawanna County within ninety (90)

days after the date of approval by the Borough Council. The copy of the final plan filed for recording shall be a clear and legible white print, bearing the approval of the Borough Planning Commission and the Borough Council.

ARTICLE IV Design Standards

§ 100-12. Application of standards.

The design standards and requirements outlined in this Article will be applied by the Planning Commission in evaluating plans for all proposed subdivisions.

§ 100-13. General standards applicable to all types of development.

- A. Land requirements. Land shall be suited to the purpose for which it is to be subdivided. Land subject to periodic flooding or other hazards to life, health or property shall not be subdivided for residential purposes unless adequate safeguards against such hazards are provided by the plan.
- B. Community facilities and Master Plan requirements.
 - (1) The Commission will consider the adequacy of the existing or proposed community facilities to serve the uses proposed in the subdivision. Where a proposed park, playground, school or other public use shown in the Master Plan is located, in whole or in part, in a subdivision, the Commission may require the provision or reservation of such area as may be deemed reasonable, provided that such provision or reservation is acceptable to the municipality.
 - (2) Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

§ 100-13 SUBDIVISION & LAND DEVELOPMENT § 100-13

- (3) The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan.

C. On-lot sewage and water supply. Where evidence indicates that the minimum lot size requirements specified in other sections of this chapter or in the municipality's Zoning Ordinance¹ are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the Commission shall request the Pennsylvania Department of Environmental Resources to make such tests as are necessary to determine the adequacy of the proposed lot size, existing grade and soil conditions. The Planning Commission shall review the findings of the Department of Environmental Resources and of any other competent registered engineer or authority on this matter and shall make a final determination on the adequacy of the proposed facility.

D. Easements.

- (1) Easements with a minimum width of ten (10) feet, plus the width of any required pipe or other improvements, shall be provided as necessary for utilities.
- (2) To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- (3) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- (4) Utilities serving the area of the proposed subdivision shall be consulted with respect to location, size and use of easements for utility purposes. Utilities will be placed underground when required by PUC Order I.D. 99, dated July 8, 1970.

E. Blocks.

- (1) The length, width and shape of blocks shall be determined with due regard to the following:

¹ Editor's Note: See Ch. 120, Zoning.

- (a) Provisions of adequate sites for buildings of the type proposed.
 - (b) Zoning requirements.²
 - (c) Topography.
 - (d) Requirements for safe and convenient vehicular and pedestrian circulation.
- (2) Pedestrian interior walks may be required to assist circulation or provide access to community facilities in blocks over one thousand two hundred (1,200) feet or to provide pedestrian walkway continuity within a given subdivision. Such crosswalk shall have a width of not less than ten (10) feet and a paved walk of not less than five (5) feet.
- F. Storm drainage. Lots shall be laid out to encourage positive drainage away from proposed building areas, and, wherever desirable, natural drainage courses shall be maintained.
- G. Design standards for streets.
- (1) Street right-of-way-widths. Minimum right-of-way widths for all proposed streets shall conform to the requirements set forth in Table 1.³
 - (2) Geometric standards. Geometric design standards for all proposed streets shall conform to the requirements set forth in Table 2.⁴
- H. Street system layout.
- (1) Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality, and they shall further conform to such county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

² Editor's Note: See Ch. 120, Zoning.

³ Editor's Note: Table 1, Street Right-of-Way Widths, is located at the end of this chapter.

⁴ Editor's Note: Table 2, Geometric Standards for Streets, is located at the end of this chapter.

§ 100-13 SUBDIVISION & LAND DEVELOPMENT § 100-13

- (2) The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Commission deems such extension undesirable for specific reasons of topography or design.
- (3) Streets shall be logically related to the topography to produce usable lots and reasonable grades.
- (4) Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.
- (5) Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.
- (6) Partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- (7) Wherever a tract to be subdivided borders an existing half- or partial street, the other part of the street shall be plotted within such tract.
- (8) Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as culs-de-sac to serve residential areas.
- (9) New reserve strips, including those controlling access to streets, shall be avoided.

I. Street intersections.

- (1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty degrees (60°).
- (2) Multiple intersections involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

- (3) Clear sight triangles of seventy-five (75) feet measured along street lot lines from their point of junction shall be provided at all intersections of minor or collector streets and clear sight triangles of one hundred fifty (150) feet at major street intersections. No building shall be permitted within such sight triangles.
- (4) To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.
- (5) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
- (6) Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other types of streets or such greater radius as is suited to the specific intersection.
- (7) Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.
- (8) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with Table 1⁵ will be required.
- (9) Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four-percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

J. Uses fronting on major traffic streets.

- (1) Service streets. Where a subdivision fronts or abuts a major street as defined in Article II, the Commission may require any of the following measures:

⁵ Editor's Note: Table 1, Street Right-of-Way Widths, is located at the end of this chapter.

§ 100-13 SUBDIVISION & LAND DEVELOPMENT § 100-14

- (a) A service street approximately parallel to the major street at a distance suitable for the appropriate use⁶ of the intervening land.
 - (b) Marginal access streets, rear service alleys, reverse-frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street and separation of local and through traffic.
- (2) Controlled access. Entrances and exits to nonresidential subdivisions shall be designed so as not to interfere with through traffic. In general, entrance and exit points shall not be located closer to one another than fifty (50) feet and, when combined, shall be restricted to one (1) combined access point per one hundred (100) feet. Access points shall not exceed twenty-four (24) feet in width at any such point.
- (3) Building setback line. Unless otherwise regulated by appropriate ordinances, nonresidential structures shall be set back not less than forty (40) feet from the property line fronting on the major street. Rear setback lines shall be such that no nonresidential structure shall be any closer to the rear property line than twenty (20) feet.

§ 100-14. Residential standards.

- A. Application. All subdivisions proposed for residential use, except mobile home courts, shall conform to the provisions of this section.
- B. Residential lot sizes. Lot dimensions, area, yards and building setback lines shall be not less than specified by the provisions of the Zoning Ordinance⁶ except that the provision of Subsection C shall apply in all cases. Where such a Zoning Ordinance is not in force, the requirements listed in Table 3 below⁷ and in Subsection C shall apply.

⁶ Editor's Note: See Ch. 120, Zoning.

⁷ Editor's Note: Table 3, Lot Standards for Residential Subdivisions, is located at the end of this chapter.

C. Design of residential lots.

- (1) All lots shall front upon a public street, existing or proposed.
- (2) Side lot lines shall be substantially at right angles or radial to street lines.
- (3) If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to the use of the public, if acceptable to the municipality.
- (4) Double-frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
- (5) Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and unloading.

D. Residential blocks.

- (1) Blocks shall have a maximum length of one thousand two hundred (1,200) feet. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- (2) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse-frontage lots bordering a major traffic street are used.

E. Cul-de-sac streets.

- (1) Cul-de-sac streets permanently designed as such shall not exceed eight hundred (800) feet in length and shall furnish access to not more than twenty (20) dwelling units. This requirement may be waived where the Planning Commission deems it necessary.
- (2) Cul-de-sac streets shall be provided, at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curblineline of forty (40) feet.
- (3) Unless further extension is clearly impractical or undesirable, a turnabout right-of-way of the same width as the street shall be carried to the property line in such

§ 100-14 SUBDIVISION & LAND DEVELOPMENT § 100-15

a way as to permit future extension of the street into the adjoining tract.

§ 100-15. Mobile home park standards.

- A. Application. All mobile home courts shall conform to the provisions of this section.
- B. Site location.
 - (1) All mobile home courts shall be located on high and well-drained lands and shall have not less than a total land area of five (5) acres.
 - (2) All mobile home courts shall have paved access roads to and from any such site, and in no instance shall such sites be in conflict with any other ordinance of the borough.
 - (3) No mobile home shall be located closer than fifty (50) feet to any property line defining the internal boundary of the court.
 - (4) A screen consisting of natural growth vegetation shall be provided along the property boundary separating the park and adjoining properties. This buffer strip shall be a minimum of ten (10) feet.
- C. Minimum site improvements. Minimum site improvements for all mobile home courts shall include, but shall not be limited to, the following:
 - (1) Streets. All streets within any mobile home court shall be not less than fifty (50) feet of right-of-way with a paved width of not less than twenty-eight (28) feet and shall meet minimum paving thickness and other requirements as set out in Article V hereof for minor streets. All streets shall be properly drained and shall be kept free of debris or other obstructions to provide clear access for fire, police or other emergency access. Off-street parking for at least one (1) motor vehicle shall be provided at each mobile home lot.
 - (2) Open space. All mobile home courts shall provide not less than ten percent (10%) of the total land area for public

open space purposes, and such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes.

- (3) Utility improvements. All mobile home courts shall provide to each lot line a continuing supply of safe and potable water as approved by the Pennsylvania Department of Environmental Resources, as well as a sanitary sewerage disposal system in accordance with, and as approved by, the Pennsylvania Department of Environmental Resources, all such systems being provided to the lot lines of all lots in any such mobile home court.
- (4) Other site improvements. There shall be provided in each mobile home court such other improvements as the Commission may require, whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection and disposal facilities as approved by the Pennsylvania Department of Environmental Resources and an adequate park lighting system.

D. Minimum lot and area requirements.

- (1) Lot sizes. No lot in any mobile home court shall be less than fifty (50) feet wide and have less than five thousand (5,000) square feet of total lot area, exclusive of easements and rights-of-way.
- (2) Setback requirements. No structure located on any lot in any mobile home court shall be closer to any front lot line than twenty-five (25) feet; closer to any side lot line than ten (10) feet; nor closer to any rear lot line than twenty (20) feet.
- (3) Lot requirements.
 - (a) All lots in any mobile home court shall be well-drained and graded to a point where trailers or mobile homes may be parked so that the parking of the same shall result in safety to all concerned.

§ 100-15 SUBDIVISION & LAND DEVELOPMENT § 100-16

- (b) In all instances, as much natural growth as is reasonably possible shall be preserved by any mobile home court developer.

§ 100-16. Commercial and industrial standards.

- A. Application. All commercial and industrial subdivisions shall conform to the provisions of this section.
- B. Size. Approval of lot or parcel size will be determined by the following factors:
- (1) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities. In no instance shall there be less than three (3) square feet of off-street parking for each one (1) square foot of building use.
 - (2) Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments planned, developed, owned and managed as a unit. In no case will narrow, highway-ribboned developments be approved.
- C. Street system.
- (1) Traffic movement in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
 - (2) The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- D. Front yard. Building setback lines should be specified by the local Zoning Ordinance.⁸
- E. Utilities. Where possible, commercial and industrial subdivisions should be located close to public utilities. In any case, subdivisions should be provided with such utilities as are necessary to maintain adequate health standards and to dispose of commercial and industrial wastes.

⁸ Editor's Note: See Ch. 120, Zoning.

F. Location.

- (1) In general, commercial and industrial subdivisions should be located adjacent or close to major highways and transportation facilities.
- (2) Commercial and industrial subdivisions may not be located in a predominately residential area or areas that are better suited to residential development. However, a commercial parcel designed as an integral part of a residential subdivision will be permitted, provided that said shall be in conformance with any zoning ordinance adopted by the municipality.

ARTICLE V Required Improvements

§ 100-17. General requirements.

Minimum improvements and construction standards required of all subdivisions shall be as set forth in this Article and listed in Table 4.⁹ Where not set forth, they shall be in accordance with the prevailing standards as established by the Commission Engineer. Alternate improvement standards may be permitted if the Commission deems them equal or superior in performance characteristics to the specified improvements. Additional or higher-type improvements may be required in specific cases where the Commission believes it necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of the municipality.

§ 100-18. Monuments.

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

⁹ Editor's Note: Table 4, Basic Improvement Requirements for Street Pavements, Curbs, Sidewalks and Shoulders, is located at the end of this chapter.

§ 100-18 SUBDIVISION & LAND DEVELOPMENT § 100-19

- A. Monuments shall be readily visible and shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following two (2) types:
- (1) Cut stone six (6) inches by six (6) inches by thirty-six (36) inches long with a drill hole in the center.
 - (2) Concrete six (6) inches by six (6) inches by thirty-six (36) inches long with a copper or brass pin in the center.
 - (3) The proposed replacement of any existing monuments shall be clearly indicated on the final plan.
- B. Five-eighths-inch copperweld or three-fourths-inch reinforcing rod of three-fourths ($\frac{3}{4}$) inch of pipe or iron pin markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles in property lines of lots. At all corner lots, markers shall consist of steel pipes at least fifteen (15) inches long and not less than three-fourths ($\frac{3}{4}$) inch in diameter.

§ 100-19. Street pavement, curbs and sidewalks.

- A. The provision of street pavement, curbs and sidewalks on all proposed or required public streets shall be as shown on Table 4.¹⁰ All streets shall be graded, surfaced and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the subdividers and approved by the Commission.
- B. Table 4 specifies those improvements which are the responsibility of the subdivider. In the case of major traffic streets, the State Transportation Department or the municipality may provide additional improvements over and above those required to be installed by the subdivider.

¹⁰ Editor's Note: Table 4, Basic Improvement Requirements for Street Pavements, Curbs, Sidewalks and Shoulders, is located at the end of this chapter.

§ 100-20. Street signs.

Street signs shall be provided at the intersection of all streets. The type, height and design shall be approved by the Commission.

§ 100-21. Water.

- A. Provision of water supply. Where public water supply, in the opinion of the Commission, is reasonably accessible, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants which shall not be greater than one thousand (1,000) feet apart. Where public water supply is not in reasonable distance, an alternate supply, approved by the State Department of Environmental Resources, shall be furnished.
- B. Location of water lines. Where public water lines are installed, all such water lines shall be located between the curblineline and the property line within any street right-of-way.

§ 100-22. Sanitary sewers.

- A. Public sewer system. Sanitary sewers shall be installed to adequately serve all lots with connections to the public system.¹¹
- B. Location of sewer lines. Sanitary sewers shall be located as nearly to the center line of any street right-of-way as is reasonably possible, and all such sewer lines shall provide service connections to the property line of each and every lot.¹²
- C. Type of sewer system. No combined sanitary and storm sewer systems will be permitted.

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Also, original Section 4.602, On-Lot Sewage and Water Tests; Section 4.603, Residential Lot Sizes; and Section 4.604, Capped Sewers; which immediately followed this subsection, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 100-22 SUBDIVISION & LAND DEVELOPMENT § 100-24

- D. Manholes. Sanitary and storm sewer manholes will be provided at all changes in grade and direction, and in no instance shall the distance between said manholes exceed four hundred (400) feet.

§ 100-23. Storm sewers.

- A. Provision for storm sewers. Storm sewers shall be installed to provide adequate drainage for the subdivision. [Amended 5-17-76 by Ord. No. 4-1976]
- B. Purpose of storm sewers. When storm sewers, culverts and related installations are provided, they shall be designed to:
- (1) Permit unimpeded flow of natural watercourses.
 - (2) Ensure adequate drainage of all low points along the line of streets.
 - (3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and at all intersection streets.
- C. Special problems. In the design of storm sewage installations, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over adjacent properties.
- D. Construction standards. All drainage structures, culverts, boxes, grates, etc., shall conform to the current specification of the Pennsylvania Department of Transportation, as approved by the Commission Engineer.

§ 100-24. Erosion and sediment control.

- A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the 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 all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until they are accepted by the borough or some other official agency, after which they become the responsibility of the accepting agency.
- C. It is the responsibility of any person, corporation or other entity doing any act on or across a live stream, watercourse or swale or upon the floodplain or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain 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.
- D. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- E. No person, corporation or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the borough or Department of Environmental Resources, whichever is applicable.
- F. Adequate right-of-way and/or easements shall be provided for all drainage facilities and watercourses which are proposed for acceptance by the borough or other official agency.
- G. Each person, corporation or other entity which makes any surface changes shall be required to:
 - (1) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
 - (2) Handle existing off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.
 - (3) Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.

§ 100-24 SUBDIVISION & LAND DEVELOPMENT § 100-25

- (4) Provide and install at his expense, in accordance with requirements, all drainage and erosion control improvements (temporary and permanent) as required by the erosion and sediment control regulations.
- H. It is the responsibility of the borough to keep all major streams, not under the jurisdiction of other official agency, open and free-flowing. The borough will assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourses and drainage systems, constructed or improved in accordance with borough design criteria, which are necessary for proper drainage in the discretion of the borough, if adequate right-of-way exists or can be acquired.
- I. The borough shall be required to:
- (1) Assess and collect the cost of off-site improvements to the common watercourse except those required to existing state roads. Collection may be delayed until the assessed land is approved for development.
 - (2) Acquire easements for such common natural watercourse improvements.
 - (3) Supervise such improvements to completion.

§ 100-25. Other utilities.

- A. Power, telephone and television community antenna lines. All subdivisions shall have easements provided for the installations of power and telephone utility lines to serve each and every lot, and provision shall be made, when necessary, for the location of television community antenna lines to be installed in said easements.
- B. Gas transmission lines. When any subdivider proposes to provide gas transmission lines within a subdivision, said gas transmission lines shall be installed between the curblin and the property line of any street right-of-way.

- C. Utilities consultation. Utilities serving the area of the proposed subdivision shall be consulted with respect to location, size and use of easements for utility purposes. Utilities will be placed underground when required by PUC Order I.D. 99, dated July 8, 1970.

§ 100-26. Procedure for installation. [Amended 10-6-1994 by Ord. No. 3-1994]

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, and any walkways, curbs, gutters, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the subdivider shall deposit with the borough financial security in an amount sufficient to cover the costs of such improvements or common amenities, including but not limited to roads, sewers, stormwater sewers and systems and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.
- B. When requested by the subdivider, in order to facilitate financing, the Borough Council shall furnish the subdivider with a signed copy of a resolution indicating approval of the final plan contingent upon the subdivider obtaining satisfactory financial security. The final plan or record plan shall not be signed nor recorded until a financial improvement agreement is executed by the borough and the subdivider. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed, in writing, at the request of the subdivider.

§ 100-26 SUBDIVISION & LAND DEVELOPMENT § 100-26

- C. Without limitation as to other types of financial security which the borough may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.
- E. Such bond or other security shall provide for and secure to the borough the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvement shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the subdivider. Annually, the borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the borough may require the subdivider to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the subdivider in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the

required improvements, submitted by an applicant or subdivider and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or subdivider and the borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the borough and the applicant or subdivider. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the borough and the applicant or subdivider.

- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the Borough Council or the Planning Commission may authorize submission of final plans by sections or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may

§ 100-26 SUBDIVISION & LAND DEVELOPMENT § 100-26

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

- K. When the Borough Council accepts dedication of all or some of the required improvements following completion, the applicant or subdivider shall post 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 depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall equal fifteen percent (15%) of the actual cost of installation of said improvements.

(Cont'd on page 10029)

ARTICLE VI
Plan Requirements

§ 100-27. Preliminary plan.

- A. Scale. The preliminary plan shall be at a scale of not more than two hundred (200) feet to the inch.
- B. Plan information. The preliminary plan shall show or be accompanied by the following information:
 - (1) The proposed subdivision name or identifying title.
 - (2) The North point, scale and date.
 - (3) The name of the owner of the property.
 - (4) The name and seal of the registered engineer, surveyor or architect responsible for the plan.
 - (5) The tract boundaries, with bearings and distances.
 - (6) Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
 - (7) The datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
 - (8) All existing watercourses, tree masses and other significant natural features, including all soil and underground conditions.
 - (9) All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
 - (10) All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
 - (11) All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
 - (12) Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approxi-

mate dimensions; and playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

- (13) Wherever practicable, the preliminary plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
- (14) Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder.
- (15) Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
- (16) Where applicable, a complete report on subsurface coal and mining conditions which shall indicate conditions of mining, if any, and a statement on the possibility of subsidence.

§ 100-28. Final plan.

A. Plan size and legibility.

- (1) The subdivision plan submitted for final approval shall be a clear, legible, white print of a Mylar (or comparable quality) drawing.
- (2) Final plans shall be on sheets not larger than thirty by forty-eight (30 x 48) inches overall. It is recommended that, as far as practicable, final plan sheets be held to the following overall sizes: twenty-one by thirty (21 x 30) inches; thirty by forty-two (30 x 42) inches; and thirty by forty-eight (30 x 48) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative location of the section.

B. Plan scale and required information.

- (1) The final plan shall be at a scale of not more than two hundred (200) feet to the inch and shall include the following information:

§ 100-28 SUBDIVISION & LAND DEVELOPMENT § 100-28

- (a) The subdivision name or identifying title.
- (b) The North point, scale and data.
- (c) The name of the record owner and subdivider.
- (d) The name and seal of the registered professional engineer or surveyor responsible for the plan.
- (e) The boundaries of the tract.
- (f) The street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
- (g) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to reproduce such lines on the ground.
- (h) The length of all straight lines, radii, length of curves and tangent bearings for each street.
- (i) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (j) The proposed building setback line for each street or the proposed placement of each building.
- (k) The locations and widths of all private driveways.
- (l) The locations, sizes and invert elevations of all sanitary, storm and combined sewers and the location of all manholes, inlets and culverts.
- (m) All dimensions, which shall be shown in feet and in hundredths of a foot.
- (n) The lot numbers.
- (o) The names of streets within and adjacent to the subdivision.
- (p) Permanent reference monuments, which shall be as specified by the Commission Engineer.
- (q) Wherever practicable, names of any adjoining subdivisions.

- (r) Wherever practicable, names of the owners of any unplotted land.
 - (s) Certificate of dedication of streets and other public property.
 - (t) Certificate for approval by the Commission.
- (2) The final plan shall include thereon or be accompanied by:
- (a) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - (b) A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the final plan is made with his or their consent and that it is desired to record the same.
 - (c) Certification by the State Department of Environmental Resources when individual sewage disposal or water systems are to be installed as required by Article V of this chapter.
 - (d) Certification by the Commission Engineer that the subdivider has met the requirements of Article V of this chapter.
 - (e) Typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street center line; existing (natural) grade along each side of the proposed street right-of-way; proposed finished center-line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains; and inlets, manholes and culverts.
 - (f) Protective covenants, if any, in form for recording.
 - (g) A certification by the subdivider that utilities serving the area of the proposed subdivision have

§ 100-28 SUBDIVISION & LAND DEVELOPMENT § 100-31

been consulted with respect to location, size and use of easements for utility purposes.

ARTICLE VII
Variances

§ 100-29. When granted; conditions.

- A. The Commission may grant a variance to the provisions contained herein where by reason of the exceptional shape of a specific piece of property, or where by reason of exceptional topographic conditions, the strict application of this chapter would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may only be granted without detriment to the public good and without substantially impairing the intent and purposes of this chapter.
- B. In granting such variances or modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

§ 100-30. Large-scale development.

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

§ 100-31. Reconsideration.

Any subdivider aggrieved by a finding, decision or recommendation of the Commission may present additional relevant information and request reconsideration of the original finding, decision or recommendation.

§ 100-32. Application procedure.**A. Application to be submitted in writing.**

- (1) Applications for modifications and variances shall be submitted in writing by the subdivider at the time the preliminary plan is filed with the Commission. The application shall state fully the grounds and all the facts relied upon by the applicant.
- (2) Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) calendar days in advance of the meeting at which reconsideration is desired.

§ 100-33. Recording.

In granting a modification or variance, the Commission shall record its actions and the grounds for granting the modification or variance in its minutes. A statement showing the date that such variance was granted shall be affixed to the final plan.

**ARTICLE VIII
Miscellaneous Provisions**

§ 100-34. Amendments.

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

§ 100-35. Commission records.

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

§ 100-36 SUBDIVISION & LAND DEVELOPMENT § 100-37

§ 100-36. Violations and penalties.

- A. Any person, copartnership or corporation, who or which shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main, for public use or travel, or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision without first having complied with all the provisions hereof and the subdivisions adopted hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such copartnership or the officers of such corporation, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000.) per lot or parcel or per dwelling within each lot or parcel.
- B. Each day that a violation is permitted to exist on each lot in violation shall constitute a separate offense and shall be punishable as such.

§ 100-37. Interpretation; applicability.

In the interpretation and the application of the provisions of this chapter, it shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. In general, the provisions contained herein shall apply to residential subdivisions. Standards applying to commercial and industrial subdivisions shall be subject to individual review and determination in each case.

SUBDIVISION & LAND DEVELOPMENT
Borough of Clarks Green

TABLE 1
Street Right-of-Way Widths

Type of Street	Right-of-Way Width (feet)
Major traffic street	80
Collector street	60
Minor street	50
Marginal access street	40
Alley	30

SUBDIVISION & LAND DEVELOPMENT
Borough of Clarks Green

TABLE 2
Geometric Standards for Streets

Standard	Type of Street			
	Major Traffic ³	Collector	Minor and Marginal Access	Alley
Maximum grade (percent) ¹	5	7	10	10
Minimum grade (percent)	0.5	0.5	0.5	0.5
Minimum sight distance (feet)	600	400	150	—
Minimum center-line radius for horizontal curves (feet) ²	500	300	150	—

NOTES:

¹ Vertical curves shall be required at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.

² Whenever street lines are deflected in excess of five degrees (5°), connection shall be made by horizontal curves, and a tangent shall be required between reverse horizontal curves.

³ Major traffic streets which are state highways shall conform to the applicable requirements of the Pennsylvania State Transportation Department.

SUBDIVISION & LAND DEVELOPMENT
Borough of Clarks Green

TABLE 3
Lot Standards for Residential Subdivisions
[Amended 5-17-76 by Ord. No. 4-1976;
4-11-77 by Ord. No. 4-1977²]

Lot Area and Dimensions	Lots Served With Either Public Water or Public Sewer	Lots Not Served With Public Water or Public Sewer
Minimum area (square feet)	15,000	1 acre
Minimum width ¹ (feet)	100	175
Minimum depth (feet)	135	200
Minimum front yard (feet)	25	25
Minimum for 1 side yard (feet)	10	15
Minimum for both side yards combined (feet)	20	30
Minimum rear yard (feet)	30	50

NOTES:

¹ Measured at the building line.

² [Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.]

Borough of Clarks Green

TABLE 4

Basic Improvement Requirements for Street Pavements, Curbs, Sidewalks and Shoulders

TABLE 4

Basic Improvement Requirements for Street Pavements, Curbs, Sidewalks and Shoulders [Amended 5-17-76 by Ord. No. 4-1976]

Type of Street	Type of Subdivision			
	Nonresidential	Residential Lot Area Per Dwelling Unit (square feet)		
		Under 10,000	10,000 to 14,999	15,000 to 19,999
Major traffic and collector street	36	36	34	32
Pavement width (feet) and type ¹	2,3	2,3	2,3	—
Curb type required	—	—	—	6
Shoulder width, each side (feet)	5 ⁴	5 ⁴	5 ⁴	—
Sidewalk width (feet) and type	—	—	—	—
Minor street	—	—	—	—
Pavement width (feet) and type ¹	32	28	26	21
Curb type required	2,3	2,3	2,3	—
Shoulder width, each side (feet)	—	—	—	6
Sidewalk width (feet) and type	5 ^{4,5}	5 ^{4,5}	—	—
Marginal access street	—	—	—	—
Pavement width (feet) and type ¹	21	18	18	18
Curb type required	2,3	2,3	2,3	2,3
Sidewalk width (feet) and type	5 ^{4,5}	5 ^{4,5}	—	—
Alley	—	—	—	—
Pavement width (feet) and type ¹	18	6	6	6

NOTES:

- ¹ All street pavement shall be in accordance with the latest applicable ordinance of the Borough of Clarks Green regulating specifications for borough streets.
- ² Plain cement concrete curbs shall be seven (7) inches at the top, eight (8) inches at the bottom and eighteen (18) inches in height. [Amended 8-8-88 by Ord. No. 3-1988]
- ³ Stone curbs shall be six (6) inches wide by twenty-two (22) inches high by six (6) feet long.
- ⁴ Concrete sidewalks shall be four (4) inches in thickness, placed on a four-inch cinder or crushed-stone base.
- ⁵ Bituminous sidewalks (ID-2 material) shall be two (2) inches in thickness placed on a four-inch cinder or crushed-stone base.
- ⁶ Alleys shall not be permitted.

SUBDIVISION & LANDDEVELOPMENT APPLICATION
CHAPTER 100
CLARKS GREEN BOROUGH
LACKAWANNA COUNTY
PENNSYLVANIA

TAX MAP NUMBER: _____

DATE: _____ SUBDIVISION TYPE: _____

I {We} hereby represent that the information provided herein and on the plans and documents submitted herewith is true and correct and request that the subdivision approval be granted in reliance thereon. I {We} agree to comply with the Clarks Green Borough Subdivision and Land Development Ordinance as amended and any conditions of approval established by the Borough Council and agree to me {we}.

APPLICANT INFORMATION:

NAME: _____ SIGNATURE: _____

ADDRESS (STREET/PO BOX): _____ TELEPHONE: _____

CITY: _____ STATE: _____ ZIP: _____

PROPERTY OWNERS INFORMATION:

NAME: _____ SIGNATURE: _____

ADDRESS (STREET/PO BOX): _____ TELEPHONE: _____

CITY: _____ STATE: _____ ZIP: _____

PROPERTY INFORMATION:

LOCATION: _____ PARCEL SIZE: _____
(Route Number, Road Name, Village, Etc.) (Acres or Square Footage)

PROPOSED USE: Residential Commercial Other _____

EXISTING USE: _____ ZONING DISTRICT: _____

NUMBER OF LOTS: _____ AVERAGE LOT SIZE: _____ RANGE: _____ TO _____

WATER SUPPLY: CENTRAL WELL SEWAGE DISPOSAL: CENTRAL ON-SITE

ADJOINING PROPERTY INFORMATION:

Describe any existing uses or buildings on adjoining properties, listing each separately-

SITE PLAN:

Attach documents required by the Subdivision and Land Development Ordinance as defined in Chapter 100, and any additional information necessary to document compliance with the Ordinance.

BOROUGH USE ONLY:

FEE: _____ DATE RECEIVED: _____

NAME: _____ CHECK NO.: _____ CASH

RECEIVED BY: _____

Subject **Permit Fees**

Subdivision - Preliminary Application

<u>NUMBER OF LOTS</u>	<u>DEPOSIT PER LOT</u>	<u>MINIMUM DEPOSIT</u>
Less than 10	\$20	\$300
10-19	\$20	\$400
20-49	\$20	\$600

Subdivision - Final Application

<u>NUMBER OF LOTS</u>	<u>DEPOSIT PER LOT</u>	<u>MINIMUM DEPOSIT</u>
Less than 10	\$20	\$300
10-19	\$20	\$400
20-49	\$20	\$600

Land Development

<u>LAND & BUILDING IN SQUARE FEET</u>	<u>AMOUNT FEE</u>
2,000 sq. feet or less	\$200
2,001 sq. feet or more	\$0.10 per sq. foot up to a maximum deposit of \$2,000

Any and all additional review cost over the review fees collected is the owner's/applicant's responsibility to pay.

ADMINISTRATIVE FEES

In addition to the above, each application for a subdivision/land development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. Such fee shall be \$50 per minor subdivision, \$100 per major subdivision, or \$200 per land development.

(Res. 10/10/2005)

