

# **Eastern Schuylkill** **Planning Region**

**Subdivision and Land  
Development Ordinance**

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## **ARTICLE I – GENERAL PROVISIONS**

**SECTION 101 AUTHORITY.** An Ordinance providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots or re-plots of land laid out into building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on all streets and required dedications; the administration of this Ordinance by the Eastern Schuylkill Planning (ESP) Region and the participating municipalities; and penalties for the violation of this Ordinance.

**SECTION 102 TITLE.** This Ordinance shall be known and may be cited as “The Eastern Schuylkill Planning (ESP) Region Subdivision and Land Development Ordinance”.

**SECTION 103 PURPOSE.** These regulations are adopted to protect, promote and create conditions favorable to the health, safety, convenience and general welfare of the citizens of the ESP Region by:

- A. Ensuring the sites will be suitable for building purposes, human habitation, commercial and industrial operations and other uses for which land may be used;
- B. Providing for the orderly, efficient, integrated and harmonious development of land within the ESP Region;
- C. Effectively coordinating the planning, design and construction of proposed transportation and community facilities with existing facilities within the ESP Region;
- D. Ensuring the conformance of subdivision and land development plans with the public improvement plans of the ESP Region;
- E. Providing for the efficient and orderly extension of community facilities and services;
- F. Ensuring that all subdivision and land development applications are consistent with the goals, objectives and policies of the ESP Region Comprehensive Plan and Zoning Ordinance;
- G. Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population;

- H. Assuring the equitable and just processing of subdivision and land development plans by providing uniform standards and procedures for observance by both the applicant and Township officials; and preserving natural features and protecting sensitive environmental areas.

**SECTION 104. APPLICABILITY**

- A. No subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, gas, oil, or electric transmission line, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with this ordinance;
- B. No lot in a proposed subdivision or land development may be sold, and no final permit to erect any building upon land in a subdivision or land development may be issued unless and until:
  - 1. A Final Plan has been approved by the appropriate municipality and has been Recorded by the Recorder of Deeds Office in the Schuylkill County Courthouse and
  - 2. Either:
    - i. the municipality has been assured by means of a Maintenance Agreement acceptable to the governing body that the improvements will subsequently be installed,
    - or
    - ii. the required improvements in connection therewith have been entirely completed.
- C. The regulations of this Ordinance shall apply to any subdivision or land development;
- D. This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement;

- E. All subdivisions as defined in this Ordinance shall be submitted for review by the governing body and the Schuylkill County Planning Commission pursuant to the provisions of this Ordinance.
- F. A subdivision of any lot which has been involved in three (3) prior minor subdivisions shall comply with the requirements for a major subdivision.
- G Applications involving tracts of land along the governing body's municipal boundary, shall submit one additional set of plans. The governing body's Planning Commissions, Borough Council, and Boards of Supervisors may review reports from an adjacent municipality, when applicable.
- H. Applications for sub-divisions or land development involving lots, parcels, and/or tracts of land which is/are located within more than one (1) municipality shall be submitted, reviewed by, and ultimately approved or rejected by each municipality involved

**SECTION 105. EXEMPTIONS**

- A. Agriculture. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwelling shall be exempted from the regulations of this Ordinance.
- B. Approved subdivisions
  - 1. 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 of the Zoning Ordinance, this Ordinance or other governing ordinance 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 ordinance on

plans as they stood at the time the application was filed.

2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the Zoning Ordinance, this Ordinance or any other governing ordinance 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.
3. If final plan approval is preceded by preliminary plan approval, the five (5) year period shall be counted from the preliminary plan approval date.

**SECTION 106. INTERPRETATION.** The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

- A. Where provisions, standards and specifications of this Ordinance conflict with those of any State statute, other ordinance or regulations, the more restrictive requirement shall apply, regardless of its source, unless specified to the contrary.

## **ARTICLE II - DEFINITIONS**

**SECTION 201. GENERAL INTERPRETATION.** Unless otherwise stated hereafter, words and phrases within this ordinance shall have the meaning assigned in this Article. Terms not defined in this Article shall be interpreted according to common usage or as the context may imply. For the purpose of this Ordinance, certain terms and words have been defined and/or interpreted below:

- A. Words in the present tense shall include the future tense.
- B. Words in the singular shall include the plural and words in the plural shall include the singular.



- C. Words in the masculine gender include the feminine and the neuter.
- D. The words “shall”, “will”, and “must” are mandatory.
- E. The words “can” or “may” are permissive.
- F. The word “person” includes “individual”, “company”, “partnership”, “corporation”, “association”, “unincorporated association”, or other similar entities.
- G. The words “used for” include “designed for”, “arranged for”, “intended for”, “maintained for”, or “occupied for”.
- H. The word “building” and “structure” shall be construed as if followed by the phrase “or part thereof”.
- I. The word “lot” shall include the terms “lot”, “parcel”, “site” and “tract”.
- J. The word “Municipality” shall refer to Rush Township, Walker Township, Schuylkill Township, or the Borough of Tamaqua all of which comprise the Eastern Schuylkill Planning Region (ESP) and all located within Schuylkill County Pennsylvania.

**SECTION 202. SPECIFIC TERMS**

**Accessory Building or Accessory Structure** – A building or structure (such as a garage, a swimming pool, a storage shed, a children’s playhouse, or a non-commercial greenhouse) which is clearly subordinate and accessory to a principal building, located upon the same lot, and which is used for purposes customarily incidental to those which is conducted within the principal building.

**Accessory Use** – A use or structure or part thereof clearly subordinate to, and located on the same lot as, the principal use or building and which clearly serves a purpose customarily incidental to the primary use which is conducted upon the property whether or not said use is conducted within a building.

**Acreage, Gross** – The calculated land area contained within the deeded boundaries of a lot.

**Acreage, Net** – The gross land area (gross acreage) of the tract minus all land contained within the right of way of any existing roads crossing the tract.

**Adult Bookstore** – A use with a significant portion of the market value of total floor area occupied by (or over fifteen [15] square feet of), items for sale or rent being books, films, magazines, video tapes, coin or token operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or “specified sexual activities.” This shall include but not be limited to materials that would be illegal to sell to persons under age eighteen (18) under State law.

**Adult Business** – Any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any form of sexually explicit material (i.e. books, magazines, periodicals or other printed matter, or photographs or film, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of sexual activities or display of human genitals and/or other anatomical areas and/or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities.) and/or which offers to provide, for entertainment purposes, persons who appear in a state of nudity or semi-nudity (i.e. go-go dancers, erotic and/or exotic dancers, erotic and/or exotic entertainers, etc).

This definition is a broad overall definition which includes, but is not limited to the following:

- (A) Adult arcade
- (B) Adult bookstore, adult novelty store, or adult video store
- (C) Adult cabaret, adult dance hall, adult theatre, adult club, adult bar, adult tavern, adult night club, adult restaurant or similar commercial establishment
- (D) Adult materials rentals and sales
- (E) Adult mini motion picture theatre
- (F) Adult motion picture theatre
- (G) Adult motel
- (H) Adult peep shows
- (I) Any type of sexual encounter center
- (J) Massage parlor
- (K) Nude model studio
- (L) Adult drive-in theater

**Adult Day-Care Facility** – Any premises operated for profit or not for profit in which older adult daily living services, as defined herein, are simultaneously provided for four or more adults who are not relatives of the operator. The following types of adult day-care facilities are regulated by this Ordinance:

- A. Adult Day-Care Home – Any adult day-care facility in which services are provided to between four and eight adults and where the day-care areas are being used as family residence.
- B. Adult Day-Care Center – Any adult day-care facility in which services are provided to eight or more adults and where the day-care areas are not being used as a family residence.

**Adult Establishment** – (See also “**Adult Business**”) Means and includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business.
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- C. The addition of any sexually oriented business to any other existing sexually oriented business;
- D. The relocation of any sexually oriented business; or
- E. Adult Business – As defined by this Ordinance

**Advertising Sign** – (See “**Sign, Off-premise**”)

**After-Hours Club** – A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

**Agriculture** – The cultivation of the soil and the raising and harvesting of the products of the soil and animals typically raised on such agricultural lands, including, but not limited to; nursery, horticulture, forestry, poultry farming and dairy farming, fish farm, aquaculture, and animal husbandry, excluding kennels and the keeping of animals solely as pets, and the keeping, breeding, and/or raising of any type of game animals (eg; Deer, elk, antelope etc.) and/or any type of dangerous predatory animals (eg; wolves, lions, wolverines, etc.)

**Agricultural Buildings** – Any building or structure, whether principal or accessory, the use of which is devoted in whole or in part to an agricultural use. This may include, but not be limited to, the storage of agricultural equipment, produce or products, the housing of livestock or poultry, or the processing of agricultural products. Also includes but is not limited to barns, silos, corncribs, implement sheds and other similar agricultural structures.

**Agriculture, Intensive** – Specialized agricultural activities including but not limited to mushroom, pig, egg and poultry production, and dry livestock production, which due to the intensity of production of raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes.

Unless stated otherwise in this Ordinance this includes the following:

- A. A swine operation in excess of one (1.0) animal unit/acre.
- B. The raising and ownership of horses, cattle, sheep, goats, poultry, rabbits or similar animals in excess of three (3.0) animal units per acre.
- C. The production, processing or cultivation of mushrooms.
- D. Mink farms.

**Airport/Airstrip** – An area of land which is designated, used, or intended to be used for the landing and take-off of airplanes or ultra-light aircraft, and any appurtenant areas which are designed to be used for airport support facilities. Airports and airstrips shall meet all applicable State and Federal Regulations.

**Alley** – A private, or in some specific instances a public minor right-of-way, providing secondary vehicular access to the side or rear of abutting properties.

**All-Weather Surface** – A surface comprised of asphalt, bituminous concrete and/or cementitious concrete or other similar materials that will not render a driveway, parking lot, or loading area unusable because of inclement weather conditions. Stone or gravel is not an All-Weather Surface. For purposes of this Ordinance “All-Weather Surfaces” are to be considered impervious.

**Alteration** – (See “**Structural Alteration**”)

**American National Standards Institute (ANSI)** – A national organization which formulated guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

**Amusement Device** - A device, other than a jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee, and

shall include, but not necessarily be limited to, pinball machines, video display games, simulated sport machines and billiards.

**Animal Cemetery** – A place used for the burial of the remains of five or more non-cremated animals, other than the necessary, proper and customary burial of farm animals as an accessory to a livestock use.

**Animal Hospital/Veterinary Clinic** – An establishment offering veterinary services for all types of animals and which may include short term outdoor and short term overnight boarding of animals related to the medical care of the animals.

**Animal Husbandry** – The raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets or for domestic purposes and the raising of garbage-fed pigs or minks shall not be construed as animal husbandry.

**Animal Manure Storage Facility** – A permanent structure or facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. Examples include liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under confinement buildings, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas or poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.

**Animal Shelter** – Either a governmental or private organization that provide temporary homes for stray, surrendered or abandoned pet animals. Animal shelters may or may not offer low-cost veterinary care.

**Animal Unit** – One thousand (1,000) pounds live weight of livestock or fowl, regardless of the actual number of animals comprising the unit.

**Animal Unit/Acre** – A mathematical figure representing the number of animal units per acre. This can be represented by a decimal (ex. .125 animal units/acre, or 1/8 animal units/acre, which is the equivalent of 125 lbs. of animals per acre of land) or whole number (ex. 2 animal units/acre which is the equivalent of 2,000 pounds of animals) per acre of land.

**Annexation Parcel** – A subdivision of land, which shall not be used as a separate building lot, but shall be incorporated into the legal description of the lot which is receiving said annexation lot.

**Antenna, Standard** – (See **“Standard Antennas”**)

**Antenna, Satellite Dish** – See **“Satellite Dish Antenna”**

**Antenna, Telecommunications** – (See **“Telecommunications Antenna”**)

**A-P Agricultural Annexation Parcels** – A tract of land within the A-P Zoning District created by a subdivision after \_\_\_\_\_ meeting the requirements of the ESP SALDO, the sole purpose of which is to transfer land to increase the size of a lot where both the A-P Parent Tract from which the land is taken and the lot to which the land is added will be greater than five (5) acres in size after said subdivision.

**A-P Agricultural Lot** – As defined in this Ordinance, a parcel of land greater than five (5) contiguous acres within the A-P Zoning District which was created after \_\_\_\_\_ by an approved subdivision plan meeting the ESP SALDO and the ESP Zoning Ordinance which may be used for the production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including: mushrooms, forages and soil crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats of any mutations or hybrids thereof, including the breeding and grazing of an or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Development of an A-P Agricultural Lot is regulated within this Ordinance.

**A-P Development Unit** – A unit of subdivision/land development which is allocated to an A-P Parent Tract, or portion thereof, which lies within the A-P Zoning District.

**A-P Parent Tract** – Contiguous tracts of land deeded either as a single tract or as one deed with multiple purports prior to adoption of this ordinance, that are situate within the A-P Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own Parent Tract.

**A-P SFD Lots** (See also **“A-P Development Unit”**) – Single Family Dwelling Lots within the A-P Zoning District created after adoption of this ordinance by an approved subdivision plan meeting the ESP Region SALDO and the ESP Region Zoning Ordinance.

**Apartments** – (See **“Dwelling, Multi-family”**)

**Apartment Building** – (See **“Dwelling, Multi-family”**).

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

**Approved Private Street** – A legally established right-of-way which provides the primary vehicular access to a lot, or lots, and which has not been dedicated or deeded to the Municipality, but has been reviewed and approved by the Governing Body.

**Aquaculture** – A form of agriculture which is the controlled cultivation of aquatic plants, animals, and microorganisms.

**Arcade, Video Arcade** – (See “**Game Room**”)

**Area, Gross or Net** – (See “**Acreage, Gross**” or “**Acreage, Net**”)

**Assisted Living Facility** – (Also see “**Life Care Retirement Facility**”) – Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

**Auction, Automobile and/or Vehicle** – The public sales of autos and/or vehicles to the highest bidder.

**Auction House** – Establishment for the public sale of property to the highest bidder

**Auditorium** – A structure involving indoor and outdoor space for exhibits, meetings, live performances or sports events.

**Automobile Service Station** – A building and/or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicles trade at retail, and where the following services may be rendered.

A. **Minor Repair**

1. Sale and servicing of spark plugs and batteries.
2. Tire repair and servicing, no recapping.

3. Replacement of mufflers and tailpipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers, windshield wipers, grease retainers and wheel bearings.
4. Radiator cleaning and flushing.
5. Washing and polishing, (including mechanical and/or automatic car wash facilities where allowed).
6. Installation of fuel pumps and fuel lines.
7. Minor servicing and replacement of carburetors.
8. Adjustment and installation of brakes.
9. Tuning engines, except for grinding valves, cleaning carbon or removing the head of engines and/or crankcases.
10. Greasing and lubrication.
11. Emergency wiring repairs.
12. The sale of retail convenience items as a clearly secondary activity.
13. Any similar minor service or repair not listed below under “major repair”.

B. Major Repair

In addition to those repairs and services listed above as “minor repair”, any general repair, rebuilding or reconditioning not listed above; collision service including body, frame or fender straightening or repair; grinding valves, cleaning carbon or removing the head of engines and/or crankcases; painting or paint shops; but not including any operations which require the heating or burning of rubber.

**Automobile/Vehicle Dismantling Facility**- A type of junk yard where the primary activity is the storage disassemblment, bailing, packaging and hauling of junk/inoperable automobiles and vehicles for compensation.

**Awning**- A rooflike structure, often made of canvas, metal, or plastic, attached to a building that serves as a shelter over a storefront, window, door, deck, or patio. Awnings may or may not be equipped with a mechanism for raising/ lowering and holding.

**Baby-Sitting** – Any of the following types of childcare activity:

- A. The temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence.
- B. The regular care of one, two, or three children not related to the person giving care which takes place at the home of the person giving care.



**Bar or Barroom-** (See” **Tavern**”).

**Basement** – A portion of a building or structure that is completely or partially beneath the average elevation of the finished grade.

**Bed and Breakfast** – A single family detached dwelling and/or its accessory structure(s) which is wholly or partially used for the rental of overnight sleeping accommodations and bathroom access to temporary overnight guests, inclusive of the provision of meals to overnight guests, employees, and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees of the Bed and Breakfast and their family.

**Billboard** – (See “**Sign, Off-premise**”)

**Block** – A tract of land, a lot, or group of lots, bounded on one (1) side by a street, and on the other three (3) sides by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, or by any combination of the above.

**Boarding House** – A single-family dwelling occupied by the landowner thereof (and the landowner’s family, if applicable) in which building the landowner provides, for compensation, one or more rooms for the lodging of individuals for five (5) or more consecutive days, where the maximum number of such persons residing in the building, including the landowner, the family of the landowner and boarders is six (6). A boarding house may either involve or not involve the providing of meals to residents, but does not involve the use of a restaurant or tavern as defined in this Ordinance.

**Bottle Club** – Business premises not licensed by the Pennsylvania Liquor Control Board permitting the consumption and/or storage of alcoholic beverages as provided in Title 18, Pennsylvania Consolidated Statutes. Said use to be conducted in accordance with and shall be subject to the requirements and limitations provided in said act of The Pennsylvania legislature or assembly and amendments thereto.

**Buffer Strip** – A continuous strip of landscaped land which is clear of buildings and paved areas.

**Building** – Any structure, including principal or accessory structures, comprised of any combination of building materials, which is, when erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, shelter, enclosure, or storage of persons, animals, or property of any kind.

**Building Area** – The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed structures.

**Building Coverage** – (See also “**Impervious Coverage**”) The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports, breezeways, and patios) by the total area of the lot upon which the buildings are located.

**Building Height** – The vertical distance measured from the average elevation of the finished grade at the two (2) front corners of the building to the highest point of the roof. Chimneys, spires, cupolas, antennas and other similar projections shall not be included in calculating the height of a building.

**Building Setback Line** – A line defining the minimum required distance within a lot from, and parallel to a street right of way line and side and rear lot lines which designates the minimum location of future buildings and structures.

**Building Permit** – A permit indicating that proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Municipality which authorizes an applicant to commence with said construction, alteration or reconstruction.

**Camp**- Any organized establishments which provide food or lodging accommodations of tents or cabins for groups of children or adults engaged in organized recreational or educational programs. The term camp shall include, but shall not be limited to, camps with special program emphasis, such as horseback riding, conservation, music, and sports, as well as retreat camps. The term camps shall not include manufactured home parks, migrant labor camps or recreational vehicle parks.

**Campground / Recreational Vehicle Park**– A campground is a space on a plot of ground, regardless of whether a fee has been charged for the leasing, renting or occupancy of said space upon which two (2) or more campsites are located, for temporary occupancy by persons using recreational vehicles, motor homes, fifth wheel trailers, travel trailers, tents, and truck campers, which do not exceed four hundred (400) sq. ft. in floor area, or the applicable ANSI A.119.2/NFPA standard for recreational vehicles, cabins or other seasonal homes where persons or families may live temporarily. For the purposes of this definition, it shall be presumed that the occupancy of any of

the foregoing for a continuous period of six months or more shall constitute permanent occupancy.

This definition does not include a property upon which the owner of same may choose to camp and provide potable water and sanitary sewer within their boundary lines.

**Canopy**—a protective roof-like covering, often of canvas mounted on a frame over a walkway, sidewalk, etc. Canopies are also a freestanding structure having a roof but no walls.

**Carport** – A structure which has a roof but is open on two (2) or more sides, and is used as an accessory structure for the storage of motor vehicles.

**Cartway** – The portion of a street right-of-way paved or unpaved intended for vehicular use.

**Car Wash Facility** – An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of cars.

**Cemetery** – Land used for the purpose of burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and located within the boundaries of the cemetery.

**Certificate of Use and Occupancy (Zoning)** – A written statement, based on an inspection signed by the Municipal Zoning Officer, setting forth that a building, structure, sign and/or land complies with the ESP Region Joint Zoning Ordinance, and that a building, structure, sign and/or land may be lawfully employed for a specific use, as provided in this Ordinance.

**Child Day-Care Facility** – The following types of child day-care facilities are regulated by this Ordinance:

- A. **Day-Care Center** – A facility in which care is provided for seven (7) or more children, unrelated to the caregiver, at any one time, for less than twenty-four (24) hours/day where the child-care areas are not being used as a family residence.
- B. **Family Day-Care Home** – Any premise other than the child's own home in which child care is provided at any one time for less than twenty-four (24) hours/day to four, five or six children who are not relatives of the caregiver, and where the child-care areas are being used as a family residence.

- C. Group Day-Care Home – A facility in which care is provided for less than twenty-four (24) hours/day for more than seven but fewer than twelve (12) children at any one time where the child-care areas are being used as a family residence.

“Baby-Sitting” as defined in this Ordinance, is not a Child Day-Care Facility.

Church/Place of Worship – A building structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, cemeteries, parsonages, and church-related educational and/or day-care facilities.

Cinema- (See “Theater”)

Clear sight triangle – An area of unobstructed vision at the street/and or driveway intersections defined by lines of sight between points at a given distance from the intersections of the street and/or driveway center lines.

Club or Lodge – An association of persons for some common non-profit activity, not including groups organized primarily to render a service which is customarily carried on as a business, but including associations registered with the applicable local, state, and federal agencies as a certified not for profit organization. Clubs and lodges are considered “Social Clubs” as defined in this Ordinance.

Car Wash Facility – An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of cars.

Cluster Development – A development of single family detached dwellings in which lot sizes may be reduced when common open spaces are provided.

Cocktail Lounge – (See Tavern)

Commercial – A business which provides services not included in the definition of “Personal Services” or “Retail Sales.” Examples include but are not limited to, the businesses of contractors and tradesmen; the sale of goods in large quantities; commercial and hobby schools; offices. Also providing services to other business eg; cleaning, temp staffing or cafeteria.

Community Center – A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-

income elderly persons, as accessory to leisure activities. This shall not include residential uses or a treatment center.

**Composting Facility** – **(Also see “Resource Recovery Facility”)** A facility for the composting of the organic matter in municipal solid waste.

**Conditional Use** – Conditional uses are those uses to be allowed or denied by the municipalities governing body pursuant to public notice and hearing and recommendations by the planning agency and pursuant to express standards and criteria set forth in the zoning ordinances. In allowing a conditional use, other than those related to off-site transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this zoning ordinance.

**Condominium** – A form of ownership of real property, including an undivided interest in common in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act.

**Congregate Residence** – Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

**Convalescent Home/Nursing Home** –An establishment providing housing, nursing care, dietary and other similar personal services to convalescents, invalids, or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery, or other treatments which are customarily provided in sanitariums, hospitals and similar institutions. **(Also see “Healthcare Facility”)**

**Convenience Store-** A retail business housed in a building having less than 10,500 square feet of gross floor area which specializes in providing household products and foods. “Convenience Stores” may also provide for any or all of the following accessory uses:

- A. The retail sales or rental of books, magazines, video tapes, video games provided that any type of adult business or adult entertainment is specifically prohibited
- B. The preparation and sales of delicatessen sandwiches and foods provided restroom facilities are made available

- C. The use of no more than two (2) amusement devices such as pinball machines, video games or other similar devices.
- D. Automated bank teller machines
- E. Photomats and film development drop-offs
- F. Lottery sales, State and Federally approved
- G. Propane fuel sales with no larger than 20 pound tanks which must be stored outside the building, within a locked enclosure.
- H. Car washes, subject to the requirements of this Zoning Ordinance
- I. "Convenience stores" shall not include the dispensing of gasoline or other motor vehicle fuels unless appropriate approvals for a service station have been obtained within the zoning district and from those local, state, or federal regulatory agencies having jurisdiction over such land uses.

**Corner Lot** – A lot abutting two or more intersecting public streets, or at the point of abrupt change of direction of a single street (an interior angle of less than one hundred thirty-five (135) degrees). Any yard adjoining a street shall be designated the front yard and must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building when placed closer to a lot line than the side yard requirement of the applicable district.

**Crematorium** – A mortuary where corpses are cremated.

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

**Density** – The number of dwelling units that are allowed to be placed upon the net buildable acreage of a parcel of land.

**Developer** – Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision or 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.

**Determination** – The final action of any duly appointed Municipal Zoning Officer, Municipal Zoning Hearing Board, Municipal Planning Commission, or by the Municipal Governing Body charged with the administration of any land use ordinance or applications there under, within the scope of the ESP Area’s jurisdiction.

**Distribution Center**- A type of warehouse for the short term storage, and the distribution of goods and materials for a specific commercial establishment (also see warehouse). A Distribution Center is not a Truck Terminal or a Truck Stop as defined by this ordinance

**Dormitory** – Residential facilities that are only inhabited by teaching faculty and/or full-time students or an accredited college, university or medical training facility or state-licensed teaching hospital, or an approved care and treatment center for children (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Lawful dwelling units shall not be regulated as dormitories.

**Drive-Through Facility**- Any portion of a building or structure from which business is transacted or capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**Duplex**- (see Dwelling)

**Dwelling** – A building or portion thereof arranged, intended, designed, or used as living quarters for one or more families living independently of each other. The term “dwelling” shall not be construed to include hotel, motel, boarding house, rooming house, bed & breakfast inns, tourist home, hospital, nursing home, fraternity or sorority house, dormitory, automobile court, mobile home park or any other type of group residence. “Dwellings” include:

- A. **Dwelling, (Adaptive Reuse)** – The conversion of industrial buildings converted entirely to residential use(s), or office uses, or a combination thereof, where allowed.
- B. **Dwelling, (Apartment)** – A dwelling unit contained in a building, structure or part thereof, leased to an occupant for residential purposes. Three (3) or more apartments is considered an Apartment Building.
- C. **Dwelling, (Duplex)** – A two-family detached building having two (2) dwelling units; one above the other, being fully separated by a

horizontal floor, and where each dwelling unit has its own separate access. For purposes of this Ordinance, a duplex is a structure erected after enactment of this Ordinance expressly built as a duplex. The conversion of a single family dwelling existing as of enactment of this Ordinance into a duplex is a “Residential Conversion” (as defined in this Ordinance) and is further regulated in this Ordinance.

- D. **Dwelling, (Residential Conversion)** – The conversion of a single family dwelling to a two-family dwelling with the dwelling units one above the other, fully separated by a horizontal floor, where each dwelling unit has its own separate access.
- E. **Dwelling, (Single Family Attached)** – A dwelling which is intended for the exclusive use of one family, with no other dwelling units located directly and totally above and below it, having side party walls in common with two (2) adjacent dwelling units, and having its own independent outside access. For purposes of this Ordinance the term “row houses” or “row homes” and “townhouses” or “town homes” are considered a type of Single Family Attached Dwelling. Those units not meeting the definition of “Townhouses” in this Ordinance are considered “Row homes.”
- F. **Dwelling (Single Family Detached)** – A single building unattached to any other dwelling unit which has been arranged, designed, intended for, and occupied exclusively as a residence by one (1) family.
- G. **Dwelling (Single Family Semi-detached)** – Two (2) buildings attached one to the other which have been arranged, designed, intended for, and occupied exclusively as residences by two (2) families living independently from each other. These dwelling units shall not have any living, sleeping, storage, cooking or sanitary facilities in common, with each dwelling being separated from the other by an un-pierced solid masonry vertical wall.
- H. **Dwelling (Townhouses)** - A multi-family building containing three (3) to eight (8) dwelling units and not exceeding thirty-five (35) feet in height, with each dwelling unit being separated from one another by a solid masonry fire wall, and with each dwelling unit having its own individual separate access from the outside.
- I. **Dwelling (Mobile home)** – A transportable, single family detached dwelling intended for occupancy, exclusively as a residence by one (1) family as defined by this Ordinance.
- J. **Dwelling (Multi-family)** – A building designed for occupancy by three (3) or more families living independently of each other, and



containing three (3) or more dwelling units. Such buildings shall consist of the following types:

1. **Apartment Buildings** – A multi-family building specifically constructed and occupied as separate living quarters for more than three (3) families with direct access from the outside provided either through a common hall or by separate entrance and with each unit being in the apartment building being provided with separate living, cooking, sleeping and sanitary facilities for the exclusive use of each family. “Apartment Buildings” include:
  - a. **Medium Density Apartment Buildings** – A building or group of buildings containing three (3) to twelve (12) apartments, designed as an integrated development, limited to a height of forty-eight (48) feet, with the apartments therein leased to the occupants for a definite period of time of at least thirty (30) days.
  - b. **High Density Apartment Buildings** – An apartment building or a group of buildings containing more than twelve (12) apartments, designed as an integrated development limited to a height of sixty-five (65) feet, with the apartments therein leased to the occupants for a definite period of time of at least thirty (30) days.

**Dwelling Unit** – A building or portion thereof providing one (1) or more rooms arranged for one (1) or more individuals living together as a single family (as defined in this Ordinance), and having no cooking or sanitary facilities in common with any other dwelling unit.

**Easement** – A right of way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the (lessee) or owner of the property shall not erect any permanent structure, but shall have the right to make other use of the land which is not inconsistent with the rights of the grantee.

**Eastern Schuylkill Planning (ESP) Region** – Municipalities in Schuylkill County which make up the Tamaqua School District and consist of:

Walker Township  
Schuylkill Township

Rush Township  
Borough of Tamaqua

**EAP Agricultural Annexation Parcels** – A tract of land within the EAP Zoning District created by a subdivision after enactment of this ordinance meeting the requirements of the ESP SALDO, the sole purpose of which is to transfer land to increase the size of a lot where both the EAP Parent Tract from which the land is taken and the lot to which the land is added will be greater than twenty-five (25) acres in size after said subdivision.

**EAP Agricultural Lot** – As defined in this Ordinance, a parcel of land greater than twenty-five (25) contiguous acres within the EAP Zoning District which was created after enactment of this ordinance by an approved subdivision plan meeting the ESP SALDO and the ESP Zoning Ordinance which may be used for the production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including: mushrooms, forages and soil crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats of any mutations or hybrids thereof, including the breeding and grazing of an or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Development of an EAP Agricultural Lot is regulated within this Ordinance.

**EAP Development Unit** – A unit of subdivision/land development which is allocated to an EAP Parent Tract, or portion thereof, which lies within the EAP Zoning District.

**EAP Parent Tract** – Contiguous tracts of land deeded either as a single tract or as one deed with multiple purparts prior to enactment of this ordinance , that are situate within the EAP Zoning District. In cases where individually deeded tracts of land are under single ownership, each individually deeded tract will be considered to be its own Parent Tract.

**EAP SFD Lots** (See also “**EAP Development Unit**”) – Single Family Dwelling Lots within the EAP Zoning District created after enactment of this ordinance by an approved subdivision plan meeting the ESP Region SALDO and the ESP Region Zoning Ordinance.

**Emergency Service Facilities** – Facilities housing fire, ambulance, rescue and other emergency services of a municipal or volunteer nature. A membership club may be included if it is a permitted use in the zoning district in which the facility is located. This use may include housing for emergency personnel while on-call.

**Entertainment, Accessory Use**- Live, simulated, or recorded music or any musical, theatrical performances and film or movie showings, which are accessory to the primary use of the premises.

**Entertainment, Primary Use**- Live, simulated, or recorded music or any musical, theatrical performances, and film or movie showings, which are the primary function and purpose of the premises. Primary use entertainment shall be limited to nightclubs, theaters and cinemas.

**Extended-Care Facility** – A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

**Facade** – Any structure, or part of a structure, attached or otherwise mounted parallel to a wall or other vertical part of a structure.

**Family** – A “family” consists of one (1) or more persons each related to the other by blood, marriage, adoption, and or legal foster parentage together with said relatives’ respective spouses, children, or legal wards who are living together in a single dwelling and are maintaining a common household; or a group of not more than five (5) unrelated persons who are living together in a single, not for profit dwelling unit and maintaining a common household with a single cooking facility. A “family” includes any domestic servants and not more than one (1) gratuitous guest residing with said “family”.

**Family Farm Support Business** – A resident farm family-owned and operated business located upon a farm and related to agriculture, to include small-scale, limited site coverage, agriculturally compatible farmstead occupations conducted commercially within the context of and/or close proximity to farmstead buildings, and as regulated by this Ordinance.

**Farm** – An area of land not less than ten (10) acres in size, which is used for agricultural purposes as defined in this Ordinance.

**Farm-Labor Housing** – Separate living quarters to be used for the temporary seasonal accommodations of workers employed by the owner or operator of a farm, (provided such seasonal employees perform their duties on such farm owned or rented the farm owner or operator), and in which lodging with or without meals is supplied or intended to be supplied to such employees,

**Farm-Related Business** – A business substantially devoted to serving agricultural-based customers, which can be conducted on a property within the EAP and A-P Zoning District. Said businesses must be clearly farm-

related and/or clearly designed to provide goods and services to the agricultural community and must meet the EAP and the A-P Zoning District requirements of this Ordinance.

**Farm Stand** – The sales area shall be limited to one thousand (1,000) square feet and the building height to twenty (20) feet, in which the display and sale of farm produced products shall be permitted.

**Federal Communications Commission (FCC)** – The Federal government agency charged with regulating the national airways.

**Fence** - A freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation singly or in combination with other materials erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall shall be considered to be a fence.

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

**Fish Hatchery** – An establishment which is intended for the incubation or originating of fish.

**Fitness/Health Centers** – Facilities providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy.

**Flea Market** – An outdoor retail sales area utilizing temporary tables, tents and/or shelters for the selling of commodities and/or goods which are not produced on-site, which are usually sold by multiple vendors who are usually not residents or owners of the property. The sale, preparation and consumption of food and beverages sold on the site is not included with flea market use unless said food operations exist even when the flea market is not in operation. In that instance, any such food operation requires a separate application, approval and permit as incidental to the flea market.

**Floodplain** – The area identified by the United States Department of Housing and Urban Development, National Insurance Administration along a natural

watercourse which is periodically overflowed by water there from.

**Floodway** – The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot. For the purposes of this chapter, the term shall include all floodway areas identified in the Flood Insurance Study prepared for a Municipality by the Flood Insurance Administration, as well as any such additional areas which have been identified in any other federal, state, or other acceptable studies, regulations, or other sources of information.

**Forestry** – The management of forests and timberlands through the developing cultivating, harvesting, transporting and selling of trees for commercial purposes which does not involve any land development. This term does not include the retail sale of living plants, or nursery or greenhouse.

**Frontage** – The width of a lot or parcel abutting a public, or private, road right-of-way measured at the front property line.

**Funeral Home/Mortuary** – An establishment in which the deceased are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment. It is not to include a crematorium.

**Game Preserve** – An area of land set aside for the protection and commercial propagation of animals not traditionally domesticated. Game Preserve does not include commercial hunting operations.

**Game Room/Video Arcade** – A place where more than two (2) amusement devices are provided; where more than two (2) are provided it shall become as the principal use of the premises. This term shall not include any activities defined as Adult Business by this Ordinance.

**Garage** – A building, the primary use of which is for the storage of vehicles. As defined in this Ordinance, if any garage is deemed to be an accessory residential use then this term does not include commercial vehicle repair or maintenance services, nor does it include the sale of gasoline or other petroleum products. Garages associated with Commercial Business/Services, Retail Business, or Professional Services shall only be used for vehicles associated with said enterprise.

**Gas Station** – (see “**Automated Service Station**”)

**Golf Course** – A tract of land laid out, landscaped and used primarily for the playing of the sport known as golf however, this term may additionally include swimming pools, tennis courts and other facilities for outdoor recreation normally associated with country club/golf courses. The term shall include buildings and structures located on a golf course tract which are incidental to outdoor recreation, such as rain shelters, maintenance and storage sheds, swimming pools, shower and dressing rooms and also club houses and/or other buildings having facilities for the sale, rental and storage of sports equipment, Restaurants ( as defined in this Ordinance) and accommodations (including lodging) for members of private golf clubs and their guests, which buildings and structures are normally associated with tournament-type-eighteen-hole golf courses, provided that only 18 hole golf courses shall have lodging and no single 18 hole course shall have more than twenty (20) units of lodging; and provided, further that any commercial activity permitted by this sentence shall terminate if the golf course served by it shall cease to operate as a golf course, as defined in the preceding sentence. Public commercial hotels, motels, restaurants, stores, snack bars and beverage service bars and taverns are not permitted.

**Golf Driving Range** – A specified area, which may or may not be located upon a golf course, on which golfers do not walk, but onto which they drive golf balls from a central tee.

**Government Facility, other than Municipally Owned** – A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by a municipality of the ESP Region. This term shall not include uses listed separately in the table or uses in Article III, such as publicly owned recreation. This term shall not include a prison.

**Grade** – The level of the ground whether it is adjacent to the exterior walls of a building, structure, or to a sign, or not, after said ground has been graded by man-made means or machinery. This is opposed to terms such as Natural Grade or Gradient/

**Greenhouse** – An enclosed structure whose roof and sides are made largely of other transparent or translucent material used for the growing, raising or distribution of plants.

**Grocery Store** – A retail business housed in a building having less than 12,500 square feet of gross floor area, which has as its primary purpose to sell fresh and prepackaged food and groceries, house wares and toiletries.

Grocery stores shall not include the dispensing of gasoline or other motor fuels. (Also see “Supermarket”)

**Gross Floor Area** – The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, or from the center line of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet.

**Group Home Facility** – A dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals, in a setting in which the total number of persons in the living arrangement may total more and is in substantive ways different than the definition of “Family” (as defined in this Ordinance). This home which is required to be licensed by the state, must be staffed by qualified persons which provide training, care, supervision, treatment and/or rehabilitation to the aged, physically challenged/disabled or mentally challenged/retarded who require personal assistance and supervision on a continuing around-the-clock basis; this does not include child day care centers, adult day care facilities, foster homes, schools, hospitals, jails, prisons, treatment centers or methadone treatment centers. Group Homes shall be subject to the same limitations and regulations set by this Ordinance for single family dwellings

**Healthcare Facility** – A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general hospital, public health center, diagnostic center, physical rehabilitation center, assisted living facility, extended-care facility, skilled-care facility, nursing care facility, nursing home, convalescent home, intermediate-care facility, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency or personal-care facility.

**Healthcare Services** – Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, radiological centers, dentists and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

**Heliport** – An area used for helicopters to land and take off, including all auxiliary, service and maintenance facilities related thereto, whether or not said heliport is located upon the ground or upon the roof of a building or structure. This definition does not include the term Helistop.

**Helistop** - An area on roof or ground to accommodate touchdown and lift-off of rotor winged aircraft for the purpose of picking up and discharging

passengers or cargo. Such area shall have sufficient space to accommodate all required safety controls and comply in all respects with Federal Aviation Administration (FAA) requirements, but in no case shall such area provide the service facilities associated with a “Heliport”

**Highway Frontage** – The lot dimension measured along the right-of-way line or street or highway abutting a lot. Highway Frontage shall be a continuous dimension and not the sum of two (2) or more separate dimensions. Also, Highway Frontage shall be the shortest straight line distance; it shall not be measured on an arc.

**Home Occupation** – An accessory use for commercial gain which is clearly incidental or secondary to the residential use of any dwelling unit and which is customarily carried on within a dwelling unit, and which does not change the character thereof, or have any exterior evidence of such secondary use, except for those allowed by this Ordinance.

**Hospital** – An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. (See “**Health-Care Facility**”)

**Hotel** – For purposes of this Ordinance, an establishment providing transient accommodations, containing a minimum of six (6) rental rooms and having the following requirements:

- A. Access to rooms shall be provided through a lobby and internal hallways.
- B. A private bath shall be provided for each rental room.
- C. Building height is two (2) or more stories to a maximum height of sixty-five (65) feet.
- D. The hotel may at its option provide meeting rooms, banquet facilities, fitness centers for guests and ancillary commercial shops within the building, with internal hallway access.
- E. “Hotel” does not include institutional or educational uses and buildings where human beings are housed under legal constraint.

**Impervious Coverage** – Coverage of the site by materials which cannot be penetrated by water. Included are:



- A. All principal and accessory buildings.
- B. Any roof, parking or driveway areas and any new streets and sidewalks. Any areas covered by gravel or crushed stone shall be assumed to be impervious.
- C. The percentage of a lot covered by impervious surfaces.
- D. All-Weather Surfaces shall be included in Impervious Coverage.

**Improved Private Road** – A cartway, at least 20 feet in width, which is improved with a paved surface constructed to the standards for public streets under the applicable subdivision and land development ordinance or road ordinance, to provide access to a lot. If parking shall be permitted along an “improved private road,” the minimum cartway width shall be increased by eight feet for each side of the “improved private road” where parking is permitted.

**Improvement** – Any type of structure or paved section, excluding driveway, curb, sidewalk, planting strip or a barrier to an un-channeled motor vehicle entrance or exit.

**Improvement Setback Line** – A line parallel to and set back from a street line. No improvements are permitted between the street line and the improvement setback line.

**Incinerator** – A facility designed to reduce municipal solid waste by combustion. This use may or may not include heat exchange equipment for energy recovery.

**Independent Dwelling Unit** – A dwelling within a “life-care retirement community” (as defined) which is designed to permit independent living. Each dwelling unit shall contain complete kitchen, toilet and bathing facilities as well as at least one outside window. “Independent dwelling units” may be detached, semidetached or attached, provided that no more than six units are joined in common.

**Industry** – Those fields of economic activity, including forestry, construction, manufacturing, transportation, communication, extraction, utility services and wholesale trade.

- A. **Industry, General** – Industrial activities which do not meet the definition of light industry.
- B. **Industry, Light** – Industrial activities which are carried on entirely within an enclosed building and involve no outdoor processes or outdoor

storage of primary raw materials. Involves mainly the assembly, packaging, and shipping of products which were not produced “on-site” via a foundry, sawmill, or similar means.

**Industrial Park** – A tract of land developed according to an approved Land Development and/or Subdivision Plan, which provides either fee simple lots or leased parcels that are configured in such a manner as to be suitable for either light industrial or general industrial users dependant upon the underlying zoning classification of the developed tract of land.

**Intermediate Care Facility** – A facility which provides on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skill-nursing facility is designed to provide, but who because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities such as these.

**Industrial Park** – A tract of land developed according to an approved Land Development Plan and/or Subdivision Plan, which provides either fee simple lots or leased parcels that are configured in such a manner as to be suitable for either light industrial or general industrial users dependant upon the underlying zoning classification of the developed tract of land.

**Junk** – Any discarded materials, articles, or any pieces or portions thereof, is considered to be junk. This definition shall include, but not be limited to, scrap metal, scrapped, discarded or junked vehicles or motor vehicles, machinery, and equipment, paper products, glass, plastic or metal containers, structures, and any other items which are not ordinarily and customarily disposed of such as rubbish, refuse, garbage or organic waste.

**Junk Vehicle** – Includes any vehicle (as defined in this ordinance) that meets any of the following conditions:

- A. Does not display a license plate with a current registration sticker (if one is required) and does not have a valid state safety inspection sticker (if one is required and except for licensed antique cars not required to have an inspection sticker. Licenses or inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this subsection.
- B. Has been demolished beyond repair:
- C. Has been separated from its axles, body or chassis; and/or
- D. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

- E. Is otherwise non-road worthy, un-repairable, inoperable and/or generally deteriorated to a state of dis-functionality.

**Junk Yard** – Any lot, parcel of land, or portion thereof inclusive buildings or structures where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. This definition shall include automobile wrecking yards, but shall not include any buildings or structures used for the storage of used furniture and household appliances or any lot or building where used cars in operable condition, with current motor vehicle registrations, are stored.

**Kennel** – Any property and/or establishment wherein domesticated pets (and not livestock as defined in this (Ordinance) are kept, transported to, transported from, or seen by appointment for the purposes of breeding, boarding, grooming, obedience training, sale or show purposes. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered “breeding.”

**Land Development** – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
- B. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure
- 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;
- D. A subdivision of land.
- E. The following shall not be considered a land development:
  - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. The addition of an accessory building of less than 1,000 square feet of gross floor area, exclusive of any farm buildings, on a lot or lots subordinate to an existing principal building.

**Landfill** – see “**Solid Waste Landfill**”

**Landowner** – A 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 conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.

**Laundry, Self Service** – A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

**Library** - A building containing books, magazines and other reading related materials which is open to the public or connected with a permitted educational use, and is generally not conducted as a private gainful business. This term shall not include any use defined as a Adult Business by this Ordinance.

**Life Care Retirement Facility** – A planned residential community for persons of fifty-five (55) years of age or older, their spouses or companions, which shall include “Independent Dwelling Units” (as defined in this Ordinance), with communal dining, recreation areas, open space, parking and related facilities, and may include Healthcare Facilities (as defined in this Ordinance).

**Livestock** – Equine animals, bovine animals, sheep, goats, swine and poultry commonly raised upon farms in Schuylkill County, Pennsylvania. “Livestock” does not include dogs, cats, or any type of animals or birds which are normally considered to be wild or exotic animals.

**Living Accommodations Unit for Caretakers** - A dwelling for person(s) located upon the premises of a business which employs at least one (1) of the persons for security or maintenance purposes.

**Lodge** – see “**Club**”

**Lodging House** – (See “**Boarding House**”)

**Long-Term Care Facility** – An institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients. A long-term care facility may either be an extended-care facility or an intermediate-care facility.

**Lot** – A tract or parcel of land which has road frontage, regardless of size, held in single and/or joint ownership, not necessarily being a tract or parcel of land shown on a duly recorded subdivision plan or surveyor’s map, which is occupied, or is capable of being occupied, by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required, and having frontage on either a public street or a private street. The term “lot” shall also mean parcel, plot, site, or any other similar term.

**Lot Area** – The area contained within the lot lines, excluding space within all existing public or private road rights-of-way.

**Lot, Corner** – (see “**Corner Lot**”)

**Lot Depth** – The mean average horizontal distance between the front and the rear lot lines.

**Lot Frontage** – That portion of a lot which fronts on a single street.

**Lot Line** – A line forming the front, rear or side boundary of a lot.

**Lot of Record** – Land which constitutes a separate lot or parcel as recorded in office of the Recorder of Deeds of Schuylkill County, Pennsylvania.

**Lot Size** – The remaining area of a lot after excluding the following features from the **Gross Acreage**:

- A. Areas within a street or other transportation right-of-way
- B. Areas comprising a stormwater management improvements eg. Basin, swales, ditches, etc but not including stormwater management improvement intended to serve individual lots.
- C: In Zoning Districts that require a minimum lot size of two (2) acres; that portion or portions of the lot in which the following features individually or cumulatively represent 50% of the gross lot area; areas within the 100 year flood plain, areas of slope in excess of 25%, and all areas delineated as Wetlands.
- D In Zoning Districts that require a minimum lot size of one (1) acres; that portion or portions of the lot in which the following features individually or cumulatively represent 25% of the gross lot area; areas within the 100 year flood plain, areas of slope in excess of 25%, and all areas delineated as Wetlands.

**Lot Width** – The distance between side lot lines, determined by establishing the shortest straight line distance at both the building setback line and the street line. The lot width shall be a continuous dimension and not the sum of two (2) or more separate dimensions. Also, lot width shall be the shortest straight line distance, it shall not be measured on an arc.

**Low-Level Radioactive Waste Facility** - a site in which engineering principles are utilized for the disposal of low-level radioactive waste as defined by the United States Environmental Protection Agency and by the Pennsylvania Department of Environmental Protection.

**Maintenance Guarantee** – A guarantee (which is acceptable to the Township, including corporate bonds, escrow agreements, and other similar collateral or surety agreements) by the developer or subdivider that dedicated improvements shall be maintained by the developer or subdivider for a period of eighteen (18) months after completion of construction and installation of such improvements.

**Manufactured Home** – A prefabricated house, of one or more modular units, which can be placed on a permanent perimeter foundation.

**Marker** – A metal pipe or pin of at least three-quarters (3/4”) of an inch in outside diameter and at least thirty (30) inches in length.

**Massage Parlor** – An establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the state as a health care professional or a massage therapist certified by a recognized professional organization that requires substantial professional training. Massage therapy by a certified professional shall be considered “personal service.”
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

For purposes of this Ordinance a “Massage Parlor” is considered an “Adult Business” and is regulated as such.

**Massage Therapist** – A person licensed or certified by the state as a health care professional and/or one certified by a recognized professional organization that requires substantial professional training.

**Methadone Treatment Center** – As used in this Ordinance, the term “methadone treatment facility” shall mean a facility licensed by the

Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons. “Methadone Treatment Center” is further regulated by this Ordinance.

**Mineral Extraction** – The extraction of minerals from the earth, from waste or stockpiles or from pits or banks by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, or by otherwise exposing and retrieving the minerals from the surface. These activities include, but are not limited to, strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting and activities related thereto. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition. The term “minerals” includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. The terms “mineral extraction” and “surface mining” shall have the same meaning.

**Mini-Warehouse** – Warehouse storage units provided for lease to the general public for the purpose of storage of articles commonly associated with residential properties. (Also See “**Self-Storage Facilities**”)

**Mink Farm** – A raising or harvesting of mink for retail or wholesale trade.

**Mobile Home** – A house trailer that can be connected to utilities and can be parked in one place and used as a dwelling. A mobile home is a transportable unit (or units designed to be joined together) capable of again being separated for repeated towing.

**Mobile Home Lot** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances required for the placement thereon of a single mobile home. This parcel of land is not a “fee simple lot” but rather is leased by the record owner of the mobile home park to the occupants of the mobile home placed upon said mobile home lot.

**Mobile Home Park** – A parcel of land at least five (5) acres in size, under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, and which consists of at least two (2) or more mobile home lots.

**Modular Home** – A single family detached dwelling intend for permanent occupancy, made by assembling one or more factory produced tree dimensional sections into an integral living uni, whose construction materials and specifications conform to those of conventionally built family detached dwelling units.

**Monument** - A stone or concrete monument with a flat top at least four inches (4”) in diameter or square and at least 36” in length. It is recommended that the bottom sides or radius be at least 2” greater than the top, to minimize movement caused by frost.

**Mortuary** – (See “**Funeral Home**”)

**Motel** – For purposes of this Ordinance, an establishment providing transient accommodations, containing a minimum of six (6) rental rooms and having the following requirements:

- A. Access to rooms is from directly outside the building
- B. A private bath shall be provided for each rental room.
- C. Building height is a minimum of one (1) story and maximum of 35 feet or two (2) stories.

**Motorsports Facility** – Any facility for the competitive operation of either “on-road” or “off-road” automobiles, trucks, motorcycles, and any other motorized vehicles or machinery for recreational or commercial purpose where fees are usually charged for the use of said facility, to spectators of events, and for snacks and or beverages, including uses such as, but not limited to, racing, racing events, practicing, training, instruction, research and development

**Movie Theater** – (See “**Theater**”)

**Municipality** – Shall refer to the individual five members of the Eastern Schuylkill Planning Region, which include Rush Township, Schuylkill Township, , Walker Township, and the Borough of Tamaqua.

**Municipal Governing Body** – The elected officials of each of the Eastern Schuylkill Planning Region Municipalities.

**Municipal Solid Waste** – The un-separated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

**Municipal Use** – A land use owned and maintained by a municipality or a municipal authority and including such uses as a library, park, playground and administrative offices, equipment storage building. This includes sites for sewage treatment, solid waste, and refuse disposal and other public facilities owned and operated for the good and well being of the municipality



and activities regularly conducted by the municipality at such sites and /or facilities

**Museum** – A “museum” which is open to the public or connected with a permitted educational use, and not conducted as a private gainful business.

**Net Buildable Area** – A calculated area upon which the density, requirements for the various zoning districts are computed. “Net buildable area” is the area of a site remaining after subtracting all of the public and private road rights-of-way, noncontiguous lands, and utility rights-of-way from the site’s gross area. (**See “Area, Gross or Net”**)

**Net Floor Area** – That portion of a building’s gross floor area (**See “Gross Floor Area”**) which is designed for human occupancy and/or commercial use, not to include elevator shafts, stairways, stairwells, or equipment rooms.

**Nightclub** – A facility where entertainment is the primary use (**“Primary Use Entertainment”** as defined in this Ordinance). A nightclub is where food and/or beer, wine, or liquor may be sold and/or consumed on the premises, and where there is space for either a floorshow and/or a dance floor.

**No-impact Home Based Business** – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including interference, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in a neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

The permitting of the No-impact Home Based Business shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by law or other document applicable to a common interest ownership community.

**Non-Conforming Lot** – A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**Non-Conforming Structure** – A structure which does not conform to the regulations of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, but which lawfully existed prior to the enactment of this Zoning Ordinance. Non-conforming structures include, but are not limited to, non-conforming signs, non-conforming buildings, and additions to either.

**Non-Conforming Use** – Any use, whether of a structure or tract of land, which does not conform to the applicable regulations of the zoning district in which it is located, and which is legally existing at the time of enactment of this Ordinance or is legally established by the Zoning Hearing Board through the granting of a variance.

**Nursery** – A type of agriculture utilizing land or greenhouses to cultivate flowers, plants, shrubs, trees, and similar vegetation.

**Nursing-Care Facility** – A facility which serves two (2) or more individuals for more than a twenty-four hour period who require continuous, intermediate, or skilled nursing care.

**Nursing Home** – (See “**Convalescent Home**”)

**Office** – A building or structure, or a particular space in a building in which the affairs of a for profit or not for profit business, professional person or government agency are conducted. The primary function of any office building or office space shall not include wholesale or retail sales activities unless said activities are approved by one of the 4 ESP Region municipality’s Zoning Hearing Boards through the approval of the variance.

**Office/Commercial Center** – A planned development of office and related uses with some accessory commercial uses intended primarily to serve employees of the offices.

**On-Lot Sewage System (Individual)** – A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

**On-Lot Water Supply System** – A water supply system which transmits water from a source on the lot to one (1) dwelling, principal use, or lot.

**Open Space** – The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

**Parking Space** – A space within a building or on a lot, used for the parking of a motor vehicle.

**Party Wall** – A common wall, floor, or ceiling separating two (2) or more dwelling units.

**Patio** – The structure projecting from the side or rear wall from the dwelling not more than two steps above ground level.

**Pawn Shop** – A shop where loans are made with personal property as security.

**Person** – Means an individual, proprietorship, partnership, corporation, association, or other legal entity.

**Personal Care Facility** – A facility in which food, shelter, supervision and assistance services are provided to residents of a retirement community. Services may include assistance with dressing, bathing, diet or medication prescribed for self administration. Hospitalization and skilled care are not provided in “personal-care facilities.” Each unit shall contain a living and sleeping area as well as an individual or shared bathroom.

**Personal Services** – A business which provides a service oriented to personal needs and not primarily involving retail sales of goods or professional advisory services. Includes a barber, beauty salon, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair or similar service uses.

**Pet Cemetery** – (See “**Animal Cemetery**”)

**Pets, Keeping Of** – The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. No

more than seven (7) dog, cats, small bird, gerbils, rabbits, and /or any animal commonly sold by pet shops may be kept upon any property, unless said property is lawfully established kennel under the terms of this Ordinance

**Piggery** – For purposes of this Ordinance, any property which contains 1.0 animal units per acre and above, of swine. Piggeries are to be considered an Intensive Agricultural activity and are only permitted within the EAP and AP Zoning District on lots that are twenty-five (25) acres or more in size.

**Planned Residential Development (PRD)** – A unique type of land development where a particular parcel of land, which is controlled by a single entity, which is intended to be developed as a single community with a site specific number of dwelling units per acre, or a combination of residential and non-residential uses, the development plan for which does not necessarily correspond in terms of lot size, bulk or type of dwellings, dwelling density, lot coverage and/or required open space, to the regulations established in any of the residential zoning districts created, from time to time, under the provisions of the Eastern Schuylkill Planning (ESP) Area’s Regional Zoning Ordinance.

**Plans (Sketch)** – An informal plan, not necessarily to exact scale, indicating salient existing features of the tract and its surroundings and showing approximate street and lot layout of the development as a basis for informal consideration by the municipality , prior to preparation of a Preliminary Plan. These plans shall not be required in the ESP region, but are for informal use

**Plan (Preliminary)** – A tentative subdivision or land development plan (including all required supplementary data), generally prepared in lesser detail than a Final Plan, showing approximate locations of proposed streets and lot layout and/or site development in the case of land development, as a basis for consideration prior to the preparation of a Final Plan. These Plans shall be prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect. These shall constitute a Formal, Official Submission of a subdivision or land development request to the municipality

**Plan (Final)** – A complete and exact subdivision or land development plan (including all required supplementary data), prepared for formal consideration by the municipality and/or official recording as required by statute, to define property rights and proposed street and other improvements, provided said plan is approved and endorsed by the municipality. Final Plans shall be prepared by, and shall bear the signature and seal of a Registered Engineer, Surveyor, Architect or Landscape Architect.

**Porch** – A three sided roofed structure projecting from the front, side, or rear wall of a building without any enclosing features more than 38 inches above the floor thereof, save the necessary columns to support the roof. A porch shall be located within the respective building setback lines for the lot.

**Premises** – A descriptive word to include all improvements, buildings, structures and land on or within a lot.

**Principal Permitted Building** – A building, or structure, the main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of Ordinance.

**Principal Permitted Uses** – The primary building, use or structure permitted and intended for a given lot.

**Private Surface Parking Facility** – privately owned and operated parking facility with spaces available for short-term and long-term lease.

**Professional** – A doctor, surgeon, dentist, architect, artist, accountant, insurance agent, real estate broker, seamstress, web site designer, teacher, engineer, lawyer, musician, surveyor, landscape architect, land planner or any other licensed or degreed professional.

**Professional Services** – The term includes any establishment primarily engaged in providing a wide variety of services for individual, business and government establishments and other organizations. The term includes establishments providing business, health, legal, engineering and other services. Specifically excluded from this definition are any, and all, types of Adult Business Entertainment.

**Pub** – (See **“Tavern”**)

**Public Hearing** – A formal meeting held pursuant to the advertisement of public notice, by either the Municipal Governing Body or the Municipal Zoning Hearing Board intended to inform and obtain public comment, prior to either entity taking formal action on an application, plan, request for relief, or conditional, or special exception use which has been filed in accordance with this Ordinance.

**Public Meeting** – A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84) known as the “Sunshine Act”.

**Public Notice** – Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the public hearing and the particular nature of matters to be considered at the public hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the public hearing.

**Public Road** – A public thoroughfare, including a street, road, lane, alley, court or other similar terms, which has been dedicated or deeded to the Municipality and subsequently accepted by the Governing Body.

**Public Sewer age Systems** – See “**Sewerage Facilities**”

**Public Utilities** – Use of extension thereof which is operated, owned or maintained by a municipality or municipal authority, or which is privately owned and requires a “Certificate of Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

**Public Water System** – See “**Water Supply, Public**”

**Quarry** – (See “**Mineral Extraction**”)

**Rear Lot Line** – The lot line which is opposite from the front lot line. The rear line of any triangularly or irregularly shaped lot shall be at least ten (10) feet long.

**Recreation** – The offering of leisure-time activities to unrelated persons. This term shall not include “**Adult Business**” or “**Adult Establishment**” use. For the purposes of this chapter, recreation facilities shall be permitted by right as an accessory use clearly limited to residents of a municipality and their occasional invited guests.

- A. **Indoor Recreation** - A type of recreation use that does not meet the definition of “outdoor recreation,” and is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses.
- B. **Outdoor Recreation** – A type of recreation use that has a total building coverage of less than 15%, and is used principally for active or passive recreation, such as golf driving range, miniature golf course, amusement park and similar uses.

**Recreational, Active** - Any recreational activity not considered passive

**Recreational, Passive** – Includes picnic pavilions; hiking, biking, and fitness trails; park benches; picnicking; bird watching; and other similar uses not considered active

**Recreational Use**

- A. Commercial – Recreational facilities, which are owned and operated by a private entity as a commercial business and are open to the general public for a fee
- B. Public – Recreational facilities operated as not for profit enterprise by a municipality, or other governmental entity, and which are open to the general public.
- C. Private – Facilities which are only open to members of the private entity which owns said facility

Commercial, Public and Private Recreational uses are part of the definition of Indoor or Outdoor Recreation. For the purpose of this ordinance “ Recreation Use” where listed as permitted use may be further regulated as specified in this Ordinance

No recreation activity which, in the opinion of the Municipal Governing Body, constitutes a threat to the health, safety, and welfare of the general public or results in the degradation of the existing environment shall be permitted .

**Recreational Area**

- A. **Private** – Recreational facilities, which are owned and operated by a private entity as a commercial business and are open to the general public for a fee or are only open to members of the private entity which owns said facility.
- B. **Public** – Recreational facilities operated as a not for profit enterprise by a municipality, or other governmental entity, and which is open to the general public.

Public and Private recreational facilities may include, but not be limited to land, buildings and structures used for leisure time activities including amusements, theatre, arcades, athletic events, amphitheatres, clubs, country clubs, dancing or music halls, studios, swimming clubs, skating clubs, horse

and bicycle riding trails, hiking trails, playgrounds, boating, hunting and fishing.

No recreational area which, in the opinion of the Municipal Governing Body, constitutes a threat to the health, safety, and welfare of the general public or results in the degradation of the existing environment shall be permitted.

Recreational areas, both Public and Private, shall not include any or all types of any adult businesses.

**Recreational Vehicle (RV)** – A vehicular type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide indoor accommodations for persons who wish to go “camping”. An RV may either have its own mode of power or is mounted on or towed by another vehicle. The various RV units include camping trailers, motor homes, park trailers, travel trailers and truck campers.

**Recreational Vehicle Park** – see Campground/ RV park

**Recycling Facility** – A business that accumulates material such as paper, glass, aluminum and/or plastic, but not hazardous material or material that held hazardous material, that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product. (Also see **“Resource Recovery Facility”**).

**Resource Recovery Facility** – A facility or land that is used for any one or a combination of the following or similar uses: composting, incineration, material separation, recycling or trash transfer.

**Restaurant** - A retail food (the term “food” includes non-alcoholic beverages) service establishment, with or without the sale of beer, wine or liquor. For purposes of this Ordinance restaurants shall be classified as follows:

- A. **Restaurant, Fast Food** – An establishment that sells food already prepared for consumption, on or off the premises packaged in paper, Styrofoam or similar materials, and may include drive-in, drive-through, or drive-up facilities for ordering.
- B. **Restaurant, General** – An establishment that sells food for consumption primarily on the premises, and which may include the sale of beer, wine, or liquor. All food and beverages may be served by waiters or waitresses and are primarily consumed inside the building while patrons are seated at counters or tables. Food sales shall account for at least fifty-five percent (55%) of the gross income.



- C. Restaurant, Take-out – An establishment that sells food only for consumption off the premises and which may include drive-in, drive-through, or drive-up facilities for ordering or pick-up and which may include take-out beer as part of its operation.

**Retail Business** – Includes establishments engaged in the sale of goods in small quantities directly to the consumer for personal or household use and rendering services incidental to the sales of such goods. Processing of items in a manner that is incidental or subordinate to the retail sales of said items is often conducted at retail businesses. Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from Profession Services. Specifically excluded from this definition are Adult Business Establishments.

**Retirement Community** — A residential development consisting of a regulated mixture of dwelling units apartments and personal-care, skilled-care and nursing-care facilities in an environment which cannot be achieved through the use of conventional residential development. Such housing facilities serve persons who are a minimum of fifty (50) years old and their spouse or companion, or handicapped to the extent which requires personal or skilled care. Housing and health-care services are provided to each resident of a "retirement community" pursuant to an agreement effective for a minimum period of one year. Services provided in such facilities may include health care, intermediate and skilled care, medical facilities, physical therapy, board, lodging, support services and accessory uses.

**Retreat Camp** – A type of camp which provides food and / or lodging for persons wishing to commune with nature while they contemplate various moral, ethical, team building, intervention and/or ecumenical issues or problems along with accessory offices, dwellings, and administration uses devoted solely to operating the retreat camp, all located in a predominately natural setting

**Riding Academy/Riding Stables/Horse Boarding Facilities** – An establishment where at least five (5) horses are boarded and cared for, and where instruction in riding, jumping and showing is offered, and/or the general public may, for a fee, hire horses for riding.

**Right-of-way** - The total width of any land reserved or dedicated as a street, sidewalk, alley, or for other public or semi-public purposes.

**Rooming House** – A lawful residential use in a building in which room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation. The building in which the rooming house is located shall not

include cooking facilities used by the residents. A rooming house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and-breakfast inn, group home, nursing home, or boarding house. A college fraternity or sorority house used as a residence shall be considered a type of rooming house. A rooming house may provide meals to residents, but only if said rooming house is part of a restaurant or tavern open to the public. A rooming house shall primarily serve persons residing on-site for five or more consecutive days.

**SALDO** – ESP Region Subdivision And Land Development Ordinance.

**Saloon** – (See **“Tavern”**)

**Satellite Dish Antenna** — A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone or horn, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as "satellite earth stations," "television receivers only" or "TVRO's" and "satellite microwave antennas."

**Satellite Use** – A commercial establishment in a shopping center or planned commercial center, located in a freestanding building independent of other buildings and frequently near the road frontage of the center. Satellite uses are generally characterized by the following:

- A. A need for nearby parking.
- B. Rapid customer turnover.
- C. Vehicular service bays or drive-through services.

**School** – A principal use in which supervised education or instruction is offered:

- A. **Public School** – An elementary or secondary school supported by public funds and providing free education for children of a district.
- B. **Private School** – An elementary or secondary school run and supported by private individuals or a corporation.
- C. **Parochial School** – A primary or secondary school supported by a religious organization.
- D. **Day School** – A private school for pupils living at home.

- E. Boarding School – A private school where pupils are provided with meals and lodging.
- F. Business, Trade or Vocational School – A secondary school that offers instruction in jobs relating to business or in skilled trades.
- G. Technical School – A post-secondary school teaching mechanical and industrial arts and the applied sciences.
- H. Commercial School – Schools which are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g. beauty school, modeling school, art school).
- I. Junior College – An educational institution with residential facilities offering a two-year course that is generally the equivalent of the first two years of a four-year undergraduate course, or an associate degree.
- J. Community College – A Junior College without residential facilities that is often funded by the government.
- K. College
  - 1. An institution of higher learning that grants a bachelor’s degree in liberal arts or science, or both.
  - 2. An undergraduate division or school of a university.
  - 3. A school, sometimes but not always a university, offering special instruction in professional or technical subjects.
- L. University – An institution for higher learning, with or without living quarters, with teaching and research facilities, with graduate and professional schools that award masters and doctorate degrees, and an undergraduate division that awards bachelor’s degrees.
- M. Hobby School/Hobby Studio – A for-profit facility that is primarily intended for the learning of, or skill improvements of, a hobby, and does not provide state-required education to persons under sixteen (16) years of age. Examples include dancing school, martial arts school, and studios such as dance, art, ceramics, and music.

Screen – Vegetative material, fencing, and/or other materials which have been planted or constructed to screen the buildings, structures and uses on the lot on which the screen is located, from the view of people on adjoining properties.

**Self Storage Facilities** – A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for non-active storage, and no processing, manufacturing, sales, research and development, testing, service and repair, or other non-storage activities shall be permitted.

**Sewage** – Those usually organic, water soluble solid or liquid waste products and wastewater generated by residential, industrial, commercial, institutional or other establishments.

**Sewage Facilities** – A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other similar waste into water of this commonwealth and which otherwise provides for the safe and sanitary treatment and disposal of sewage or other similar waste. The term includes:

- A. **Sewage System, Individual**– A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:
1. **Individual on-lot sewage system** – An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
  2. **Individual sewerage system** – An system which uses a method of sewage collection, conveyance, treatment and disposal, other than renovation in a soil absorption area, or retention in a retaining tank.
- B. **Sewage System, Community** A privately owned sewage facility, for the collection of sewage from two (2) or more lots, or two (2) or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one (1) or more of the lots or at another site.
1. **Community on-lot sewage system** – A system of piping, tanks or other facilities serving two (2) or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one (1) or more of the lots or at another site.

2. Community sewerage system – A privately owned community sewage system which uses a method other than renovation in an on-lot absorption area, or retention tank.

***C Sewage Systems, (Public)*** – A publicly, municipally, owned and operated system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste

***Sewerage*** –

- A. All effluent by sewers, whether it is sanitary sewage, residential, commercial or individual wastes or stormwater runoff
- B. The entire system of sewage collection, conveyance treatment and disposal

***Sexually Oriented Business*** (See also Adult Business and Adult Establishment – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theatre, adult theatre, escort agency, nude model studio, or sexual encounter center.

***Shopping Center*** – A group of stores, four (4) or more in number, with or without satellite uses, planned and designed as an integrated unit, with off-street parking provided for both customers and employees on the developed property as an integral part of the unit, with provisions for delivery of goods separated from the off-street parking areas and from customer access. “Shopping center” shall also mean a single store or a group of stores fewer than four (4) in number where the total gross floor area of the store or stores exceeds fifty thousand (50,000) square feet.

***Sight Distance*** – The required 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. Sight distance measurements shall be made from a point 4.5’ above centerline of the road surface to a point six inches (6”) above the centerline of the road surface.

***Sign*** – Any structure, device, display or part thereof, or device attached thereto, or painted or represented thereon, which shall be used for the purpose of bringing the subject thereof to the attention of the public or which displays or includes any letter, word, motto, banner, pennant, flag, insignia, device or

representation which is in the nature of an advertisement, announcement, direction or attraction, but not including the flag, emblem, or insignia of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision thereof.

A. Types of Signs:

**Abandoned** – A sign located on a property which is vacant and/or unoccupied for a period of ninety (90) days; a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days; a sign which contains an outdated message for a period exceeding thirty (30) days.

**Advertising** – (See “**Sign, Off-Premise**”)

**A-frame** – (See “**Portable**”)

**Area of** – The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface of a structure, the area of the sign shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols. In computing the permitted sign area of any sign with two (2) sides, the permitted total sign area shall be based upon the sign area of only one (1) side (the larger of the two if they differ). Unless otherwise specified, all square footages in regards to signs are maximum sizes.

**Awning** – A sign with its copy on a shelter made of any non-rigid material, such as fabric or flexible plastic, that is supported by or stretched over a frame and attached to an exterior wall of a building or other structure.

**Banner** – A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework.

**Bulletin Board** – A particular type of changeable copy sign that displays copy in a casement made of glass, Plexiglas or other materials.

**Business** – (See “**On-Premise Business**”)

**Canopy** – A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.

**Center** – A sign located on the premises identifying a shopping center or the commercial, business, or industrial complex (ex. “plaza”, “park”, “commons”) housing individual commercial businesses or industrial businesses. A Center Sign does not include Business Signs as part of its structure.

**Changeable** – A sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

**Contractor** – A temporary sign which carries the name and information about a contractor, mechanic, artisan, or architect who is involved in construction work occurring on the premises on which the sign is located, but only for the duration of the work.

**Development** – An identification sign at the entrance to a residential development.

**Directional** – A sign containing directional information locating public places owned or operated by federal, state or local governments or their agencies publicly owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural and scenic beauty or which are naturally suited for outdoor recreation.

**Flashing** – Any sign which has intermittent or changing lighting or illumination of a duration less than thirty (30) seconds shall be deemed a flashing sign.

**Free-Standing** – An independently supported sign permanently affixed to the ground with a foundation, not attached to any building or structure.

**Garage/Yard Sale** – A temporary sign which directs attention to the sale of personal goods on the premises of a residential property on which the sign is located.

**Identification** – Signs for public and private schools, churches, lodges, or similar institutions identifying the subject use.

**Incidental** – An informational sign, no more than two square feet in size and not including any commercial message or logo, which carries a message such as “enter”, “telephone”, “rest rooms”, “no parking”, and on-site direction or anything similar. It does not include Security and Warning Signs.

**Illegal** – A sign which does not meet the requirements of this ordinance or which is not a legally nonconforming sign. This specifically includes a sign that remains standing when the time limits set by the permit are exceeded and any sign not removed after notification from the zoning officer to remove the sign.

**Illuminated** – A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

**Marquee** – Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

**Monument** – A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

**Nonconforming** – A sign that met all legal requirements when constructed but is not in compliance with current sign regulations. A registered nonconforming sign is not an illegal sign.

**Nonprofit Organization** – An off-premises sign displaying information about a church, service club or other nonprofit organization.

**Off-Premise** – A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called “billboards”, and “advertising signs”.

**On-Premise Business** – A sign which directs attention to a business, profession or industry conducted on the premise or to products sold, manufactured or assembled upon the same premises upon which it is displayed.



**Personal Expression** – A sign which displays an individual’s political, religious or personal belief.

**Plaza** – A one or two-sided structure displaying smaller signs, each of equal size.

**Political** – A temporary sign identifying, either single or combined, a political candidate, slate of candidates, ballot issue, or party. These signs are used or intended to be used for the display of any announcement, advertisement or notice of any individual candidate or slate of candidates for any public office or similar political purposes and shall be non-illuminated. These signs shall be limited to a display no longer than sixty (60) days prior to a primary or general election and shall be removed within five (5) days after said election.

**Portable** – A freestanding sign that is attached to a chassis that allows it to be towed from one location to another or that can be transported on a flat-bed truck and that is not permanently attached to a building or the ground.

**Private Drive** – On premises private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area, with language limited to the words “private drive” and the addresses of any residences using the private driveway.

**Public Use, Official, Governmental** – Safety signs, signs indicating points of interest, historical plaques, public parks or recreation facilities, utilities, signs identifying official governmental buildings or facilities.

**Real Estate** - A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sale, rental, open house or property available for, or in the process of, development.

**Residential Identification** – A sign, bearing only the property number, street address, and/or names of the occupants of the residence, or the name of the dwelling,

**Roof** – A sign which is erected, constructed, and maintained on or above the roof of a building. For purposes of this Ordinance, Roof Signs are considered On-Premise Business Signs and are regulated as such.

**Sandwich** – A movable sign not secured or attached to the ground

**Security and Warning** – On-premises signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs, as well as signs provided by home security firms, that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

**Special Event** – A temporary sign which carries information about a special event such as an auction, flea market, festival, carnival, meal or fundraising event..

**Street** – Official highway sign, streets name, directional, or other traffic sign erected in accordance with the Pennsylvania Motor Vehicle Code.

**Temporary** – A sign which advertises community or civic projects, political events/candidates, real estate for sale/lease, contractor signs, or other special events on a temporary basis, and which are intended and/or required to be removed after the temporary purpose has been served.

**Vehicular** - A vehicle to which a sign is affixed or painted and which is used or parked in such manner that the display of such sign becomes the vehicles primary purpose

**Wall** – A sign primarily painted on a wall of a building; a sign supported on a wall and which is either mounted parallel with the wall or perpendicular to the wall.

A. **Parallel Sign** – A sign mounted parallel to a wall or other vertical building surface, but not extending beyond the edge of the wall, roof lines or other surface to which it is mounted and not projecting more than twelve (12) inches from the surface to which it is mounted.

B. **Projecting Sign** – Any sign mounted perpendicular to a wall or other vertical surface.

**Wheeled** – (See **“Portable”**)

**Window** – A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

**Skilled-Care Facility** – A facility which serves two (2) or more individuals for more than a twenty-four hour period who require continuous, intermediate, or skilled nursing care.

**Slaughterhouse, Commercial** – A principal use which involves the purchasing and butchering of animals for commercial purposes. This definition does not include custom butcher shops which are licensed by the state.

**Social Club (PLCB Licensed)** – A club or lodge or any organization not conducted for profit, which has a membership defined by its charter bylaws, and is a licensee of the Pennsylvania Liquor Control Board.

**Social Club or Association (Non-PLCB Licensed)** – a club or lodge or any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is not a licensee of the Pennsylvania Liquor Control Board. No alcoholic beverages to be sold, stored or consumed on premises.

**Solid Waste Disposal Facility** – A properly sited and legally permitted facility, including but not limited to a sanitary landfill where garbage, trash or junk is disposed of or is processed or recycled for disposal or reuse. This term shall not include facilities where the disposal or processing of hazardous waste or highly radioactive materials takes place.

**Solid Waste Landfill** – A properly sited and legally permitted facility where engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

**Special Exception Use** – A type of land use which if it is permitted by the Zoning Hearing Board, would allow the use and occupancy of land and/or a building for specific purposes in accordance with terms of this Ordinance when such use is not permitted by right.

**Special Antenna** – Private residence mounted television or amateur radio equipment including ham or citizen band radio antennas.

**Standard Antenna** – Private residence mounted television or amateur radio equipment including ham or citizen band radio antennas.

**Street** – A strip of land, including the entire right-of-way, (i.e. not limited to the cartway), either public or private, intended for use as a means of vehicular and pedestrian circulation and which provides a means of access to abutting property. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, road, highway, freeway, parkway, lane, alley, viaduct and any other similar terms.

**Arterial Road** – Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and which generally do not provide access to land which would interfere with the primary traffic moving functions of such a street.

**Collector Road** – Streets designed to carry a moderate volume of traffic between Local streets and Arterial streets at moderate speeds, and which provide only limited vehicular access to abutting properties.

**Local Road** – Streets designed to provide direct access from abutting properties to any Collector and/or Arterial Streets.

**Service Road** – Streets (often called “alleys”) designed to provide vehicular access to the rear or side of properties which abut a local or collector road

**Structure** – Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: buildings, signs, fences, walls, towers, swimming pools, porches, garages, sheds, gazebos, pavilions, and any other similar structures. “Structure” shall be interpreted as including the words “or part thereof”.

**Structural Alteration** – Any changes made to the structural members of any structure (such as walls, columns, beams, girders, floors, roof or ceiling) or to any addition to any structure; or the moving of a structure from one location to another. The term “Structural Alteration” shall not include work associated with normal maintenance, minor repairs, or interior alterations.

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

**Subdivider** – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision

or land development. Unless otherwise specified in this Ordinance, the term subdivider shall be deemed, also, to refer to developer.

**Supermarket** – A store occupying in excess of 12,500 square feet of gross floor area which has a primary purpose of selling fresh and prepackaged food, groceries, house wares and toiletries, but not clothing except as incidental items, and is designed to provide sustenance for a household. A supermarket may provide for the dispensing of gasoline or other motor fuels if the appropriate approvals have been obtained from the local, state or federal regulatory agencies having such jurisdiction.

**Surface Mining** – (See “**Mineral Extraction**”)

**Swimming Pool** – A pool used for swimming or bathing which has a depth in any part of twenty-four (24) inches or more.

- A. **Household or Private** – A man-made area with walls of man-made materials intended to enclose water for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.
- B. **Non-household** – A man-made area with walls of man-made materials intended to enclose water for bathing or swimming and that does not meet the definition of a household swimming pool.

**Taproom** – (See “**Tavern**”)

Target Range – A place where firearms and other projectile-type weapons (eg. Guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth. Any, and all, target ranges shall be safely and appropriately sited upon the land, shall include a backstop of either, earthen materials or, other impact absorbing materials, and shall not constitute a threat to any person or personal property located within the ESP Region.

**Tavern** - A Pennsylvania Liquor Control Board licensed establishment primarily engaged in the retail sale and the on-site consumption of alcoholic beverages and where food sales account for less than fifty-five percent (55%) of the gross income. This definition includes, but is not limited to, beer gardens, bars, barroom, pubs, cocktail lounges, saloons, and taprooms. “Restaurants” (as defined in this Ordinance) that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition.

**Telecommunications Antenna** – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless telecommunications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the FCC to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**Telecommunications Facility** - A tract or parcel of land that contains a telecommunication antenna as the principal use, its support structure, accessory building(s), equipment cabinet, and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing at the tract

**Theater** – An enclosed building used for the presentation of live performances or motion pictures where entertainment is the primary use (See **“Primary Use Entertainment”**). Included in this definition are cinemas, other venues for the projection of film, dinner theaters, and theaters with stages for live theatrical, musical performances, as well as circuses and ceremonies, such as graduation and awards. “Theater” does not include outdoor drive-in theater or Adult Business.

**Topsoil** – Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the upper most soil layer called the “A horizon”.

**Transfer Station** – A facility where municipal solid waste is delivered for the purpose of transferring the material into another container or vehicles for transport to a final disposal site or processing facility. (A transfer station may include the separation and collection of material for the purpose of recycling).

**Travel Trailer** – A vehicular portable structure built or designed to be mounted on a chassis or wheels or constructed as in integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and/or vacation purposes.

**Treatment Center** – A use (other than a prison or hospital) providing housing for persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as a halfway house.
- B. Current addiction to alcohol or a controlled substance that was used in an illegal manner.

C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety to others.

D. “Treatment Centers” are further regulated within this Ordinance.

A “Methadone Treatment Facility” is as defined in this Ordinance and is further regulated in this Ordinance and PA Act 247 The PA MPC.

**Truck and/or Heavy Equipment Establishment** – Any use of the land whereon the primary occupation is the sale, rental or service of trucks, buses and heavy equipment in operating condition, including earth-moving, well drilling and all construction equipment. For the purpose of the ordinance truck and heavy equipment sales, rental and service, shall not include RVs but may include farm equipment. This may include diagnostic centers, equipment parts and accessory shops where installation is an ancillary business.

**Truck Stop** – A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include retail sales and repair services

**Truck Terminal** – The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by truck, in addition to truck parking.

**Use** – The specific purpose for which a tract of land, a sign, structure, building, or group of buildings is designed, arranged, and/or intended for, and which may be occupied or maintained, or any activity, occupation, business or operation may be conducted upon, thereon or therein. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

**Utility Building** – An accessory use which does not include the storage of vehicle(s), but which does include the storage of good and materials associated with the principal permitted use of the lot.

**Vacation Farm** – A farm, still engaged in agricultural production, whether principally or incidentally thereto, which provides accommodations and services consisting of, but not limited to, sleeping quarters, eating and recreation facilities and general social activities on the premises, used or intended to be used for temporary or seasonal occupancy by vacationers.

**Variance** – A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

**Vehicle** –

- A. A self-propelled conveyance that runs on tires, or wheels, such as a motor vehicle.
- B. A device or structure not necessarily self propelled for transporting persons or things, including the term “trailer” which is a transport vehicle designed to be hauled by a truck or other motor vehicle, and the term “boat” which is a vessel propelled by oars, paddles, sail, or motorized device.

**Veterinary Clinic** – (See “**Animal Hospital/Veterinary Clinic**”)

**Video Arcade** - (See “**Game Room**”)

**Warehouse** – A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal

**Warehousing** – The indoor storage, as well as the transfer and distribution of products and materials where it is the primary use and activity of the lot.

**Water Supply, Individual On-Site** – A system for supply and distributing water to a single dwelling or other building from a source located on the same lot.

**Water Supply, Community**– A of privately owned system, for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings within a single neighborhood.

**Water Supply, Public** – A publicly owned and operated system for supplying and distributing potable water from a common source to dwellings and other buildings

**Water Extraction** – The permanent removal of water as a commodity from a lot or parcel of land for any type of business or commercial purpose.

**Wetlands** – An area of ground identified by existing natural conditions which cause same to be identified as wetlands as defined in applicable State and Federal laws and regulations setting forth criteria for establishment of wetlands.

**Wholesale Business Establishment** – An establishment that is primarily engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users ; or other wholesalers. Such an establishment may also act as agents or brokers or buy merchandise for, or sell merchandise to, such businesses.



**Wildlife Sanctuary** – Includes nature center, outdoor education laboratory, woodland preserve, arboretum or a place of refuge for native animals indigenous to Pennsylvania.

**Yard** – An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or group of buildings, where open space lies between the principal building or group of buildings and the nearest lot line. This area of open space is unoccupied and unobstructed from the ground upward.

**Yard, Front** – An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

**Yard, Side** – 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 with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

**Yard, Rear** – 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 with no buildings or structures erected upon it except as may be specified elsewhere in this Ordinance.

**Zoning District** – A portion of the territory of the Eastern Schuylkill Planning Area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the ESP Area Regional Zoning Ordinance.

## **ARTICLE III – ADMINISTRATION AND AMENDMENT**

### **SECTION 301. FEES**

- A. The governing body shall establish by resolution a Schedule of fees and collection procedure to be paid by the subdivider at the time of filing a Preliminary Plan in the case of a Major Subdivision, and prior to Final Plan in the case of a Minor Subdivision. The Schedule of Fees may be modified periodically by the governing body.
- B. The schedule of fees shall be obtained from the governing body office, and shall be posted therein and in such other places as the governing body may designate.
- C. The applicant is also required to pay any review fees required by the County Planning Commission, the County Conservation District and any other reviewing agency.
- D. Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- E. If the governing body's expenses associated with reviewing a subdivision or land development exceed the total fees that have been paid by an applicant, the applicant shall pay such excess expenses prior to approval of the Final Plans by the governing body.
- F. There shall be no refund or credit of any portion of the fee should the subdivider or land developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which the Preliminary approval has been obtained.
- G. If the Applicant disputes the fees, the applicant can appeal in accordance with Section 503 and Section 510 of the Pennsylvania Municipalities Planning Code, as amended.

### **SECTION 302. MODIFICATIONS**

- A. The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The governing body may modify or extend said provisions conditionally in individual cases as may be deemed necessary in the public interest, provided however, that such

variation shall not have the effect of nullifying the intent and purpose of this Ordinance. The list of such modifications and the reasons therefore shall be entered in the minutes of the meeting of the governing body pertaining thereto, and shall be clearly defined and entered on the Final Plan.

- B. The governing body, after receiving a written request for a modification, including the grounds for such modification, and after providing the Planning Commission with an opportunity to provide a recommendation, shall have the power to pass a written resolution to grant a waiver or modifications to the specific requirements if this Ordinance, where the applicant proves to the satisfaction of the governing body that, owing to special conditions, a waiver or modification is needed to:
  - 1. avoid an undue hardship that was not self-created and that would result because of the peculiar and uncommon conditions pertaining to the land in question, or
  - 2. avoid the imposition of a clearly unreasonable requirement that would not serve any valid public purpose, or
  - 3. allow an alternative standard that is clearly proven by the applicant to provide equal or better results, or
  - 4. allow a layout or improvements that would clearly be more in the public interest than what would occur if the modifications were not granted.
- C. No changes, erasures, modifications or revisions shall be made in any plan of a subdivision after approval has been made by the governing body and endorsed on the plan, unless the said plan is resubmitted to and approved by the governing body.

**SECTION 303. CHALLENGES.** A landowner desiring to challenge the validity of any provision of this Ordinance, or any amendment thereof, shall make such challenge in accordance with the provisions of Article VIII of the Act of the General Assembly No. 247 of 1968, as amended by Act 170 of 1988.

**SECTION 304 RECONSIDERATION APPEAL**

- A. Any subdivider aggrieved by a finding, decision or recommendation of the governing body's Planning Commission may request and shall receive an opportunity to appear before the governing body's Planning Commission to present additional relevant information and request, in writing,

reconsideration of the original finding, decision or recommendation.

- B. Any person aggrieved by a finding, decision or recommendation of the governing body's Planning Commission may present to the governing body any relevant information at the time the governing body considers action on the subject plans.
- C. Affirmative action by the governing body shall authorize the subdivider to continue the application process from the point at which it was interrupted.
- D. Any person aggrieved by action of the governing body may appeal within thirty (30) days of the Court of Common Pleas of Schuylkill County, as provided in Section 512 of Article V of the Act of the General Assembly No. 247 of 1968, as amended by act 170 of 1988.

### **SECTION 305. PENALTIES**

- A. Preventive Remedies
  - 1. In addition to other remedies, the governing bodies may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transformer from such penalties or the remedies herein provided. This authority to deny such permit or approval shall apply to any of the following applicants:
    - 2. The owner of record at the time of such violation.
    - 3. 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.
    - 4. The current owner of record who acquired the property subsequent to the time of violation without regard as to

whether such current owner had actual or constructive knowledge of the violation.

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

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

## B. ENFORCEMENT REMEDIES

1. Any person, partnership or corporation who or which has violated of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the governing body, pay a judgment of not more than \$600.00 plus all court costs, including attorney fees incurred by the governing body as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the governing body may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one violation by the district justice and thereafter each day that a violation continues shall be considered a separate violation.
2. The Court of Common Pleas, under petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the ESP Region governing body
- C. In addition to the penalties above, the governing body may initiate and maintain civil action:
1. To obtain a writ of injunction against the owner or agent who attempt the improper sale or conveyance of land.
  2. To set aside and invalidate any conveyances of land made prior to Final Plan approval of any subdivision.
- D. Nothing herein shall prevent the governing body from taking such other action necessary to prevent or remedy any violation.

**SECTION 306. KEEPING OF RECORD.** The governing body's Planning Commission and the governing body's Board shall keep a record of their findings, decisions and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review.

**SECTION 307. RESPONSIBILITY.** The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

**SECTION 308 CONFLICTS**

- A. Whenever there is a difference between the minimum standards specified herein and those included on other official regulations of the governing body, the most stringent requirements shall apply.
- B. All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- B. Any revisions, modifications or amendments to these regulations shall be made in accordance with the procedures established by Section 505 of Article V of the General Assembly No. 247 of 1968, as amended by Act 170 of 1988, after a public hearing on the proposed revisions, modifications or amendments.

**SECTION 310. SEVERABILITY.** It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. The governing body hereby declare that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

**SECTION 311. STATE PLANNING CODE AMENDMENTS.** The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to the Pennsylvania Municipalities Planning Code.

**SECTION 312. ENACTMENT.** Enacted and ordained by the Eastern Schuylkill Planning Region (, Rush Township, Walker Township, Schuylkill Township, Borough of Tamaqua), Schuylkill County, Pennsylvania,

#### **ARTICLE IV – APPLICATION PROCEDURES**

##### **SECTION 401. GENERAL PROCEDURES**

- A. This Article provides an overview of the general procedures for the application, submission, review and the approval of proposed subdivision plans or land development plans within the ESP Region.
- B. All subdivision and land development plans within the ESP Region shall be reviewed by the respective municipality’s Planning Commission, the Schuylkill County Planning Commission and other municipal, State or County officials as deemed necessary, and shall be approved or disapproved by the respective municipality’s governing body in accordance with the procedures specified within this Article and within other Sections of this Ordinance.
- C. For all proposed subdivision and land development plans, except those that qualify as Minor Subdivisions or Revised

Plans of Record, a Preliminary Plan and a Final Plan must be submitted to the Township for review and approval. Those plans exempted from this standard procedure shall comply with the procedures identified under Sections 404 or 407 of this Ordinance.

#### **SECTION 402. JURISDICTION**

- A. The respective municipality's governing body shall have jurisdiction over subdivision and land development within the municipality's limits. In order to assist the governing body in its consideration of subdivisions and land developments, the governing body hereby decrees that the ESP Region municipality's Planning Commissions shall serve the following functions:
  - 1. All plans proposing subdivision or land development, upon submission to the municipality shall be referred to the Planning Commission for review.
  - 2. The Planning Commission shall make recommendations to the governing body concerning approval, conditional approval, or disapproval of such plans.
  - 3. The Planning Commission shall also make recommendations to the governing body concerning the interpretation of this Ordinance and the ESP Regional Zoning Ordinance.
- B. The municipality's governing body shall consider the recommendations offered by the Planning Commission prior to taking action on any proposed subdivision or land development plan.

#### **SECTION 403. SKETCH PLAN APPLICATION AND REVIEW**

- A. Pre-plan Consultation
  - 1. Prior submission of a Sketch Plan, applicants for larger developments are encouraged to discuss their intent with the Zoning Officer and/or Municipal Planning Commission.
  - 2. The Municipality shall make available to developers copies of this Ordinance, the Zoning Ordinance, street



maps, and other related ordinances, maps and information which may affect the development of the property under question, provided that the developer pay the customary charges for all requested documents.

B. Sketch Plan Submission

1. Prior to the submission of a Preliminary Plan (or a Final Plan where a Preliminary Plan is not required), applicants are very strongly encouraged to submit a Sketch Plan. A Sketch Plan review allows an applicant to save substantial time and engineering costs by resolving issues concerning layout and Municipal regulations prior to detailed engineering.
2. A Sketch Plan shall be considered as an official submission to the Township for the purposes of informal review and discussion between the applicant and the Township. If a sketch plan is submitted, an extra copy will be kept by the Planning Commission for reference.
3. For maximum usefulness, Sketch Plans should contain the information specified in Section 5:011.

C. Sketch Plan Review

1. The governing body's Planning Commission shall meet with the applicant and informally discuss the conceptual suitability of the proposed development, its relationship to existing streets and utilities, the proposed arrangement and density of the development, and the compatibility of the proposed Plan with the Comprehensive Plan.
2. Based upon this meeting, the Planning Commission shall inform the applicant of apparent deficiencies in the plan, offer recommendations regarding changes or modifications or recommend the submission of a Preliminary Plan (or a Final Plan where a Preliminary Plan is not required). The Planning Commission shall take no formal action to either approve or disapprove a Sketch Plan.

3. Due to the informal nature of a Sketch Plan application, the recommendation of the Planning Commission to submit a Preliminary Plan (or a Final Plan) shall not be deemed to constitute an approval.
4. Neither the Planning Commission nor the governing body shall be required to take any action with respect to a Sketch Plan Review.

#### **SECTION 404. MINOR SUBDIVISION**

##### **A. Classification**

1. The proposed division of a parcel of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any public utility outside the frontage road, and includes all the contiguous land under one ownership, shall be considered a Minor Subdivision.
2. A Minor Subdivision shall result in no more than two (2) residential lots; commercial or industrial uses shall not qualify as Minor Subdivisions.
3. Where the sole purpose of the proposed plan is to annex a lot or parcel to an adjacent lot or parcel, the plan shall qualify as a Minor Subdivision.

##### **B. Application**

1. A Final Plan complying with the submission requirements of Section 4:061 and the plan requirements of Section 5:03 shall be prepared for a Minor Subdivision.
2. All submissions shall be accompanied by the proper application forms and review fees as determined by the Municipality.

##### **C. Review and Approval**

The review and approval of a Final Plan for a Minor Subdivision shall be in accordance with the provisions of Sections 4:062 and 4:063.

**SECTION 405. PRELIMINARY PLAN APPLICATION AND REVIEW**

A. Preliminary Plan Submission

1. The applicant shall submit then (10) complete copies of the proposed Preliminary Plan and ten (10) copies reduced to 11" x 17" to the Planning Commission. Plans must be submitted for review on or before the 15<sup>th</sup> of the month prior to a regularly scheduled meeting of the Planning Commission. In no event shall plans be submitted less than ten (10) business days prior to a regularly scheduled meeting of the Planning Commission.
2. All submissions shall be accompanied by the proper application forms and review fees as determined by the Township.
3. When required, the applicant shall be responsible for submitting the plan to the Schuylkill County Conservation District, the Pennsylvania Department of Environmental Protection and all pertinent reviewing bodies, as specified by this Ordinance or required by law.
4. No applications shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required under Articles IV and V have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.

B. Preliminary Plan Review

1. The Municipal Engineer shall review the Preliminary Plan to determine its conformance to the ESP Region Zoning Ordinance and Subdivision and Land Development Ordinance. The Municipal Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Municipal Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Municipal Planning Commissions.

2. When a Preliminary Plan has been officially accepted for review by the Municipality, the Municipality shall forward two (2) complete copies of the proposed Plan to the Schuylkill County Planning Commission for their review and comment. Failure of the Schuylkill County Planning Commission to act within the time allowed by law shall constitute a waiver of their right to review the Plan as submitted and the Municipality may officially act on the basis of such a waiver.
3. When a Preliminary Plan has been officially accepted for review by the Municipality, such Plan shall be reviewed by the Municipal Planning Commission at its next regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting. During the review of the Preliminary Plan, the Municipal Planning Commission shall consider any written reports of the Municipal Engineer, Municipal Solicitor, Municipal Zoning Officer, Municipal Code Enforcement Officer, the Schuylkill County Planning Commission, and other designated agencies or authorities, before rendering its decision on the proposed Preliminary Plan.
4. Upon completion of its review, the Planning Commission shall promptly submit its recommendations to the governing body for their consideration. This recommendation shall be forwarded to the governing body within ninety (90) days from the date of the Preliminary Plan was officially accepted for review by the Township.
5. During the course of the Planning Commission review of the Preliminary Plan and prior to any action by the governing body within the required ninety (90) day period, the proposed Preliminary Plan may be revised by the applicant. Upon the submission of a revised Plan the applicant shall sign a statement withdrawing any previously submitted Plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised Plan. The revised Plans shall be submitted to the Planning Commission in accordance with Section 4:051.

C. Preliminary Plan Approval

1. Following the review of the Preliminary Plan and any accompanying data by the Municipal Engineer, Municipal Solicitor, Municipal Zoning Officer, Municipal Code Enforcement Officer, Municipal Planning Commission, Schuylkill County Planning Commission, the Municipal governing body shall approve, approve with conditions, or reject the proposed Preliminary Plan. Conditions for approval must be clearly stated in writing. If rejected, the Municipal governing body shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this and/or other ESP Region Ordinances.
2. The governing body shall notify the subdivider or his agent of the action taken by the governing body within ninety (90) days of the Planning Commission accepting a Preliminary Plan for review. This review period may be extended by mutual agreement of the applicant and the Municipality.
3. Approval or approval with conditions of a Preliminary Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval of the layout shown on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan must also be reviewed and approved by the Municipality as outlined under Section 4:06 of this Ordinance.

**SECTION 406. FINAL PLAN APPLICATION AND REVIEW**

A. Final Plan Submission

1. Within one (1) year of receiving approval or approval with conditions of a Preliminary Plan, the applicant shall submit to the Municipal Planning Commission ten (10) complete copies of the Final Plan, ten (10) copies reduced to 11" x 17" and all supplementary data as required within this Ordinance. Plans must be submitted for review on or before the 15<sup>th</sup> of the month prior to a regularly scheduled meeting of the Municipal Planning Commission. In no event shall plans be submitted less than ten (10) business days prior to a

regularly scheduled meeting of the Municipal Planning Commission.

2. All submissions shall be accompanied by the proper application forms and review fees as determined by the Municipality.
3. When required, the applicant shall be responsible for submitting the plan to the Schuylkill County Conservation District, the Pennsylvania Department of Environmental Protection and all pertinent reviewing body or bodies, as specified by this Ordinance or required by law.
4. No application shall be deemed filed and accepted for review until any supplementary data, reports, and studies as may be required under Article IV through VII (including revisions required during the Preliminary Plan review) have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
5. At the discretion of the Township, additional copies of the proposed Final Plan may be requested from the applicant for review and comment.

**B. Final Plan Review**

1. The Municipal Engineer shall review the proposed Final Plan to determine its conformity to the ESP Region Zoning Ordinance and Subdivision and Land Development Ordinance. The Municipal Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Municipal Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Final Plan is to be considered by the Municipal Planning Commission.
2. If required, the Municipality shall forward two (2) complete copies of the proposed Final Plan to the Schuylkill County Planning Commission for their review and comment. Failure of the Schuylkill County Planning Commission to act within the time allowed

by law constitute a waiver of their right to review the Plan as submitted and the Municipality may officially act on the basis of such a waiver.

3. When a Final Plan has been officially accepted for review by the Municipality, such Plan shall be reviewed by the Municipal Planning Commission at its next regularly scheduled meeting. During the review of the Final Plan, the Municipal Planning Commission shall consider any written reports of the Municipal Engineer, Municipal Solicitor, Municipal Zoning Officer, Municipal Code Enforcement Officer, Schuylkill County Planning Commissions, and other designated agencies or authorities, before rendering its final decision on the proposed Final Plan.
4. Upon completion of its review, the Planning Commission shall promptly submit its recommendations to the Municipal governing body within the required ninety (90) days from the date the Final Plan was officially accepted for review by the Municipality.
5. During the course of the Planning Commission review of the Final Plan and prior to any action by the governing body within the required 90 day period, the proposed Final Plan may be revised by the applicant as directed by the Municipal Planning Commission. Upon submission of a revised plan the applicant shall sign a statement withdrawing and previously submitted plans from consideration and a new ninety (90) day time period for normal review and notification shall commence from the date of submission of the revised plan. The revised Plans shall be submitted to the Planning Commission in accordance with Section 406(A).

C. Final Plan Approval

1. Following review of the proposed Final Plan and the accompanying data by the Municipal Engineer, Municipal Solicitor, Schuylkill County Planning Commission, Municipal Planning Commission, and governing body shall approve, approve with conditions, or reject the Final Plan.

2. Any conditions for approval must be clearly stated in writing. If the plan is rejected, the governing body shall specify the reasons for rejection, including citation of or reference to the pertinent Sections of this and other Municipal Ordinances. Copies of the statement shall be forwarded to the applicant and all concerned parties no more than fifteen (15) days following the decision.
3. The governing body shall notify the subdivider or his agent of the action taken by the Supervisors within ninety (90) days of the Planning Commission accepting a Final Plan for review. This review period may be extended by mutual agreement of the applicant and the Municipality.
4. All pertinent agreements, contracts, fees, deeds of dedication and contributions shall be satisfactorily completed and/or executed by the applicant prior to municipal approval.

#### **SECTION 407. REVISED PLAN OF RECORD**

- A. Any revision, replotting or re-subdivision of land which includes changes to a Recorded Plan shall be considered a subdivision and shall comply with all regulations within this Ordinance, except that:
  1. Lot lines may be changed from those on a Recorded Plan, provided that in making such changes:
    - i. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the ESP Region Zoning Ordinance.
    - ii. Easements of rights-of-way shall not be changed.
    - iii. Street locations and block sizes shall not be changed.
    - iv. No lot shall be created which does not abut an existing or proposed public street.
    - v. Open space and recreational areas shall not be reduced.
- B. In every case wherein lot lines are changed as permitted above, the applicant shall:
  1. Prepare and submit a Revised Plan of Record to the Township for review and approval. The Revised Plan of Record shall be submitted and prepared in



accordance with the Final Plan requirements of Sections 4:061 and 5:03 of this Ordinance.

2. The Revised Plan of Record shall specifically identify the previous Plan of Record superceded and shall also contain the record references.
3. The review and approval of a Revised Plan of Record shall be in accordance with the provisions of Section 406(B) and 406(C).
4. After the Revised Plan of Record has been approved by the Municipality, the applicant shall then record the new plan in accordance with this Ordinance.

#### **SECTION 408. LAND DEVELOPMENT PLANS**

- A. A “Land Development Plan” shall comply with the standard review procedures of this Ordinance.
- B. Occasionally situations involving only one lot may arise whereby it is unclear whether or not a Land-Development Plan is required by the Ordinance. In this event the developer may present information regarding the development to the Planning Commission. The information shall be sufficient to illustrate the type and extent of the development and the potential impact of the proposal upon traffic, stormwater management, sewage disposal, water supply, and similar concerns. The Planning Commission shall review the information and make a recommendation to the governing body as to whether or not the Land Development procedures of this Ordinance should be followed. The Planning Commission may wish to consult the Municipal Engineer and Solicitor prior to making its recommendation. The governing body shall, after consideration of the Planning Commission’s recommendation, make the final decision as to whether or not a Land Development Plan will be required.

#### **SECTION 409. APPROVAL AND RECORDING OF PLANS**

- A. After completion of the procedures required within this Ordinance the Municipal Planning Commission shall place their endorsements on at least eight (8) copies of the Plan which is to be recorded. The Plans shall be dated and signed by at least a majority of the members on the Planning Commission.

- B. After the completion of the procedures required within the Ordinance the Municipality's governing body shall place their endorsements on at least eight (8) copies of the Plan which is to be recorded. The Plans shall be dated, sealed and signed by at least a majority of the governing body.
- C. No changes, erasures, modifications or revisions shall be made to any Subdivision or Land Development Plan after the Plan has been approved by the Municipality, unless the Plan has been resubmitted to the Municipality for review as required within this Ordinance. Any such changes, erasures, modifications or revisions shall render any prior approval of the Plan null and void.
- D. After the Plan has been properly endorsed by the Municipality, the applicant shall submit the Plans to the Schuylkill County Planning Commission for their endorsement. No Plan may be legally recorded unless it has been properly endorsed by the Municipality, the Schuylkill County Planning Commission and complies with all the recording requirements of the Schuylkill County Recorder of Deeds Office.
- E. After the Plan has been properly endorsed by the Municipality and the Schuylkill County Planning Commission, the applicant shall record the Plans with the Schuylkill County Recorder of Deeds within ninety (90) days of the date the Plan was endorsed by the Municipality. If the applicant fails to record the Plan within the ninety (90) day time period, the action of the Municipality will become null and void.
- F. After the Plan has been recorded, the applicant shall provide the Municipality with one (1) certified copy of the Recorded Plan.

**ARTICLE V – PLAN REQUIREMENTS**

**SECTION 501. SKETCH PLANS**

- A. The scale and sheet size of the Sketch Plan of a subdivision shall be as required in Section 502 for Preliminary Plans. The Sketch Plan shall contain at least the following data, legibly drawn to scale but necessarily showing precise dimensions.
  - 1. Tract boundaries.
  - 2. North Point.

3. Written and graphic scales.
4. Significant topographical and physical features (i.e., water bodies, quarries, steep slopes, etc.)
5. Proposed general street and lot layout.
6. A location map with sufficient information to enable the Planning Commission to locate the property.
7. General site data including acres of entire tract and number of proposed lots.
8. Tax map identification PIN number.

**SECTION 502. PRELIMINARY PLANS.** A Preliminary Plan application shall not be considered complete unless all provisions specified under Section 405(A) have been completed and all information required below has been provided.

- A. The Preliminary Plan of a proposed Major Subdivision shall be clearly and legibly drawn to a minimum scale of one (1) inch equals fifty (50) feet with all dimensions shown in feet and hundredths of a foot except that:
  1. If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan shall be drawn to minimum scale of one (1) inch equals one hundred (100) feet, or
  2. if the subdivision proposes lots with an average frontage of less than fifty (50) feet, the plan shall be drawn to a scale of one (1) inch equals twenty (20) feet.
- B. The original drawing, and all submitted copies thereof, shall be made on sheets twenty-four (24) inches by thirty-six (36) inches.
- C. If the Preliminary Plan requires more than one sheet, a key diagram showing relative locations of the several sections shall be drawn on each sheet.
- D. The Preliminary Plan shall show:
  1. Name of proposed subdivision, or otherwise identifying title, and of the Township,
  2. north point, graphic scale, written scale, and date, including month, day and year that the original drawing was revised, for each revision,

3. name and address of record owner (and subdivider),
4. name, address, license number and seal of the Professional Land Surveyor responsible for the subdivision plan, or any part thereof,
5. names of all abutting subdivisions, if any, with the plan book and page numbers where recorded, and the names of owners of all adjacent unplatted land, if any, and the deed book and page numbers where recorded,
6. a key map for the purpose of locating the property being subdivided, drawn to a scale of one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal and zoning district boundaries and watercourses within one thousand (1,000) feet of the subdivisions. In addition, a scale and a north pointer shall be indicated,
7. total tract boundaries of the property being subdivided, showing bearings, distances, and a statement of total acreage of the property.
8. Zoning data, including the following:
9. applicable lot area, width, lot coverage, height regulations and minimum yard requirements,
10. existing and proposed zoning district boundary lines,
11. contour lines at vertical intervals of no more than two (2) feet for land with an average natural slope of four (4) percent or less, and at intervals of no more than five (5) feet for land with an average natural slope exceeding four (4) percent. The contours shall be based upon a field or photogrametric procedure at a scale of one (1) inch equals one hundred (100) feet or larger,
12. location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be known, established benchmark,

13. identification of any areas with slopes between fifteen (15) percent and twenty five (25) percent and slopes greater than twenty five (25) percent,
14. the complete parcel identification number (from the Schuylkill County Tax Maps) for the tract being subdivided,
15. all existing sewer lines, water lines, wells, fire hydrants, utility transmission lines, easements and rights of way, culverts, bridges, railroads, watercourses, flood plain areas based on one hundred (100) year storm and other significant manmade or natural features within the proposed subdivision and within one hundred (100) feet of the boundaries of the proposed subdivision.
16. approximate locations and names of soil types,
17. areas of hydric soils, or soils with hydric components (see Schuylkill County Soil Survey) and wetlands located on the tract being subdivided along with notations regarding restrictions upon their use as well as the appropriate buffer zone as required under Section 610,
18. all existing buildings or other structures, and the approximate location of all existing tree masses and/or individual trees over eight (8) inches in diameter within the proposed subdivision,
19. all existing streets, including streets of record (recorded but no constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
20. All recording information if the property was previously subdivided,
21. The full plan of the proposed development including:
22. location and width of all streets and rights-of-way with a statement of any conditions governing their use,
23. clear sight triangles at all intersections

24. suggested street names and all public utility and private easement locations,
25. building reserve (setback) lines along each street, and/or the proposed placement of each building,
26. lot lines with approximate dimensions,
27. approximate net and gross lot areas,
28. a statement of intended use of all lots and parcels,
29. lot numbers and a statement of the total number of lots and parcels,
30. sanitary and/or storm sewers (and other drainage facilities), with the location, size, elevation and material of each indicated, and any proposed connections with existing facilities,
31. underground natural gas, electrical, telephone, cable tv and any other proposed utility lines and easements for such utilities,
32. well locations, including test wells required under Section 6:074, along with the following notation: “Any well intended to be utilized for an individual on-lot water supply for any lot shown on this plan shall be installed at the location indicated. Any deviation from this location must have prior approval of the Municipality.”
33. parks, playgrounds and other areas dedicated or reserved for public use, with any conditions governing such use.
34. location of soil percolation test holes as may be required by Section 5:04,
35. a list of waivers or modifications requested to the requirements of this Ordinance and any variances or special exceptions granted by the Zoning Hearing Board.
36. Street addresses for each lot shall be shown on the plan. Addresses shall conform to the requirements of

the 911 emergency system and otherwise be consistent with the existing street address system in the Municipality.

- E. The Preliminary Plan shall be accompanied by the following supplementary data as applicable:
1. Typical street cross-section drawing(s) for all proposed streets,
  2. Tentative profiles along centerline of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades drawn at a ten (10) to one (1) exaggeration following the scale of the original subdivision plan.
  3. Profiles shall show all vertical curve data including length, elevations and minimum sight distance as required by Section 603(F). Profiles shall also show all existing and proposed utilities located within the road right-of-way including but not limited to water mains, storm sewer and sanitary sewer lines, with stationing, elevations (inverts and tops), lengths, slopes, material, sizes etc., and all line crossings of other utilities,
  4. Detail drawings and/or construction notations for the following, where applicable:
    - i. Drainage swale cross-sections and construction materials,
    - ii. Pipe bedding materials,
    - iii. Storm drainage structures, including any detention basin outlet structure and emergency spillway,
    - iv. Sanitary sewer structures,
    - v. Curb and sidewalk details,
    - vi. Landscaping details,
  5. If the submitted plans do not include all undeveloped adjacent or abutting lands owned by the same landowner or under the control of the same developer, then the Planning Commission may require that a Sketch Plan be submitted at an appropriate scale covering all holdings. The Sketch Plan should include a reasonable future street system to demonstrate that

the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect their potential development,

6. Where deemed necessary by the Municipal Engineer, a plan for grading and stormwater management on the tract being subdivided. The plan shall show all information required under Section 502(F) and shall meet all design requirements of Section 608,
7. Where deemed necessary by the Municipal Engineer, an Erosion and Sedimentation Control Plan for the proposed development. The plan shall provide all information required under Section 502(G) and shall meet all design requirements of Section 609,
8. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Departments of Transportation and Environmental Protection.
9. A traffic Impact Study when required by Section 502(H).
10. A Hydrogeologic Study when required by Section 502(I).
11. When required, six (6) completed copies of the appropriate Planning Modules for Land Development for submittal to the Pennsylvania Department of Environmental Protection. The Planning Modules must be reviewed and approved by DEP prior to municipal approval of the Final Plan.

F. Stormwater Management Plan

1. Stormwater Management Plans shall be prepared in accordance with design requirements of Section 6:08.
2. The following information shall be provided either on the plans or in the calculations:
  - i. existing and proposed storm drainage facilities or structures, including detention basins (with



- depth and capacity), swales, pipes (with sizes), culverts and inlets,
- ii. watershed areas for each drainage structure or swale,
- iii. locations and widths of any proposed or existing stormwater easements,
- iv. intended design year standards for culverts, bridges, structures and other stormwater facilities,
- v. locations of all underground utilities,
- vi. entity responsible to maintain/own any detention basin or other facilities to be located outside of public road rights-of-way,
- vii. existing contour lines,
- viii. proposed contour lines for lots, roads and drainage facilities,
- ix. stationing of any storm sewers, corresponding to profile stationing,
- x. any other information required to be provided by Section.

G. Erosion and Sedimentation Pollution Control Plans

1. Erosion and Sedimentation Pollution Control Plans shall be in accordance with the requirements of Section 609.
2. All proposed facilities and procedures shall comply with the regulations and standards of the County Conservation District and the Pennsylvania Department of Environmental Protection.
3. The plan shall consist of drawings showing locations and types of all proposed measures along with a narrative describing their function, construction, maintenance and sequence of installation.

H. Traffic Impact Study

1. The submittal of a Traffic Impact Study will allow the Municipality to determine the safety and congestion impacts of proposed major traffic generating uses.
2. Applicants will be required to respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public.

3. The submittal of a Preliminary Plan for any of the following uses may require the completion of a Traffic Impact Study and the submittal of the findings in a written report when deemed necessary by the Municipal Planning Commission:
  - i. Residential: 10 or more dwelling units,
  - ii. Non-Residential 20,000 square feet or more of total floor area,
  - iii. Wherever the Municipality determines that a proposed use will generate volumes or types of traffic that could negatively impact upon the existing street system within the Municipality,
  - v. Wherever the Municipality determines that there is a clear, existing, substantial traffic problem within close proximity of the proposed project which would likely be significantly worsened by the proposal.
4. The costs of completing the study and of review by the Municipality shall be borne by the applicant.
5. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer or traffic planner designated or approved by the Municipality with verifiable experience in preparing such studies.
6. The Traffic Impact Study shall address the following elements:
  - i. Study Area. The study area for the Traffic Impact Study shall be based on engineering judgment and an understanding of existing traffic conditions at the site and shall represent the area which is likely to be affected by the development. Prior to initiation of the study, the traffic engineer or planner shall meet with the Municipal Engineer to establish the limits of the area to be studied.
  - ii. Project Description. Any study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur

in stages, all stages shall be described and taken into account in the study.

- iii. Existing Traffic Conditions. The traffic volumes and service levels during the three peak hour conditions (A.M., P.M. and site generated) shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two years, and not upon state estimates. Schematic diagrams depicting peak hour(s) traffic volumes and turning movements shall be presented for roadways within the study area. Assessments of the relative balance between roadway volumes and capacities are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours. The locations of all accidents reported to the Police within the study area during the most recent two year period shall be noted.
- iv. Expected Traffic Generation. The study shall include an estimate of the traffic volumes expected to be generated by the use and any future stages during the three peak hour conditions. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entities. The study preparer shall clearly indicate the methods and assumptions used to forecast future traffic volumes. Schematic diagrams, similar to those required for existing conditions, shall depict future traffic volumes.
- v. Projected Effects. The ability of the existing roadway system to accommodate the future traffic shall be described. The study shall take into account not only the proposed use by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development

approval from a municipality. Future levels of service shall be determined for all affected streets and intersections in the study area. The study shall include the projected directions of generated traffic. Assessments of the relative balance between roadway volumes and capacities shall be performed for future conditions.

- vi. Levels of Service. The study shall use the description of the levels of service (A,B,C,D,E and F), for streets and intersections established by the US Department of Transportation. Included shall be a description of typical operating conditions at each service level.
  
- vii. Signal Warrants. Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by Penn DOT criteria.
  
- viii. Needed Improvements. The study shall include suggestions on how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, and a rough estimate of the costs of that improvement.
  
- ix. Applicants Proposal. The applicant shall respond to the traffic study with proposals on what traffic improvements, right-of-way dedications or commitments of financing for specific projects the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged in relation to the stages of the development.
  
- x. Completion of Improvements. Any traffic improvements, including but not limited to traffic signals, that are required as a condition of any approval under this Ordinance shall be

in place or sufficient funds committed by the developer in escrow acceptable to the Municipality prior to the issuance of any needed occupancy permit, or within a staged process agreed upon at the time of approval.

I. Hydrogeologic Impact Study

1. Based upon the recommendation of the Municipal Engineer, the Planning Commission may require an applicant to provide a study to determine whether a proposed project would have significant negative impact upon groundwater quality or quantity.
2. A Hydrogeologic Study may be required for any of the following uses:
  - i. Residential: 6 or more dwelling units,
  - ii. Whenever the Municipality determines that a proposed use could negatively impact upon groundwater quality or quantity.
3. The study shall be completed by a qualified engineer or hydrogeologist.
4. The study shall include the following:
  - i. a map showing the location of the site and proposed on-site sewage disposal systems and wells. Narrative descriptions of the types of these systems shall also be furnished,
  - ii. a description of the geologic conditions on and around the site, including factors which would affect the groundwater recharge rate and the degree of groundwater renovation. Site geology, including stratigraphy, structure and soils shall be analyzed. Hydrogeology, including aquifer characteristics, groundwater movement, local water use, aquifer yield and water quality shall be analyzed. Groundwater impacts, including impact from on-lot septic systems, availability of groundwater, well interference, water quality, and yield availability shall be analyzed,

- iii. results of any test wells required under Section 607(D), including quality of water and flow rate,
- iv. a map and narrative description of the area that will be affected by the proposed use of on-lot wells and sewage disposal systems determined from the surface topography and known geologic conditions. The analysis shall describe anticipated water quality/quantity impacts upon areas located downgradient and/or among any geologic strike or fault. These anticipated impacts shall also consider existing and potential land uses located within the affected area,
- v. should it be determined that the proposed use(s) would result in a degradation of groundwater quality, or eliminate the potential groundwater use at nearby properties, the study shall present measures that will-be employed to prevent this.

**SECTION 503. FINAL PLANS**

- A. The scale and sheet size of the Final Plan of a subdivision shall be as required in Sections 502(A) and 502(B) for Preliminary Plans.
- B. If the Final Plan requires more than one sheet, a key diagram showing relative locations of the several sections shall be drawn on each sheet.
- C. The Final Plan shall show all information required to be shown on Preliminary Plans as listed under Section 502 and shall show the following:
  - 1. Name and address of the record owner (and Subdivider) of the tract, and the source(s) of title to the land being subdivided, including the date and name of the grantor(s), as shown on the records of the County Recorder of Deeds.
  - 2. Name, address, original signature and impression seal of the Professional Land Surveyor responsible for the plan, or any part thereof.
  - 3. A key map for the purpose of locating the property being subdivided, drawn to scale of one (1) inch equals

eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal and zoning district boundaries and watercourses within one thousand (1,000) feet of the subdivision. In addition, a scale and north point shall be indicated,

4. The total tract boundaries of the area being subdivided with accurate dimensions in feet and hundredths of foot and bearings in degrees, minutes and seconds. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet; provided, however, that the boundaries of adjoining additional unplatted land in excess of ten (10) acres are not required to be based upon field survey with a positional closure of a "Class 1" survey as established by the Pennsylvania Society of Land Surveyors, and may be shown from deed information. The location and elevation, if established, of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided,
5. The name, number, cartway width, existing and proposed right-of-way widths for all existing and proposed streets,
6. The following data for the cartway edges (curb lines) and right-of-way lines of all proposed streets, and for the ultimate right-of-way lines of all existing streets within the property,
  - i. the lengths of all straight lines in feet and hundredths of a foot,
  - ii. all curve data (central angle, radius, arc length) in degrees, minutes and seconds or feet and hundredths of a foot,
7. All straight lot lines with dimensions in feet and hundredths of a foot and bearings in degrees, minutes and seconds. Curved lot lines shall have central angles, radii and arc lengths in degrees, minutes and seconds or feet and hundredths of a foot. Each lot

shall be balanced to an accuracy of one (1) foot in twenty-five thousand (25,000) feet.

8. Lot numbers (numbered consecutively), street address numbers as assigned by the Municipal governing body and total number of lots (parcels).
9. A statement of the intended use of all non residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the Subdivision and, if recorded, including the book and page number in the County Deed Book.
10. The proposed building setback line for each lot, or the placement of each building in other than single family lot developments, in accordance with Zoning ordinance requirements.
11. The location (and elevation, if established) of all existing and proposed street monuments as required by Section 703(H),
12. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Such easements and rights-of-way shall be accurately identified and shown on the plan with sufficient information to accurately and complete reproduce on the ground,
13. A list of any waivers or modifications requested to the requirements of this Ordinance and any variances or special exceptions granted by the Zoning Hearing Board.,
14. If the subdivision proposes new street or driveway intersections with a State Route, or proposes improvements within the right-of-way of a State Route, the Highway Occupancy Permit number(s) shall be indicated on the plan. The Municipality should be provided with a copy of all such permits.
15. Where appropriate, a statement requiring that individual lot owners obtain approval for erosion and sedimentation pollution control prior to obtaining any



building permits or performing any earth-moving on the site,

16. A certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, using the form specified in the Appendix and shall be duly acknowledged and signed by the owner(s) of the property before an officer authorized to take acknowledgement of deeds,
17. Certificates of approval of the plan by the Municipal Governing Body and the Municipal Planning Commission.
18. A blank space measuring three and one-half by five (3-1/2 x 5) inches square shall be left, preferably adjacent to the Municipal certification, in which the appropriate stamp of the County Planning Commission may be applied,
19. A blank space measuring three (3) inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
20. All information in the format required by the Schuylkill County Recorder of Deeds. This information is available from that office and office of the Schuylkill County Planning Commission.

D. The Final Plan shall be accompanied by the following Supplementary data, where applicable:

1. Typical street cross-section drawing(s) for all proposed streets,
2. Profiles along centerlines and cross sections of each proposed street shown on the Final Plan. The profiles shall show all information required for Preliminary Plans under Section 502(E)(2) and shall be drawn to the scale specified in that Section. Both profiles and cross sections shall show natural and finished grades along both cartway edges of each street,
3. All offers of dedication, and covenants governing the reservation and maintenance of undedicated open

space, which shall be reviewed by the Municipal Solicitor.

4. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided,
5. Letter of adequacy from the County Conservation District for the proposed erosion and sedimentation control plan, and a copy of the NPDES permit, where required,
6. Copies of all required permits from the Pennsylvania Department of Environmental Protection, including but not limited to wetland and flood plain encroachments, watercourse obstructions and dam permits,
7. Landscape plan, when required by the Municipality, showing the number, location, size and species of all shrubbery and vegetation that will be planted.
8. Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of this ordinance, the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation. All such designs shall be approved by the appropriate agency prior to municipal approval,
9. Development Agreement and Performance Guarantee in accordance with the requirements of Article VII,

#### **SECTION 504. SOIL PERCOLATION TEST REQUIREMENTS**

- A. Soil probes and percolation tests shall be performed for both a primary and an alternate sewage disposal system site on each lot of all subdivisions wherein buildings at the time of construction will not be connected to an active public or active community sanitary sewer disposal system.
- B. Soil descriptions and percolation tests shall be performed in accordance with the procedures and requirements of the Pennsylvania Department of Environmental Protection, as amended.

- C. The results of the test shall be recorded on the appropriate DEP form and shall be submitted with the Preliminary Plan.
- D. The soil percolation tests must be performed at the exact location of the proposed drain field. The test holes must be spaced evenly throughout the area of the drainfield.

## **ARTICLE VI – DESIGN STANDARDS**

### **SECTION 601. APPLICATION**

- A. The standards and requirements contained in Articles VI and VII are intended as the minimum for the promotion of the public health, safety and welfare, and shall be applied as such by the Municipal Planning Commission and the Municipal governing body in reviewing all subdivision plans.
- B. Whenever other Municipal regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of these regulations shall apply.

### **SECTION 602. GENERAL STANDARDS**

- A. Land shall be suited to the purpose for which it is intended to be subdivided or developed, as determined by Municipal ordinances, Municipal governing body, or any other applicable regulatory agencies.
- B. Land subject to hazards to life, health or property (such as open quarries, limestone solution channels, unconsolidated fill, floods, vacant buildings, trash, miscellaneous debris, buildings within rights-of-way, excessive erosion, unsafe water supply, or other causes) shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agency and the Municipal Planning Commission.
- C. The subdivision or land development shall be designed in consideration of any applicable provisions of the Municipal Comprehensive Plan.

- D. All aspects of the proposed subdivision or land development shall conform to the ESP Regional Zoning Ordinance and all other regional and municipal ordinances and specifications.
- E. No subdivision or land development shall occur in such a way that would significantly threaten the public health and safety, including hazards of toxic substances, traffic hazards, explosive hazards and fire hazards. The Municipality may require that structures, material, or other features that are fire or safety hazards be removed or made safe, at the discretion of the Municipality, prior to Final approval of a plan.
- F. Land with non-conforming uses shall not be subdivided.
- G. Approval of plans and specifications provided within this Ordinance shall be of equal force and effect. In the case of any discrepancy between the plans and these specifications, the decision of the Municipality, or its authorized representative shall be final and conclusive as to which is preferred.

**SECTION 603. STREETS**

- A. General Standards
  - 1. All proposed subdivisions and land developments shall have adequate and safe access to the public street system.
  - 2. Proposed streets shall be adjusted to the contour of the land to produce usable lots and streets of reasonable gradient.
  - 3. The location and width of all streets shall conform to the “official plans” or to such parts thereof as may have been adopted by the Municipality.
  - 4. As subdivision or land development and its street pattern shall be coordinated with existing or proposed nearby developments or neighborhoods or help develop the area harmoniously and to help prevent conflicts between neighboring development. The proposed street system shall extend existing or recorded streets at the same width, but in no case less than the required minimum width.

5. Where, in opinion of the Municipal Planning Commission, it is desirable to provide street access to adjoining property, proposed streets shall be extended to the boundary line of the tract being subdivided to eventually provide for normal circulation of traffic within the vicinity.
6. Where a subdivision abuts an existing street of improper width or alignment, the Municipality may require the dedication of land sufficient to widen the street or correct the alignment.
7. Private streets (streets not offered for dedication) are prohibited.
8. Where a proposed subdivision or land development is of sufficient size to warrant an interior circulation system, a clear hierarchy of streets shall be designed and established.
9. Proposed streets shall be laid out to avoid environmentally sensitive areas such as flood plains, wetlands, sinkholes and steep slopes.
10. New half or partial streets shall be prohibited.
11. When internal streets or roads serve a lot in a subdivision, access to that lot must be from the internal street or road, unless approved by the Planning Commission.

B. Loop Roads

1. Where practical, minor streets shall be designed as “loop roads” so that all abutting lots shall have two directions of access.
2. In areas where site topography and/or tract configuration hinder the design of “loop minor streets”, the Municipality may allow the use of cul-de-sac streets. The number of such cul-de-sac streets within a subdivision shall be limited to that necessary to serve the areas having the topographic or tract restrictions. All cul-de-sac streets shall meet the design requirements of Section 603(I).

C. Street Widths

1. Street right of way and cartway (pavement) widths shall be shown on the “official plans” of Comprehensive Plan, or if not shown on such plans, shall be as follows:

<u>Street Type:</u>	<u>Right of Way</u> width (in feet)	<u>Cartway</u> width (in feet)
Local Street	50	20
Minor Collector Street	60	30
Major Collector Street	see note 1	see note 1
Cul-de-sac Street (note 4)	50	20

**NOTES:**

- i. As specified in the “official plans”, or Comprehensive Plan, or as determined by the Municipality.
- ii. When a tract to be subdivided or developed abuts the legal right of way of a state highway, additional right of way may be required as determined by the Pennsylvania Department of Transportation.
- iii. Additional right of way and cartway widths may be required by the Municipality for the purpose of promoting the public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high density residential.
- iv. Cul-de-sac streets shall have a paved turn-around with a radius of fifty (50) feet.

**D. Street Grades**

1. There shall be a minimum centerline grade of one (1) percent.
2. Centerline grades shall not exceed the following:
  - i. Local streets: ten (10) percent.
  - ii. Minor Collector Streets: six (6) percent
  - iii. Major Collector Streets: five (5) percent
  - iv. Cul-de-sac Streets: eight (8) percent

**E. Horizontal Curves**

1. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.
2. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follow:
  - i. Local and Cul-de-sac Streets: one-hundred fifty (150) feet;
  - ii. Minor Collector Streets: three-hundred (300) feet;
  - iii. Major Collector Streets: five-hundred (500) feet
3. A tangent of at least one-hundred (100) feet shall be introduced between all horizontal curves on minor collector and major collector streets.
4. To the greatest extent possible, combinations of the minimum radius and the maximum grade shall be avoided.
5. A tangent of at least one-hundred (100) feet, measured from edge of cartway, shall be required between a horizontal curve and a street intersection where one of the intersecting streets is a arterial, minor collector, or a major collector street.

F. Vertical Curves

1. Vertical curves shall be designed to the following minimum sight distances:
  - i. Local and Cul-de-sac Streets: two-hundred (200) feet;
  - ii. Minor Collector Streets: three-hundred (300) feet;
  - iii. Major Collector Streets: four-hundred (400) feet;
2. Sight distance shall be measured from a point 3.5 feet above the road surface to a point 6 inches above the road surface, and shall be based upon standards of the American Association of State Highway and Transportation Officials (AASHTO).

3. Vertical curves shall be used at all changes in grade exceeding one (1) percent.

G. Intersections

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees or more than one-hundred five (105) degrees.
2. No more than two (2) streets shall intersect at the same point and no driveway may intersect a street or road within eighty (80) feet of an intersection with another street or road.
3. Streets intersecting another street shall either intersect directly opposite each other, or shall be separated by at least one-hundred fifty (150) feet between centerline, measured along the centerline of the street being intersected.
4. Intersections shall be approached on all sides by a straight leveling areas, the grade of which shall not exceed five (5) percent within fifty (50) feet of the intersection of the nearest right of way lines. The five (5) percent grade shall be provided on the cartway surface, not the tangent line of a vertical curve.
5. Intersections with arterial and major collector streets shall be located not less than one-thousand (1000) feet apart, measured between centerline, along the centerline of the arterial or major collector streets.
6. Street curb intersections shall be rounded by a tangential arc having a minimum radius of:
  - i. twenty (20) feet for all intersections involving only local streets.
  - ii. thirty (30) feet for all intersections involving a minor collector street;
  - iii. forty (40) feet for all intersections involving a major collector street.
  - v. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

H. Sight Distances at Intersections



1. New street intersections of a subdivision or land development shall be designed to meet to meet PennDOT standards for sight distance (appendix B)
2. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building setback line, such portion shall be shown on the Final Plan of the subdivision, and shall be considered a building setback line.
3. Clear sight triangles shall be located so that they do not extend onto adjoining property not owned by the subdivider, unless the written approval of the property has been demonstrated.

#### I. Cul-De-Sac Streets

1. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
2. Any street dead-end for access to an adjoining property or because of authorized stage development shall be provided with a permanent, fully-paved turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public.
3. The length of the cul-de-sac street shall be measured from the edge of the cartway of an intersecting street to the center of the turnaround of the cul-de-sac. The minimum length of a cul-de-sac street shall be two-hundred fifty (250) feet.
4. The maximum length of a cul-de-sac street shall be eight hundred (800) feet.
5. Unless further extension is clearly impractical or undesirable, the turnaround right of way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
6. All cul-de-sac streets shall be provided at the closed end with a fully paved turnaround with a radius to the pavement edge or curb line of fifty (50) feet, and the

radius of the right of way line shall be sixty (60) feet. The sidewalk area within the right of way shall conform to both the straight and curved edges of the cartway.

7. The centerline grade of a cul-de-sac street shall not exceed eight (8) percent and the grade across the turnaround shall not exceed five (5) percent.
8. A maximum of ten (10) residential lots shall be permitted on any cul-de-sac street.
9. Cul-De-Sac streets shall not be intersected by other streets at the open end and shall not intersect another cul-de-sac street.
10. Cul-De-Sacs shall be centered on the access street or offset to the left. Right offsets shall only be used with approval of the Municipal Planning Commission.

J. Street Names

1. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
2. In no case shall the name of a proposed street duplicate an existing street name in the Municipality and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
3. All street names shall be subject to the approval of the Municipality and the Postmaster having jurisdiction.

**SECTION 604. BLOCKS**

A. Layout

1. The length, width and shape of blocks shall be determined with due regard to:
  - i. Provision of adequate sites for buildings of the type proposed,
  - ii. zoning requirements,
  - iii. topography,

- iv. requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

B. Length

1. Blocks shall have a maximum length of two thousand six-hundred (2,600) feet and minimum length of five-hundred (500) feet, provided, however, that the Municipal Planning Commission or Governing Body may increase the maximum and/or decrease the minimum length of the blocks if in the opinion of either body, topography of the land in question and/or surface drainage conditions warrant such a change.
2. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection and will be subject to approval by the regional fire department and Municipal Planning Commission.

C. Crosswalks

1. Crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as within blocks.
2. Such crosswalks shall have a width not less than ten (10) feet and a paved walk with a width not less than four (4) feet.

D. Depth

1. Residential blocks shall be of sufficient depth to accumulate two tiers of lots, except;
2. where reverse frontage lots are required along major streets, or property, in which case the Municipality may approve a single tier of lots.

E. Commercial and Industrial Blocks.

Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provisions shall be

made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

## **SECTION 605. LOTS AND PARCELS**

### A. General Standards

1. The size, shape and orientation of lots shall be appropriate for the type of development and use intended, and in accordance with the Municipal Zoning Ordinance.
2. Side lot lines shall abut and be approximately at right angles to straight streets and on radial lines to curved streets, unless otherwise approved by the Municipality. Pointed or very irregularly shaped lots shall be avoided.
3. Lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
4. The depth of residential lots shall be not more than two and one-half (2 ½) times their widths nor less than one (1) times their width.
5. The depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide adequate space for on-site parking, loading and unloading, setbacks, landscaping, etc.
6. If, after subdividing, there exists remnants of land, they shall be either:
  - i. incorporated into existing or proposed lots, or
  - ii. legally dedicated to public use, if acceptable to the Municipality.
7. Where extra width has been offered to be dedicated for widening of existing streets, lots shall begin at such extra width lines, and all setbacks shall be measured from such lines.

### B. Lot Frontage

1. All lots shall front on an existing or proposed public street.
2. Double or reverse frontage lots shall be avoided except where needed to avoid direct vehicular access onto major streets or to overcome specific disadvantages of topography or orientation.
3. All residential reverse frontage lots shall have rear yards with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right of way line and shall, within such rear yard and immediately adjacent to the right of way, having a planting screen easement of at least ten (10) feet in width, across which there shall be no right of way access. The planting screen within this easement shall be included in the plan and subject to approval by the Planning Commission.

C. Driveways and Off-Street Parking

1. Each proposed dwelling unit within a subdivision shall be provided with at least three (3) off-street parking spaces, over-night on-street parking shall be prohibited.
  - i. In the case of single family or two family dwellings, such off-street parking spaces shall be provided behind the street right of way line and may be as an attached or separate garage(s), carport(s) or driveways.
  - ii. In the case of multiple family dwellings, such off-street parking spaces shall be provided in the form of parking compounds or lot(s) located adjacent to or near the multi-family structure, providing at least three (3) off-street parking spaces per dwelling unit.
  - iii. Each off-street parking space shall provide a useable parking area having minimum dimensions of nine (9) feet by eighteen (18) feet, and, where access to such an area is from a collector or major street, adequate turnaround space shall be provided behind the right of way line.
  - v. The grade of any proposed parking area shall not exceed five percent (5%).

2. Non-residential subdivisions shall provide off-street parking in accordance with the requirements of the Municipal Zoning Ordinance.
3. Private driveways on corner lots shall be located at least eighty (80) feet from the point of the intersection of the nearest street curb lines or edge of cartway.
4. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed fourteen (14) percent. The grade of the private driveway shall not exceed five (5) percent within twenty (20) feet of the edge of cartway of the existing or proposed public street.
5. Private driveways shall be paved within twenty (20) feet of the existing or proposed public street and at any location within one-hundred (100) feet of the existing or proposed public street where the driveway grade is equal to or greater than ten (10) percent.
6. In order to provide safe and convenient ingress and egress, private driveway entrances should be rounded at a minimum radius of five (5) feet, or should have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line).
7. Common driveways serving more than one single family detached dwelling shall be prohibited.
8. Driveways providing access to lots within a subdivision shall gain access from proposed "internal" streets rather than existing public streets along the outer boundary of the subdivision. Where lots front on the existing public street but gain access internally, the driveways shall be located within a strip of land with a minimum width of twenty (20) feet held in simple ownership by the owner of the lot gaining access. Access shall not be provided by an easement or right of way across property of another party.
9. Driveways shall meet all requirements of all ordinances and design standards used by the Municipality.

10. Driveways entering onto a Municipal street shall meet PennDOT standards for sight distance and no driveway may intersect a street or road within eighty (80) feet of an intersection with another street or road.
11. A Municipal Driveway Permit is required when access is proposed onto a Municipal road or when encroachment is proposed within a Municipal right of way.

## **SECTION 606 SANITARY SEWAGE DISPOSAL**

### **A. General Standards**

1. All subdivisions and land developments within the ESP Region shall be served with an adequate sewage disposal system (either community or on-lot) that conforms to the standards and requirements of the Pennsylvania Department of Environmental Protection (Penn. DEP).
2. The developer shall provide the most desirable method of sanitary sewage disposal utilizing the best available technology to achieve the maximum level of treatment resulting in the most pollution free and environmentally safe discharge standards. The selected method shall conform to the existing physical site conditions.
3. The installation of all public or community sewage disposal systems shall be the responsibility of the developer.
4. The installation of all on-lot sanitary sewage disposal systems shall be the responsibility of the lot owner. The Municipality shall require location of a suitable alternate on-lot sewage disposal system on each lot.

### **B. Public Sewage Disposal System**

1. Any building or use within a subdivision or land development that generates wastewater and that in determination of the Governing Body-could reasonably connect into a public sewage disposal system shall be required to connect into the system. The applicant

shall be responsible to pay all expenses that are necessary for such connection.

2. Where public sewer services are accessible, the developer shall construct a sanitary sewage collection and conveyance system in order to provide adequate sanitary sewer service to each lot or dwelling unit within the subdivision or land development.
3. The entire system shall be designed in accordance with all applicable standards and specifications established by the governing body and/or the appropriate municipal entity.
4. The applicant shall comply with all procedural permit requirements established by the Pennsylvania Department of Environmental Protection (DEP). The applicant shall complete and submit to the Municipality the necessary components of the DEP Planning Module(s) for Land Development.
5. If public sewage service is not accessible to an approved subdivision or land development, but is planned to be accessible within five (5) years of final approval, the developer shall install approved capped sewer collection lines within the limits of the subdivisions or land development, in addition to approved on-lot sewage facilities. Such sewer lines shall be capped at the limits of the subdivision or land development and the lateral shall be capped at the street right of way.
6. The developer shall warrant the sewage system for a period of five (5) years from the date of final inspection approval, covering both materials and workmanship. If repairs are required during the warrantee period, the developer will have the option to perform the corrective action or reimburse the Municipality for corrections done by the Municipality.

C. Private Sewage Disposal Systems (Community or On-Lot)

1. Where public sewage services are either unavailable or inaccessible, the developer shall provide a sanitary sewage disposal system on either an individual or community basis in accordance with the standards and



provisions established by the Municipality and/or Pennsylvania Department of Environmental Protection (DEP).

2. Permits are required for the design, construction, installation, alteration, replacement, repair and/or extension of any community sewage disposal system or individual on-lot sewage disposal system. All such permits for private sewage disposal systems shall be subject to the approval of the Pennsylvania Department of Environmental Protection and/or the Municipal Sewage Enforcement Officer.
3. The permit for a community sewage disposal system or an individual sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sewage Enforcement Officer.
4. The use of an on-lot sewage disposal system will require the submittal of soil percolation test results at the Preliminary Plan stage as required by Section 504.
5. In the case of a community sewage disposal system, the applicant shall provide a proposal for financially securing the operations and maintenance of the subject facility. The time period and the amount shall be as determined by the Municipality, based upon the recommendations of the Municipal Engineer, but shall be no less than a period of ten (10) years worth of anticipated maintenance and operation costs. Such security shall be posted by the applicant prior to issuance of the permit and operation or use of the subject facility.
6. The use of an on-lot sewage disposal system shall require the location of a suitable alternate sewage disposal system on each lot.

## **SECTION 607. WATER SUPPLY**

### **A. General Standards**

1. All subdivisions and land developments shall be served with an adequate water supply system (either community or on-lot) that will meet the standards and

requirements of the Pennsylvania Department of Environmental Protection.

2. When no public water supply is either available or accessible, adequate water supply shall be furnished by the landowner on either an individual lot basis or a community well supply system.
3. All subdivisions or land developments providing public or community water supplies shall be required to provide fire protection as deemed necessary by the Municipality. All distribution systems for community or public water systems shall be equipped with adequately sized mains and the appurtenances required to provide fire protection.
4. Planned residential developments, single family cluster developments, mobile home parks and developments containing multifamily dwelling units, single family semidetached dwelling units or two-family detached dwelling units shall be provided with a public or community water system.

B. General Standards

1. All subdivisions and land developments shall be served with an adequate water supply system (either community or on-lot) that will meet the standards and requirements of the Pennsylvania Department of Environmental Protection.
2. When no public water supply is either available or accessible, adequate water supply shall be furnished by the landowner on either an individual lot basis or a community well supply system.
3. All subdivisions or land developments providing public or community water supplies shall be required to provide fire protection as deemed necessary by the Municipality. All distribution systems for community or public water systems shall be equipped with adequately sized mains and the appurtenances required to provide fire protection.
4. Planned residential developments, single family cluster developments, mobile home parks and developments

containing multifamily dwelling units, single family semidetached dwelling units or two-family detached dwelling units shall be provided with a public or community water system.

C. Public Water Supply

1. Any building or use within a subdivision or land development that will require a water supply and that in the determination of the Governing Body could reasonably connect into a public water supply system shall be required to connect into that system. The applicant shall be responsible to pay all expenses that are necessary for such connection.
2. Subdivisions and land developments to be served by existing public water supplies shall be provided with water distribution facilities designed in accordance with the regulations of the Pennsylvania Department of Environmental Protection and the standards and specifications of the public water supplier.
3. The distribution facilities shall be designed to provide fire protection at a minimum flow rate of 1,000 gpm with a minimum residual pressure at 40 psi.
4. The subdivider or developer shall provide the Municipality with a copy of a letter of intent from the public water supplier prior to Preliminary Plan approval and with a copy of an approved Water Service Agreement prior to Final approval.

D. Community Water Supply

1. Community water systems shall be developed and maintained so as to meet the established standards and specifications of the Pennsylvania Department of Environmental Protection, the Environmental Protection Agency, the Delaware River Basin Commission and/or the Public Utility Commission (P.U.C.). At a minimum the community water supply shall be designed in accordance with the DEP (Division of Water Supplies) Public Water Supply Manual latest revision. All community water supply systems shall be organized in such a manner as to fall

within the jurisdiction of the Pennsylvania Public Water Commission.

2. Whenever a community on-site water supply system is proposed, the developer shall engage the services of a hydrogeologist to make a determination as to the feasibility and location of such groundwater withdrawals), the availability of the groundwater supply through geological study and the submission of his report of findings to the Municipality for review. The Municipality shall further determine whether a review and/or approval of the proposed groundwater withdrawals) will be required by any of the agencies listed under Section A above.
3. Where a community water supply system is proposed to serve a subdivision or land development, a feasible water supply and distribution system shall be proposed before preliminary approval of the subdivision or land development. Detailed plans, specifications, supply and demand shall be submitted to and approved by the municipal engineer before final approval. A permit for the system must be granted by DEP and any other agency having jurisdiction over the work before final approval.
4. The water source shall be capable of supplying 150 percent of the average daily demand based upon eighty (80) gallons per day per person (GPCD) and/or three hundred (300) GPD per dwelling unit, for the design population of the development or the service area.
5. In the case of water service to nonresidential developments, the applicant shall demonstrate the adequacy to meet the projected demand from the specific project.
6. The quality of the source shall conform to the water quality requirements of the DEP (Division of Water Supplies) Public Water Supply Manual. Treatment of the water supply shall be done in accordance with requirements set forth in the Public Water Supply Manual.

E. On-Lot Water Supply

1. When no public water supply is either available or accessible, adequate water supply shall be furnished by the developer on an individual lot basis.
2. Where on-lot water supply systems are proposed, the developer shall either install such facilities or shall require (by deed restriction or otherwise) as a condition of the sale of each lot or parcel, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed. A Municipal well drilling permit is required for each well.
3. Where a community water supply system is proposed to serve a subdivision or land development, a feasible water supply system and distribution system shall be proposed before preliminary approval of the subdivision or land development.
4. The applicant shall provide at least one test well for each ten (10) proposed dwelling units. The yield of each test shall be no less than eight (8) gallons per minute per dwelling unit. A sample shall be obtained from each test well and tested to ensure that the well is free of bacteriological contaminations; and each shall comply with all DEP and EPA restrictions for minerals and metals. The Planning Commission shall be provided with documentation from a licensed well driller verifying the yield of each test well and from a state certified laboratory verifying that the sample(s) are potable.
5. The applicant may be required to submit a study prepared by a professional Hydrogeologist certifying that the proposed individual wells will be able to supply each lot with a dependable water supply and that the proposed wells will not adversely affect the groundwater table or existing wells near the project site. The study shall examine the possibility of contamination to the proposed wells due to existing environmental factors.
6. The installation of a well to be utilized for an individual on-lot water supply system be at the location shown on the approved subdivision or land

development plan. Any deviation from this location must have prior approval of the Municipality.

F. Fire Hydrants

1. All subdivisions and land developments that are to be serviced by a public or community water supply system shall provide fire hydrants.
2. Fire hydrants shall be located no further than six hundred (600) feet apart, as measured along the centerline of each road. All residential dwelling units and non-residential principal buildings shall be located no farther than four hundred (400) feet from an active fire hydrant.
3. Fire hydrants shall be located in a manner to provide complete accessibility and so that possibility of damage from vehicles or injury to pedestrians will be minimized.
4. The type and location of all required fire hydrants are subject to the review and approval of the Municipality, the public water supply company and the regional fire company.
5. All subdivisions and land developments that contain seven (7) or more lots without public or community water supplies shall provide fire-fighting cisterns approved by the Fire Department with a minimum storage capacity of 10,000 gallons. The actual storage capacity will be determined by the Fire Department and other Municipal authorities as required. Access to the cistern for repair and maintenance shall be guaranteed by easement. Cisterns should be placed to take advantage of any natural conditions which would maintain the necessary water levels.

**SECTION 608. STORMWATER MANAGEMENT**

- A. The management of stormwater on the site, both during and upon completion of the disturbances associated with the proposed subdivision or land development, shall be accomplished in accordance with the standards and criteria of this section.

- B. General. The developer shall construct and/or install such drainage structures as necessary to:
1. Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.
  2. Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility without causing storm water run-off to flow onto Municipal roads.
  3. Maintain the adequacy of the natural stream channels and protect the natural character of the watercourse. Accelerated bank erosion shall be prevented by controlling the rate and velocity of runoff discharge to these waters courses, so as to avoid increasing occurrence of stream bank overflow and to protect down stream property owners.
  4. To insure adequate drainage of all low points along the line of streets.
  5. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections.
  6. Control the anticipated peak discharge from the property being subdivided or developed and the existing runoff contributed from all land at higher elevation in the same watershed, to an amount equal to or below pre development rates.
  7. Preserve the adequacy of existing culverts and bridges by suppressing the new flood peaks created by new land development.
  8. All stormwater detention/retention facilities and erosion and sedimentation control measures shall be in place and functioning prior to any other earth-moving activities.
- C. All storm water management plans and calculations shall include a detailed, site specific narrative which contains as a minimum the following information:

1. A general description of the project.
  2. A description of any storm drainage problems within, adjacent to or downstream of the project site.
  3. A description of the overall storm water management system.
  4. A description of all design assumptions, calculation methods, computer models, etc.
  5. A summary of the pre-development versus post-development runoff at all points of discharge from the site.
- D. All subdivision and land development activities involving the increase in impervious cover shall be conducted in conformance with the following performance standards:
1. All plans and designs for stormwater management facilities shall be reviewed by the Municipal Engineer. Plans for the facilities other than storm sewers shall determine storm water peak discharge and runoff by the use of the Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release No. 55 with specific attention given, to antecedent moisture conditions, flood routing and peak discharge specifications included therein, and Hydrology National Engineering Handbook Section 4, both by the Soil Conservation Service. The Rational Method, in accordance with the provisions of Section 6:084.F, may be used for the design of detention facilities with drainage areas of twenty-five (25) acres or less.
  2. After installation of impervious cover, peak discharges from the site shall not exceed the before construction peak discharge rate from a 2-year, 24-hour storm of 3.1 inches of rainfall for all storms up to a 10-year, 24-hour storm of 4.9 inches of rainfall. Peak discharges for any storms of greater than 10-year frequency up to and including a 100-year storm shall not exceed the peak discharges from the site of such storms before development including:



- i. a 25-year, 24-hour storm of 5.5 inches of rainfall,
  - ii. a 50-year, 24-hour storm of 6.1 inches of rainfall,  
and
  - iii. a 100-year, 24-hour storm of 6.9 inches of  
rainfall.
3. In establishing the antecedent conditions or calculating runoff prior to development, the following assumptions shall apply:
4. Woodland shall be used as the prior condition for those portions of the watershed with trees of greater than six inches DBH or where such trees existed within eighteen (18) months of application.
  - i. Meadow shall be used for all other areas, including areas which are presently covered by impervious surfaces.
  - ii. Average antecedent moisture conditions.
  - iii. A type II distribution system.
5. Post-development runoff hydrographs shall be routed through the proposed detention and retention basin(s) using storage indication procedures to ensure that the basin discharge does not exceed the allowable discharge. Allowable basin discharge shall be determined by subtracting the flows bypassing the basin from the pre-development runoff flow.
6. Where applicable, post-development time of concentration to a detention or retention basin shall be the time of concentration in the storm sewer to its point of discharge into the basin. Overland flow from the discharge point to the outlet structure shall not be included in the time of concentration.
7. Time of concentration calculations shall be submitted based upon current design methods outlined in SCS Technical Release No. 55, latest edition. The time of concentration flow paths (pre- and post-development) shall be shown on the grading plan, and shall be representative of the drainage area. The pre-development sheet flow length shall be one hundred fifty (150) feet, unless a shorter length is justified. The maximum post-development sheet flow length for unpaved surfaces shall be one hundred (100) feet for

most situations (150 feet for areas which will remain undisturbed). Use of maximum flow lengths shall be justified, and all flow lengths are subject to approval by the Municipality.

8. The Rational Method may be used in lieu of the Soil Cover Complex Method to compute design flows for the sizing of storm sewers, inlets and swales.
  - i. The following runoff coefficients shall be used for calculating runoff using the Rational Method:

Runoff Coefficients For The Rational Method\*  
Hydrologic Soil Group And Slope Range

Land Use	<u>A</u>		<u>B</u>		<u>C</u>		<u>D</u>	
	<u>0-6%</u>	<u>6%+</u>	<u>0-6%</u>	<u>6%+</u>	<u>0-6%</u>	<u>6%+</u>	<u>0-6%</u>	<u>6%+</u>
Cultivated Land	0.25 <sup>†</sup>	0.35	0.30	0.40	0.35	0.45	0.40	0.50
	0.30 <sup>‡</sup>	0.40	0.35	0.45	0.40	0.50	0.50	0.60
Meadow	0.10	0.13	0.13	0.19	0.16	0.23	0.19	0.26
	0.14	0.16	0.16	0.22	0.20	0.26	0.23	0.30
Forest	0.08	0.11	0.11	0.14	0.13	0.16	0.16	0.20
	0.11	0.14	0.14	0.18	0.16	0.20	0.20	0.25
Open Space (Lawn)	0.10	0.14	0.15	0.19	0.20	0.24	0.25	0.28
	0.16	0.20	0.20	0.25	0.25	0.30	0.30	0.35
Impervious Surfaces	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95

- E. Storm sewers, culverts, bridges and related installations shall be provided:
  1. To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of DEP.

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\* Higher coefficients may be required by the Municipality due to its local soil conditions

<sup>†</sup> Runoff coefficients for storm recurrence intervals of less than 25 years

<sup>‡</sup> Runoff coefficients for storm recurrence intervals of 25 years or more

2. To insure adequate drainage of all low points along the line of streets.
3. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, and to prevent substantial flow of water across intersections or flooded intersections during the design storm required by Section 608(F).
4. To insure adequate and unimpeded flow of stormwater under driveways in, near or across natural watercourses or drainage swales. Suitable pipes or other waterway openings shall be provided as necessary.

F. Design of storm sewers and related installations:

1. Storm sewers within the street right-of-way, as required, shall be placed outside of the street cartway when parallel to the street. When located in undedicated land, they shall be placed within an easement not less than twenty (20) feet wide as approved by the Municipal Engineer.

Properly designed, graded and turfed drainage swales shall be permitted in lieu of storm sewers, where approved by the Municipal Engineer. Swales shall be located within an easement not less than twenty (20) feet wide, but of sufficient width to allow access for maintenance.

Such swales shall be designed not only to carry the required discharge without excessive erosion, but also to increase the time of concentration, reduce the peak discharge and velocity and permit the water to percolate into the soil. The minimum grassed swale grade shall be 1% and all swales shall be designed with a minimum 6" of freeboard.

For grass swales the designs shall meet the following standards:

- i. Maximum capacity – 10 cfs.
- ii. Maximum velocity – 4 fps.
- iii. Minimum velocity – 2 fps.
- iv. Minimum slope – 5%.

- v. Maximum sideslope – 3:1

Erosion resistant swale linings approved by the Municipality are required when velocities exceed 4 fps.

Capacities greater than 10 cfs and slopes greater than 5% must be carried by storm sewer pipes.

- 2. Storm sewers shall be installed in accordance with the following requirements:
  - i. All storm sewers shall be constructed per PennDOT Form 40 Specifications and Design manual, Part 2, Highway Design and Standards for Roadway Construction, unless otherwise directed by the Municipality.
  - ii. Storm sewers shall have a minimum diameter of eighteen (18) inches and a minimum slope of one-half (1/2%) percent.
  - iii. Reinforced concrete and corrugated polyethylene pipe is generally acceptable for all storm sewer construction. All headwalls and end sections must be reinforced concrete. Pipe materials shall be subject to approval by the Municipal Engineer.
  - iv. All storm sewer pipe within street cartways or other paved areas shall be bedded and backfilled with 2RC stone placed in six (6) inch lifts and compacted to the satisfaction of the Municipal Engineer.
  - v. In carbonate areas the Municipality may determine during construction that watertight connections are required.
- 3. Storm sewers shall be designed based upon the following criteria:
  - i. Any changes in alignment shall be accomplished utilizing straight connections connected by inlets or manholes.
  - ii. When there is a change in pipe size through a structure, the top inside elevation of the outlet pipe shall be at or below the elevations of all incoming pipes.

- iii. Storm sewer sizes shall be determined based upon the following design storm frequencies:
  - (a) ten (10) years in all residential subdivisions or land developments with an average gross density of less than six (6) units per acre, and
  - (b) twenty five (25) years in all other subdivisions or land developments, unless otherwise specified by the Municipality.
  - (c) Storm sewer design shall be based upon PennDOT design methods. Inlet efficiency and bypass flow shall be determined for all inlets, and the gutter flow spread shall not exceed one-half (1/2) the travel lane width.
  - (d) Where necessary, storm sewers and culverts shall be evaluated for inlet and outlet control restrictions.
  - (e) Rainfall intensity curves and other hydraulic design data, provided by the manufacturers of storm drainage structures shall be used for design purposes.
  
- iv. Inlets shall conform to PennDOT standards.
  - (a) Inlets shall generally be located at the lowest point of street intersections to intercept the storm water before it reaches pedestrian crossings or at sag points of vertical curves in the street alignment which provides a natural point of ponding of surface storm water.
  - (b) At street intersections, inlets shall be placed in the tangent and not the curved portion of the curbing.
  - (c) Where the Governing Body deems it necessary because of special land requirements, they may approve special inlets.
  - (d) The interval between inlets serving stormwater runoff flow along the curb shall not exceed a maximum of 1,000

feet when located along any one continuous curb line. More frequent spacing shall be required when the entrance capacity of any individual inlet warrants closer spacing as determined by calculations which incorporate consideration of the area drained, intensity of rainfall, slope or grade, runoff coefficient of imperviousness and cross-sectional area of the gutter.

- (e) When inlets are used in a storm system within the right-of-way limits of a street in lieu of manholes, the spacing of such inlets shall not exceed the maximum distance of three hundred (300) feet along any one continuous line.
  
- v. Manholes shall be installed in accordance with the following requirements:
  - (a) The construction locations of manholes shall be as indicated on the subdivision drainage plan or area drainage plan approved by the governing Municipal authorities.
  - (b) Manholes shall be located on a continuous storm sewer system at all abrupt changes of grade, at all locations where a transition in storm sewer pipe sizing is required, at all angle points and at all points of convergence of two or more influent storm sewer mains.
  - (c) Manhole shall not be more than three hundred (300) feet apart on sizes up to twenty-four inches (24") and not more than four hundred and fifty (450) feet apart on larger sizes. Inlets may be substituted for manholes on approval by the Municipality.
  
- vi. The construction of endwalls shall be required at ends of all storm water conveyance structures.
  - (a) Generally, these structures will be built of 3,000 psi concrete, except in special cases 3500 psi may be required by the

Municipal Engineer. Special care shall be used by the design engineer to select the proper endwall to fit the condition.

- (b) The Design Engineer shall provide energy dissipaters at endwalls where the discharge velocity with pipe flowing full is more than 1 f.p.s.

- vii. Storm water roof drains shall not discharge water directly over a sidewalk or into any sanitary sewer line.

G. Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of twenty-five (25) years. Bridge and/or culvert construction shall be in accordance with the PennDOT specifications and shall meet the requirements of DEP.

- 1. Culverts shall be provided with wing walls and constructed for the full width of the right-of-way. The cartway area over the bridge shall be twenty-four (24) inches wider, on either side, than the road connecting with the bridge, or if the character of the road is expected to change for future planning, the cartway of the bridge shall be made to anticipate this condition. On either side of the bridge cartway, the bridge railing must be set back from the edge of the final cartway and this area may be used to place sidewalks, present or future.

H. All existing and proposed one hundred (100) year floodplain shall be delineated on the plans for drainageways having watershed areas greater than one hundred (100) acres. The floodplain delineations shall be based upon the following criteria.

- 1. Where available, the floodplain shall be as mapped by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program.
- 2. If the drainage course has not been mapped by FEMA, the horizontal and vertical limits of the floodplain shall be determined by the Standard Step Method (i.e., HEC-2 or similar approved computer model). If the HEC-2 model is used, the applicant shall submit a

computer disc containing all input files for the calculations.

3. Where approved by the Municipal Engineer, the Manning Equation may be used for relatively small drainage areas.
4. An average of three (3) of the methods below may be used to compute the design flow(s) upon prior approval by the Municipality:
  - i. The graphical and tabular hydrograph methods in Technical Release No. 55, "Urban Hydrology for Small Watershed", latest edition, by the United States Department of Agriculture Soil Conservation Service. The graphical method may be used for streams whose drainage area at the point of interest is no larger than 2,000 acres, and the tabular hydrograph method may be used for drainage areas up to twenty (20) square miles.
  - ii. The Rational Method may be used for streams whose drainage area at the point of interest is no larger than 320 acres.
  - iii. The method in Water Protection Bulletin Number 13, Floods in Pennsylvania, issued by the Pennsylvania Department of Environmental Protection, may be used for streams whose drainage areas at the point of interest is larger than two (2) square miles.
  - iv. The Procedure PSU-IV for Estimating Design Flood Peaks on Ungaged Pennsylvania Watersheds".
  - v. The Penn State Runoff Model.

I. Detention or retention basins for the control of stormwater peak discharges shall meet the following requirements:

1. Basins shall be installed prior to any earth-moving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
2. Whenever a basin will be located in an area of underlain by limestone, a geological evaluation of the proposed location will be conducted to determine



susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low erodibility factors ("K" factors). The Municipality may require an impermeable liner to be installed up to the 100-year design water surface elevation.

3. Energy dissipaters and/or lever spreaders shall be installed at points where pipes or drainageways discharge to or from basins. Generally, outlet pipes designed to carry the pre-development, 2 year storm flow will be permitted to discharge to a stream with only an energy dissipater. Storms of a 10 year or greater intensity should be spread across floodplain by level spreaders; rock material found on the site is suggested for their construction.
4. The following slope restrictions shall apply to basins:
  - i. Exterior slopes of compacted soil shall not exceed one (1) foot vertical for three (3) feet horizontal, and may be further reduced if the soil has unstable characteristics.
  - ii. Interior slopes of the basin shall not exceed one (1) foot vertical in 2.5 feet horizontal except with approval of the Municipality.
    - (a) Where maximum water depth will not exceed three (3) feet; or
    - (b) When a two (2) inch rainfall in one (1) hour will not fill the basin in one (1) hour; or
    - (c) Where concrete, stone or brick walls are used with side slopes proposed to be steeper than one (1) foot vertical in three (3) feet horizontal, in which case the basins shall be fenced by a permanent wire fence forty-eight (48) inches in height and a ramp of durable, non-slip materials for maintenance vehicles shall be provided for access into the basin.

- iii. The minimum bottom slope shall be two percent (2%) for grass, and 0.75% for concrete paving. One percent (1%) may be used for grass if an underdrain system is provided. A concrete low flow channel shall be required for all basins where the distance from the inlet pipe to the outlet structure exceeds one hundred (100) feet. The minimum channel width shall be four (4) feet and the design must be approved by the Municipality.
5. Detention and retention basins shall also be designed to meet the following requirements:
  - i. The minimum top of berm width shall be eight (8) feet.
  - ii. Outlet pipes shall have, a minimum diameter of twelve (12) inches. For pipe lengths exceeding one hundred (100) feet the minimum diameter shall be fifteen (15) inches.
  - iii. Properly spaced anti-seep collars shall be installed on all basin outlet pipes. Design calculations shall be provided.
  - iv. All basins shall be constructed with a compacted, relatively impervious (Unified Soil Classification CL-ML or ML) key trench and core. The key trench shall extend at least two (2) feet into undisturbed subsoil (below topsoil layer). The minimum bottom width of the trench shall be six (6) feet and the minimum top width of the core shall be four (4) feet. The side slopes of the compacted core and trench shall not exceed one (1) horizontal to one (1) vertical, and the top elevation of the core shall be set at or above the twenty-five (25) year design water elevation.
6. Outlet structures within basins which will control peak discharge flows and distribute the flows by pipes to discharge areas shall be constructed of reinforced concrete, and shall have childproof, non-clogging trash racks over all design openings exceeding twelve (12) inches in diameter, except those openings designed to carry perennial stream flows. Emergency spillways shall be designed to safely convey the 100-year basin inflow hydrograph through the basin assuming the

principal outlet is completely blocked, and a minimum six (6) inch freeboard shall be provided. The spillway shall be lined with suitable erosion resistant material.

7. Inlet and outlet structures shall be located at maximum distances from one another. The Municipality may require a rock filter berm or rock-filled gabions between inlet and outlet areas when the distance is deemed insufficient for sediment trappings.
  8. Permanent grasses or stabilization measures shall be established on the sides of all earthen basins by hydroseeding within five (5) days of initial construction. The Municipality may require jute or erosion control matting to be installed inside the basin or on the basin embankment.
  9. If the basin will not discharge to a suitable natural drainage course, the Municipality may require the Developer to provide facilities to safely and efficiently convey the discharge to a suitable drainage course. Securing of necessary drainage easements for this purpose shall be the sole responsibility of the Developer.
  10. When PA DEP requires facilities to have a State permit, the designer shall submit all information to PA DEP and obtain all necessary approval and permits. No stormwater facility shall create health or sanitation problems. Consideration shall be given to safety standards.
- J. All calculations shall be submitted to the Municipal Engineer on computation sheets for approval. If, in the opinion of the Municipal Engineer, the size of pipes or holding pond is insufficient, the Governing Body may require the developer to increase the size of pipes or capacity of holding pond. If the storm drainage system design is completed on a computer installation, sufficient supporting data shall be provided to allow comprehensive review by Municipal officials.
- K. Intercepting underdrains shall be required at all locations in which subsurface water is encountered which may permeate or endanger the subgrade of the street. Underdrains may be required in cuts three (3) feet deep and greater, and in all other

locations stipulated by the Municipal Engineer. Pipe foundation underdrain shall consist of a trench excavated to a minimum depth of twenty-four (24) inches below the underneath elevation of the special subgrade and to the minimum width of eighteen (18) inches in which a six (6) inch pipe underdrain shall be laid. The trench shall be backfilled with Pennsylvania Department of Transportation 2B Aggregate to its full depth around and above the laid pipe.

1. If the length of pipe underdrain exceeds 600 feet in one run, the minimum diameter of six (6) inches shall be increased to eight (8) beyond that point. Pipe shall meet Penn DOT, Form 408 Specifications.
- L. Within all subdivisions in which off street storm or sanitary sewers are to be constructed, or are anticipated for future construction, a twenty (20) foot maintenance easement shall be provided for such easement shown in the subdivision plans which are submitted to the governing Municipal authorities for their approval. Existing watercourses which are under the jurisdiction of the PA DEP into which stormwater is permitted to be deposited shall require an easement within or adjacent to its banks equal to the 100 year floodplain.
1. All storm sewers, if placed to feed into the said existing watercourses, shall require the stipulated maintenance easement. Sanitary sewers which parallel or are adjacent to such watercourses shall be provided with the stipulated easement.
  2. Any developer shall be responsible for the control of surface water from his property to a point of natural disposal. Downstream easements may be required, as well as the construction of improvements necessary to control runoff and prevent property damage. Whenever practical, the maintenance easement shall be parallel with and conjunctive to property lines of the subdivision.
- M. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- N. The slope of the crown on proposed streets shall not be less than 1/8" per foot and not more than 1/3" per foot.

- O. Maintenance and repair of detention basins shall be the responsibility of the property owner(s) and shall be deed restricted and indicated on the approved plans unless otherwise assumed by the Municipality and/or others. The Municipality may perform necessary maintenance and repairs to detention basins if the owner(s) fail to do so after receiving notice from the Municipality. The Municipality may recover the cost of such necessary maintenance and repairs from the property owner. The Municipality shall require the property owner(s) to enter into an Agreement with the Municipality setting forth such maintenance standards.

**SECTION 609. EROSION AND SEDIMENTATION POLLUTION CONTROL**

- A. Land proposed for subdivision shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided on the Subdivision Plan.
- B. Prior to commencement of any of the above mentioned activities the developer must obtain a Letter of Adequacy from the Schuylkill County Conservation District (or other appropriate agency) for the Erosion and Sedimentation Pollution Control Plan.
- C. The plan for erosion and sedimentation control shall be in accordance with all provisions of the “Erosion and Sedimentation Pollution Control Program Manual” published by PA DEP, Bureau of Soil and Water Conservation.
- D. Where state or federal law requires additional permits or approvals for erosion and sedimentation control, those permits or approvals shall be obtained prior to commencement of the earth disturbance activities.
- E. Installation of the erosion and sedimentation control facilities specified by the plan shall be made by the developer as a required improvement.

**SECTION 610. WETLANDS**

- A. The US Army Corps of Engineers in conjunction with the United States Environmental Protection Agency have defined the term “wetlands” as follows:

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. Wetlands generally include swamps, marshes, bogs and similar areas.

The three major characteristics of wetlands include vegetation, soil and hydrology.

- B. All land designated as “wetlands” within the ESP Region are subject to restrictions and/or permits by the Pennsylvania Department of Environmental Protection and United States Army Corps of Engineers.
- C. For all subdivisions and land development applications, the Municipal Engineer shall determine whether a wetlands delineation will be required by a qualified professional. Wetland delineation’s shall be accompanied by a technical report and data forms as well as the credentials of the person or persons performing the delineation.
- D. Within all subdivisions, a buffer zone shall be applied to all areas delineated as wetlands. Within this buffer, no removal of existing, natural vegetation or installation of sewage disposal systems will be permitted. The minimum width of the buffer zone shall be fifty (50) feet.
- E. If the applicant disputes any provision specified under this Section, the applicant shall be responsible for an Army Corps of Engineers and/or Environmental Protection Agency Jurisdictional Determination. All pertinent costs incurred shall be the responsibility of the applicant and not the Township.

#### **SECTION 611. SOLID WASTE MANAGEMENT**

- A. To insure incorporation of adequate provision for solid waste management practices in the design of land developments and subdivisions, the following minimum requirements shall be contained on development plans.
  - 1. The location, size, and type of bulk storage containers shall be shown and be adequate to contain all wastes generated between collections.

2. All bulk containers shall be located to permit efficient use of collection equipment and to permit maneuverability of such equipment.
  3. All bulk storage containers shall be appropriately screened from view.
  4. A statement of the method and frequency of refuse collection to be used shall be included in the plan.
- B. Where no bulk storage is proposed and individual households are expected to individually establish appropriate collection service, a statement shall be shown on the plan which advises that solid waste storage and collection is an individual household responsibility.
- C. In a subdivision or land development located in an area presently served by municipal collection or municipal contract collection system, and for which no bulk storage methods are proposed, a statement indicating the availability of an existing solid waste system may be shown on the plan in lieu of information required in Section 611(A) or Section 611(B) of this ordinance.

## **ARTICLE VII – IMPROVEMENT SPECIFICATIONS**

### **SECTION 701 GENERAL REQUIREMENTS**

- A. Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the Record and Supplemental Plans and in accordance with the requirements of the ESP Region.
- B. As a condition of approval of a Final Plan by the municipal governing bodies, the subdivider shall enter into a Development Agreement covering the improvements shown on the Plan and required by these regulations. The Development Agreement shall conform to the requirement of Article VIII – Improvement Guarantees.
- C. All improvements installed by the subdivider shall be constructed in accordance with the applicable design specifications of the Municipality or, where none apply, as

prepared by the Municipal Engineer. Were required, the specifications of the applicable State agency shall be used.

## **SECTION 702. GENERAL PROCEDURES**

- A. The Municipal Governing Bodies or duly assigned representative shall be notified prior to the start of any construction and/or excavation, including removal of topsoil, or the performance of any work in a street, right-of-way, utility easement, storm drainage easement, waterway and approved subdivision or land development in the ESP Region.
- B. A preconstruction conference will be required for all subdivision and land developments where there is a Development Agreement covering improvement costs, or for any other construction or earth-moving activities when deemed necessary by the Municipal Governing Body or the Municipal Engineer. The developer or his representative and the contractor or contractors who will perform the work are to attend along with the Municipal Engineer and Municipal representatives.
- C. Proof of all required permits, certifications and approvals shall be provided at the preconstruction meeting as well as compliance with the utility notification requirement of Act No. 172/287. Construction may not commence until all permits and approvals are obtained.
- D. Work being performed on any and all existing public highways, streets, rights-of-way and easements, shall require a Street Occupancy Permit from the proper authority, and all required safety protection, including flag persons, signing, barricades, flashing warning devices and other required devices. All safety protection methods and devices and procedures shall be in accordance with Pennsylvania Department of Transportation Publication 203, Work Zone Traffic Control, and will be furnished and maintained solely by the applicant.
- E. Inspections Required
  - 1. Inspections shall be performed by the Municipality to guarantee the proper procedures and methods of installation of all approved structures and approved materials required to be installed. The cost of all



inspections shall be the responsibility of the developer/owner.

2. Inspections shall be required prior to construction, during the installation of materials and structures, and upon completion of all improvements. All improvements shall be installed in accordance with all required approved regulations and specifications.
3. Any and all unsatisfactory work, faulty procedures and methods, and defective materials that have been installed shall be rejected and noted for the record on the inspection report, and shall be corrected before final acceptance.
4. The placement of all improvements shall be in accordance with the controls set by a Professional Land Surveyor, to ensure installation of improvements to proper location, elevation, alignment and profile.
5. Scheduling of required inspections shall be the responsibility of the Owner, or his contractor and shall be in accordance with the procedures described at the preconstruction conference.

### **SECTION 703. REQUIRED IMPROVEMENTS**

The following improvements, as shown on the approved plans, shall be provided by the subdivider:

#### **A. Streets**

1. In General. The construction of streets in the ESP Region shall be done in conformity with the specifications, regulations and provisions set forth in this Ordinance, together with any other appropriate ordinance.
2. Street Grading. All streets shall be graded at their full right-of-way width, unless otherwise specified by the Municipality.
3. Cartway Paving. All streets shall be paved to full cartway width (as shown on the Final Plan), in accordance with Municipal and ESP Region requirements.

4. Existing Streets. Improvements to existing Municipal roads shall be made when deemed necessary by the governing body for safety, drainage and other purposes. These improvements may include, but are not limited to, clearing and grading of right-of-way, shoulder construction, installation of drainage facilities, road widening, resurfacing, reconstruction and sealing.

B. Curbs

1. Curbs, if required by the Municipality, shall be installed along both sides of all streets.
2. Curbs shall be the standard straight (vertical) type.
3. Standard straight curb (machine slip form) shall be a minimum (18") structure height, installed on a minimum 4-inch layer of (#2B) crushed aggregate stone bed. Expansion joints shall be every sixty (60) feet, at structures, and ten (10) feet away from each side of a structure. Contraction joints shall be saw cut every 10 feet, a minimum of two (2) inches in depth. Concrete shall be minimum 3,000 psi compressive strength.
4. Standard straight curb (type hand form) shall be a minimum (18") structure height and as a minimum installed on compacted subgrade. Expansion joints shall be every ten (10) feet, at structures, and ten (10) feet away from each side of a structure. Concrete shall be a minimum 3,000 psi compressive strength.
5. A depressed curb for driveway entrances is permitted rather than a horizontal radius. The curb shall be depressed by rounding the edge from the top of the curb to a lip two (2) inches above the gutter line. The bottom line of the curb shall be maintained.
6. Where curbs are not required, a graded and stabilized shoulder of at least ten (10) feet in width may be required on both sides of the street. The stabilized shoulder shall be designed and constructed in accordance with the Municipal and ESP Region ordinances, as amended.

7. All areas adjacent to curbs shall be sealed with AC-20.

C. Sidewalks

1. Sidewalks, if required by the Municipality, shall be installed along both sides of all streets.
2. Wherever sidewalks are required, curbs shall also be required, in accordance with the specifications of Section 7:032.
3. Sidewalk shall be four (4) feet wide, four (4) inches thick and placed upon a minimum four (4) inch layer of (#2B) crushed aggregate stone bedding. Expansion joints shall be every twenty (20) feet with contraction joints cut every four (4) feet a minimum of one (1) inch in depth. Additional expansion materials shall be placed between any curb and driveway aprons and in the sidewalk at the driveway limits.
4. Driveways over sidewalks shall be at least six (6) inches thick and welded wire fabric, 6" x 6" by 10 gauge, shall be installed in all driveway apron/sidewalk areas. Concrete shall be minimum 3,500 psi compressive strength. The sloped portion of the driveway on all new construction shall terminate at the closest edge of sidewalk and at the two (2) inch curb lip above the gutter line.

D. Storm Sewers

Storm sewers and related facilities shall be installed consistent with acceptable design principles and the requirements contained in Section 608 of these regulations.

E. Sanitary Sewage Disposal

1. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Section 606 of these regulations.
2. Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed

restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.

3. In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation shall be subject to the approval of the Municipal Engineer. The design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision for the maintenance thereof.

F. Water Supply

1. Water supply system(s) shall be provided consistent with the standards and recommendations contained in Section 607 of these regulations.
2. Where the subdivider proposes that on-site water supply systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed, and in accordance with these regulations.
3. Wherever economically feasible, the subdivision shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the engineer of the appropriate water utility company or the Municipal Engineer; the design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Protection and such system shall be further subject to satisfactory provision of the maintenance thereof.

- G. Fire Hydrants All subdivisions and land developments that will be served by a public water system shall be provided with

fire hydrants as needed with appropriate water pressure so that all dwelling units and principal buildings are within four hundred (400) feet of an active fire hydrant. Fire hydrant locations are subject to review by the Water Company.

H. Monuments

1. Permanent reference monuments shall be located along street right-of-way lines at the following locations:
  - i. At least one (1) monument at each street intersection;
  - ii. At changes in direction of street lines, excluding arcs at intersections;
  - iii. At each end of each curved street line, excluding arcs at intersections;
  - iv. An intermediate monument wherever topographical or other conditions make it impossible to sight between two (2) otherwise requirement monuments.
  - v. At such other places along the line of streets as may be determined by the Municipal Engineer to be necessary so that any street may be readily defined in the future.
2. With the approval of the Municipal Engineer the subdivider may install monuments on only one (1) side of the street provided that enough monuments are set to permit a surveyor to stakeout accurately any building lot shown on the plan.
3. For all subdivisions of five (5) lots or less, at least two (2) monuments shall be required. For all subdivisions greater than five (5) lots, an additional one (1) monument shall be required for each two (2) additional lots.
4. All monuments shall be placed by a Professional Land Surveyor so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented.
5. Reference monuments shall be placed so that the top of the monument is flush with the surrounding grade.

I. Lot Pins All lot corner markers shall be permanently located and shall be at least ¾" inch metal pin with a minimum length of twenty-four (24) inches, located in the ground to existing grade. Lot corner markers shall be placed prior to Final Plan approval, unless an appropriate escrow amount is established and set aside with the Municipality.

J. Signs Street name signs shall be installed at all street intersections. Other advisory signs may be required by the Municipality. The design and placement of such signs shall be subject to approval by the Municipality.

K. Street Lights

1. Street lights shall be placed along streets within and abutting a proposed subdivision or land development where the Governing Body deems them necessary to provide safe traffic or pedestrian circulation. When required, street lights shall be provided, at a minimum, at all street intersections, curves in the streets and the more isolated areas of a development.

2. Such lights shall meet the design standards established by the public utility. The location and number of street lights shall meet the approval of the Municipality and the public utility.

L. Shade Trees

1. Shade trees shall be planted by the developer, outside the street right-of-way and not closer than twenty-five (25) feet from the street pavement edge nor closer than fifteen (15) feet from the sidewalk pavement edge, where sidewalks are present, in no event shall trees be planted closer than five (5) feet to the street right-of-way line. Trees shall be spaced not less than forty (40) feet nor more than sixty (60) feet apart, staggered along both sides of all streets. These shade trees shall conform to all of the following:

- i. two (2) inch or greater caliper measured six (6) inches above the roof flair
- ii. eight (8) feet or greater in total height above finish grade
- iii. clear trunk height of at least five (5) feet
- iv. a single straight trunk of at least seven (7) feet

- v. when planted, the top of the root ball will be slightly above finish grade
- vi. The tree shall be an indigenous and non-invasive species.

An approved list of tree species is on file in the Municipal Office.

M. Utilities and Utility Easements

1. All utilities including, but not limited to electric, gas, cable, television, and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the public utility concerned.
2. In accordance with the provisions of Act 178, all developers, contractors etc... shall contact all applicable agencies and accurately determine locations and depth of all underground utilities within the lot boundaries prior to excavation.
3. An easement ten (10) feet in width shall be provided abutting all side and rear property lines of all lots in a subdivision that abut another lot in the subdivision. An easement twenty (20) feet in width shall be provided abutting all side and rear property lines of all lots in a subdivision that do not abut another lot in the subdivision. Such easements shall be provided for wires, conduits, storm and sanitary sewers, gas and water mains, and other utilities.
4. There shall be a minimum distance of fifty (50) feet, measured at the closest point between any proposed dwelling unit and any petroleum products or natural gas transmission right-of-way which abuts or transverses the subdivision or land development.

**ARTICLE VII – MOBILE HOME PARKS**

**SECTION 801. GENERAL REQUIREMENTS**

All mobile home parks shall comply with the plan requirements, design standards, and improvement specifications of this Ordinance and the applicable provisions of ESP Region Zoning Ordinance, as amended.

## **SECTION 802. STREET LAYOUT AND CONSTRUCTION**

- A. There shall be at least one (1) street in the park which is circumferential and from which lesser streets shall turn out so as to provide direct access to each lot and each common space area of the tract.
- B. Cul-de-sacs shall not exceed six hundred (600) feet in length and shall terminate in a turnaround having a fifty (50) foot radius to the outer edge of the cartway.
- C. There shall be at least two (2) entrances from a public street into the park. Additional entrances may be approved by the Municipality if traffic conditions would warrant them.
- D. Street design shall meet the requirements of this Ordinance.
- E. All streets shall be constructed in accordance with Municipal specifications.
- F. Every mobile home lot shall abut and have access to an approved street.

## **SECTION 803 ENTRANCE TO MOBILE HOME PARK**

- A. The main park entrance shall conform to the standards of the Pennsylvania Department of Transportation (PennDOT) when the entrance is from a state road. A PennDOT Highway Occupancy Permit shall be obtained to the specifications of this Ordinance.
- B. The entrance shall take into account the traffic on the public street and that to be generated by the park residents. Acceleration and deceleration lanes may be required as well as two-lane entrances and two-lane exits.

## **SECTION 804 PARKING STANDARDS**

- A. Off-street parking areas shall be provided in all mobile home parks for the use of park residents and guests.
- B. Each mobile home lot within a mobile home park shall contain at least two (2) off-street parking spaces. No on-street parking shall be permitted within the park.
- C. Off-street common parking areas may be provided in lieu of the required two (2) parking spaces on each mobile home lot,



in which case parking shall be provided at the minimum rate of two (2) spaces for each mobile home lot not equipped with on-lot parking spaces. Such off-site common parking area shall be located as to provide convenient access to the mobile homes, but shall not exceed a distance of two hundred (200) feet from the mobile homes that it is intended to serve.

- D. Additional parking spaces for vehicles of non-residents shall be provided as off-street common parking at the minimum rate of one (1) space for each mobile home lot.
- E. Design and construction of off-street common parking areas shall comply with the design standards and specifications of this Ordinance.

#### **SECTION 805. STORMWATER MANAGEMENT**

- A. Stormwater management shall be in accordance with the requirements set forth in Section 6:08 of this Ordinance.

#### **SECTION 806. UTILITIES**

- A. Sewage Disposal
  - 1. All mobile home parks shall be served by a public or community sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and certified by the appropriate authorities before occupancy permits are issued.
  - 2. Individual lateral connections to the sewage collection system shall conform to the BOCA National Plumbing Code and/or applicable Municipal and state regulations.
- B. Water Supply
  - 1. All mobile home parks shall be served by a public or community water supply system. The system shall conform to Section 502.1 "Standards For Mobile Home Parks" publication of the National Fire Protection Association (NFPA) and any other applicable codes. The system shall be approved by the appropriate local and state agencies, and shall be constructed and certified by the appropriate local and

state agencies, and shall be constructed and certified by the appropriate authorities before occupancy permits are issued.

2. Individual connections to the water supply system shall conform to the BOCA National Plumbing Code and/or applicable Municipal and state regulations.
3. The water supply system shall provide for fire protection in mobile home parks of ten (10) or more units.

C. Electrical Distribution System

The electrical distribution system shall be underground and shall conform to the NFPA standards for mobile home parks and any other applicable codes. Each mobile home shall have not less than one hundred (100) amp service.

D. Gas Service

If the mobile home park is to have gas service to the homes, the same shall conform to the applicable NFPA regulations and any other applicable codes.

E. Telephone and Television Service

Telephone and television lines shall be underground. No outside antenna shall be permitted on a mobile home. If cable television service is not available, a central antenna system with underground service to each mobile home shall be provided.

F. Lighting Standards

All streets and common walkways shall be illuminated at a maximum level of 0.6 foot-candles. Service to all lighting fixtures and standards shall be underground.

**SECTION 807. PEDESTRIAN WALKWAYS**

All mobile home parks shall provide and maintain safe, durable, convenient, all-season pedestrian walkways of adequate width for their intended uses, between the park streets and all common facilities provided for park residents.

## **SECTION 808. REFUSE DISPOSAL**

Exterior storage areas for refuse stations shall be properly screened. All containers shall airtight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The park shall have a solid waste management plan in accordance with all applicable Municipal regulations and standards.

## **SECTION 809. LANDSCAPING**

### A. Shade Trees

Shade trees shall be provided on all streets within a mobile home park in accordance with Section 703(L) of this Ordinance.

### B. Ground Cover

Except for paved areas, areas beneath mobile homes, and cultivated areas, all ground shall be planted, maintained, and grassed. The grass shall be cut regularly. No weeds or wild growth, except for native trees, shall be permitted anywhere in the park.

### C. Park Screening

The mobile home park shall have an evergreen planting screen along the property lines at the periphery of the development to protect the privacy anywhere in the park.

### D. Park Buffer

The mobile home park shall provide a twenty-five (25) foot wide buffer yard along the property line at the periphery of the development. The buffer yard shall be planted with an all season ground cover and no structures shall be permitted in the buffer yard.

## **SECTION 810. MOBILE HOME UNIT SIZE**

All mobile homes located in the mobile home park shall have a minimum building area of eight-hundred (800) square feet.

## **SECTION 811. ADMINISTRATION**

- A. Mobile home parks of twenty-five (25) or more units shall employ the services of a qualified manager. The manager shall reside in the mobile home park and shall be responsible for the operation and maintenance of the park.
- B. The developer of the park shall make arrangements, provisions, and/or agreements to insure that the common open spaces shall be adequately managed and maintained. The Municipal Solicitor prior to municipal approval shall review this.
- C. It shall be unlawful to operate a mobile home park within the Municipality unless the Governing Body has issued a license and unless the Pennsylvania Department of Environmental Protection has issued a certificate of registration. Such licenses and certificates shall be issued annually.
- D. Licenses are not transferable. Notice in writing shall be given to the Governing Body within ten (10) days after a mobile home park has been sold, transferred, given away, leased, or the controlling interest otherwise disposed of. A transfer certificate by the Pennsylvania Department of Environmental Protection shall be required and a new application to the Municipality shall be made for an operating license.
- E. The park shall furnish the Municipality a list of tenants of the park. Any change in tenancy shall be reported to the Municipality within one (1) week. The Governing Body shall have the power to inspect the park register containing a record of all residents of the mobile home park at any reasonable time.
- F. All applications to the Municipality for a mobile home park shall be subject to all applicable review procedures for subdivision and land development and shall be subject to the appropriate fees established by resolution by the Municipal Governing Body.

**ARTICLE IX – IMPROVEMENT GUARENTEES**

**SECTION 901. GUARANTEE OF IMPROVEMENT INSTALLATION  
REQUIRED**

- A. Before approving any subdivision or land development plan for recording, the Governing Body shall require that the

Municipality be assured (by means of a proper Development Agreement and Performance Guarantee) that the improvements required by this Ordinance and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Ordinance.

- B. Purpose of Bond. The bond and other surety agreements shall stand as security for compliance with all Municipal ordinances, other laws, covenants, stipulations, conditions and rules applicable to the subdivision for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a subdivision shall take place in any subdivision unless there is on file, with the Municipality, a current duly executed performance bond (and security escrow agreement if necessary), or unless all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewer, street lights, monuments, and lot pins have been completed and accepted by the Municipal Governing Body.
- D. If a developer chooses to install all required improvements prior to construction of any building in place of using performance guarantees, the Municipality shall as deemed necessary require the developer to have adequate insurance, hold harmless agreements and an escrow account to cover the costs of inspection.
- E. The developer shall provide a deed of dedication together with 8-1/2" x 11" plan(s) of such improvements.

**SECTION 902. IMPROVEMENTS TO BE PROVIDED BY THE APPLICANT**

- A. In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this Ordinance.
  - 1. The Municipal Engineer or the Municipality's designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance.

2. The costs of such inspection shall be borne by the subdivider or land developer, and held in an escrow account.

**SECTION 903. DEVELOPMENT AGREEMENT**

A. Improvements Agreement Required.

1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the plan shall be required to enter into a legally binding Improvements Agreement complete with Performance Guarantee with the Municipality prior to Final Plan approval.
2. The Improvements Agreement shall guarantee the installation of said improvements in strict accordance with all Municipal requirements.

B. Terms of Improvements Agreement. The Improvements Agreement shall be in the manner and form by the Municipal Solicitor and it shall consist of the following terms, where applicable:

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1. The construction depicted upon the approved plans in itemized format.
  - i. Construction of streets with related curbs, street designs, drainage facilities and related improvements.
  - ii. Installation of utility lines.
2. A work schedule setting forth the beginning and ending dates and such other details as the Municipality deems fit and appropriate for the improvements covered by the Improvements Agreement, and
  - i. An inspection schedule approved by the Municipal Engineer.
3. The provision of a Performance Guarantee for completion of required improvements which complies with Section 903.
  - i. The estimated cost of the improvements, including a detailed breakdown in a form

- acceptable to the Governing Body, and amount of the Performance Guarantee.
  - ii. All improvements subject to the Improvements Agreement shall be approved according to the approved inspection schedule and Section 903.
- 4. Developer's responsibilities for damage to other property.
  - i. Developer shall secure or maintain public liability insurance and workers' compensation insurance for the duration of improvements construction. A copy (or other evidence of coverage) shall be submitted to the Municipality.
  - ii. A save harmless clause to protect the Municipality from liability.
  - iii. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
- 5. Dedication of streets, transfer of water and sewer lines and easements.
- 6. After completion of all required improvements, the developer shall provide the Municipality with a set of reproducible completed improvement plans prepared and certified by a Professional Engineer or Land Surveyor showing all streets, storm and sanitary sewers, water distribution facilities and street monuments complete with elevations, as constructed. The scale of these plans shall be one (1) inch equals fifty (50) feet.
- 7. The developer shall be responsible for all engineering and legal costs and expenses for review, inspection, consultations and preparation of agreements.
- 8. Provisions for violation of the Improvements Agreement .
- 9. Any other lawful terms which the Governing Body may require to carry out the provisions of this Ordinance.
- 10. Signatures. The development agreement shall be signed by all landowners and/or developers.

C. Ownership of Land and Guarantee

1. A certificate of ownership in the form in the Appendix shall be executed in the exact name in which the title is held. If the developers (of a subdivision if someone other than the landowners) of the subdivision, the developer shall also excuse the affidavit mentioned above, along with a performance bond and security agreements.

**SECTION 904. PERFORMANCE GUARANTEE**

The Performance Guarantee for completion of required improvements shall meet the following requirements:

A. Security

1. The Guarantee shall be secured by the credit of any of the following:
  - i. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
  - ii. A restrictive or escrow account in a Federal or State chartered lending institution, or
  - iii. Such other financial security approved by the Governing Body (which approval shall not be unreasonably withheld).
2. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the Development Schedule for the completion of such improvements.
3. Such financial security shall be posted with a bonding company or Federally insured or State chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the State.
  - i. The Governing Body may require that evidence be provided that such institution or company has sufficiently adequate and secure assets to cover the security.



ii. The Municipality shall be an authorized signatory on any account in which the escrow funds are held and all escrow funds from sales of lots shall be paid directly to such fund, and a monthly statement shall be furnished to the Municipality.

B. Amount

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the State Planning Code.
2. The cost of the improvements shall be established by an estimate prepared by a PA. Registered Professional Engineer, (pursuant to the applicable revisions of the Pennsylvania Municipalities Planning Code).
3. 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 shall be increased an additional ten (10) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent 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.

C. Multi-Year or Multi-Stage Development. In the case where development is projected over a period of years, the Governing Body may authorize submission of final plans by sections or stages of development as it finds essential for the protection of any finally approved section of the development.

**SECTION 905. APPROVAL OF IMPROVEMENTS**

A. In General. As the work of installing the required improvements proceeds, the party pasting the financial security may request the Governing Body to release, from

time to time, such portions of the financial security necessary for payment to the contractors performing the work.

- B. Notice of Completion When the developer has completed an improvement, the developer shall notify the Governing Body in writing by certified or registered mail of such completion and request for release and shall send a copy thereof to the Municipal Engineer.
- C. Engineer's Report.
  - 1. Within thirty (30) days of the receipt of such request, the Municipal Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the Governing Body.
  - 2. This report shall be based on the inspections made according to the approved inspection schedule included in the Improvements Agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
  - 3. If the Engineer finds any or all of the improvements to be not as required, they shall include a statement of the reasons for recommending their rejection in the report.
- D. Release of Funds. See Section 510 of the Pennsylvania Municipalities Planning Code, as amended.
- E. Completion of Unapproved Improvements. The Developer shall proceed to complete any improvements not approved by the Governing Body and, upon completion, request approval in conformance with the procedures specified in this section.
- F. Final Release.
  - 1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request Final Release in conformance with the procedures specified in this Section. See time limitations and procedures in Section 510 of the Municipalities Planning Code.

2. A maintenance agreement must be in place before final release.

G. Appeal. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Governing Body or the Municipal Engineer.

**SECTION 906. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

A. Enforcement of Security.

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approval Final Plan, or in the event of the bankruptcy of the owner or developer, the Governing Body is hereby granted the power to elect to enforce any corporate bond (or other security) by appropriate legal and equitable remedies.

2. This may include taking all actions necessary to obtain moneys under said bond, including but not limited to seizure of undeveloped lots, confession of judgment, suit on the bond, seizure of escrow funds, renovation of building permits and prosecution under this Ordinance.

3. Rate of Construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default.

B. Completion by Municipality. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, as 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.

- C. Proceeds for Installation of Improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both shall be used solely for the installation of the improvements covered by security, and not for any other Municipal purpose.

**SECTION 907. MAINTENANCE AGREEMENT**

A. Maintenance Agreement Required

1. All applications proposing any subdivision or land development which provides for the dedication of improvements required by this Ordinance or any improvements or amenities which appear on the Plan shall be required to enter into a legally binding Maintenance Agreement with the Municipality prior to acceptance of dedication by the Municipality.
2. The dedication of any improvement shall not be accepted by the Municipality prior to the execution of a Maintenance Agreement and the delivery of the Maintenance Guarantee.

B. Terms of Maintenance Agreement

1. The Maintenance Agreement shall be in a manner and form approved by the Municipal Solicitor.
2. The Maintenance Agreement shall require the Applicant to make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by the Governing Body as necessary by reason to faulty construction, workmanship, or materials prior to acceptance of such improvement by the Municipality.
3. The Maintenance Agreement shall require the Applicant to maintain at her/his cost all improvements stipulated in the Maintenance Agreement. This period shall not exceed eighteen (18) months from the date of acceptance or dedication by the Municipality, except for any special purpose escrow or maintenance agreements required by the Municipality.
4. The Maintenance Agreement shall require the posting of financial security to secure structural integrity of

said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not exceeding eighteen (18) months from the date of acceptance of dedication.

5. Snow Plowing. It shall be the responsibility of the developer to plow snow and maintain all streets until such time as the Municipality may accept such streets.

C. Public Utilities and Authorities. 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 distant from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

#### **SECTION 908. MAINTENANCE GUARANTEE**

A. Security. The Maintenance Guarantee shall be secured by the credit of any of the following:

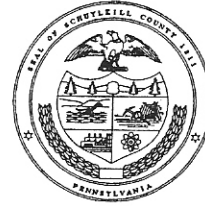
1. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution.
2. A restrictive or escrow account in a Federal or State chartered institution, or
3. Such other financial security approved by the Governing Body (which approval shall not be unreasonably withheld).

B. Terms. Such Maintenance Guarantee shall be in the form approved by the Municipal Solicitor and Governing Body, payable to the Municipality, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision for five (5) years from the date of acceptance thereof by the Municipality. The applicant shall prove to the satisfaction of the Governing Body that there will be an acceptable system for the long-term maintenance of any storm water detention basins.

- C. Amount. The amount of the Maintenance Guarantee shall be determined by the Municipality, but shall not exceed fifteen (15) percent of the actual cost of installation of such improvements.
- D. Release. After the expiration of eighteen (18) months from the date of acceptance of said improvements, the Municipality shall release said Maintenance Guarantee to the developer (or party posting said Maintenance Guarantee) if all improvements are in satisfactory condition.

# SCHUYLKILL COUNTY PLANNING COMMISSION

BOARD OF COMMISSIONERS  
Mantura M. Gallagher, Commissioner, Chair  
Francis V. McAndrew, Commissioner  
Frank J. Staudenmeier, Commissioner



Charles M. Ross, Executive Director  
Carole Cooney Syzdek, Zoning Administrator  
Fax: (570) 628-1005  
Phone: (570)-628-1415

COURT HOUSE  
401 NORTH SECOND STREET  
POTTSVILLE, PENNSYLVANIA 17901-2528

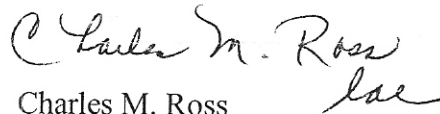
July 16, 2009

Edward A. Dudley  
Chair, Eastern Schuylkill Planning (ESP) Region  
51 Red Oak Terrace  
New Ringgold, PA 17960

*RE: Proposed adoption of a Joint Zoning Ordinance and Subdivision and Land Development Ordinance by Rush Township, Schuylkill Township, Walker Township and Tamaqua Borough.*

This is to advise you that the Schuylkill County Planning Commission "reviewed without comment" the above named proposed ordinance. Within thirty (30) days after enactment, please forward an executed copy of said ordinance to our office.

Sincerely,



Charles M. Ross  
Director

cc: Catherine T. Schimpf, Secretary, ESP

The Eastern Schuylkill Planning Region  
Joint SubDivision and Land Development Ordinance

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment by all participants.

Duly enacted by the Board Of Supervisors of the Township Of Rush, Schuylkill County, Pennsylvania, this 20th day of October, 2009 in lawful session duly assembled.

TOWNSHIP OF RUSH

BY: Steph W. Smith  
CHAIRMAN

BY: Shawn Eric Gillat  
VICE-CHAIRMAN

BY: Wm J. Sanchez  
MEMBER

Attest: Teresa A. Conville  
Secretary



The Eastern Schuylkill Planning Region  
Joint SubDivision and Land Development Ordinance

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment by all participants..

Duly enacted by the Board Of Supervisors of the Township Of Walker, Schuylkill County, Pennsylvania,  
this 12 day of August, 2009 in lawful session duly assembled.

TOWNSHIP OF WALKER

BY: David C. Rice  
CHAIRMAN

BY: Craig P. Wagner  
VICE-CHAIRMAN

BY: Randall Berding  
MEMBER

Attest: Stephanne Borzjak  
Secretary/Treasurer

The Eastern Schuylkill Planning Region  
Joint Subdivision and Land Development Ordinance

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment by all participants.

Duly enacted by the Borough Council of the Borough of Tamaqua, Schuylkill County, Pennsylvania, this  
18<sup>th</sup> day of August, 2009 in lawful session duly assembled.

BOROUGH OF TAMAQUA

BY: Mindy Gray  
PRESIDENT

Attest: Georgia Depasquale

The Eastern Schuylkill Planning Region  
Joint SubDivision and Land Development Ordinance

ORDINANCE ENACTMENT AND EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after enactment by all participants..

Duly enacted by the Board Of Supervisors of the Township Of Schuylkill, Schuylkill County, Pennsylvania, this 5th day of August, 2009 in lawful session duly assembled.

TOWNSHIP OF SCHUYLKILL

BY: Joe Borer  
CHAIRMAN

BY: Marion E. Vasek  
VICE-CHAIRMAN

BY: Rinda Scandio  
MEMBER

Attest: Mary E. Lubel  
Secretary/Treasurer