

**HANOVER TOWNSHIP
LUZERNE COUNTY
PENNSYLVANIA**

**2017
SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE**

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HANOVER TOWNSHIP

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ARTICLE 1

GENERAL PROVISIONS

SECTION 101 TITLE

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

SECTION 102 AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Hanover Township is empowered to regulate subdivisions and land developments within its municipal limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Hanover Township Planning Commission shall confer the authority for the approval or disapproval of all subdivisions and land developments as set forth in this Ordinance to the Hanover Township Planning Commission

SECTION 103 OBJECTIVES

Through the adoption, administration and enforcement of this Ordinance, Hanover Township proposes to create conditions favorable to promote the health, safety, and general welfare of the Township with regulations aimed at achieving the following objectives:

- 103.1 To guide the future growth and development of the Township in accordance with the Township's stated Community Development Objectives as contained in the Hanover Township Zoning Ordinance .
- 103.2 To provide a standard set of minimum regulations to guide property owners, developers, architects, landscape architects, land planners, surveyors and engineers in the design and development of subdivisions and land developments.
- 103.3 To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 103.4 To protect and conserve the value of land throughout the Township and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 103.5 To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision or land development.
- 103.6 To establish reasonable standards of design and procedures for subdivisions and resubdivision in order to further the orderly layout and use of land and

to insure proper legal descriptions and monumentation of proposed subdivisions.

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

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

103.9 To provide for open spaces through the most efficient design and layout of the land and preserving the density of land as established in the Zoning Ordinance.

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

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

SECTION 104 APPLICATION OF THE ORDINANCE

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

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

- (a) The plans and application have been granted final approval by the Township Planning Commission;
- (b) the final plan, as approved, is filed with the Luzerne County Recorder of Deeds;
- (c) all required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Township Planning Commission, which

guarantees that all required improvements shall be subsequently constructed within a defined period of time.

SECTION 105 STATUS OF PENDING SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS

Per Article 5 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, from the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, an amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, could 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 all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this Ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of this Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

SECTION 106 STATUS OF APPROVED SUBDIVISION OR LAND DEVELOPMENT APPLICATIONS

106.1 When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall be applied to adversely affect 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. If final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

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

SECTION 107 PHASED DEVELOPMENT EXCEEDING FIVE YEARS

In the case of a preliminary plat calling for the installation of improvements beyond the five year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approvals of each section are intended to be filed. Such schedule shall be updated

annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Township Planning Commission in its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Township Planning Commission in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the protections afforded by substantially completing the improvements depicted upon the final plat within five years, as contained in Section 105, shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

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

SECTION 108 RESUBDIVISION OF LAND

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

SECTION 109 INTERPRETATION

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

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

SECTION 110 MODIFICATION OF REQUIRED STANDARDS

110.1 If any provision of this Ordinance is shown by the applicant or his engineer or land surveyor to be unreasonable of application due to exceptional topographic or other physical conditions or where strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional or undue hardship not of his making or when an alternative standard can be demonstrated to provide equal or better results, the Township Planning Commission may grant a modification to the literal

requirements of such provision, provided that such modification is the minimum modification required to grant relief. Granting such modification shall not be contrary to the public interest and the intent of this Ordinance shall be observed.

110.2 Any request for a modification shall be submitted in writing and shall accompany and be deemed part of the Plan, Preliminary or Final as the case may be. Such request shall state in full the circumstances and facts of unreasonableness and hardship on which the request is based, the provisions or requirements of this Ordinance in question, and the exact modifications requested.

110.3 All proposals for modification of provisions or requirements of this Ordinance shall require approval by the Township Planning Commission.

110.4 Upon rendering a final decision for any proposed modification, the Township Planning Commission shall provide a record of their action within the minutes of their meeting. After the meeting at which the Modification was reviewed, written notice of the Township Planning Commission' action shall be sent to the following individuals:

- Landowner or his agent.
- Applicant.
- Firm that prepared the Plan.

If the Township Planning Commission denies the request, it will notify the above individuals, in writing, of the justification for denial. If the Township Planning Commission grants the request, the Final Plan shall include a note that identifies the specific modification(s) as granted.

SECTION 111 FEES

111.1 Municipal Fees

The Township Board of Commissioners shall establish by resolution, a fee schedule for subdivision and land development applications.

111.2 County Fees

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

111.3 Filing Date and Payment of Fees

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

It shall be the duty of the person or persons as designated by resolution enacted by the Township Board of Commissioners to enforce this Ordinance and to bring any violations of these regulations to the attention of the Township Solicitor. Formal enforcement proceedings may be initiated by the person or persons as designated by resolution in the name of the Hanover Township after authorization by the Township Board of Commissioners.

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

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained within this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence action for enforcement pursuant to this Section.

In addition to other remedies, the Township may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds to the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following:

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

or constructive knowledge of the violation.

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

SECTION 113 AMENDMENT PROCEDURE

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

- A. A public hearing on the proposed amendment shall be held by the Township Board of Commissioners pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Planning Commission, the Township Board of Commissioners shall submit such amendment to the Planning Commission not less than thirty days prior to the public hearing requesting its review and comment.
- C. The proposed amendment shall be submitted to the Luzerne County Planning Commission not less than thirty days prior to the public hearing requesting its review and comment.
- D. The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.
- E. Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the Township Solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.
- F. Within thirty days following the adoption of an amendment to this Ordinance, the Township Board of Commissioners shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

SECTION 114 APPEALS TO COURT

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

SECTION 115 CONFLICT WITH OTHER ORDINANCES

All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance, including but not limited to the Hanover Township Subdivision and Land Development Ordinance of 1989 and all amendments thereto are hereby repealed.

SECTION 116 MUNICIPAL LIABILITY

The grant of a permit or approval of a subdivision or land development plan shall not constitute a representation, guarantee or warranty of any kind by Hanover Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

SECTION 117 SEVERABILITY

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

SECTION 117 EFFECTIVE DATE

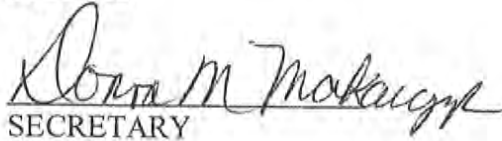
This Ordinance shall be in force and effect from and after its enactment as provided for by law.

APPROVED AND ENACTED BY THE HANOVER TOWNSHIP BOARD OF COMMISSIONERS ON THIS 13th DAY OF December, 2017.

HANOVER TOWNSHIP BOARD OF COMMISSIONERS


CHAIRMAN

ATTEST:


SECRETARY

ARTICLE 2

DEFINITIONS

SECTION 201 GENERAL RULES OF CONSTRUCTION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

201.1 Tense and Form

Words used or defined in one tense or form shall include other tenses or derivative forms.

201.2 Number

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

201.3 Gender

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

201.4 Person

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

201.5 Shall and May

The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

201.6 Time.

The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

201.7 Undefined Terms

Any words not defined in this Section or in Section 107 of Act 247 shall be construed as defined *The Latest Illustrated Book of Development Definitions* (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have as defined in standard dictionary usage.

201.8 Illustrations and Tables

In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

SECTION 202 DEFINITION OF TERMS

For the purposes of this Ordinance, the following terms shall have the following meanings:

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

ACCESS DRIVE: A public or private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing two (2) or more units of occupancy on a single lot.

ACRE: 43,560 square feet.

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

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

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

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

BMP's: Best Management Practices.

BUILDING: Any structure having a roof supported by columns, piers or walls built for the support, shelter, or enclosure of persons, animal, or property of any kind.

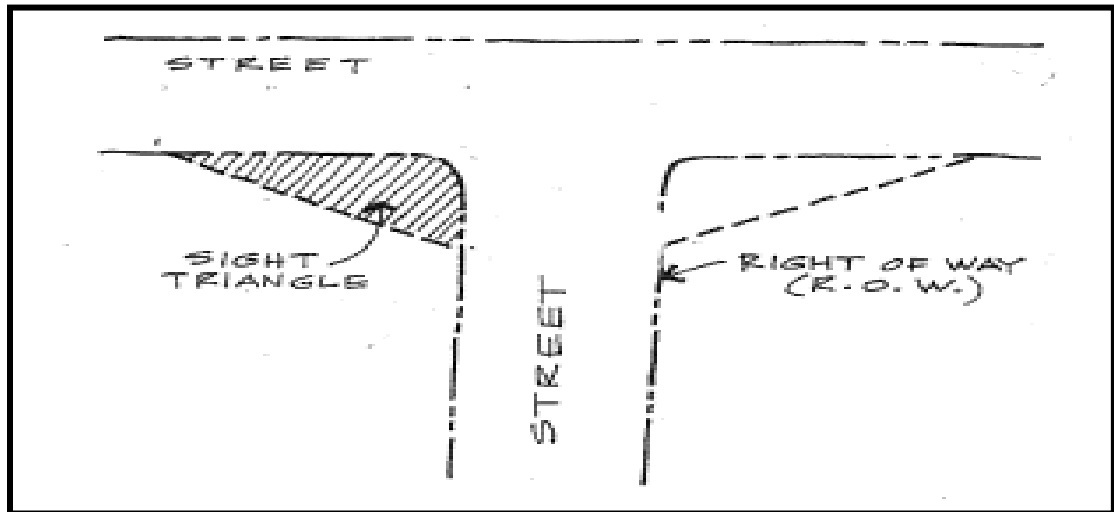
BUILDING, ACCESSORY: A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same Lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

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

CARTWAY: The portion of a street right-of-way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the street.

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

CLEAR SIGHT TRIANGLE: A triangular-shaped portion of land to intended to provide unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center line in which, nothing can be erected, placed, or allowed to grow such a manner to limit or obstruct the view of motorists entering or leaving intersection.



COMMON OPEN SPACE: A specific area of land or water, or a combination of land and water within a development site, designed and intended for the principal use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMUNITY DEVELOPMENT OBJECTIVES: The Community Development Objectives as set forth in the Hanover Township Zoning Ordinance, and any subsequent amendments thereto as adopted by Hanover Township.

COMMUNITY WATER SUPPLY: A utility operated by a Municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one (1) household, business or institution.

CONDOMINIUM: A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit Land Development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

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

CONTIGUOUS: Lots are contiguous when at least one (1) boundary line of one Lot touches a boundary line or lines of another lot.

COUNTY: Luzerne County, Pennsylvania.

COUNTY PLANNING COMMISSION: The Luzerne County Planning Commission.

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

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

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

DEDICATION: The deliberate appropriation of land by its owner for general public use.

DEED: A written instrument whereby an estate in real property is conveyed.

DETENTION BASIN: A reservoir that temporarily contains stormwater runoff and releases it gradually into a watercourse or storm water facility.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom Subdivision or Land Development Plans are being or have been made.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

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

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

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

DRAINAGE EASEMENT: The land required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

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

DWELLING: One or more rooms, designed, occupied or intended for occupancy as separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

- A. **DWELLING, SINGLE-FAMILY:** A detached building arranged or used for occupancy by one (1) family.
- B. **DWELLING, TWO FAMILY:** A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- C. **DWELLING, MULTIPLE:** A building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.
- D. **TOWNHOUSE:** A residential structure constructed as a single entity containing a row of more than two (2) single-family attached dwelling units but not more than four (4) single-family attached dwelling units, whereby each unit may be sold as an individual single-family attached unit, with each unit having a lot under individual or association ownership. Each unit shall have its own front and rear access to the outside and may have a common or public open space, such as an off-street parking area, yard area, recreational area, or similar common area. No dwelling units shall be located over another unit and each unit shall be separated from another unit by one (1) or more party walls without openings.
- E. **MANUFACTURED HOME/MOBILE HOME:** A manufactured home (also referenced as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a

manufacturing plant and are transported in one or more sections on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. A manufactured home that is attached to a permanent foundation shall be considered to be a single family detached dwelling.

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

EASEMENT: An area or strip of land granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ELEVATION: The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

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

EROSION: The removal of surface material by the action of natural elements.

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

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

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

FINANCIAL SECURITY: A form of security, including an irrevocable letter of credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements, from Federal or Commonwealth chartered lending institutions in an amount and form acceptable to the Hanover Township Board of Commissioners and to be used in accordance with applicable provisions of this Ordinance.

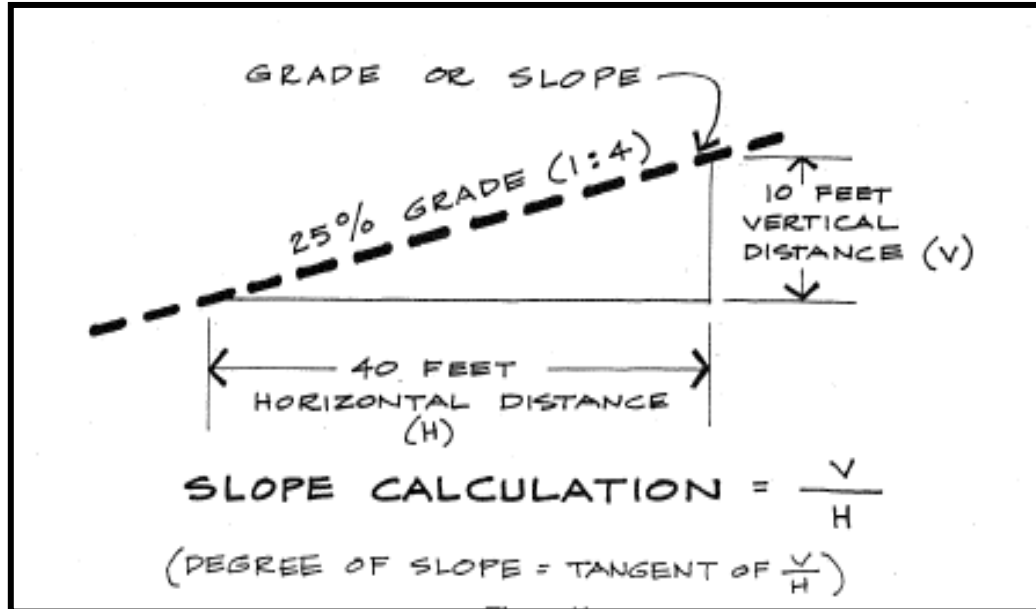
FLOOD: A temporary condition of partial or complete inundation of normally dry land areas occurring from the overflow of inland waters and/or the unusual and

rapid accumulation of runoff and surface waters from any source.

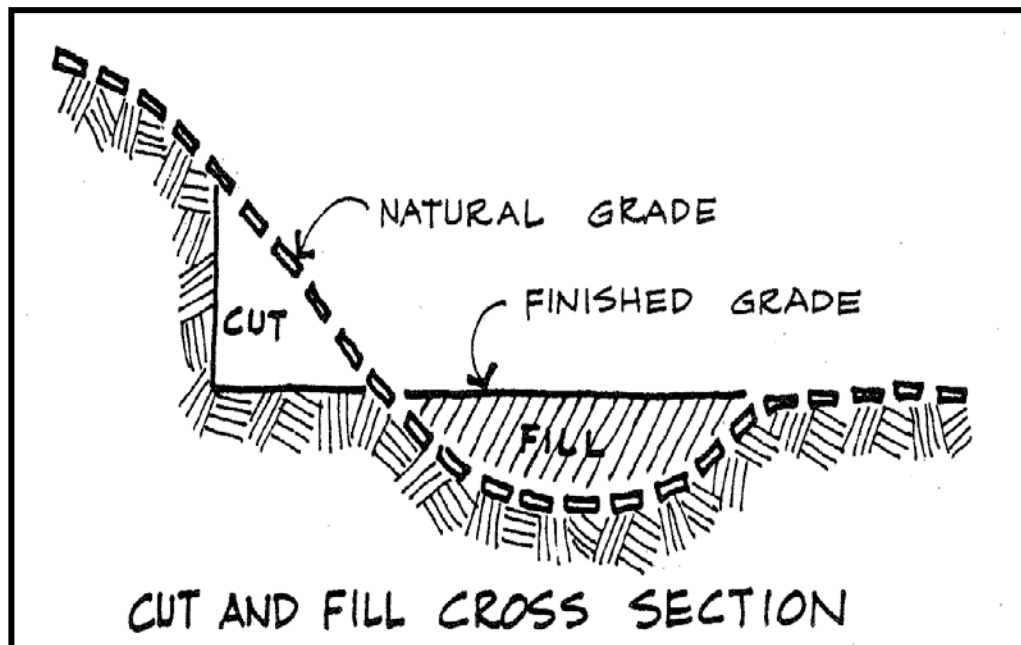
FRONTAGE: That portion of the property which abuts and is measured along the Street Right-of-Way line.

GOVERNING BODY: The Hanover Township Board of Commissioners

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



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

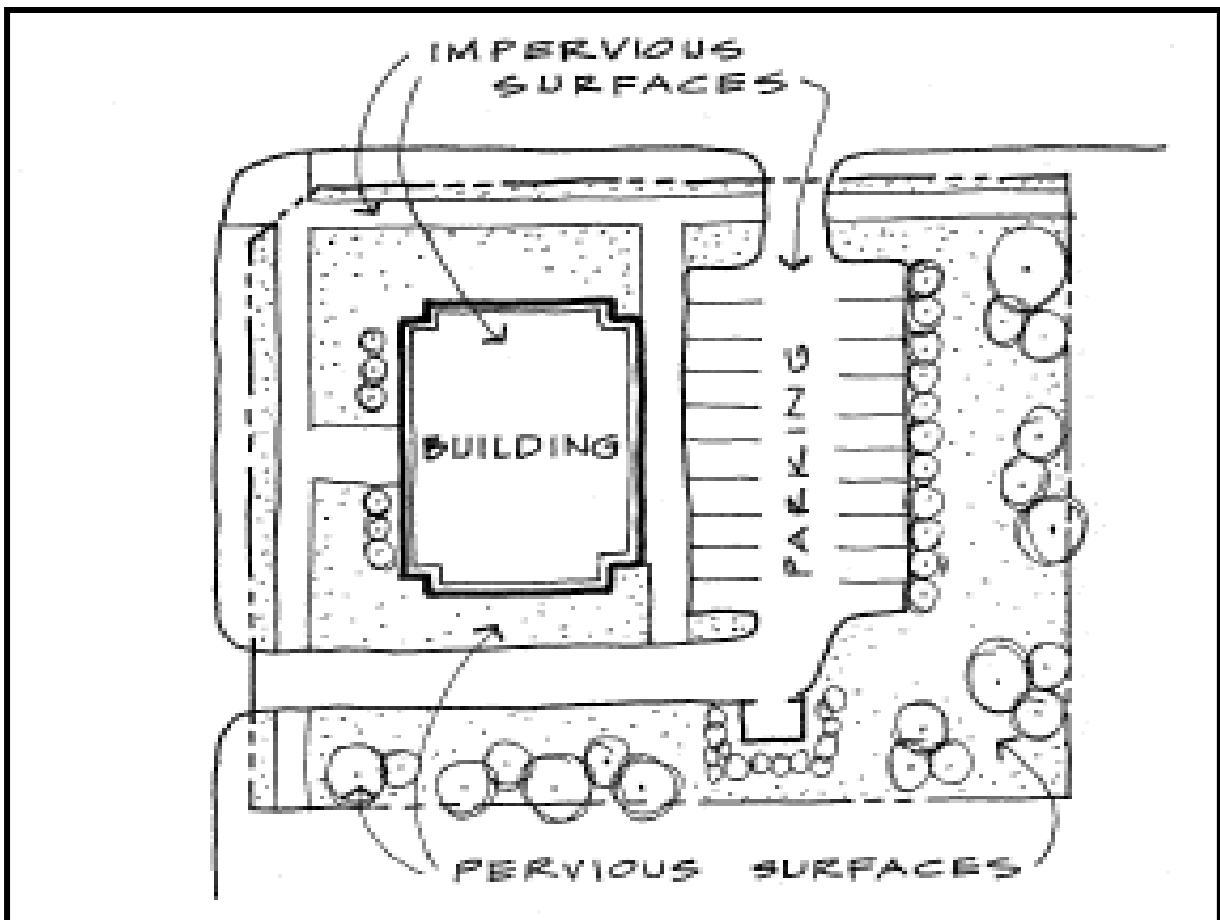


HIGHWAY OCCUPANCY PERMIT: A permit, issued by Hanover Township and/or the Pennsylvania Department of Transportation which authorizes access from a parcel of land onto a street or highway which is under their jurisdiction.

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

IMPACT ANALYSIS: A study, which may be required by the Hanover Township Planning Commission prior to preliminary or conditional approval of a subdivision or land development, to determine the potential impact of a proposed development on activities, utilities, traffic generation and circulation, surrounding land uses, community facilities, environmental features, critical areas, the health, safety and welfare of residents and other factors directly, indirectly or potentially affected. The developer and/or applicant shall be responsible for all costs related to the any and all reports and/or studies required by the Hanover Township under or within the context of the term "IMPACT ANALYSIS." The developer and/or applicant shall also be responsible to fully reimburse the Township for all engineering and/or other consulting fees which are incurred for the review of any required studies or reports.

IMPERVIOUS SURFACE: Material that is impenetrable and unable to absorb water, including, but not limited to, buildings, structures and paved areas.



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

LAND DEVELOPMENT: Land development shall include any of the following activities:

1. The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regard less of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. the conversion of an existing single-family detached dwelling or single family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units, shall be deemed as a land development if the units are intended to be a condominium.
4. the development of a manufactured/mobile home park or the expansion of an existing manufactured/mobile home park within the context of the definition of said term as contained within this Ordinance.

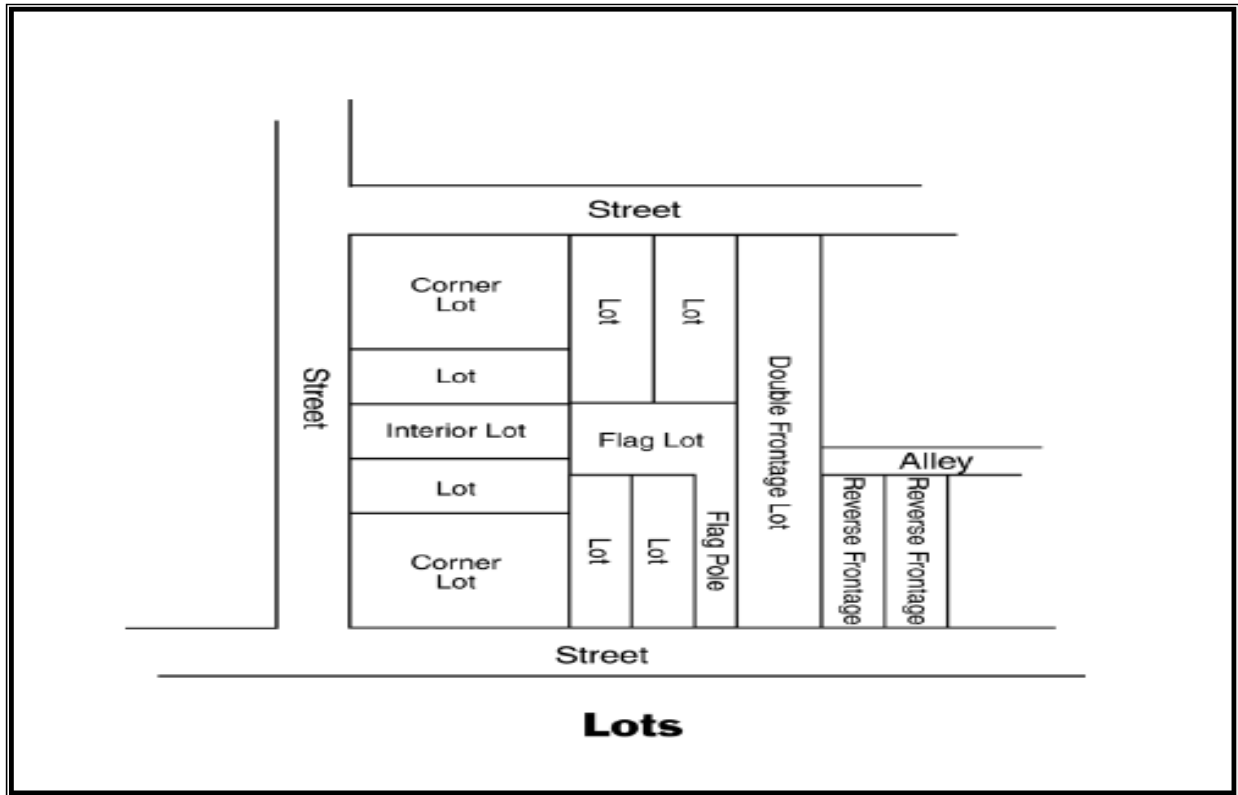
LAND DEVELOPMENT: MAJOR: A land development which does not qualify or classify as a minor land development.

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

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

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

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



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

LOT AREA, GROSS: The area of land contained within the limits of the legally described property lines bounding the lot.

LOT AREA, NET - The area of land contained within the limits of the legally described property lines bounding the lot, exclusive of any street or railroad rights-of-way, common open space, easements for the purposes of access, utility, or stormwater management, prohibitively steep slopes, land within the delineated boundaries of a One Hundred (100) Year Flood Plain, and wetlands as defined by this Ordinance.

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

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

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

LOT, FLAG: A lot not meeting the minimum frontage requirements and where access to public road is by a private right-of-way or driveway.

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

LOT INTERIOR: A lot other than a corner lot.

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

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

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

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

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, see the diagrams provided under the definition of "YARD."

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

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

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

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

LOT LINE MARKER: A metal plate, pin, permanent stone or concrete Monument used to identify Lot Line intersections.

LOT OF RECORD: A Lot which is a part of a Subdivision, the Plan of which was Luzerne County Recorder of Deeds prior to the adoption of this Ordinance.

MANUFACTURED HOME OR MOBILE HOME: A transportable, single family that dwelling intended for permanent occupancy, and contained in one unit, or two units designed to be joined into one integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation when connected to required utilities. All Manufactured or Mobile Homes shall meet construction standards of the Manufactured Home Construction and Safety Standards (HUD Code and displays a red certification label on the

exterior of each transportable section.

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

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

MONUMENT: A concrete or stone monument used to identify Street Line intersections.

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

MUNICIPALITY: The Township of Hanover, Luzerne County, Pennsylvania.

NATURAL DRAINAGE FLOW: The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any re-grading.

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

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

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

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

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

ORDINANCE: The Hanover Township Subdivision and Land Development Ordinance, and any amendments thereto.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: Adopted as Act 247 of 1968, as reenacted and amended. This act enables municipalities to plan for, and regulate community development with Subdivision and Land Development ordinances. The code also contains guidelines for Subdivision and Land Development ordinance content. For the purpose of this Ordinance, the Code may be referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

PERVIOUS MATERIAL: Any material that would allow water to pass through at a rate at least equal to the pervious ground cover (e.g., porous pavement, stone parking areas, and preformed or prefabricated Blocks which would permit water to penetrate) and as approved by the Township Engineer.

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

PLAN OR PLAT: The map or plan of a subdivision or land development:

- A. Preliminary Plan: The preliminary drawings and any accompanying data, which accurately shows the proposed layout of lots, streets, improvements and other information a required by this Ordinance, with all such material being properly indicated in title as "Preliminary Plan".
- B. Final Plan: A complete and exact plan prepared for official recording with the Luzerne County Recorder of Deeds, as required by this Ordinance with said plan being properly indicated in title as "Final Plan".

PLANNING COMMISSION: The Planning Commission of Hanover Township.

PUBLIC IMPROVEMENTS: Any street, roadway, sidewalk, pedestrian right-of-way, drainage facility, recreation area, off-street parking area, lot improvement, or other facility for which Hanover Township may ultimately assume the responsibility of maintenance and operation or which may affect an improvement for which Hanover Township's responsibility is established.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Planning Commission, intended to inform and obtain public comment, prior to taking action on a particular subject.

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: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven days from the date of the

hearing.

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

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat affecting any street layout on such map, any area reserved therein for public use, or any lot line.

RETENTION BASIN: A reservoir designed to retain storm water runoff with its primary release of water being through the infiltration of said water into the ground.

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

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

SEWAGE: A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under the Clean Streams Law.

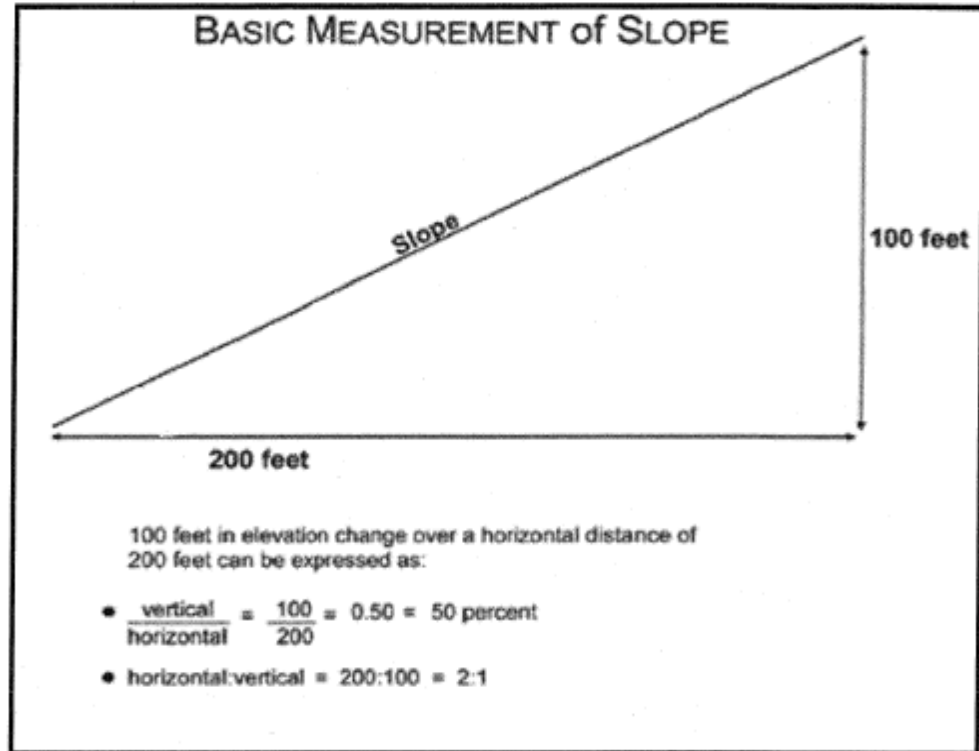
SEWAGE FACILITIES: A system of Sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated Sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of Sewage or other waste as recognized by the Department of Environmental Protection.

- A. **PUBLIC SEWAGE SYSTEM:** A publicly owned system of piping, tanks, or other facilities serving two or more lots, 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. **INDIVIDUAL ON-LOT SEWAGE SYSTEM:** An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field.

SIGHT DISTANCE: The length of road visible to the driver of a vehicle at any

given point in the road when viewing is unobstructed by traffic.

SLOPE: A measurement showing the relationship of vertical rise to horizontal run, expressed as a percentage from the "toe" to "top." For example, as shown below, a 50% slope has 100 feet of vertical rise for 200 feet of horizontal distance.



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

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

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

- A. **Arterial:** Arterials are designed primarily to carry traffic and generally should not provide access to land which would interfere with their primary traffic functions. They are also designed for medium to heavy volumes at moderately high speeds with restricted vehicular access to abutting properties.
- B. **Collector Street:** Collector streets are designed to carry a moderate volume of traffic between local streets and arterials, and provide only limited vehicular access to the abutting properties.

- C. Local Street: Local streets provide direct access to abutting properties and provide routes to collector streets.
- D. Cul-De-Sac: A minor or local street with a single common ingress and egress and with a turnaround located at its end.
- E. Dead End Street: A street with a single common ingress and egress.
- F. Limited Access: A street designed to carry a high volume of traffic and usually designated as an expressway, freeway, highway or boulevard. Owners or occupants of abutting property normally have no expressed or legal right to access to or from the same.

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

- A. Subdivision; Major: Any subdivision which does not qualify or classify as a minor subdivision.
- B. Subdivision; Minor: A subdivision of a parcel of land into not more than three (3) lots, excluding the original lot of record, which has frontage along an existing street, which does not adversely affecting the remainder of the parcel or adjoining property, does not conflict with the Community Development Objectives as set forth the Hanover Township Zoning Ordinance and not involving or requiring any of the following:
 - (a) The extension or improvement of any street.
 - (b) The extension of any municipal facilities or public utilities or improvements.
 - (c) The construction of any improvements required in the subdivision of land or to service or to otherwise provide access to lots within a proposed subdivision.

Any proposed subdivision of a lot of record, which resulted from a minor subdivision shall be classified as a major subdivision, when the cumulative number of lots, from the original lot of record and/or any resulting lot, exceed three (3) lots within five (5) years from date of its approval under a minor subdivision classification. Information stating the above requirement shall be included upon all deeds for lots created under a minor subdivision.

- C. Subdivision; Minor Also See Lot Line Adjustment.

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

SUBSTANTIALLY COMPLETED: The point at which, in the judgment of the Township engineer, at least 90% of those improvements required as a condition for final approval, based upon the cost of the posted financial security, have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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

TRACT AREA, ADJUSTED: The gross tract area minus the constrained land.

TRACT AREA, GROSS: The total amount of land contained within the limits of the legally described property lines bounding the tract.

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

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

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

WATER SUPPLY AND DISTRIBUTION SYSTEM, CENTRAL: A system for supplying and distributing water from a common source to two or more dwelling units and/or other buildings within a subdivision or land development, with the total system being publicly or privately owned.

WATER SUPPLY AND DISTRIBUTION SYSTEM, ON-LOT: A system for supplying and distributing water to a single dwelling or other type of principal building from a source located upon the same lot.

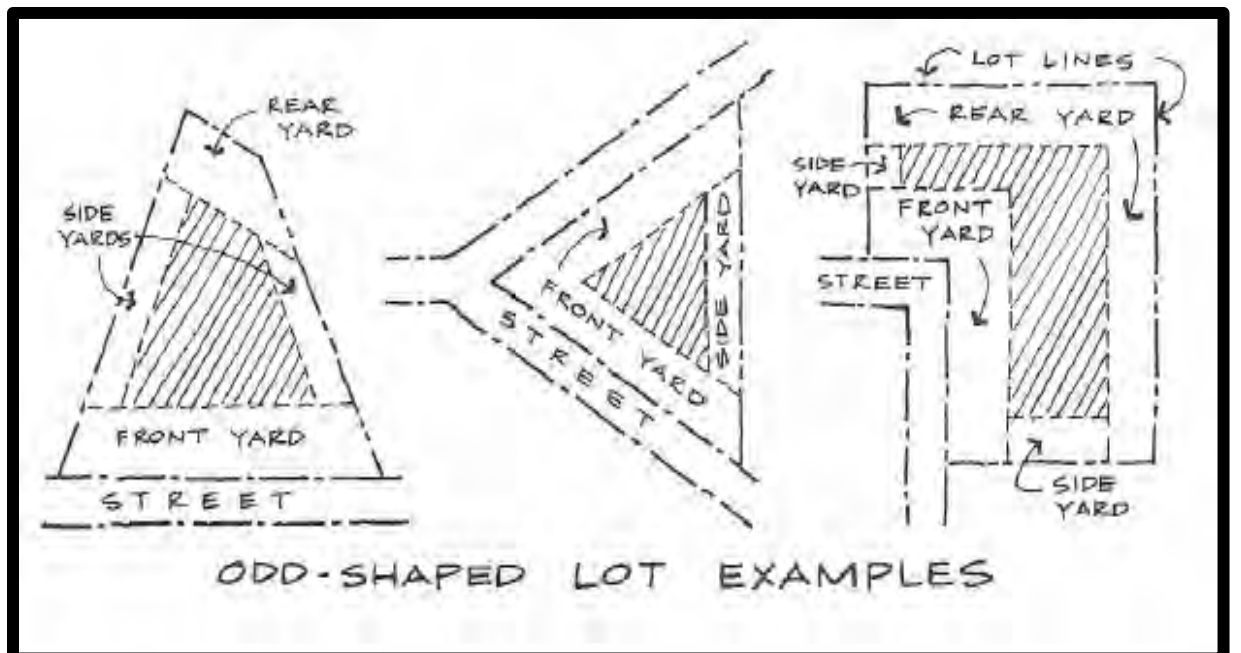
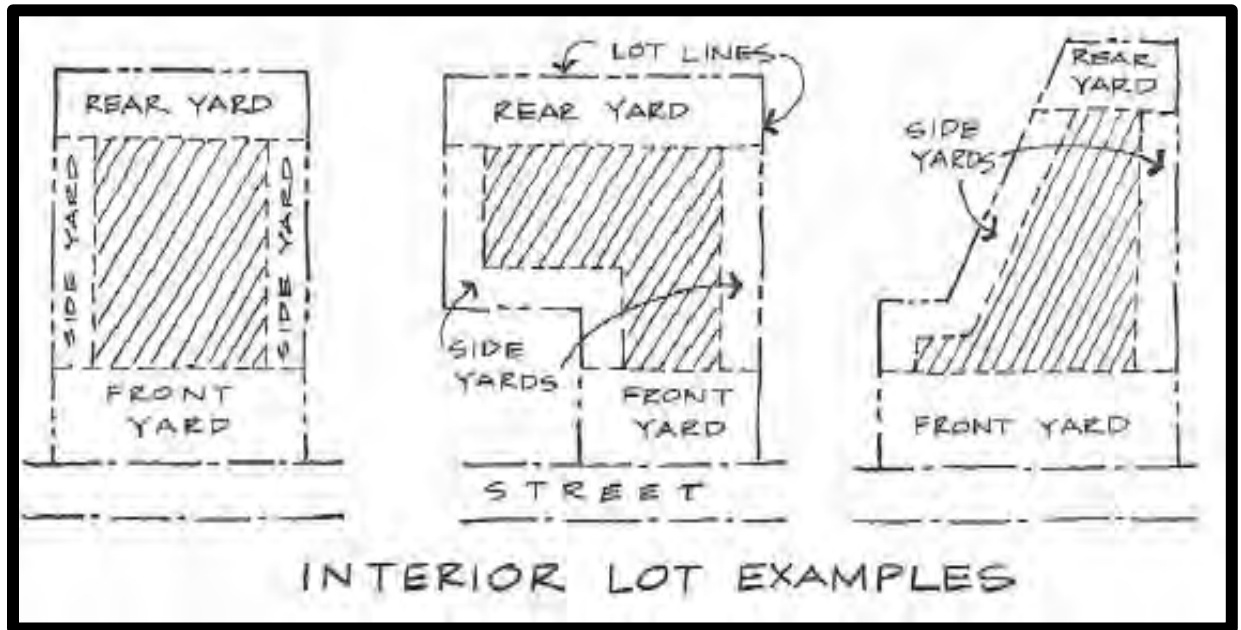
WETLANDS: Those areas that are inundated or saturated by the surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

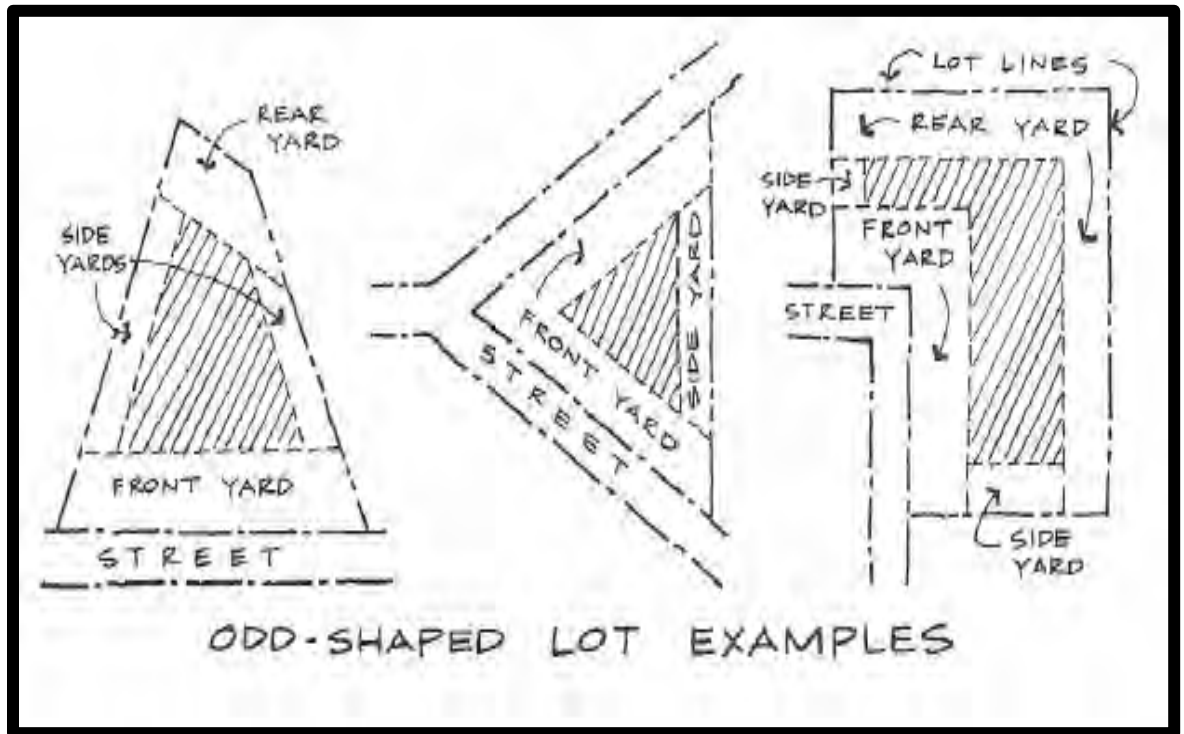
YARD: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

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

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

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





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

ZONING ORDINANCE: The governing Zoning Ordinance of Hanover Township, and any subsequent amendments.

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

ARTICLE 3

PROCEDURAL REQUIREMENTS

SECTION 301 REVIEW AND APPROVAL PROCESS

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

- a. Major Subdivision shall require the submission and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of preliminary plan shall be optional.
- b. Minor Subdivision shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 5 of this Ordinance.
- c. Major Land Development shall require the submission and approval of a preliminary plan and a final plan. The submission of a sketch plan prior to the formal submission of a preliminary plan shall be optional.
- d. Minor Land Development shall require the submission and approval of only a final plan, in accordance with the provisions as set forth in Article 5 of this Ordinance.

The owner of record and/or the applicant must attend the Township Planning Commission meeting for the purpose of presenting the plans and to respond to questions.

SECTION 302 SKETCH PLAN REVIEW

- 302.1 Prior to submitting a major subdivision application or a land development application, the applicant is advised, but not required, to submit a sketch plan to the Hanover Township Planning Commission. The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The Planning Commission may provide advice and comment on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other related regulations.
- 302.2 The applicant shall submit an application and ten (10) copies of a sketch plan to the Subdivision Administrator or person designated to accept such copies not less than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission Meeting.
- 302.3 The sketch plan shall be drawn to a scale of not greater than one (1") inch equals fifty (50') feet and shall address:
 - a. All land which the applicant proposes to subdivide and/or develop.

- b. All land within two hundred (200) feet of site's boundaries and the names of the subject property owners based upon the records of the Luzerne County Assessor's Office.
- c. All existing and proposed streets, proposed lot sizes, natural features including topographic contours, sewage disposal, drainage, water supply and related utilities

Upon reviewing a sketch plan, the Planning Commission shall advise the applicant of any initial changes and/or additions, if any, which should be addressed relative to the proposed design, layout, and character of the site.

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Subdivision Administrator or person designated not less than fifteen (15) days prior to the next regularly scheduled meeting of Planning Commission:

- a. Four (4) prefolded copies of the plan (sketch, preliminary or final) and one electronic copy of said plans in a PDF file format.
- b. Four (4) prefolded copies of construction plans (if applicable) and one electronic copy of said plans in a PDF file format.
- c. A completed subdivision or land development application with original signatures and one electronic copy of the same in a PDF file format.
- d. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection and one electronic copy of the same in a PDF file format.
- e. A complete set of any supporting data and/or information, including the deed of record of the property, and one electronic copy of the same in a PDF file format.

SECTION 304 DISTRIBUTION OF PLANS

- 304.1 The Subdivision Administrator shall retain the original copies on file at the Township Building of the subdivision and/or land development application, a complete set of plans (preliminary or final), supporting data and information, and the DEP Planning Module and provide the Planning Commission, the Solicitor to the Planning Commission and the Township Zoning Officer with an electronic copies of the same in a PDF file format.
- 304.2 The Subdivision Administrator shall provide, as applicable, a copy of the subdivision and/or land development application, a complete set of plans (preliminary or final), supporting data and information, deed of record of the property and the DEP Planning Module, to the Luzerne County Planning Commission for its review and comment.

304.3 The applicant shall be required to distribute, as applicable, and provide dated written verification of the same to the Subdivision Administrator, copies of the subdivision and/or land development application, a complete set of plans (preliminary or final), supporting data and information, and the DEP Planning Module to the following agencies and officials for review, comment and approval, as applicable.

- a. The Luzerne Conservation District.
- b. The Wyoming Valley Sanitary Authority
- c. The Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department if a proposed subdivision or land development fronts upon or is to have access to a road under its jurisdiction.
- d. The Pennsylvania Department of Environmental Protection.
- e. Township Engineer
- g. Township Fire Chief
- h. Township Police Chief
- i. All applicable utility companies intended to service the site.
- j. The Hanover Area School District.
- k. Adjoining municipalities that have a common border with the proposed subdivision and/or land development.

304.4 The applicant shall pay and/or reimburse the Township for any applicable fees related to the review and inspection of plans by other agencies and parties provided under Section 304.2 and Section 304.3.

SECTION 305 LUZERNE COUNTY REVIEW

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

SECTION 306 PUBLIC HEARING

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

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

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

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

or

b. provision of a form of financial security, acceptable by the Planning Commission, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

SECTION 308 PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 The Planning Commission shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was properly submitted to the Township.

308.2 The Planning Commission shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

308.3 When an application and plan (preliminary or final) is not approved as submitted, the Planning Commission's decision shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.4 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Planning Commission shall include in their notification that the applicant, may notify the Planning Commission of his refusal to accept all said conditions in writing. In such cases, the Planning Commission's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event the applicant fails to notify the Planning Commission of his refusal to accept all said conditions within the thirty day time period, all conditions shall stand granted and deemed accepted by the applicant.

308.5 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Planning Commission to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in

writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

- 309.1 Until a submission is approved or rejected by the Planning Commission, the applicant may withdraw the submission for the purpose of revising said plan. Withdrawing a plan shall be done in writing and shall clearly state the basis of the withdrawal. If a revised plan is submitted within 60 days from the date of withdrawing said plan, no additional application fee shall be charged by the Township for the first revision. Failure to resubmit a revised plan within said period of time, or any subsequent revision shall be treated as a new submission for which a new application fee shall be required. No additional fee shall be charged for plan revisions which are directed to be undertaken by the Planning Commission. The Planning Commission shall have the discretion to require a revised plan to be subject to additional review and comment procedures under Section 304.2 and Section 304.3 of this Ordinance, with the applicant responsible for payment of any applicable fees.
- 309.2 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.
- 309.3 The Planning Commission may render a determination that the scope of the revisions are substantial in nature to warrant any additional review by any party and/or agency noted within Section 304.2 and Section 304.3 of this Ordinance. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

SECTION 310 RECORDING OF FINAL PLAN

- 310.1 The applicant shall record the final plan as approved by the Planning Commission in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days from the date of final approval, unless an extension has been granted in writing by the Planning Commission. Three copies of the final plan as recorded shall be provided to the Township's Subdivision Administrator or designated person. Failure by the applicant to record the final plat within ninety (90) days, or an approved extension of the time period, will result in the Planning Commission's approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.
- 310.2 A final plan shall not be submitted for recording within the Recorder of Deeds Office unless it contains and conforms to the following:
- A. Unless different sized sheets are required by the Luzerne County Recorder of Deeds Office, all sheets of said plan shall be drawn upon 24" x 36" sheets and shall be sequentially numbered.

- B. Said plan shall bear the owners original signature (s) and appropriate acknowledgments for ownership and recording of said plan, which shall be signed, stamped and sealed by a licensed notary attesting to the same.
- C. Said plan shall bear the original signature and seal of the Registered Professional Land Surveyor and/or Professional Registered Engineer who prepared the plan.
- D. Said Plan shall bear the original signature (s) and/or seal indicating that said plan has been approved by the Hanover Township Planning Commission and reviewed by the Luzerne County Planning Commission.
- E. Said plan shall bear the original signatures of the Chairman and Secretary of the Township Planning Commission.
- F. Said plan shall contain a certified PIN (Property Identification Number) for the subject subdivision/land development.

310.3 Within fourteen (14) days from the date on which the final plan is recorded, the applicant shall furnish to the Township's Subdivision Administrator or designated person, a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office and a copy of the Plan as recorded.

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision or land development plan, the Planning Commission. may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. The Planning Commission may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission. shall be granted concurrently with final approval of the plan.

ARTICLE 4
MAJOR SUBDIVISION/LAND DEVELOPMENT
PLAN REQUIREMENTS

SECTION 401 INITIAL REVIEW

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

SECTION 402 PRELIMINARY PLAN REQUIREMENTS

Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article 2), as applicable, and required by State law. The following plans and maps shall bear the name, signature, address, and telephone number of the Qualified Professional responsible for preparing the plan or map, including certification of the accuracy of the plan and its conformance to the provisions of this Ordinance and the Hanover Township Zoning Ordinance and Stormwater Management Ordinance. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

402.1 Preliminary Plan - Drafting Standards

- A. The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than
 - (1) one (1) inch equals one hundred (100) feet for a property in excess of two (2) acres.
 - (2) one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.
- B. The original drawing, and all submitted prints thereof shall be black line drawings made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.
- C. All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- D. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- E. If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.
- F. Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed. Plans shall be legible in every detail.

- G. Preliminary Plans shall include a location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
- H. A block for the signatures of the Chairman and Secretary of the Planning Commission indicating the date of its approval of the preliminary plan.
- I. A block for the signatures and/or seal of the authorized party of the Luzerne County Planning Commission provided on the lower right-hand side the plan, indicating its review of said plan.

402.2 Preliminary Improvement Plan

The Preliminary Plan shall contain the following information:

- A. Significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other noteworthy site features
- B. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way.
- C. Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
- D. Approximate location of proposed drainage easements, stormwater and other management facilities.
- E. Where central water service is to be permitted, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- F. Where community sewage service is to be provided, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
- G. Documentation of available sewage capacity for proposed development and verification of approval for proposed connection to the sewer system.
- H. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites.
- I. Limit-of-disturbance line for the overall development of the property.
- J. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

- K. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- L. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- M. Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning and construction materials.
- N. Utilities and Easements.
 - 1. Exact locations of existing utility easements and approximate locations of proposed utility easements.
 - 2. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - 3. The tentative location of proposed on-site water facilities.
- O. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- P. The name and address of record owner, with source of title by deed book and page number and affidavit of ownership that carries a Notarial Seal. If the owner of record is a corporation or similar legal entity, the names and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock shall be provided within the affidavit of ownership.
- Q. Name and address of applicant if different from owner. If the applicant is a corporation, provide name and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock.
- R. Name of proposed subdivision or land development, labeled as the "Preliminary Plan".
- S. North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- T. The names and addresses of all current adjoining landowners, including applicable PIN numbers.
- U. The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the required setback lines on both streets shall be shown.

402.3 Additional Supporting Documentation

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Typical super elevated sections.
 - 4. Typical parallel drainage.
- B. Profiles along the top of the cartway center-line, or as otherwise required by this Ordinance, showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or land development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. Proof of legal interest in the property and the latest deed of record.
- G. Applicable potable water supply information in accordance with Section 621 and Section 622 of this Ordinance. In the case of community water systems the following shall be required:
 - 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.
 - 3. Connection to central system - A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
 - 4. New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - 5. A copy of any application for any permit, license or certificate required by PA DEP or the Pennsylvania Public Utility Commission for the construction and operation of any proposed central water supply system.

Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or the Pennsylvania Public Utility Commission.
- H. Applicable Sewage Disposal Information:

1. Completed sewage facilities planning module(s) and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Connection to Hanover Township Sewage System and documentation from the Wyoming Valley Sanitary Authority that service will be provided and that the Applicant has complied with all requirements of Hanover Township and the Wyoming Valley Sanitary Authority.
 3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- I. A list of any public utility, environmental or other permits and/or approvals required; and, if none are required, a statement to that effect certified by the Qualified Professional responsible for preparing the plan
 - J. Soil erosion and sedimentation control plan application and related information as required by the Luzerne County Conservation District.
 - K. Drainage/stormwater management plan, which includes the location, size and material of all storm drainage facilities, meeting the requirements of this Ordinance, the Stormwater Management Ordinance of Hanover Township, and as applicable regulations of Pennsylvania Department of Environmental Protection.
 - L. If applicable, a statement indicating any pending proposed zoning variances or subdivision waivers/modifications sought for the proposed development. Such waivers and/or modifications shall be secured prior to approval of a preliminary plan,
 - M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines.
 - N. Highway occupancy permit. A copy of the application for a Highway Occupancy Permit as required by the Pennsylvania Department of Transportation, Luzerne County and/or Hanover Township, shall be provided for all driveways and/or proposed points of access. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed restriction shall be required for the subject property that prohibits development or improvements to the site or parcels until the appropriate Highway Occupancy Permit and/or Driveway Permit is secured.
 - O. If applicable, engineering design of proposed bridges or culverts prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
 - P. If applicable, a Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or

facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to Hanover Township. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

- A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
 - Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
 - A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
 - Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
 - Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
 - Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
 - Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
 - A process of collection and enforcement to obtain funds from owners who fail to comply.
 - A process for transition of control of the Community Association from the developer to the unit owners.
 - Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
 - Provisions for the dissolution of the Community Association, in the event the Association should become unviable.
- Q. A plan for the ownership and maintenance of all improvements and common areas.
- R. Preliminary Open Space Ownership and Management Plan. For subdivisions and other developments with designated open space, the applicant shall submit a preliminary open space ownership and management plan describing the entities

responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property.

S. Landscaping Plan:

T. Any Impact Analysis as deemed necessary by the Hanover Township Planning Commission.

U. Utility Companies

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

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

CALL BEFORE YOU DIG!

BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA

CALL 1-800-242-1776

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

V. Cost of Improvements

Estimated costs by item for required improvements in accordance with Section 704 of this Ordinance.

W. A Development Agreement prepared by the Township Solicitor which is notarized and signed by the developer.

X. Reimbursement to the Township: An executed written agreement under which the applicant agrees to fully reimburse the Township for any and all administrative fees, consulting fees, including legal fees incurred resulting from the review of plans, applications and supporting information, data and/or reports or studies and/or inspection of work. In providing for such an agreement, the Township, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the Township's withdrawal of funds for the payment of consulting fees incurred by the Township. The above required reimbursements shall be in addition to the applicable application fee payable to the Township.

SECTION 403 FINAL PLAN REQUIREMENTS

Drawings and/or plans shall be titled "Final Plan." The Final Plan shall include all additional information and any changes required by the Planning Commission in granting approval of the Preliminary Plan. It shall not be necessary to resubmit all supporting data, required under the Preliminary Plan, provided there have been no changes. In the event of any changes, a narrative report listing of all changes and the basis for each change shall be submitted with the final plan as outlined in outlined in Section 308 of this

Ordinance shall apply. The following additional information shall be included on the Final Plan:

SECTION 404 FINAL PLAN INFORMATION

The Final Plan shall be drawn to the same drafting standards as approved for the Preliminary Plan, containing all of the information required on the Preliminary Plan, and the following additional information:

- A. The full plan of the proposed development including, but not limited to, the following information and data:
1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 2. All dimensions in feet and hundredths of a foot.
 3. All bearings to the nearest one second of the arc.
 4. Street names.
 5. Street widths and right-of-way and easement widths.
 6. A clear sight triangle shall be shown for all street intersections.
 7. Block and lot numbers.
 8. Total tract area and area of each lot to the nearest 1/100th of square feet or acres.
 9. Location and type of permanent monuments and markers which have been found or set in place.
 10. The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown.
 11. A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and, if the covenants are recorded, including the book and page.
 12. The deed book volume and page number referencing the latest source(s) of title to the land being developed.
 13. Luzerne County property identification number.
 14. The location, ownership and maintenance responsibility of common facilities.

15. Utility and drainage easements, including ownership and maintenance responsibility.
16. Name, address, license number, seal and signature of the Qualified Professional (see definition in Article 2) responsible for the preparation of the plan.

B. The following items and notes, as applicable shall be on all Final Plans

1. "Wells and sewage disposal systems have and/or shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection."
2. "Individual owners of lots must apply to the Township's Sewage Enforcement Officer for a sewage permit prior to the construction of any on-lot sewage disposal system."
3. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
4. "All lots shown on this plan are subject to the rules and regulations contained in the Hanover Township Zoning Ordinance."
5. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following note shall be provided: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."

If any streets are not offered for dedication to public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review by the Township's Solicitor and approval by the Planning Commission, establishing the conditions under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Township's design specifications at such time the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Township Engineer, to provide the needed improvements required for conformance to the Township's design specifications at the time of such dedication.

6. "Highway occupancy permits are required for access to roads under the jurisdiction the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
7. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Planning Commission shall not in any manner be

construed to be an approval of compliance with statutes or regulations relating to wetlands. Hanover Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."

8. If on-site subsurface sewage disposal is proposed the following note shall be provided: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and, a sewage permit will be required prior to the issuance of any building permit."

SECTION 405 SUPPORTING DOCUMENTS AND INFORMATION

The following supporting documents, information and/or approvals shall be submitted with the Final Plan for major subdivisions:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical super elevated sections.
 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this Ordinance.
- C. Any existing and finally proposed deed restrictions and protective or restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Proof of legal interest in the property, and the latest deed of record.
- F. Applicable Water Supply Information including in the case of community systems:
 1. A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 2. Preliminary design of any central water supply system.
 3. Connection to central system - A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
 4. New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

5. A copy of any application for any permit, license or certificate required by PA DEP or the Pennsylvania Public Utility Commission for the construction and operation of any proposed central water supply system.

Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or the Pennsylvania Public Utility Commission.

- G. Applicable Sewage Disposal Information:
1. Completed sewage facilities planning module(s) and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 2. Connection to the Hanover Township Sewage System. Documentation from the Wyoming Valley Sanitary Authority that service will be provided and that the applicant has complied with all Township and Authority requirements.
 3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- H. All required state or federal environmental permits.
- I. Approved applicable State and/or County Highway Occupancy Permits and/or Township Driveway Permits. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed restriction shall be required for the subject property that prohibits development or improvements to the site and/or any lots or parcels until the appropriate Highway Occupancy Permit and/or Township Driveway Permit is secured.
- J. Soil erosion and sedimentation control plan approved by the Luzerne County Conservation District, and if applicable NPDES Permit.
- K. The approved final drainage/stormwater management plan.
- L. Final bridge designs and required state or federal approvals.
- M. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. A final Community Association Document in accordance with the provisions of Section 402.3 (P) of this Ordinance
- O. An executed Development Agreement in accordance with the provisions as set forth in the Appendix of this Ordinance
- P. Final Open Space Ownership and Management Plan: The applicant shall submit a final open space ownership and management plan describing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property.
- Q. Final Landscaping Plan.

- R. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

- S. Upon completion of all required improvements, final “as built” drawings of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems, with written certification from the applicant’s engineer which notes that the above plans and/or drawings are in compliance with the applicable governing design standards and/or have been installed in compliance with said plans or drawings. The submission of the above referenced “as built” drawings shall precede the release of any remaining funds placed as a financial security by the developer.

- T. Any other information deemed necessary by the Planning Commission, including but not limited to, any Impact Analysis, based on any specific characteristics of the proposed subdivision and/or land development.

SECTION 406 RECORDING OF PLAN

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

ARTICLE 5

MINOR SUBDIVISION/LAND DEVELOPMENT

SECTION 501 ONLY FINAL PLAN REQUIRED

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

SECTION 502 SUBMISSION PROCEDURE

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

SECTION 503 DISTRIBUTION OF PLAN

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

SECTION 504 DRAFTING STANDARDS FOR MINOR PLANS

504.1 The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale not greater than:

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property not in excess of two (2) acres.

504.2 The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

SECTION 505 PLAN REQUIREMENTS

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

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

505.2 Name and address of applicant if different from owner. If the applicant is a corporation, provide name and titles of all corporate officers, directors and stockholders owning more than five percent (5%) of any class of stock.

- 505.3 Name of proposed subdivision or land development.
- 505.4 Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.
- 505.5 North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.
- 505.6 Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.
- 505.7 The total number of proposed lots, within a subdivision, with identification numbers for each or for a land development, the location of buildings upon the lot with identification numbers for each. Markers shall be provided for all proposed lots. Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter placed flush with the surrounding grade.
- 505.8 The dimensions and area of all lots, expressed in both square feet and acres.
- 505.9 The Zoning District or Districts, delineated upon the Plan, along with the required building setback line and/or the proposed placement of each building shall be shown, and where corner lots are involved, the setback lines on both streets shall be shown. The location of driveways must be shown.
- 505.10 The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.
- 505.11 The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.
- 505.12 The distance of all existing structures to lot lines, front, rear and side, that will fail to meet the minimum setback distance upon approval of the plan.
- 505.13 The names of all adjoining property owners, including block and lot numbers from the Luzerne County Assessor's Office.
- 505.14 All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names and right-of-way widths.
- 505.15 All existing sewer lines, water lines, fire hydrants, utility transmission lines,

utility easements or right-of-ways, public right-of-ways (including paper streets), any form of easements, culverts, storm drains, bridges, railroad right-of-ways, and other significant man-made features located within the boundaries of the proposed subdivision or land development.

505.16 Existing watercourses, streams, ponds, wetlands, floodplain and/or flood prone areas, wooded areas, tree masses and rock outcrops within the proposed subdivision or land development.

505.17 With regard to wetlands, all plans must specifically address the subject of whether any wetlands are located upon the site based upon the National Wetlands Inventory Maps and/or the presence of hydric soils. If wetlands are located within the site, a delineation of all wetlands boundaries, upon the site shall be provided by a person with appropriate training and experience in the identification of wetlands. The inclusion of wetlands upon the site shall require a complete survey, delineation and total acreage of said wetlands boundaries included upon the plans. The total acreage of any wetlands area proposed to be disturbed shall also be indicated upon the plans.

Any parcels or portions thereof, which are not intended to be developed in any manner, including but not limited to new structures, shall be exempt from providing the above information subject to clearly indicating such areas upon the plan and including written notification of the same upon the plan as recorded.

505.18 Existing contour lines at vertical intervals of:

- not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
- not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
- not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

SECTION 506 INFORMATION TO BE SUBMITTED WITH PLAN

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

- (a) Proof of ownership including a copy of the existing deed.
- (b) Application for Minor Subdivision Plan or Minor Land Development Plan and the required fee.
- (c) Required fee for Luzerne County Planning Commission review.
- (d) Approved Highway Occupancy Permits and/or Township Driveway Permits. If the location of any driveway and/or any proposed point of access has not yet been determined, a deed

restriction shall be required for the subject property that prohibits development or improvements to the site or parcels to until the appropriate Highway Occupancy Permit and/or Township Driveway Permit is secured.

- (e) If applicable, a letter of commitment from the Wyoming Valley Sanitary Authority can and shall adequately serve the proposed subdivision or land development and accept the conveyance of sewage for treatment and disposal, including any conditions required for the provision of service.

Sewer Laterals - In the event that a subdivision is proposed for the division of property which contains two or more residential units, a separate sewer lateral must be provided to each residential unit therein.

- (f) Written certification, when applicable, from the appropriate public utility company, which authorizes and approves the provision of water, gas and electrical service for the proposed subdivision and/or land development, including any conditions required for the provision of service.

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

CALL BEFORE YOU DIG!

BEFORE YOU DIG ANYWHERE IN PENNSYLVANIA

CALL 1-800-242-1776

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

- (g) Copies of deed restrictions, those existing, and those to be included upon recording of plan.
- (h) Copies of description of easements, existing easements of record and any proposed easements to be included upon recording of plan.
- (i) If applicable, an appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.
- (j) An appropriate Planning Module for Land Development, approved by DEP.
- (k) Any other information as required by the Hanover Township Planning Commission..

- (l) A written agreement to reimburse Hanover Township for cost of all professional consulting and legal fees incurred by the Township for the review of the application, plans and supporting information, data and/or reports or studies, including but not limited to, any required Impact Analysis and site inspections of the property to insure compliance with the terms of approval and required improvements.

SECTION 507 FINAL PLAN INFORMATION

The following items and notes, as applicable shall be on all Final Plans

1. "Wells and sewage lateral and/or connections to sewers located in Hanover Township shall be constructed in accord with the current applicable standards of Hanover Township and the Pennsylvania Department of Environmental Protection."
2. "All lots shown on this plan are subject to the rules and regulations contained in the Hanover Township Zoning Ordinance."
3. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following note shall be provided: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefiting from the use thereof."
4. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
5. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Township shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Hanover Township shall have no liability or responsibility for the same to the Developer or purchaser(s)."

SECTION 508 RECORDING OF PLAN

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

ARTICLE 6

DESIGN STANDARDS AND SPECIFICATIONS

SECTION 601 APPLICATION

The standards and requirements contained within this Article and the applicable requirements within the Township's Zoning Ordinance and Stormwater Management Ordinance shall apply to all major subdivisions and land developments unless otherwise noted. Said standards and requirements are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare. These standards and requirements shall be applied as such by the Hanover Township Planning Commission in reviewing and evaluating plans for all proposed major subdivisions and/or land developments. Compliance with all standards shall be documented by the applicant at the time of the submission of the preliminary plan and application:

SECTION 602 GENERAL REQUIREMENTS

A. PLANNING

The development shall generally conform to Community Development Objectives of this Ordinance and those contained within the Hanover Township Zoning Ordinance.

CONTIGUOUS LANDS

Where the owner of a site under consideration for development, owns contiguous land that may be suitable for development, the subdivision plan shall include all contiguous lands. This provision however, may be waived in full or in part by the Township, if it is not considered essential to the evaluation of the plans for the current development tract.

B. REMNANTS; DEVELOPMENT DESIGN; NEIGHBORING DEVELOPMENT

All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations.

C. HAZARD AREAS

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

D. IMPROVEMENT SPECIFICATIONS

The design standards and requirements as outlined in this Article shall be utilized by the Planning Commission in evaluating the plans for all proposed subdivisions and land developments. Altered design standards, including more stringent specifications may be required, in cases where the Planning Commission finds that such specifications are essential to protect the health, safety and general welfare of the residents of Hanover Township and/or the environment of the Township.

Any request to modify the design standards and/or requirements below those contained within this Article shall be considered in accordance with Section 107 of this Ordinance.

E. OTHER ORDINANCES

Whenever a Township County, State or Federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this Ordinance, the higher or more restrictive standard shall apply.

SECTION 603 LOW IMPACT PLANNING AND DESIGN STANDARDS

The standards for resource conservation, as set forth in this Article, shall apply to all subdivision and land developments in the Township for the purpose of minimizing land disturbances and to encourage low-impact development.

A. General Standards to Minimize Adverse Impacts

All subdivisions and land developments shall avoid or minimize adverse impacts on the Township's natural, cultural and historic resources, as defined below.

B. Groundwater Resources

This section is intended to ensure that the Township's groundwater resources are protected in conjunction with those provided for in other sections of this ordinance, dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

C. Stream Valleys, Swales, Springs, and Other Lowland Areas

Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats.

D. Riparian Buffers

1. In order to protect and improve water quality a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.

- a. A Riparian Buffer Easement shall be measured to the greater limit of the 100 year floodplain or a minimum of 50 feet on each side from the top of the stream bank.
- b. Minimum management requirements for Riparian Buffers shall include:
 - Existing native vegetation shall be protected and maintained with the Riparian Buffer Easement.
 - Whenever practicable invasive vegetation shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site
- c. The Riparian Buffer Easement shall be enforceable by the Township and shall be recorded in the Luzerne County Recorder of Deeds Office, so it shall run with the land and shall limit the use of the property located therein. The easement shall allow with the continued private ownership and shall count toward the minimum lot area as required by the Zoning Ordinance.
- d. Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100 year floodplain, improve or maintain the stream stability, and protect the ecological function of the floodplain.
- e. The following conditions shall apply when public or private recreation trails are permitted within Riparian Buffers:
 - Trails shall be for non-motorized use only.
 - Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.
- f. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 PA Code Chapter 73.

E. Woodlands

Woodlands are found throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

1. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
 - a. As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
 - b. As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
 - c. As a source of wood products, i.e., poles, sawtimber, veneer and firewood.

- d. As habitats for woodland birds, mammals and other wildlife.
 - e. As recreation resources for walkers, equestrians, picnickers and as well as other related outdoor activities.
 - f. As visual buffers between areas of development and adjacent roads and properties.
2. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or development lands. Evaluation criteria shall include:
 - a. Configuration and size.
 - b. Present conditions, i.e., stocking, health and species composition.
 - c. Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
 - d. Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
 - e. Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
 3. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in paragraph 1 above.
 4. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
 - a. To the maximum extent possible, healthy woodlands exceeding one acre shall be preserved and designated as open space. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
 - b. Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
 - c. Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Planning Commission and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.

F. Slopes

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

1. To the greatest extent possible, areas of steep slope shall be preserved in their natural state
2. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
3. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.
4. Grading or earthmoving on all sloping lands of 15 percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Township Engineer no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 ft. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

G. Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance can exist throughout the Township. Some of which may have been documented by the Statewide Natural Diversity Inventory or other sources. Developers shall to the greatest extent possible take reasonable measures to protect significant natural areas and features by incorporating them into proposed open space or avoiding their disturbance in areas proposed for development.

SECTION 604 MONUMENTS AND MARKERS

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

- A. Monuments shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.
- B. At the discretion of the Township Engineer, the monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Monuments shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

- C. Markers shall consist of either iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter. Markers normally shall be flush with the surrounding grade.
- D. Monuments shall be set as follows:
 - (1) One at each single angle of the perimeter of the property at all major subdivisions and land developments.
 - (2) One at the beginning and end of all curves along street right-of-way lines along one side of the street.
 - (3) A minimum of one at each street intersection along the street right-of-way line.
- E. Markers normally shall be flush with the surrounding grade.
- F. Markers shall be set as follows:
 - (1) At all points where lot lines intersect street right-of-way lines, except for monument locations.
 - (2) At all other lot corners.
 - (3) At all points where lot lines intersect curves.
 - (4) At all angles in property lines of lots.

SECTION 605 RESIDENTIAL BLOCKS

For blocks the following standards shall apply:

- a. Maximum length not to exceed 1,000 feet or not greater than 600 feet for a cul-de-sac;
- b. Be of sufficient width to permit two (2) tiers of lots. Exceptions to this prescribed block width shall include blocks adjacent to public streets, railroads, streams, other natural barriers.

SECTION 606 RESIDENTIAL LOTS

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

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

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

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

606.5 Double or reverse frontage lots shall be avoided except where required to provide separation of residential uses from arterial or collector streets or to overcome specific disadvantages of topography or orientation.

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

606.7 Flag lots shall be avoided when alternate development layouts would yield the same number of lots otherwise permitted with the elimination of flag lots. The approval of flag lots shall be subject to the following standards:

- a. Not more than five (5) percent of the lots within a major subdivision may be approved as flag lots.
- b. The access corridor portion of the lot shall not exceed three hundred (300) feet as measured from its intersection with the street right-of-way.
- c. The applicant shall prove to the satisfaction of the Planning Commission that proposed driveway would provide adequate access for emergency vehicles.
- d. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor portion of the lot.
- e. Approval of a flag lot shall be conditioned upon the existence or provision of a recorded deed restriction prohibiting any further subdivision of the flag lot.

SECTION 607 STREETS - GENERAL REQUIREMENTS

607.1 Any proposed subdivision or land development shall have frontage upon or access to an existing State, County, Township or private road.

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

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

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

- 607.5 All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-ways.
- 607.6 All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- 607.7 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development on adjacent tracts.
- 607.8 Any residential subdivision and/or land development containing thirteen (13) or more lots which do not front upon an existing off-site public road, shall provide within the overall traffic design of the site, not less than two separate points within the site where an interior road as part of the proposed subdivision and/or land development shall intersect with and provide access to an existing off-site public road.
- 607.9 Street lights shall be installed at the intersection of all residential streets, at the middle point of the terminus of a cul-de-sac and at other locations deemed necessary based upon field conditions or required by the Planning Commission.
- 607.10 All proposed connections to existing streets shall be approved by the jurisdiction in which the existing streets are situate. No proposed connection to an existing street will be approved if (1) existing intersections affected by the proposed development having an existing Level of Service of "A", "B", or "C" may be reduced to a Level of Service of less than "C" as a result of the maximum build out of the proposed development or (2) any existing intersection affected by the proposed development has an existing Level of Service of "D", "E" or "F". Provided however that said connection shall be permitted if the developer/owner/applicant makes arrangements satisfactory to the Township to assure that the Level of Services of the said existing intersections is an "A", "B", or "C". Said arrangement to be in writing. The Level of Service of said intersections both the current level and the level at build out shall be included in the required Traffic Study and shall be identified based upon Pennsylvania Department of Transportation standards and regulations as amended from time to time.
- 607.11 TRAFFIC STUDIES
- A. The applicant shall prepare a Traffic Impact Study (TIS) where any of the following conditions are met. All calculations shall be based on the Institute of Transportation Engineers, or its successor's, most recent manual and shall be based on full, complete build out of project regardless of the number of stages or phases.
1. The site is expected to generate 100 or more vehicle trips entering or exiting the development during any one hour time period of any day of the week.

2. If the entire site upon final build out, is expected to generate 3,000 or more average daily trips or 1,500 average vehicles per day.
3. Existing development sites that are expanded or redeveloped and the expanded or redeveloped site is expected to generate 100 or more trips entering or exiting the site during any one hour period of any day of the week.
4. The elimination of a street or road resulting in redistribution of traffic onto the existing roadway network.
5. The Township may require a Traffic Impact Study when its Engineer determines that the development is expected to have significant impact on its existing highway, street and/or road system regarding safety or traffic flows even if none of the conditions above are met.
6. If a Traffic Impact Study determines any traffic signalization is required for a proposed subdivision or land development, the applicant shall be responsible for such costs. Any required traffic signalization shall be installed with an emergency vehicle traffic light preemption system for preemption of traffic lights at an intersection to allow safe passage of emergency vehicles.

607.12 Streets shall be designed with drainage grates that are safe for crossing by bicycles.

607.13 All streets being offered for dedication must meet the Pennsylvania Department of Transportation (Penn DOT) requirements for liquid fuel allocation.

607.14 Streets offered for dedication shall provide any required dedicated facilities to include the stipulated right-of-way, street geometry, street section, drainage facilities, and traffic control. Additional infrastructure may be required where design standards warrant further improvements based on traffic impact studies.

607.15 Proposed private streets (those not offered for dedication) shall meet all the design standards of this Article, including but not limited to right-of-way, curbs, sidewalks, drainage, construction, traffic control, and setbacks.

607.16 Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the Township may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment.

607.17 The Township shall determine the classification of roadway and street systems. This determination, if necessary, should be obtained prior to the design process.

607.18 All of the right-of-way shall be graded similar to the street grade. The slope of banks along street centerlines shall be no steeper than the following:

1. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
2. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

Where a cut or fill abuts a sidewalk there shall be a two (2) foot level area adjacent to the sidewalk and the fill slope shall not exceed three to one (3:1) slope.

607.19 Roadways with are bordered by embankments of 15% or greater shall require the design and installation guiderails and roadside safety devices per PennDOT Design Manual, Part 2 Highway Design (current edition)

SECTION 608 STREET NAMES

The applicant may propose names for all streets within a subdivision or land development prior to final approval. A proposed street name shall not include the name of any existing street in the Township, except that a street when planned as a continuation of an existing street shall bear the same name. Final approval of street names for streets subject to public dedication to the Township and/or private streets to remain under private ownership shall be vested with the Hanover Township Board of Commissioners based upon the prior approval of the same by the Luzerne County 911 Communication Center for Emergency Services and the United States Postal Service.

SECTION 609 STREET SIGNS

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

SECTION 610 TRAFFIC CONTROL MEASURES

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

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

Centerlines

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

Stop Lines

Twenty-four (24) inches wide white stop lines shall be painted that completely traverse all traffic lanes on each approach to a stop sign and/or crosswalk

All pavement markings shall be inlaid hot applied thermoplastic unless a higher standard is provided for in accordance with the latest edition of the Pennsylvania Department of Transportation Publication 408.

SECTION 611 CONTINUATION OF ROADS AND TEMPORARY DEAD-END ROADS

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and when such continuation is in accordance with the Township's objectives as provided for within the Section 103 of this Ordinance. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, a temporary cul-de-sac shall be with a minimum diameter of 100 feet shall be provided. The paving requirements shall be in accordance with the standards as set forth in the Appendix of this Ordinance unless a lesser standard is approved by the Planning Commission

SECTION 612 DEAD-END ROADS (PERMANENT)

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

SECTION 613 CUL-DE-SAC STREETS

- 613.1 A cul-de-sac street shall not be approved when a through street is more advantageous. Cul-de-sac streets shall be highly discouraged and shall only be approved when topographic and or field conditions necessitate the use of a cul-de-sac. The developer shall bear the burden of proof that development cannot be developed and/or designed without the use of a cul-de-sac.
- 613.2 Cul-de-sac streets shall not exceed 600 feet in length and furnish access to not more than thirteen (13) dwelling units. All lots fronting upon the arc of a cul-de-sac street shall have a frontage, as measured along the length of the arc, which results in a chord length of seventy-five (75) feet. Said requirement shall apply to all lots along the arc a cul-de-sac regardless of the Zoning District in which the subdivision is located. (SEE DRAWING IN APPENDIX)
- 613.3 No physical obstructions shall be located within six (6) feet of the edge of the cartway within a cul-de-sac, including but not limited to, mailboxes, utility poles, utility transformer boxes and/or similar above grade obstructions.
- 613.4 Any street which is temporary terminated, with planned future access to an adjoining property or because of authorized stage development, shall be design and constructed in compliance with Section 611 of this Ordinance.

613.5 An easement for the purpose of snow removal, having a size of not less than thirty-five (35) feet in length and 15 (fifteen) feet in depth, shall be provided upon the front yard areas of a lot or lots located at the end of a cul-de-sac.

SECTION 614 ACCESS TO ARTERIAL STREETS

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

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

SECTION 615 INTERSECTIONS

615.1 Streets shall intersect as nearly as possible at right angles. No two streets shall intersect with an angle of intersection at the centerlines of less than seventy-five (75) degrees.

615.2 Multiple intersections involving the junction of more than two streets shall be prohibited.

615.3 Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street.

615.4 Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. (See Diagram in Appendix)

615.5 The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

615.6 At intersections of streets the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs. For streets other than residential streets, based upon the recommendation of the Township Engineer, the Planning Commission may require a larger radius.

615.7 Street curbs or edges of pavement at street intersections, where they are required, shall be rounded off concentrically with property lines.

615.8 At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.

615.9 If the smaller angle of intersection of two streets is less than 60 degrees, radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Township Engineer.

SECTION 616 ROAD DESIGN, CONSTRUCTION AND PAVING STANDARDS

In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardship to adjoining properties, the Design Standards for Streets as set forth in the Appendix of this Ordinance shall apply. Copies of any major subdivision or land development shall be provided to Hanover Township Police Chief, Fire Chief and to the Public Works Department for their respective review and comments.

SECTION 617 LIMITED EXEMPTION FOR ROAD DESIGN STANDARDS

A subdivision or land development containing not more two (2) lots or two (2) detached single-family dwellings units may be serviced by a private street having a minimum right-of way of not less than twenty-five (25) feet. Said right-of-way shall be cleared of all vegetation and properly graded. The width of the cartway shall be not less than sixteen (16) feet and have a base consisting of six (6) inches of 2 A modified stone. All other design specifications for streets, as set forth in this Ordinance which do not conflict with the above shall apply.

Any subdivision or land development qualifying and wishing to provide a private street, designed as such, shall contain covenants and/or deed restrictions as a condition of approval, recorded with the approved plan and addressing the following:

1. The street shall remain as a private street, not subject to offer for public dedication, unless it is improved to meet or exceed all applicable design standards in effect at the time such offer is made.
2. A maintenance agreement and appropriate provisions which outline the parties responsible for the continued use of the street.
3. An agreement with the Township under which elected officials, appointed officials, representatives and/or employees of Hanover Township are held harmless from any liability related to the use and safety of a private street, including but not limited to, enforcement of the maintenance agreement in relationship to vehicular access of emergency vehicles.
4. Any further proposed development upon the site, excluding accessory structures, shall result in the development being classified as a major subdivision or major

land development, subject to all applicable design standards for such in effect at the time approval is sought for additional development.

5. The private street shall be designed and maintained in a manner to prohibit the discharge or drainage of stormwater onto any public right-of way.

SECTION 618 DRIVEWAYS

- 618.1 Driveways, where provided, shall be located not less than fifty (50) feet from any intersection whether on the same or opposite side of the adjoining street and provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications. Distance shall be measured between the centerline of the driveway, and the nearest intersecting street right-of-way line. No part of a driveway for a single family dwelling shall be located closer than ten (10) feet from a side property line.
- 618.2 No driveway shall be constructed opposite the paved cartway on the turn-around portion of a cul-de-sac street within the area bounded by the pavement edge lines as extended across the turn-around.
- 618.3 Driveways shall be so located as to provide reasonable sight distances of one hundred fifty 150 feet at intersections with streets and shall further comply with the Section 317 (Visibility at Intersections and Private Driveways) of the Township Zoning Ordinance.
- 618.4 The number of driveways shall not exceed one (1) per lot or, on lots with street frontages in excess of one hundred (100) feet, one (1) per one hundred (100) feet of street frontage. Such driveway may be of loop design.
- 618.5 Driveway entrances shall 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) or outside shoulder edge as applicable. For residential lots the entrance of the driveway shall have a minimum angle of 60 degrees, and for all other lots, 90 degrees. The maximum driveway width at the edge of the cartway shall be thirty (30) feet.
- 618.6 The entrance to the cartway from the driveway shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway or shoulder, as applicable. The shoulder slope shall be maintained for the full width of the shoulder.
- 618.7 Adequate drainage facilities shall be provided where driveways meet the street cartway. Driveway pipes are to be installed at locations where the Township Engineer determines them necessary. In cases where pipes are required, they shall be a minimum of fifteen (15") inches in diameter and shall be placed in line and on grade with the swale both upstream and downstream of the driveway. The minimum cover as recommended by the

manufacturer shall be placed above the pipe. In areas where pipes are not required, the shoulder and swale shall be constructed to accommodate the size and grade of the swale through the driveway. In no case shall the low point of the shoulder be other than the proper elevation, as referenced to the crown of the cartway, as well as the proper distance from the edge of the cartway.

618.8 Subdivisions should be designed to eliminate, where possible, driveways entering State or County highways. This shall be accomplished either by providing for a street parallel to the State or County highway and separated from it by a berm, or by laying out lots such that the rear lot lines abut the State or County highway right-of-way and that provision for driveways be made from the front of the lot onto a street of the subdivision.

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

618.10 Streets offered for dedication will not be accepted unless all driveways entering such streets meet the standards outlined above.

SECTION 619 STREET LIGHTING

Street lights shall be installed at the intersection of all streets, at the middle point and the terminus of a cul-de-sac and at other locations deemed necessary based upon field conditions or required by the Planning Commission

- a. Street lighting fixtures shall be of a type and design aesthetically acceptable to the Township.
- b. Street lighting shall meet IESNA fully shielded criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture).
- c. In cases where the Township accepts dedication of a proposed right-of-way, the Township shall also except dedication of street lighting facilities located within said street right-of-way.
- d. Until such time as the street lighting is dedicated and accepted by the Township, the developer of the tract shall be responsible for any and all costs associated with such street lighting.

SECTION 620 BRIDGES AND STREAM CROSSINGS

Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT Standards and Specifications. Evidence of compliance with and approval of the

Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection, shall be provided by the developer, if applicable.

SECTION 621 SOIL EROSION AND SEDIMENTATION CONTROL

The minimization of soil erosion and control of sedimentation in connection with land development and major subdivisions are in the public interest, affecting the health, safety, and welfare of the public, and therefore those regulations governing erosion and sedimentation are deemed necessary for the Township. All Soil Erosion and Sedimentation Control Plans shall be prepared and sealed by a licensed professional engineer in accordance with the "Erosion and Sedimentation Pollution Control Program Manual" DEP Document #363-2134-008624 or any subsequent revisions to said document.

621.1 General Standards:

- a. Soil Erosion and Sedimentation Control Plan Required: No changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been referred to and reviewed and approved by the Township Engineer and/or the Luzerne Conservation District. In cases when a proposed development will result in a total land disturbance of less than 5,000 square feet no formal plan shall be required. Developments resulting in a land disturbance ranging from 5,000 square feet to less than one acre of land shall require the submission of a Soil Erosion and Sedimentation Control Plan for review by the Township Engineer. All Developments resulting in a total land disturbance or one acre or greater shall require the submission of a Soil Erosion and Sedimentation Control Plan for review and approval by the Luzerne Conservation District.
- b. Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless there has been an Erosion and Sedimentation Control Plan approved by the Luzerne Conservation District or the Township Engineer as the case may be that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other form of financial security is deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements within five (5) years of preliminary plan approval or one (1) year of final plan approval.

The applicant and/or developer shall provide financial security as a construction guarantee in a form to be approved by the Township Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to install the facilities required by the approved plan. The financial security shall be released only after receipt by the Township of certifications and "As-Built" drawings as required.

- c. Minimum Requirements of Luzerne Conservation District to be Met:
Where not specified in this Ordinance, measures used to control erosion

and reduce sedimentation shall as a minimum meet the standards and specifications of the Luzerne Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Luzerne Conservation District.

621.2 Specific Standards: The following measures are effective for minimizing soil erosion and sedimentation and shall be included where applicable as part of the Soil Erosion and Sedimentation Control Plan

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

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

- a. Street Improvements: Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development.
- b. Cuts and Fills: Provision shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by the installation of temporary or permanent drainage improvements across or above these areas.
- c. Compaction of Fill: Fill material shall be acceptable per the review of the Township Engineer. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil. Material for fill, other than that for a roadway base or subgrade, shall be acceptable material per the review of the Township Engineer, placed in 12-inch loose lifts and compacted to 95% of the material's dry weight density as determined by Modified Proctor Test, ASTM D-1557, Method C or D.
- d. Fill Near Watercourses: No fill shall be placed within one hundred (100) feet of a watercourse or other body of water or within any area designated as a flood plain.
- e. Dust Control: During grading operations necessary measures for dust control shall be exercised.
- f. Stream Crossings: Grading equipment shall not be allowed to enter into flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges. Where necessary, written approval and/or permits must be secured from the proper state or federal agencies.

621.4 Responsibility

- a. Sedimentation Damage: Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the party listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or DEP causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- b. Maintenance of Control Facilities: Maintenance of all erosion and sedimentation control facilities during the construction and development period and until or unless they are accepted for dedication by the Township or other public authority shall be the responsibility of the party listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or PA DEP.
- c. Maintenance of Watercourses: It shall be the responsibility of the party undertaking any act on or across a communal stream, watercourse, or swale, or upon the flood plain or right-of-way, to secure all necessary

approvals and permits from the Pennsylvania Department of Environmental Protection. If there are no approvals and/or permits required from the Pennsylvania Department of Environmental Protection, written verification of the same must be provided to the Planning Commission. In the absence of any PA DEP jurisdiction, the stream, watercourse, swale, flood plain or right-of-way shall be maintained as nearly as possible in its present state during the pendency of the activity and to return it to its original or better than condition after such activity is completed.

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

No party shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the Planning Commission and/or the Pennsylvania Department of Environmental Protection, whichever has jurisdiction.

- d. Installation of Improvements: The applicant or developer listed as the permittee/co-permittee upon applications filed with the Luzerne Conservation District and/or PA DEP shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

621.5 Compliance with Regulations and Procedures

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

SECTION 622 WATER SUPPLY FACILITIES

Within any proposed subdivision or land development, if the water is to be provided by means other than by private wells, owned and maintained by the individual owners of the lots within the subdivision or land development, the developer shall present

evidence to the Planning Commission that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable as evidence.

SECTION 623 CENTRALIZED WATER SYSTEM

- 623.1 All major subdivisions and land developments shall be served by an approved public distribution system for water supply.
- 623.2 The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the Preliminary Plans.
- 623.3 When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed, with a required flow rate of 500 gallons per minute, at a pressure compliant with the most recent applicable standards of the National Fire Protection Code. The location and number of fire hydrants shall be determined on a case by case basis and coordinated with input from the Hanover Township Fire Chief. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.
- 623.4 All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting documentation, application for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Planning Commission as part of the public record. One copy of the permit and certificate of convenience issued by the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission authorizing such services shall be forwarded upon receipt to the Planning Commission as part of the public record.

SECTION 624 SEWAGE DISPOSAL FACILITIES

All subdivisions and land developments shall be served with a centralized sewage that is connected to sewage system of Hanover Township which meet or exceed the applicable minimum design standards as set forth by the Hanover Township, the Wyoming Valley Sanitary Authority and/or Pennsylvania Department of Environmental Protection. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DEP in accordance with Pennsylvania Code Title 25.

SECTION 625 CENTRALIZED SEWERS

- 625.1 All major subdivisions and land developments shall be served by centralized sewage disposal systems.
- 625.2 All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official Township Sewage Plan, and be approved by the appropriate agencies prior to Final Plan approval.
- 625.3 All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development, plus additional flow as may be projected to be generated by adjacent properties.
- 625.4 All individual lateral connection shall be installed to the curb/right-of-way line at the time of initial installation of the system.
- 625.5 All systems classified as Sewage Services, as defined in Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations shall be designed and constructed in accordance with regulations and requirements set forth in the most recent edition of the "Sewage Manual" prepared by the Bureau of Water Quality Management of Department of Environmental Protection and the applicable regulations of Hanover Township.

SECTION 626 STORM WATER MANAGEMENT PLAN

The required Stormwater Management Plan shall be designed to provide performance-based "best management practices" ("BMPs") as set forth in the DEP document titled "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 December 30, 2006 or the most recent edition of the aforementioned document. The aforementioned Manual lists various BMPs which are acceptable to manage stormwater and prevent pollution of waters of the Commonwealth. The applicant's selection of a BMP shall be further consistent with the following:

- 626.1 Licensed Professional Engineer: The Stormwater Management Plan for any subdivision or land development shall be prepared and sealed by a licensed professional engineer.
- 626.2 Review by Township Engineer: The Planning Commission shall submit one (1) copy of the Stormwater Management Plan to the Township Engineer for review and comment.
- 626.3 Stormwater Collection System
 - a. Material - All required storm drainage facilities within the public right-of-way shall be designed as underground piping system. Said storm pipe shall be either Reinforced Concrete Pipe or Thermoplastic Pipe per PennDOT Publication 408.
 - b. Design Features - Methods of construction for all storm drainage facilities shall

conform with all applicable PennDOT Specifications. This requirement shall be the obligation of the parties who shall erect structures on any parcel within a subdivision and/or land development. The developer shall include such requirement in the sales contract and in deed restrictions.

- c. Location - Wherever practical, storm drains shall be located adjacent to the curb and within the right-of-way of the street.
- d. Size and Grade - storm drains shall have a minimum internal diameter of 15 inches and a minimum grade of 1%, unless otherwise approved by the Township Engineer.
- e. Manholes - manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than 300 feet apart on a pipe of 24 inches of internal diameter or less, and not more than 500 feet apart where larger sizes are installed. Inlets may be substituted for manholes where they serve a useful purpose.
- f. Inlets - inlet spacing shall be so arranged that 95% of the gutter flow will be captured. Inlets at Street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so wrapped as to direct the water into the inlet. Bicycle grates shall be installed at all inlets.
- g. Castings - Manholes in inlet castings, together with their covers or gratings shall conform to the standards of PennDOT as may be in effect at the time the design is submitted.
- h. Stormwater Roof Drains - Stormwater roof drains in pipes shall not discharge water directly into a road surface or road right-of-way. Where storm drains are accessible, the roof drain shall be connected thereto. This requirement shall be the obligation of the parties who shall erect structures on any parcel within the subdivision and/or land development. The developer shall include such requirement in the sales contract and in the deed restrictions.

626.4 Function and Design Features: Storm drainage systems and facilities shall be constructed in order to provide for the following:

- a. Improve water quality at point of discharge.
- b. Permit unimpeded flow of natural water courses except as modified by storm water detention facilities.
- c. Insure adequate drainage of all low points along the line of streets.
- d. Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.
- e. Provide positive drainage away from on-site sewage disposal systems.

- f. Take surface water from the bottom of vertical grades and lead water from springs. use of cross gutters at street intersections and elsewhere is prohibited.
- g. Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.
- h. Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.
- i. Energy dissipaters shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- j. The minimum size diameter of a drainage pipe shall be fifteen (15) inches, unless otherwise approved by the Planning Commission, based upon a recommendation by the Township Engineer. The minimum value for "v" (velocity) in pipes shall be 2.5 ft/sec to achieve self-cleaning, unless otherwise approved by the Township Engineer.
- k. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 500 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, in accordance with PA DOT Standards, no further allowance shall be made for flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. Design of inlets must account for any bypass flows from upgrade inlets.
- l. Stormwater runoff calculations shall be calculated from methods as set forth in the DEP document titled "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, as approved by the Township Engineer.
- m. Stormwater control system design calculations shall be based on methods as set forth in the DEP document titled "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, as approved by the Township Engineer.
- n. All inlets and manholes shall be either precast or poured-in-place concrete. No block construction will be allowed. Inlets and manholes shall be provided with grade adjustment rings to facilitate raising or lowering as may be required.

626.5 Drainage

- a. All lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. However, all lots shall also be graded to retard storm water runoff from the land to take maximum advantage of natural on-site storm water percolation into the soils. Natural drainage courses shall be maintained.
- b. The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of storm water across lots located

on the lower side of roads or streets, and to divert flow away from building areas, the cross section of the street as constructed shall provide for parallel curbing which shall discharge only at drainage easements

- c. The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.
- d. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- e. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the existing runoff that will occur from the property at a higher elevation in the same watershed.
- f. Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Commission before Preliminary Plan Approval.
- g. All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be a minimum of two percent (2.0%) away from the centerline unless otherwise approved by the Township Engineer.
- h. All proposed surface drainage structures shall be indicated on the Preliminary Plan. Stormwater Management Plans shall include all appropriate designs, details, dimensions necessary to clearly explain proposed construction materials and elevations.
- i. Interceptors for storm water runoff along streets shall be so spaced and so designed to intercept eighty (80%) percent of the peak runoff from the design storm.
- j. A storm sewer system shall be separate from the sanitary sewer system.
- k. Storm drainage facilities shall be designed and provided to convey flow of surface waters without damage to persons or property.

626.6 Ownership and Maintenance Program, subject to approval by the Hanover Township Board of Commissioners shall be required and provided in conformance with Article 5 of the Hanover Township Stormwater Management Ordinance. Each Grading and Stormwater Management Plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all temporary and permanent storm water facilities, and erosion and sedimentation control facilities, including;

- a. Description of temporary and permanent maintenance requirements.
- b. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.
- c. Establishment of suitable easements for access to all facilities.
- d. The intent of these regulations is to provide private ownership and maintenance of storm water and erosion and sedimentation control facilities. Where the grading and Stormwater Management Plan proposes Township Ownership and/or maintenance, a description of the methods, procedures, and the extent to which any facilities shall be turned over to the Township, including a written approval and agreement from the Township indicating acceptance of responsibilities as proposed, shall be incorporated as an integral part of the plan.

626.7 Drainage Easements: Drainage easements shall be provided adjacent to street rights-of-way, streams, side property lines and rear property lines as required by the Planning Commission. Drainage easements shall be a minimum width of:

- a. Ten (10') feet adjacent to a street right-of-way plus the width of any required pipe or other necessary improvements.
- b. Twenty (20) feet when following side and rear lot lines. Such easements shall, to the fullest extent possible, either immediately adjoin or be centered on such lot lines,
- c) Streams (See Section 603(D)

625.8 Calculating Storm Water Runoff: The general criteria for calculating storm water runoff shall include the following:

- a. Point of Evaluation: The point of evaluation shall be the point or points at which the storm water leaves the development site. The Township Engineer may require additional points of evaluation beyond the development site as he deems necessary.
- b. Method of Computation: The acceptable methods of computation shall be those that are contained in the publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006.
- c. Rainfall Frequency Data: Rainfall frequency data are available from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 precipitation frequency estimates and associated information.
- d. Design Storms:

-All storm water drainage facilities and components, including but not

limited to storm water retention/detention facilities shall be designed on the basis of providing rate control for all storms of a 24-hour duration and for frequencies of 2, 10, 25, 50 and 100 years.

Emergency spillways shall be designed to pass the expected post development flows for a one-hundred (100) year storm frequency, assuming the principal spillway is 100 percent blocked.

Storm sewer systems shall be designed to handle the peak rate of runoff from a storm of 25-year frequency. This design shall be used for (i) building drains and (ii) local streets. Culverts shall be sized for the following classes of roads and storm frequencies: (i) secondary (collector) roads for storms of 25-year frequency; (ii) primary (arterial) highways for storm of 25-year frequency; and (iii) expressways for storms of 50-year frequency.

Greater design frequencies may be imposed on individual projects if deemed necessary for particular uses of land by the Township Engineer.

Where State or Federal laws impose a greater design frequency, they shall prevail.

- e. Release Rate: The release rate of storm water from retention/detention facilities shall be in compliance with Article III, Section 304 of the Hanover Township Stormwater Management Ordinance.

626.9 Methods of Storm Water Runoff Detention and Control: In addition to the listing of detention and control methods in publication "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, the following methods may be utilized in stormwater management systems, based upon site conditions. All State and Federal regulations must be followed in the use of any control method.

- a. On-lot retention of roof-water
- b. Seepage pits, seepage trenches or other infiltration structures
- c. Cisterns and underground reservoirs
- d. Roof-top storage
- e. Parking lot ponding
- f. Porous pavement and concrete lattice-block surfaces
- g. Grassed channels and vegetative strips
- h. Routing flow over grass
- i. Decreased impervious area coverage
- j. Detention basins
- k. Retention basins

Lots which do not drain into other approved control facilities must have on-lot stormwater retention systems to retain roof water.

The use of other control methods which meet the criteria in this section shall be permitted if approved by the Township Engineer. Various

combinations of methods should be tailored to suit the particular requirements of the type of development and topographic features of the project area.

626.10 Design of Control Methods: The publication “PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL” Document # 363-0300-0002 / December 30, 2006, should be consulted as an aid in designing control facilities:

626.11 Stormwater Management Site Plan Required: Prior to the preliminary and final approval of subdivision, land development or the issuance of any permit, or the commencement of any land disturbance activity, the owner, applicant, developer, or his agent shall submit a Stormwater Management (SWM) Site Plan to the Planning Commission for approval.

626.12 Plan Requirements: A Stormwater Management (SWM) Site Plan shall be in compliance with Article IV of the Hanover Township Stormwater Management Ordinance.

626.13 Stormwater Management Controls: The plan shall show the location and description of permanent control measures and facilities to be provided at the site, including:

- a. Permanent vegetation or other soil stabilization measures.
- b. Infiltration facilities such as seepage pits, beds, or trenches including on-lot retention systems for groundwater recharge; when such structures are used, the location of septic tank infiltration areas and wells relative to these facilities; cross-sections of proposed infiltration facilities must be provided upon the plan.
- c. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, drainage easements, storm sewers, culverts, first flush treatment, etc.
- d. All calculations, assumptions and criteria used in the design of the control device or method must be included upon the plan.
- e. Details on the types, locations and dimensions of facilities for storm water detention and conveyance and for groundwater recharge.
- f. Schedule for installation of the control measures and devices.
- g. A 25 foot right-of-way around all storm water management structures and from such structures to a public right of way wherever the Township is to accept the dedication of such structures.

626.14 Hydrologic/Hydraulic Calculations: As an attachment to the plan, hydrologic/hydraulic calculations shall be provided for storm water flows

from the site and from the entire area tributary to the site under conditions existing prior to development and resulting from the proposed development. Hydrologic/hydraulic calculations, assumptions and criteria used in the design of storm water control devices or methods shall also be provided. Measurements shall be in cubic feet per second for the design storms.

A written narrative which fully describes the Stormwater Management Plan shall be submitted with the required hydrologic/hydraulic calculations.

- 626.15 Plan Submission: Four copies of the completed plan and all related calculations shall be submitted with the Preliminary Plan.
- 626.16 Approval and Financial Security for Plan: No preliminary or final major subdivision or land development plan shall be approved unless there has been a Storm Water Management Plan approved by the Planning Commission that provides for controlling storm water runoff consistent with this Section or there has been a determination by the Planning Commission that a plan for minimizing storm water runoff is not necessary. If the Planning Commission renders a determination that improvements indicated upon the approved stormwater management plan do not require to be installed at the time of final plan approval or prior to final plan approval, an improvement bond or other form of financial security shall be deposited with the Township which shall insure and guarantee the installation and completion of required improvements as indicated upon the approved stormwater management plan within one year or less from the date of final plan approval.
- The developer or lot owner shall provide financial security as a construction guarantee in a form to be approved by the Township Solicitor, in an amount equal to One Hundred Ten Percent (110%) of the full cost to install the facilities required by the approved plan. The financial security shall be released only after receipt by the Township of certifications and "As-Built" drawings as required.
- 626.17 Maintenance Program: A maintenance program for all storm water management control facilities must be included. This program must include the proposed ownership of the control facilities and detail the financial responsibility for required maintenance, subject to approval by the Planning Commission. The establishment and/or use of a homeowners' association shall not be included within the scope of a maintenance program.
- 626.18 Maintenance Guarantees: If any stormwater management facilities are offered for public dedication and accepted by Hanover Township, the developer shall provide a financial security, in a form approved by the Township Solicitor for a maintenance guarantee, equal to fifteen (15%) percent of the total cost of the installation of said facility, used as financial security to guarantee the stability of the newly constructed facility and

revegetation for a period of eighteen (18) months.

626.19 On-Lot Retention Systems: The owner of the individual lot shall be required to observe the following guidelines:

- a. When required, a subsurface storm water retention area shall be constructed on each lot prior occupancy of the building.
- b. Storm water runoff from impervious areas must be collected and conveyed underground to sub-surface retention areas.
- c. Retention system, including conveyance and collection lines, are to be owned and maintained by the lot owner. Repair/replacement and maintenance of the system is the responsibility of the lot owner.
- d. The system shall be designed to accommodate anticipated peak flow for all storms of a 24-hour duration and for frequencies of 2, 10, 25, 50 and 100 years.
- e. The system shall be designed by a Professional Engineer licensed in Pennsylvania and shall be approved by the Township Engineer and The Planning Commission prior to its construction.
- f. The system shall be constructed concurrently with or immediately after the house is framed.
- g. The system design shall be based upon the standards contained in Appendix C of "PA STORMWATER BEST MANAGEMENT PRACTICES MANUAL" Document # 363-0300-0002 / December 30, 2006, as approved by the Township Engineer
- h. The system design shall include the following:
 1. Filter fabric or other acceptable devices shall be utilized to prevent clogging or siltation of the storage areas.
 2. Cleanouts and traps are to be provided for maintenance purposes.
 3. Collection pipes are to be a minimum 4-inch PVC, perforated pipe.
 4. Storage area is to include all necessary tanks, large diameter pipes, and stone, 2-B or equivalent.
 5. Outlet pipes are to be solid wall PVC pipe, directed to adjacent swales and ditches in roadway areas, or to any adjacent streams that traverse the lot.
6. Outlet pipes shall not discharge any runoff onto any adjacent lot.
7. Large diameter pipes utilized for storage areas are to be either solid

wall PVC or concrete pipe, or other approved substitutes.

The Township Engineer and/or any other party, as designated by the Planning Commission, shall inspect the system during and prior to backfilling. If the system is covered over prior to inspection, the lot owner will be required to re-excavate the backfill so proper inspection can be conducted.

626.20 Storm Conveyance Systems: Storm Conveyance systems shall be required when the storm water runoff cannot be satisfactorily handled within the street cartway in the determination of the Township Engineer. Where existing storm sewers are accessible, proposed subdivisions and land developments shall be required to connect to them. Where storm sewers are to be located in undedicated land, they shall be placed in an easement at least twenty (20) feet wide. The minimum allowable velocity in storm sewers (pipes) shall be 3.0 feet per second. The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based upon the following table:

<u>Pipe Diameter (inches)</u>	<u>Maximum Allowable Spacing</u>
15	300 ft.
18	400 ft.
21-36	500 ft.
42-60	700 ft.
66 or larger	unlimited

626.21 Natural Drainage Areas: Where a subdivision or land development is traversed by a natural watercourse, a drainage easement shall be provided conforming substantially with the line of such watercourse. The width of such easement shall be at least fifty (50) feet, measuring twenty-five (25) feet on each side, or of such additional width as will be adequate to preserve the unimpeded flow of natural drainage and to provide adequate access along the watercourse for maintenance purposes.

No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Protection or the Township, whichever is applicable. Any watercourse not under the jurisdiction of other official agencies are to be maintained open and free-flowing.

626.22 Roof Drains, Sump Pumps, Downspouts, Etc.: Stabilized outlets shall be provided for storm water roof drains, springs and sump pumps, footer drains, floor drains, and downspouts. No storm water shall be discharged directly onto streets and sidewalks from these sources. All piping systems from roofs, basement pumps, etc. discharging to rights-of-way must discharge via buried drainage pipe into adjacent roadway at the ditch invert, if allowed and accommodated for per the Stormwater Management Plan as approved by the Planning Commission.

626.23 Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

626.24 Drainage onto Adjacent Properties: Special consideration shall be given in the design of storm drainage facilities so as to prevent excess runoff or new concentrations of runoff onto adjacent properties. Whenever a subdivision or land development disposes storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the pre-development flow carried in the watercourse, a drainage release shall be obtained from the affected property owner in writing and a copy submitted with the preliminary plan. Drainage releases are required from all downstream property owners affected by the diversion, relocation or increase of storm water flow. Calculations shall be provided and sealed by a professional engineer demonstrating that such runoff will not erode or overtax any existing drainage facilities or watercourses on adjacent property. Ultimate approval of such drainage systems will depend upon approval by the Township Engineer even though the adjacent property owner grants consent in writing.

626.25 Detention Basin Requirements:

- a. When applicable, the design of any detention basin intended to meet the requirements of this Ordinance and the Hanover Township Stormwater Management Ordinance and shall be verified by routing the design storm hydrograph through the proposed basin. For basins designed using the modified rational method technique, the detention volume shall, at minimum, equal the volume derived from the approximate routing process as contained in SCS Technical Release Number 55 (TR55, 1986), Chapter 6, (Figure 6-1)
- b. All stormwater detention facilities shall be designed based upon the following criteria. Due to the uniqueness of each stormwater detention basin and the variability of soil and other site conditions, the following criteria may be modified or deleted at the discretion of the Township Engineer if warranted.
 1. The basin is to be seeded including the bottom, side slopes and all earthen dams and embankments.
 2. Suitable lining shall be required at all points of inflow to the basin where erosion and scour may occur.
 3. An easement to allow maintenance crews access to the basin and outlet areas shall be established around all basins to be maintained. The limits of such easements shall be 25 feet from the outside toe of all dams and embankments and the top of all pond side slopes, with said easement being connected to a public right-of-way.
 4. The design dimensions of the detention basin shall be maintained throughout construction, unless it is to be used as a sedimentation basin during construction in the watershed. If so, it shall be

immediately returned to design dimensions following the completion of such construction. If used as a temporary sedimentation basin, it shall be designed based upon the most recent standards of DEP for sedimentation basins.

5. Runoff from areas uphill or upstream from the development site may be passed across the development site without detention or storage. If it is more convenient, part or all of such water may be passed through the detention means described above, and an equal amount of water that originates on site may be passed downhill or downstream. If any such upstream water enters the detention structure, the amount of detention shall be increased accordingly.
6. The inlet shall enter at the opposite end of the basin if possible. The basin shall have a minimum bottom slope of 1% towards the primary outlet to assure positive drainage. Low flow channels may be required to convey small inflows to the basin outlet.
7. Side slopes shall be a maximum of three feet horizontal to one foot vertical (3:1), unless the design slopes are less than three feet, in which case 4:1 side slopes are required. The design engineer may propose steeper side slopes if justifiable evidence is submitted.
8. Basins with a minimum depth of three feet or greater shall be enclosed by a fence, not less than six (6) feet in height around the entire perimeter to keep out persons, animals and all other unauthorized access to the basin area. A gate shall be installed to allow access into the basin for required maintenance.
9. The runoff entering the basin will result in the accumulation of considerable amounts of sedimentation. Provision shall be made within the maintenance schedule for periodic removal of accumulated solid materials.
10. Responsibility for operation and maintenance of detention facilities, including periodic removal of accumulated materials, shall remain with the owner who is granted subdivision or land development approval of a given development, unless the detention facilities are dedicated and accepted by Hanover Township.
11. In some instances, the provision of separate detention facilities for a number of single sites may be more difficult to maintain than the provision of joint facilities for number of sites. In such cases, the Township may consider the provision of joint detention facilities which would meet all requirements of stormwater management. In such cases, a properly planned staged program of detention facilities may be approved by the Township in which compliance with certain specified requirements may be postponed at early stages, while preliminary phases are undertaken. This shall

however pertain to stormwater management only and not erosion and sedimentation pollution control.

12. Safety ledges shall be constructed on the side slopes of all detention basins designed to have a permanent pool of water. The ledges shall be 4 to 6 feet in width and located approximately 2¹/₂ to 3 feet below and 1 to 1¹/₂ feet above the permanent water surface. Side slopes shall conform to paragraphs g. and h. of this subsection.
13. Where the project consists of more than one phase, the stormwater controls shall be designed so that the rate of runoff for the maximum built out condition of the site is consistent with release rate specified in the plan. The outlet structure may have to be modified for the first phase. The stormwater detention basin shall be constructed prior to the first phase.
14. All basins shall have, at minimum, a primary outlet to control the design storm(s) with a one foot freeboard above the maximum pool elevation associated the design storm(s). All basins shall also provide an emergency spillway to safely convey the 100-year design storm with one half (¹/₂) foot of freeboard.
15. If the flow from the basin is proposed to be concentrated and discharged onto adjacent property, the developer must provide documentation that there are adequate downstream conveyance facilities to safely transport the concentrated discharge or otherwise provide documentation that no adverse effects will result from the concentrated discharge. Written permission from the adjacent property owner must be obtained which fully explains the proposed discharge to allow for consideration of such discharge. Ultimate approval of the feasibility of such discharges shall require the approval by the Township Engineer.
16. Maximum velocities in emergency spillways shall be determined based on the velocity of the peak flow in the spillway resulting from the routed emergency spillway hydrograph. Where maximum velocities exceed those contained in the most recent DEP Sedimentation and Erosion Control Manual suitable lining shall be provided.
17. The minimum top width of all basins shall be as follows:

<u>Height</u>	<u>Top Width</u>
0-10 feet	6 feet
11-14 feet	8 feet
15 or greater	As per DEP regulations

18. All detention basin routing will be performed using acceptable

routing methods. Selected time increments will be of a short enough duration to allow reasonable approximation of the inflow hydrograph.

19. Any detention basin intended to meet the requirements of this Ordinance which requires a Dam Safety Permit from DEP shall be designed consistent with the provisions of the Dam Safety and Encroachment Act and DEP Chapter 105 Rules and Regulations.

20. The applicant shall comply with any additional design requirements which may be recommended by the Township Engineer based upon site conditions.

626.26 Compliance as a Condition of Preliminary Plan Approval: The Township, in its consideration of all Preliminary Plans of subdivision and land development, shall condition its approval upon the execution of stormwater management control measures.

626.27 Inspections and Certifications:

The developer must submit a certification by a Pennsylvania Registered Professional Engineer; which certificate shall certify that all elements of the approved plan have been constructed as designed and approved.

- a. Hanover Township and/or the Township Engineer may inspect all phases of development of the site including, but not limited to:
 1. Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.
 2. Completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 3. During construction of the permanent storm water facilities at such times as specified by Planning Commission or its designee.
 4. Upon completion of permanent storm water management facilities, including established ground covers and plantings.
 5. Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with approved plans and permit.
- b. It is the responsibility of the developer to notify the Planning Commission forty-eight (48) hours in advance of the completion of each phase of development identified above.

- c. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.
- d. If at any stage of the work, the Planning Commission determines that the soil or other conditions are not as stated or shown in the approved application or plan, it may refuse to approve further work and may revoke existing permits and approvals until a revised plan is submitted and approved.

626.28 As Built Drawings Required: Following the completion of construction, the developer shall submit drawing(s) of all improvements included within the scope of the approved stormwater management plan to the Planning Commission. Said drawings shall bear the seal of a Pennsylvania Registered Professional Engineer or a Pennsylvania Registered Land Surveyor indicating the “as built” of all required improvements shown upon the drawings. No approved dedication of improvements shall be

SECTION 627 UTILITY EASEMENTS

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

627.1 Location and Width: With the exception of on-lot sewer laterals, utilities shall be located in easements centered on or adjacent to front, rear, or side lot lines. No structures or trees shall be placed over or within such easements. Such easements shall be minimum of twenty (20) feet in width.

627.2 Underground Installation: In proposed residential developments classified as a major subdivision or major land development, electric, telephone, and all other utility facilities shall be installed underground. All existing and proposed utilities shall be shown on the preliminary plan. Prior to final plan approval the developer shall be required to obtain a letter from each utility company providing service to the subdivision stating that it has entered into an agreement with the developer to provide for such a system. All underground utilities including laterals, service connections, etc. or provisions for the same shall be installed prior to the placing of the subbase material in areas where the utilities underlie the cartway.

627.3 Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a subdivision or land development the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which the company requires between each structure and the centerline of such transmission line. Prior to preliminary plan approval the developer shall be required to obtain a letter from the transmission or

distribution company stating that it has entered into an agreement with the developer establishing an easement through the tract and stating any conditions on the use of the tract and the easement width.

Any company intending to install a petroleum, petroleum products or natural gas transmission line shall be required to construct such line on an easement at least fifty (50) feet wide, and the line shall be located at the center of such easement. The installation shall comply with all applicable standards of the Pennsylvania Utilities Commission.

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

SECTION 628 CURBS AND SIDEWALKS

628.1 Curbs

- a. Planning Commission shall require curbs on all streets and parking lots located within a major subdivision or major land development, both residential and nonresidential. Collector and Arterial streets which do not require curbs shall have shoulders being twelve 12 feet in width. Curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The use of rock-lined swales shall be expressly prohibited.
- b. Requirements for Physically Handicapped Persons: Where sidewalks are provided, all curbs shall be designed and constructed with barrier-free ramps at intersections. Said ramps shall not outlet onto a catch basin, be located and designed in accordance with the most recent ADA standards.
- c. Curb Type: Curbs shall be poured-in-place Portland cement concrete or natural granite from an approved source. Provision shall be made for driveway access for each lot.
- d. Construction Material: All curbs shall be constructed of Portland cement concrete with expansion joints at a maximum spacing of fifteen (15) feet and shall conform with PennDOT 1994 Specifications 408, or latest edition, where applicable. Minimum concrete strength shall be 3,750 PSI at 28 days. Concrete testing, including break and slump testing, is the obligation of the developer to assure compliance with this section. Testing lab must be approved by the Township engineer. Curbs shall be eight (8) inches wide at their base with a one (1) inch batter. Top width shall be seven (7) inches and minimum depth of eighteen (18) inches.

Expansion joints shall be constructed with 3/4-inch premolded expansion joint material. Expansion joints shall be required at all obstructions. All concrete shall be cured in accordance with PennDOT 1994 Specifications 408, or latest edition.

628.2 Sidewalks

- a. The Planning Commission shall require installation of sidewalks in any subdivision or land development where the evidence indicates that sidewalks are necessary for the public safety, including but not limited to both sides of all streets and parking lots located within multifamily and apartment building developments. Each property owner shall be responsible for the maintenance of sidewalks which borders his or her property. Said responsibility for sidewalk maintenance shall be contained within each deed of a proposed subdivision
- b. Width and construction Sidewalks shall be constructed with class. "AA" concrete having a minimum strength of 3,750 PSI at 28 days. Minimum depth of sidewalks shall be five (5) inches with a subbase of four (4) inches. Where crossed by driveways sidewalks shall be six (6) inches minimum depth with a subbase of four (4) inches. False joints shall be provided at maximum intervals of five (5) feet and shall be at least one-fourth the depth of the concrete. Expansion joints shall be provided at all walls, poles, curbs, and other obstructions. All concrete shall be cured in accordance with the latest edition of PennDOT Specifications 408. Forms shall be removed no sooner than seven (7) days after sidewalk concrete is poured. Sidewalks shall be sprayed with anti-spalling compound within 28 days after being poured.

628.3 Driveway Access: The developer shall provide sufficient curb depressions at the time of original curb construction to permit driveway access to each lot. Where sidewalks are also required the developer shall install a concrete transition apron between curb and sidewalk at each such depression concurrently with curb and sidewalk construction. Each property within a subdivision or land development shall contain a deed restriction which requires that all driveways onto a property shall be installed in full compliance with the required transition apron.

628.4 Tree Lawn and Street Trees

The applicant or developer shall seed or sod a planting strip not less than three (3) feet wide between the curb and sidewalk, and, shall in addition, provide street trees. Such trees shall be 2" to 2.5" in diameter, measured at not less than 5 feet in height, when planted, and shall be spaced at intervals no greater than forty feet. The type of trees shall be subject to approval by the Planning Commission. Species shall be selected according to the following criteria:

- a. cast moderate shade to dense shade in summer;
- b. long-lived (over 60 years);
- c. mature height of at least 50 feet;
- d. be tolerant of pollution and direct or reflected heat;

- e. require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant;
- f. be able to survive two years with no irrigation after establishment;
- g. be of native origin, provided they meet the above criteria

Among the species that are recommended include sycamore or London Plane, sweet gum, red maple, green ash, Shademaster golden locust, littleleaf linden and Village Green Zelkova.

SECTION 629 NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENT

629.1 General - If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision or land development with respect to such land shall make such provisions as the Planning Commission require.

629.2 A nonresidential subdivision or land development shall also be subject to all the requirements of the site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plan approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Planning Commission and shall conform to the proposed and use and standards established in the Community Development Objectives of this Ordinance and those contained within the Hanover Township Zoning Ordinance.

629.3 Standards - In addition to the requirements and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

- a. Proposed industrial parcels shall be suitable in the types of industrial or commercial development anticipated.
- b. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- c. Special requirements may be imposed by the Planning Commission with respect to street, curb, gutter, and sidewalk design and construction.
- d. Special requirements may be imposed by the Planning Commission with respect to the installation of public utilities, including water, sewer, and storm drainage.

- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing and potential residential areas without provisions for a permanently landscaped buffer strip when necessary.

ARTICLE 7

ASSURANCES FOR COMPLETION OF IMPROVEMENTS

SECTION 701 INSTALLATION OR GUARANTEE OF IMPROVEMENTS

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

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

SECTION 702 TYPES OF FINANCIAL GUARANTEE

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

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

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

SECTION 703 REVIEW BY SOLICITOR

When an applicant proposes to provide a financial security, said financial security shall be submitted to the Hanover Township Board of Commissioners and its Solicitor for review not less than twenty one (21) days prior to the public meeting of the Board of Commissioners at which the acceptance and/or approval of proposed financial security will be considered by the Board of Commissioners.

SECTION 704 AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial security shall be based upon a written estimated cost of completion of required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Township Planning Commission upon the recommendation of the Township Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the Township and the developer or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Township and the developer or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Township and the developer or applicant.

SECTION 705 REQUIRED TIME PERIOD FOR COMPLETION

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

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

SECTION 706 PHASING OF DEVELOPMENT

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

SECTION 707 START OF WORK NOTICE

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

SECTION 708 PERIODIC INSPECTIONS DURING CONSTRUCTION

The Township Engineer shall make periodic inspections to the site during the construction of improvements to insure the work is in conformance with the approved

plans. The Township Engineer shall promptly provide Township Planning Commission with a written report after any such inspection.

SECTION 709 RELEASE OF PORTIONS OF FINANCIAL SECURITY

709.1 As the work of installing the required improvements proceeds, the party posting financial security may request the Township Planning Commission to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.

709.2 Any such request shall be in writing addressed to the Township Planning Commission and Board of Commissioners. The Board of Commissioners shall have forty-five (45) days from receipt of such request to allow the Township Engineer to certify in writing to the Township Planning Commission and Board of Commissioners that such portion of the work upon the improvements has been completed in accordance with the approved plan.

709.3 Upon such certification the Board of Commissioners shall authorize release by the bonding company or lending institution of an amount as estimated by the Board of Commissioners as fair in representing the value of the completed improvements. Failure of the Board of Commissioners to act within the said forty-five day period shall be deemed an approval of the release of the funds requested.

709.4 The Board of Commissioners may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

SECTION 710 FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

710.1 Where Board of Commissioners accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

710.2 Said financial security shall be of the same type as otherwise required in Section 702 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

SECTION 711 FINANCIAL SECURITY FOR IMPROVEMENTS UNDER JURISDICTION OF A PUBLIC UTILITY OR MUNICIPAL AUTHORITY

If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate distinct from the Township, financial

security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section. A copy of any such executed financial security shall be provided to the Township Planning Commission not less than fourteen (14) days prior to its next regularly scheduled meeting at which the final plan shall be considered.

SECTION 712 ISSUANCE OF PERMITS WHEN FINANCIAL SECURITY HAS BEEN POSTED

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

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

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

SECTION 713 COMPLETION OF REQUIRED IMPROVEMENTS

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

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

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

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

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

SECTION 714 RESPONSIBILITY OF APPLICANT UPON DISAPPROVAL OF IMPROVEMENTS

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

SECTION 715 APPLICANT'S RIGHT TO CONTEST ACTION

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

SECTION 716 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

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

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

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

SECTION 717 ENGINEERING AND CONSULTING FEES

In addition to the fees noted in Section 108 of this Ordinance, the developer shall be responsible for payment of all engineering fees which the Township may incur as related to Sections 704, 705, 708, 709, 710 and 713 of this Ordinance. The developer shall be required to fully reimburse the Township for said engineering fees. The developer shall also be required to fully reimburse the Township for any engineering and/or consulting fees which the Township may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this

Ordinance. Upon notification by the Township of such costs, the developer shall provide a certified check or money order to the Township to fully reimburse the Township for said engineering fees, within thirty (30) days from the billing date from the Township. An approved plan shall not be signed by the Township Planning Commission nor shall any permits related to the development of the site be issued until all fees are paid in full.

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

SECTION 718 PROCEDURE FOR DISPUTES OVER CONSULTING FEES

- 718.1 An applicant may contest the amount to be reimbursed to the Township for consulting fees. The applicant shall notify the Township, in writing, within ten (10) working days of the billing date, as to which consulting fees are disputed as being unreasonable and/or unnecessary. The applicant shall forfeit any right to contest the amount to be reimbursed to the Township for consulting fees, if written notification is not submitted within the prescribed ten (10) working days of the date of the billing.
- 718.2 In such cases, the Township Planning Commission shall not delay or disapprove a subdivision or land development application or any permit related to development due to the applicants written request to contest certain consulting expenses.
- 718.3 If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and the Township Planning Commission shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- 718.4 The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- 718.5 In the event that the Township Planning Commission and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Luzerne County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who

shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

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

ARTICLE 8

MOBILE HOME PARKS

SECTION 801 GENERAL REQUIREMENTS

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, provisions regulating mobile home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of mobile home parks. The development and/or expansion of a mobile home park shall be deemed as a subdivision and/or land development and shall be subject to design standards within Article 6 and regulations provided within this Article and all Sections and Subsections thereunder.

SECTION 802 SITE LOCATION STANDARDS

- A. Unless stated otherwise, a mobile home park shall be subject to the design standards requirements as set forth in Article 6 of this Ordinance.
- B. All mobile homes to be located within a mobile home park shall be solely limited to manufactured homes built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
- C. All mobile home parks shall be serviced by a centralized sewage disposal system and a central water supply and distribution system.
- D. All mobile home parks shall have a total land area of not less than ten (10) acres.
- E. All mobile home parks shall be located on well drained land with the average natural slope not exceeding ten (10%) percent.
- F. All mobile home parks shall have direct access to public streets or roads.
- G. Access to mobile home sites shall be from interior driveways, access drives, or private streets and shall not be from a public street or a public road. Unless superseded by PennDOT regulations, entrance roads shall have a paved cartway width of at least twenty-four (24') feet.
- H. Every mobile home site shall be provided with a minimum of two (2) paved off-street parking spaces.
- I. The minimum area of land per mobile home site shall be not less than seven thousand two hundred (7,200) square feet, with the dimensions being sixty feet by one hundred and twenty (60' x120') feet. There shall be an interior spacing distance of not less than thirty (30) feet from the mobile home lot on which the mobile home is located to the next defined a mobile home lot or to any permanent building within the mobile home park.

- J. A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventy-five (75) feet to any other exterior property line.
- K. A vegetative screening of evergreen trees shall be required along the property boundary line separating the park and any adjacent use. The variety of evergreen trees shall be subject to approval by the Board of Supervisors. Said trees shall be a minimum height of six (6) feet at the time of planting and shall be planted not more than six (6) feet apart. The applicant and/or operator of the mobile home park shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.
- L. Every mobile home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the mobile home park. All recreational sites shall be located in areas which are readily accessible to all residents of the mobile home park. A recreational development plan shall be provided which identifies passive and active recreational features to be provided upon the site, including recreational equipment, play apparatus, benches, and all other features and facilities to be incorporated into the design of the recreational site. The location of the recreational site and the recreational development plan shall be subject to the review and approval of the Board of Supervisors. The recreational site must be identified and approved by the Board of Supervisors prior to final approval of the development or expansion of a mobile home park. To guarantee the installation of all improvements to the site, the applicant shall be required to complete the installation of all such improvements prior to receiving an unconditional final approval or to post a financial security acceptable to the Board of Supervisors in accordance with the applicable requirements contained in Article 7 of this Ordinance. The applicant shall be required to reimburse the Borough for any consulting and engineering fees associated with the inspection of improvements to the site as set forth in Section 717 of this Ordinance. Said reimbursement must be paid at the same meeting of the Board of Supervisors at which the applicant seeks final and unconditional approval of said improvements.
- M. Each mobile home lot shall be improved to provide a permanent poured concrete foundation for the placement and tie down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. The foundation shall be constructed in accordance with governing standards contained in the Pennsylvania Uniform Construction Code.
- N. Every mobile home shall be securely anchored or tied-down in accordance with the governing standards contained in the Pennsylvania Uniform Construction Code. All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material with sufficient ventilation to inhibit decay and deterioration of the mobile home.
- O. The owner/operator of each mobile home park shall provide a refuse disposal plan.

- P. An approved Soils Erosion and Sedimentation Plan must be approved by the Luzerne County Conservation District prior to any earthmoving activities including but not limited to grading and the removal of any vegetation upon the site,
- Q. An approved Stormwater Management Plan shall be required prior to the unconditional approval for the development or expansion of a mobile home park.

APPENDIX

HANOVER TOWNSHIP

SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE

**HANOVER TOWNSHIP
SALDO – SECTION 815
DESIGN STANDARDS FOR STREETS**

	Total Lanes	Parking Lanes	Cartway¹ Width	Curbing Required	R.O.W²
Collector					
Lots 80'+	2	0	22 feet	yes	50'
Lots 40' - 80'	3	1	28 feet	yes	50'
Lots <40'	4	2	34 feet	yes	60'
Local Access					
Lots 80'+	2	0	20 feet	yes	50'
Lots 40' - 80'+	3	2	26 feet	yes	50'
Lots <40'	3	2	28 feet	yes	50'

¹There shall be a 20 foot wide utility easement on both sides of any public right-of way located beyond the pavement of the cartway and beyond the tree lawn and sidewalk. All utilities shall be placed within such easements.

²Additional right-of-way width and cartway widths may be required by the Township to provide for additional construction requirements such as cuts, fills and embankment areas. In cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.

	Collector	Local Access
MINIMUM SIGHT DISTANCE ¹	250 feet	150 feet
MINIMUM TANGENTS BTW REVERSE CURVES ²	150 feet	100 feet
DESIGN SPEED	35	25
MINIMUM CENTERLINE RADII FOR HORIZONTAL CURVES	200 feet	100 feet ³
MAXIMUM GRADES	5% ⁴	7% ⁴
CARTWAY MINIMUM CROWN	2%	2%

¹Horizontal sight distances shall be measured 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).

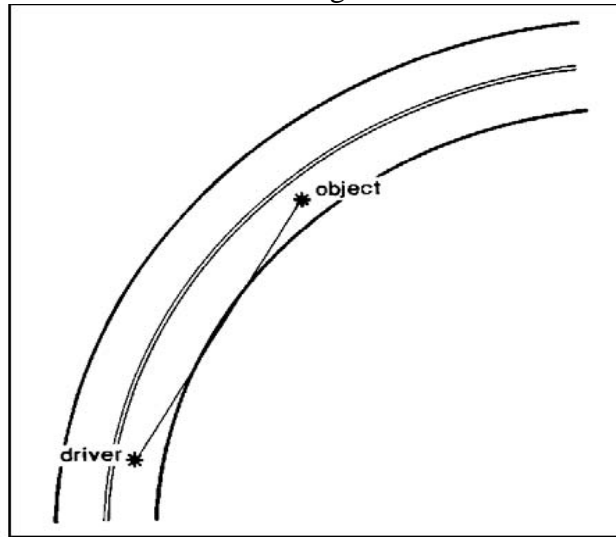
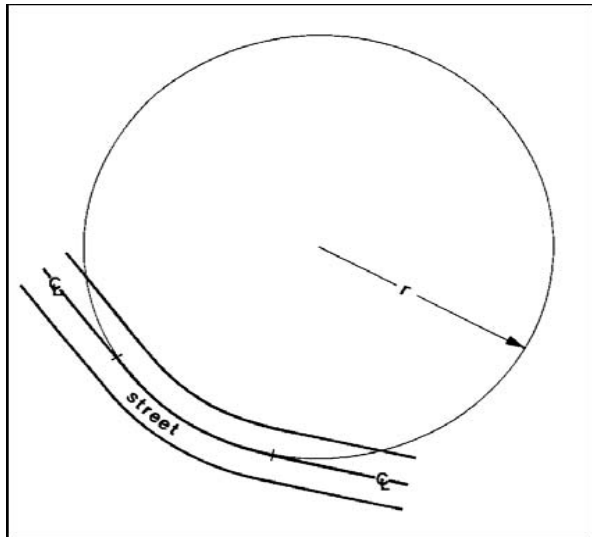
²All tangents shall be measured along the street centerline.

³Maximum Curve Radius shall not be greater than 165 feet.

⁴The maximum grade may be increased based upon site conditions and the recommendation of the Township Engineer.

HORIZONTAL CURVES

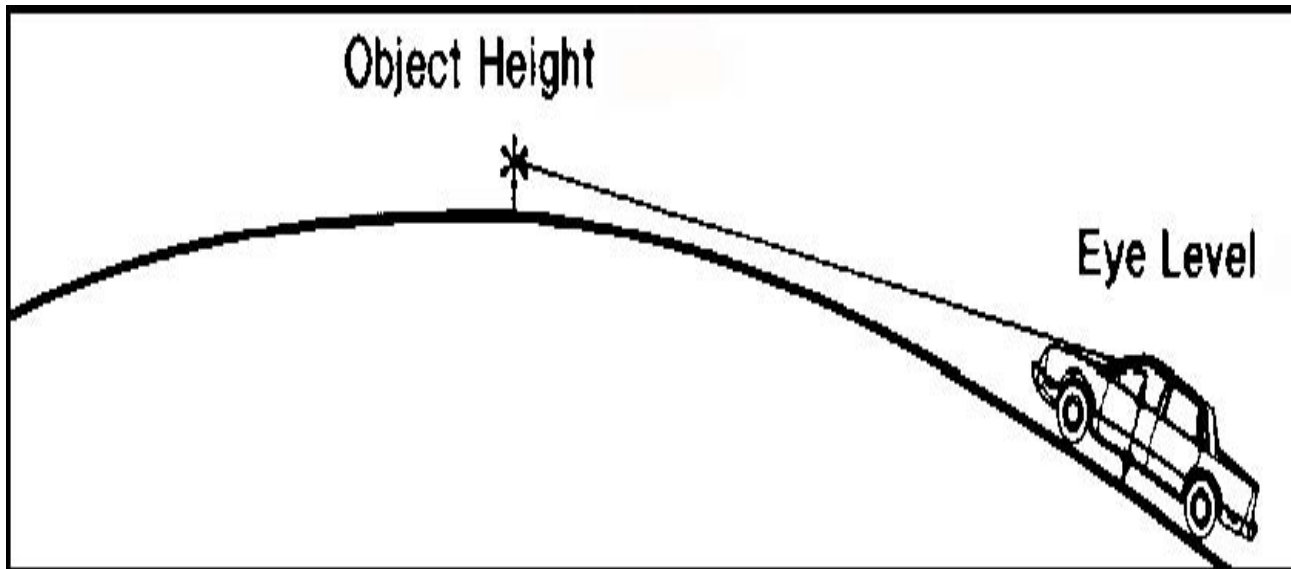
Horizontal curves shall connect street lines that are deflected in excess of 2 degrees.



VERTICAL CURVES

Vertical curves shall be used at changes of grade exceeding 1 percent. The length of the vertical curve shall be determined by the required sight distance specified in the Table for Design Standards on Page 1 of the Appendix.

All approaches to an intersection of 2 or more streets shall have a leveling area not greater than 4 percent grade for a minimum distance of 25 feet, measured from the nearest right-of-way line of the intersecting street.

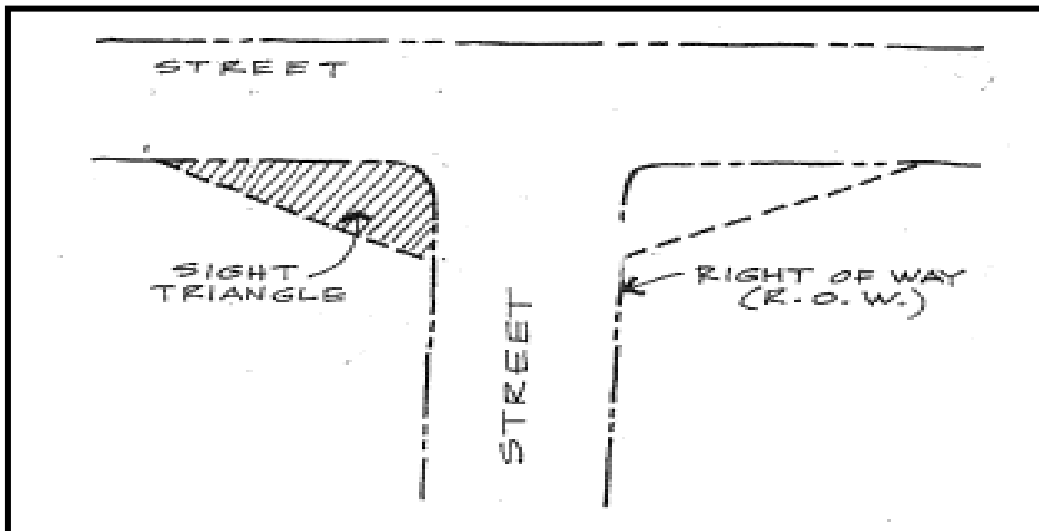


SIGHT DISTANCE - ON CREST OF HILL (VERTICAL CURVE)

CLEAR SIGHT TRIANGLES

At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersecting streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.
- B. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting the two points, one point at each street center-line. The point along the secondary street centerline shall be ten (10) feet back from the pavement line of the through street. The points along the centerline of the through street shall be set in accordance with the following table.
- C. Whenever a portion of the line of such triangle occurs behind (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.

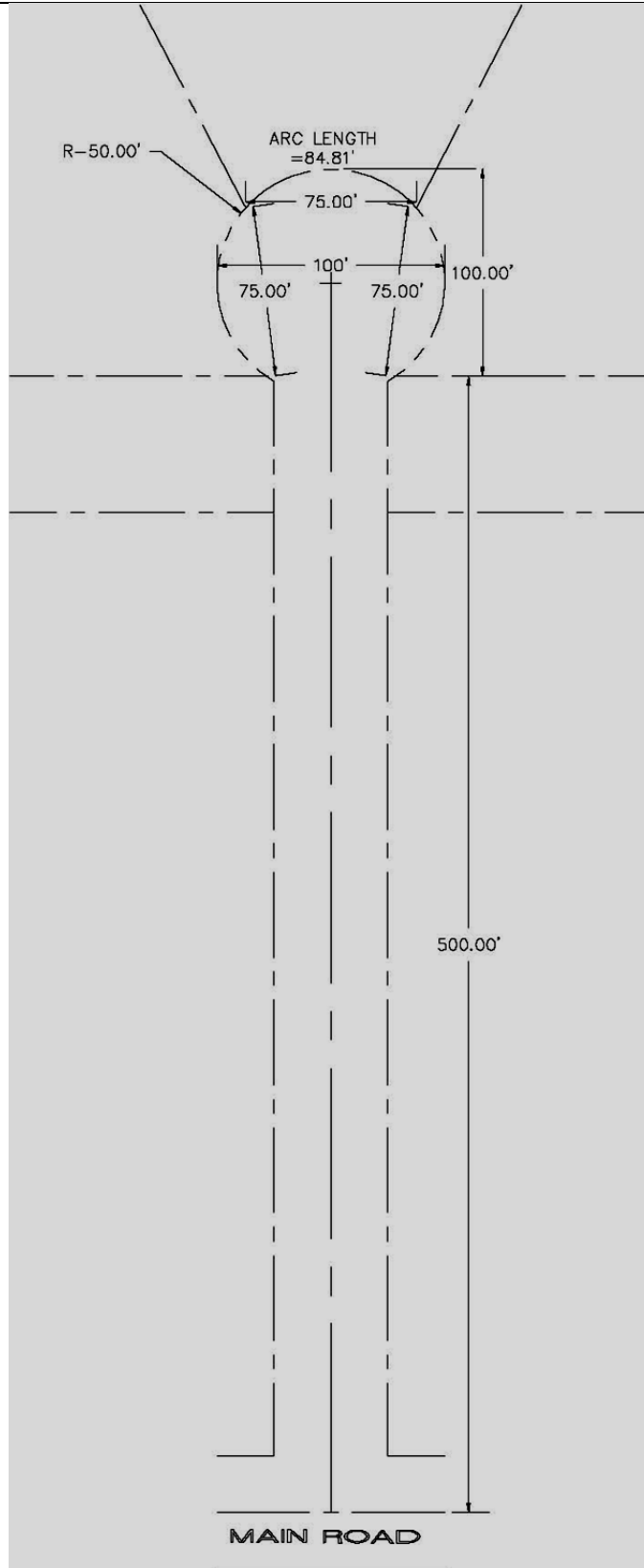


CUL-DE-SAC STREETS

All cul-de-sac streets, permanently designed as such, shall terminate in a circular turnaround and shall be designed in accordance with the following standards:

1. A circular right-of-way with a minimum diameter of 120 feet, with a minimum radius of forty (40) feet, as measured to the outer pavement edge or curb line, and improved to the required construction specifications.
2. For all lots fronting upon the arc of a cul-de-sac, there shall be a minimum cord distance of not less than one hundred seventeen (117) feet as measured from the side yard lot lines for each lot. (See illustration on the following page)

**HANOVER TOWNSHIP
CUL-DE-SAC DESIGN REQUIREMENTS**



HANOVER TOWNSHIP ROAD PAVING STANDARDS

The paving standards for Hanover Township shall reflect the following PennDOT Superpave Standards, or any subsequent revision which may be adopted by PennDOT.

PennDOT – SUPERPAVE STANDARDS

Procedures/Specification. Design of all streets constructed shall be in accordance with the guidelines and requirements for Design of Local Roads and Streets contained in **Design Manual, Part II, Highway Design, latest revision and the latest edition of PennDOT Publication No. 408.** The following procedures shall be followed for construction.

Local Street

1. If at the time of construction, local, unstable subgrade conditions are encountered, the Township Engineer may require that all areas of unstable subgrade may be excavated to sufficient depth, replaced with approved material, and compacted to a density and stability equal to, or greater than the surrounding subgrade. The Township Engineer may require PennDOT No. 408 Specifications to be installed for the entire subgrade of the proposed cart way. Pavement base drain may be required by Township Engineer.
2. Fine grade and roll subgrade.
3. Cut out all soft and yielding areas to a maximum depth of two (feet (2') and backfill with 2A modified or 3A aggregate compacted in 6" lifts. If the soil is still soft at the 2' depth, place geotextile fabric in the bottom prior to backfilling with 2A or 3 aggregate.
4. Place and compact a minimum six-inch (6") depth of 2A aggregate.
5. Place and compact a minimum four-inch (4") depth of Superpave asphalt design, 25.0 mm, PG 64-22 base course.
6. Place and compact a minimum one and one half inches (1¹/₂" of Superpave asphalt design, 9.5 mm, PG 64-22 wearing course. The appropriate skid resistance level shall be used in accordance with PennDOT Publication No. 408 and 242. Design mix shall be submitted to Township for review to include appropriate ESAL.