

CHAPTER 22

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PART 1

TITLE, PURPOSE, AUTHORITY AND JURISDICTION

§ 22-101. Title.

This Chapter shall be known and may be cited as the "Lamar Township Subdivision and Land Development Ordinance."
(Ord. 3/9/1993A, § 100)

§ 22-102. Purpose.

This Chapter has been adopted by the Lamar Township Board of Supervisors to create conditions favorable to the health, safety, convenience, order and general welfare of the citizens of the Township. In enacting these regulations, the Township Supervisors propose to accomplish the following specific objectives.

- A. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- B. To assure compatibility of subdivision plans with the Township comprehensive plan and related public improvement programs.
- C. To assure that areas of natural value and areas of a sensitive or fragile character shall be protected from adverse effects of development.
- D. To promote development practices that will safeguard water resources.
- E. To facilitate the rational and efficient movement of people and goods.
- F. To provide for harmonious development of the Township.

(Ord. 3/911993A, § 101)

§ 22-103. Authority and Jurisdiction.

1. The Lamar Township Supervisors are vested by law with the regulation of subdivision and land development located within the Township by 53 P.S. § 10501, of the Pennsylvania Municipalities Planning Code (Act 170 of 1988).

2. No land development or subdivision of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

3. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

A. Approval by the Township Board of Supervisors. The Lamar Township Board of Supervisors, or "Governing Body," shall be vested with the authority to approve or disapprove all subdivision and land development plans.

B. Review by the Township Planning Commission. The Lamar Township Planning Commission shall be vested with the review and evaluation of subdivision and land development plans.

C. Review of the County Planning Commission. Plans for subdivision and land development shall be submitted to the Clinton County Planning Commission for review and report prior to approval of the preliminary plan by the Township.

(Ord. 3/9/1993A, § 102)

§ 22-104. Conflict With Other Ordinances.

Where any provision of this Chapter is found to be in conflict with any other Township ordinance or code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail except as otherwise provided herein.

(Ord. 3/9/1993A, § 103)

§ 22-105. Disclaimer of Liability.

The approval of a subdivision or land development plan in which any portion is within a sensitive environmental area (such as a floodplain, unsuitable soils, steep slopes, etc.) shall not constitute a representation, guarantee or warranty of any kind by the Township Planning Commission or by an official or employee of the Township as to the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

(Ord.3/9/1993A,§ 104)

PART 2

PLAN PROCESSING PROCEDURES

§ 22-201. General.

- 1. The procedures set forth in this Part shall be followed for all subdivision and/or land development plans.
- 2. The pre-application sketch plan review is optional. Its purpose is to provide the developer with helpful advice prior to the formal proceedings.
- 3. For minor subdivisions and minor land development, however, a sketch plan is the only required plan submittal. Information to be submitted in such cases is specified in § 22-302 (1) and (2). (See definitions of minor subdivision and minor land development in Part 8.)
- 4. The preliminary plan is mandatory for all non-minor subdivisions and land development. Approval of the preliminary plan authorizes the construction of specified public improvements and the preparation of final plans.
- 5. The final plan is mandatory for all non-minor subdivisions and land development. Under conditions specified in §22-304(1), the preliminary plan may be considered as the final plan. Otherwise, the final plan will have incorporated all the

changes and modifications required by the Township. Approval of the final plan authorizes the recording of the plan, construction of buildings and selling of land.

(Ord. 3/9/1993A, § 200)

§ 22-202. Sketch Plan.

The Planning Commission encourages the submission of a sketch plan for review prior to the formal filing of a preliminary plan. Sketch plans are intended for informal discussion between the subdivider and the Planning Commission and shall not constitute formal filing of a subdivision or land development plan. Minor subdivision and minor land development shall require a modified sketch plan as described in § 22-302(4).

(Ord. 3/9/1993A, § 201)

§ 22-203. Preliminary and Final Plan Procedures.

1. Filing. The applicant, at least 10 days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Commission five copies of a preliminary plan or final plan of the proposed layout of the subdivision or land development. A plan shall be considered filed upon receipt by the Planning Commission of all required materials including review fees. Review procedures and time frames shall not commence until the Planning Commission Secretary deems the submission complete.

2. Distribution. Immediately upon receipt of the plan proposed for either preliminary or final approval, the Secretary of the Township Planning Commission shall forward one copy of the plan to the County Planning Commission, who shall submit a report advising the Township of its recommendations within 30 days. However, if such a report is not received from the County Planning Commission within 30 days, the Township may proceed. The Planning Commission Secretary shall submit copies of the preliminary plan for review to public agencies and adjacent municipalities as appropriate.

3. Action by Commission and Governing Body.

A. Before any action is taken on the plan, at least three members of the Planning Commission shall view the site and evaluate the proposed plan on the basis of all information gathered.

B. Before taking final action on any plan, the Planning Commission shall receive the advice of the Township sewage enforcement officer regarding percolation tests and septic systems. Advice regarding other pertinent data described in §§ 22-303 and 22-304 shall also be reviewed.

C. Upon review of all information, the Planning Commission shall make recommendations for approval, approval with modifications or disapproval and communicate such recommendations to the Board of Supervisors. Such review and recommendation shall take place at a scheduled Planning Commission meeting which has been duly advertised.

D. The Board of Supervisors shall determine whether the preliminary or final plan shall be approved, approved with modifications or disapproved and shall notify the applicant in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action and return a copy of the plan to the applicant within 15 days following the decision.

E. The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days after the deemed-complete application was filed. Failure to render a decision and communicate it to the subdivider within this time shall be deemed an approval of the application.

(Ord. 3/9/1993A, § 202)

§ 22-204. Recording of Final Plan.

1. Upon notification of approval of the final plan, the subdivider shall record one copy of the approved plan in the office of the Clinton County Register and Recorder within 90 days after approval of the final plan. Should the subdivider fail to record the final plan within such 90 day period, Township approval shall be null and void unless an extension of time is requested by the subdivider in writing and is granted before the expiration date. The final plans shall be filed with the Clinton County Register and Recorder before proceeding with the sale of lots or construction of buildings.

2. Recording of the plan shall not constitute grounds for tax reassessment until lots are sold or improvements installed.

3. Recording the final plan after approval by the Township shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. Approval shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution or by entry, use or improvement.

(Ord. 3/9/1993A, § 203)

§ 22-205. Resubdivision Procedures.

For any replotting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for the original subdivision.

§ 22-206. Procedure for Installation and Approval of Improvements.

1. General Requirements.

A. Improvements required may include streets, sanitary sewers, water supply systems, stormwater controls, utilities or other such improvements necessary to development of the site.

B. Improvements may be installed in phases comprising a minimum of three contiguous parcels.

C. Improvements shall be installed by the subdivider prior to final plan approval, or a suitable guarantee shall be provided which shall ensure installation of the improvements by the subdivider according to the standards set forth in these regulations. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair, or a suitable guarantee for installation and maintenance is provided.

D. The Township shall designate the Township Engineer or other individual to approve final design and inspect the installation of improvements.

2. Improvement Guarantee.

A. In lieu of completion of any improvements required as a condition of final plan approval, the applicant shall file with the Township a financial security as an improvement guarantee equal to 110% of the estimated cost to install the same improvements estimated as of 90 days after the date scheduled for completion by the developer. Such guarantee may consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond. For phased development, financial security in lieu of improvement completion need cover only the phase for which final plan approval is sought. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security shall provide for and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The cost of the required improvements shall be established by a registered professional engineer selected by the applicant and submitted for approval. The Township may reject such estimates for good cause shown.

B. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and rectified by a registered professional engineer chosen mutually by the Township and the developer. The estimate certified by the engineer shall be presumed fair and reasonable and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.

C. Should the completion of the required improvements require more than 1 year, the Township may increase the amount of financial security by up to 10% for each 1 year period beyond the first anniversary date of the posting of the original security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 year period.

If a development is projected over a period of years, the Township may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Commission deems essential for the protection of any finally approved section of the development.

3. Release from Improvement Guarantee.

A. The Township may authorize the release to the developer of such portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be in writing to the Township which shall have 45 days from receipt of the request to authorize its engineer to complete inspection of and certify, in writing, that the improvements to be covered by the funds have been completed satisfactorily.

B. Under certain conditions the Township may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.

C. When all necessary improvements have been completed, the developer shall notify the Township in writing by certified or registered mail of said completion. The Township shall, within 10 days after receipt of such notice, authorize final inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within 30 days of the inspection authorization and shall indicate approval or rejection of the completed improvements.

D. Upon approval of the completed improvements, the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds, the developer shall guarantee in writing the structural integrity of the improvements for a period of 1 year.

E. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.

F. Should the Township fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial guarantee agreement.

G. If financial security has been provided in lieu of completion of improvements required as a condition for the final plan approval as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: 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, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

4. Dedication of Improvements.

A. Where the subdivider proposes to dedicate improvements to the Township, a deed which dedicates the land and such improvements to the Township and is duly signed by the subdivider and Township Supervisors, shall be recorded with the final plan. In accepting the deed of dedication and approving the final plan, the Township accepts ownership and maintenance responsibility for the improvements shown on the final plan.

B. Where the Township accepts dedication of all or some of the required improvements, the Township may require up to 15% of the actual cost of improvements for financial security to insure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.

C. A final plan may be approved without an offer of dedication of improvements, provided that such improvements are noted as private on the final plan. The subdivider shall also be required to provide a notice in each deed, setting forth an arrangement between the subdivider and buyer for maintenance of such improvements. In addition, as stated in subsection (B) above, the Township may require up to 15% of the actual cost of improvements for financial security to insure the structural integrity of those improvements for a term not to exceed 18 months from the date of acceptance of dedication.

(Ord. 3/9/1993A, § 205)

§ 22-207. Fee Schedule.

1. All review and inspection fees shall be paid to Lamar Township. Fees are designed to cover part of the costs of plan review services provided by the Lamar Township Planning Commission including consultant review if necessary.

2. The Township Supervisors shall establish by Resolution a schedule of fees for review of all subdivision or land development proposals. Review fees shall include reasonable and necessary charges by the municipality's professional consultants or engineer for review and report thereon to the Township. A supplemental fee may be levied for review of large land development or where special environmental conditions exist.

3. For inspection of installed improvements, the subdivider shall reimburse the Township for all Township review fees and expenses charged by a qualified registered professional engineer.(22, PART 2)

A. In the event the applicant disputes the fees or expenses in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary. The Township shall not delay application or other approval due to the applicant's request over disputed expenses.

B. If within 20 days from the date of billing, there is disagreement on the amount of fees or expenses which are reasonable and necessary, then the applicant and Township shall jointly appoint another professional engineer licensed in the Commonwealth of Pennsylvania, to review the fees or expenses and make a determination as to the reasonable amount.

C. The registered professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(Ord. 3/9/1993A, § 206)

PART 3

INFORMATION TO BE SUBMITTED

§ 22-301. General.

It is the responsibility of the subdivider to coordinate all plans with the public and private service agencies in the manner set forth in this Chapter. No plan of any subdivision or land development shall be approved except in accordance with these regulations. The applicant shall be entitled to a decision in accordance with the provisions of this Chapter as they stood at the time the plan was duly filed. No change or amendment of any ordinance applicable to the plan shall adversely affect the applicant.

(Ord. 3/9/1993A, § 300)

§ 22-302. Sketch Plan.

1. Sketch plans should be legible and show the following data:

- A. North arrow and approximate scale.
- B. Location of existing and proposed road(s) and driveway(s).
- C. Proposed lot layout.
- D. Location of moderate or steep slopes.
- E. Location of sinkholes and streams, if any.

2. At the request of the subdivider, members of the Planning Commission may meet at their convenience with the subdivider to inspect the property before the presentation of the preliminary plan. Based on a site visit and sketch plan, the Commission will advise the subdivider of the extent to which the sketch plan conforms to the design standards of this Chapter. The Commission may also suggest any modifications deemed advisable or necessary to secure conformance.

3. The Planning Commission may require a sketch plan showing the overall layout of a development where land under the same ownership is remaining but not immediately plotted for subdivision or development.

4. For minor subdivisions and minor land development, the sketch plan shall be modified by submittal of the following additional documentation:

- A. A survey of the tract prepared and sealed by a registered professional land surveyor showing perimeter boundaries and pertinent existing and proposed features.
- B. If slopes in excess of 8% are present, method of complying with §22-409.
- C. If streams are present, method of complying with §22-413.
- D. If sinkholes are present, method of complying with §22-413 and § 22-414.
- E. If located within or adjacent to the agricultural zoning district, method of complying with the buffer yard requirements of § 22-411(6).
- F. If located within the village center zoning district, evaluation of the proposal shall be in accordance with the performance zoning standards as presented in § 27-805 of the Township Zoning Ordinance [Chapter 27].

(Ord. 3/9/1993A, § 301)

§ 22-303. Preliminary Plan.

1. Approval of the preliminary plan represents approval of the character and intensity of development and the arrangement and approximate dimensions of streets, lots and other planned features. The approval binds the subdivider to the general scheme of the subdivision shown and permits the subdivider to proceed with final detailed design of improvements and with preparation of the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan, nor constitute approval of the final plan.

2. Five copies of the preliminary plan and two copies of all other material and information required by this Chapter shall be submitted to the Commission with a letter of intent. The copies of the preliminary plan can be either black and white or blue and white prints. The sheet size shall be either 18 inches by 24 inches or 24 inches by 36 inches. The preliminary plan shall be at a scale not to exceed 100 feet to the inch.

3. The preliminary plan shall show the following data:

- A. Title block, containing the name of the owner of the tract, municipality, date, scale and certification with seal by a registered professional land surveyor.
- B. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries and including an area extending at least 1/2 mile from the subdivision parcel boundaries.
- C. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and of all abutting subdivisions.
- D. North arrow, perimeter boundaries showing bearings and distances of the area to be developed, proposed lot lines, dimensions of areas to be dedicated to public use and building setback lines; total number of parcels or dwelling units, including a numbering -system to identify each lot, approximate area of each lot, total acreage and existing zoning classification.
- E. Location and width of all existing or proposed streets, rights-of-way, parking areas and easements on or adjacent to the tract, including right-of-way and pavement widths and street names. Duplication of existing street names within the municipality shall be avoided.
- F. Location and size of existing and proposed sewers, water mains and culverts, buildings, transmission lines, existing and proposed utilities, fire hydrants and other significant manmade features.
- G. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.

H. Location of sinkholes and wetlands, if any.

I. Existing watercourses, floodplains, wooded areas and other significant natural features. The boundary of the floodplain shall be shown utilizing the flood insurance study for the municipality. The 100 year flood elevation shall be provided.

J. Topographic contours and datum and benchmark to which contour elevations refer.

4. The following shall be submitted with the preliminary plan:

A. Review fee and/or inspection fee. A supplemental review fee may be added to the standard fee for review of major land development or where special studies are required.

B. Copies of proposed deed restrictions, if any.

C. Cross-sections and centerline profiles for each proposed street and preliminary designs of proposed bridges and culverts.

D. Sketch of proposed street layout for the remainder of the affected parcel where the preliminary plan covers only part of the subdivider's holdings.

E. A description of the means of sewage disposal, including DEP approval for onlot disposal systems. See §22-416. [Ord. 12/10/2001]

F. A description of the water supply and, where appropriate, onlot well testing or approval letters issued for water supply systems. See § 22-417.

G. An erosion and sedimentation control plan to be in effect during construction. See §22-409.

H. A stormwater management plan where slopes exceed 8% and where areas are sinkhole prone. See §22-409.

I. Where street or driveway access to a State highway is needed, a statement that a highway occupancy permit is required.

J. Other documentation and certificates of approval from the proper authorities as may be required.

K. A statement that the landowner acknowledges and consents to the presentation of the plan, including the signature of the landowner.

L. Estimated costs of all proposed or required improvements.

M. Special studies may be required by the Township including but not limited to sinkholes, wetlands and steep slopes. Where deemed necessary by the Township, the developer shall provide such studies at his own expense.

(Ord. 3/9/1993A, § 302; as amended by Ord. 12/10/2001)

§ 22-304. Final Plan.

1. Where site improvements are not proposed by the subdivider, nor required by the Planning Commission, or where improvements have been installed in accordance with a previously approved preliminary plan, or an acceptable performance assurance has been filed with the Commission, the preliminary plan may be considered as a final plan.

2. The final plan shall conform in all respects with the approved preliminary plan. Otherwise the plan submitted shall be considered as a revised preliminary plan.

3. The applicant shall have a period of 5 years from the date of preliminary approval in which to submit a final plan. If the applicant fails to submit a final plan within the said 5 year period, the approval of the preliminary plan shall become null and void, unless an extension of time is requested by the subdivider in writing, along with a schedule for submission of the final plan and is approved by the Commission prior to the expiration date.

4. The final plan may be submitted in sections, each concerning a portion of the entire subdivision or land development.

5. Six copies of the final plan and two copies of all other materials and information required by this Chapter, shall be submitted to the Commission with a letter of intent. The copies of the final plan can be either black and white or blue and white prints. The sheet size shall be 18 inches by 24 inches or 24 inches by 36 inches. The final plan shall be at a scale not to exceed 100 feet to the inch.(22, PART 3)

6. The final plan shall show the following data:

A. Title block, containing the name of the owner of the tract, municipality, date, scale and certification with seal by a registered professional land surveyor.

B. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries and including an area extending at least 1/2 mile from the subdivision parcel boundaries.

C. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and all adjacent subdivisions.

D. North arrow, boundary lines by bearings and distances which provide a survey of the area to be developed, closing with an error of not more than 1 foot in 5,000 feet.

E. Proposed lot lines by their courses and distances showing bearings to the nearest second and distances to nearest 1/16th of a foot, dimensions of areas to be dedicated to public use and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, acreage of each lot, total acreage and existing zoning classification.

F. Location and final design and dimension of proposed streets, rights-of-way, parking areas and easements on or adjacent to the tract, including bearings and distances of rights-of-way and easements, right-of-way and pavement widths and street names.

G. Location and final design of proposed sewers, water mains, culverts, buildings, transmission lines, fire hydrants and other significant manmade features.

H. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.

I. Existing watercourses, floodplains, wooded areas and other significant natural features. The boundary of the floodplain shall be shown utilizing the flood insurance study for the municipality. The 100 year flood elevation shall be provided.

J. Topographic contours and datum and benchmark to which contour elevations refer.

7. The following information, data and documents shall be submitted with the final plan:

A. Corrected and updated material from the preliminary plan.

B. Review fee.

C. Copies of proposed deed restrictions, right-of-way use and maintenance agreements and deeds proposing dedication of improvements to the concerned municipality.

D. Final cross-sections and centerline profiles for each street and final designs of bridges and culverts.

E. Documentation in accordance with § 22-416 of this Chapter, that the subdivider has adequately planned for sewage disposal, including final designs of sewerage systems.

F. Documentation in accordance with § 22-417 of this Chapter that the subdivider has adequately planned for water supply. Where appropriate, approval letters or permits issued by the local water company, the Department of Environmental Protection or the Pennsylvania Public Utilities Commission for water supply systems and final designs of such systems. [Ord. 12/10/2001]

G. Final designs of any stormwater control improvements and related documentation required in accordance with § 22-409 of this Chapter.

H. Highway occupancy permit, where applicable.

I. Other documentation and certificates of approval from the proper authorities as may be required by the Planning Commission.

J. Where appropriate, one of the following for guaranteeing improvements for either the entire development tract or designated phases:

(1) A bond, certified check or other security satisfactory to the Planning Commission.

(2) A certificate from a qualified engineer chosen mutually by the Township and the developer that the improvements have been inspected and found to be installed in accordance with specifications.

K. A notarized statement, signed by the landowner, duly acknowledged before an officer authorized to take acknowledgment of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan and that they desire the same to be recorded. This must be dated following the last change or revision to said plan.

(Ord. 319/1993A, § 303; as amended by Ord. 12/10/2001)

PART 4

DESIGN AND CONSTRUCTION STANDARDS

§ 22-401. General.

This Part contains standards and requirements which are intended as the minimum design standards for subdivisions and/or land developments. They shall be applied by the Lamar Township Planning Commission in reviewing all plans in order to promote the public health, safety and general welfare.

(Ord. 319/1993A, § 400)

§ 22-402. Inconsistency With Other Ordinances.

Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive regulations shall be observed.

(Ord. 3/9/1993A, § 401)

§ 22-403. Uses Subject to Other Regulations.

1. Uses permitted by right, by conditional use or by special exception shall be subject, in addition to use regulations, to regulations of lot size, lot width, building area, accessory structures, easements, provisions for off-street parking and loading and related provisions as specified in the Township Zoning Ordinance [Chapter 27].

2. The laws and regulations of the Commonwealth regarding water supply and waste disposal shall be adhered to. No zoning permit shall be issued until approval is obtained from the Township Sewer Enforcement Officer (SEO) and, if necessary and appropriate, the Department of Environmental Protection (DEP) for sewage disposal unless the premises are served by public sewage facilities. [Ord. 12/10/2001]

3. Land subject to health and safety hazards (such as sinkholes) shall not be subdivided or developed for use until such hazards have been eliminated or unless adequate safeguards against such hazards are provided.

(Ord. 31911993A, § 402; as amended by Ord. 1211012001)

§ 22-404. Lots and Parcels.

The arrangement and other design standards of lots shall conform to the following requirements:

1. All lots shall conform to the minimum requirements of the Lamar Township Zoning Ordinance [Chapter 27] in effect. Larger lot sizes maybe required where specific site conditions such as excessive slope or marginally suitable soils are known to exist.

2. Lot size, dimension and the placement of lots within blocks shall be so as to provide the largest amounts of usable space for the owners thereof, the most economical provision of services and the most advantageous relationship with natural topography and vegetation.

3. All lots shall abut a street.

4. Wherever possible, lot lines shall follow Township boundaries rather than cross them.

5. Double frontage lots shall be avoided, except where essential for separation from collector streets or to overcome topographic disadvantages. Where frontage along a collector occurs, a planting strip for a screen, at least 15 feet in width, shall be provided along the back of the lot. Where lots back on a railroad, creek or natural barrier, there may also be required a 15 foot planting screen strip. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make it desirable.

6. If, after subdividing, remnants of land exist, they shall be incorporated in existing or proposed lots, or legally dedicated to public use, if acceptable to the Township.

7. A parcel being subdivided for the purpose of being added to an existing, adjacent lot of record shall not be subject to minimum lot size or the soils testing requirements, provided that a note indicating such is placed on the plot plan and that the existing lot and the addition shall be combined in one deed of record. If both parcels are described separately in the same deed, then a note shall be placed on the plan and in the deed indicating that the two lots are to be considered as one. In this manner the purchaser is precluded from subsequent subdivision of the acquired addition without prior approval thereof under the terms and conditions of this Chapter.

(Ord. 3/9/1993A, § 403)

§ 22-405. Blocks.

1. Exceptions from strict conformity with the standards hereinbefore set forth may be made by the Planning Commission to allow unique and imaginative design of block layouts. Site plans presented to the Planning Commission for review shall show the detailed design being proposed including structures, trees and other natural features as required in this Chapter under Part 3. Such original designs may comprise industrial, commercial or residential development. Nothing in this Section shall relieve the subdivider from strict conformity with the regulations unless he can show that his proposals for original design observe the spirit of compliance, if not the exact content.

2. The length, width and shape of blocks shall be determined with sensitive regard to: type of building proposed, topography and natural features and safe and efficient vehicular and pedestrian circulation.

3. Blocks shall have a minimum length of 300 feet.

4. Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.

5. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

6. Crosswalks shall be required between streets wherever necessary to facilitate pedestrian circulation and to give access to community facilities, such as parks or playgrounds.

(Ord.3/9/1993A,§ 404)

§ 22-406. Building Lines.

The minimum building line, measured from the required right-of-way line shall be as stated in the Zoning Ordinance [Chapter 27]. Where sub-surface disposal is indicated, the distance from the right-of-way line to the building line shall be adequate to provide an area for the sub-surface drainage field. For other than residential lots, the Commission may require additional setbacks. Corner lots shall have extra width to permit the appropriate building setback from both streets.

(Ord.3/9/1993A,§ 405)

§ 22-407. Streets.

1. Street Classification.

A. The State highway system includes all public streets and highways operated and maintained by the Pennsylvania Department of Transportation.

B. The Township Street System includes all public streets and roads maintained by Lamar Township. Subdividers proposing public dedication of streets within a subdivision shall submit road design and construction plans which meet the minimum specifications of the Township. A deed which dedicates to the Township the land to be used as a public street shall be recorded with the final plan.

C. Private streets include all streets not dedicated, accepted and maintained as public streets. Private streets may be permitted where the following conditions can be met:

(1) A survey of the centerline of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.

(2) The subdivider shall provide a right-of-way use and maintenance agreement in each deed, lease or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the subdivider and buyer or lessee for improvement and maintenance of the private right-of-way.

(3) Where an existing private right-of-way is proposed to provide access to a new subdivision, the subdivider shall provide a right-of-way use and maintenance agreement signed by all property owners using the right-of-way if such an agreement has not been previously included in the existing deeds. This agreement shall be recorded with the final plan and prescribe a road right-of-way width and location and set forth arrangements for and level of maintenance of the private right-of-way.

(4) Private roads shall comply with dimensional requirements of Table 2.

(5) An all-weather surface shall be provided with a minimal base of 6 inches of 2A compacted aggregate.

2. Street Definitions.

PRIVATE - a road whose function is to provide access to no more than three abutting properties. It is not dedicated, accepted or maintained as a public street. It conforms to the conditions of § 22-407(1)(C) of this Chapter.

LOCAL - a street whose sole function is to provide access to abutting properties. It serves or is designed to serve no more than 25 dwelling units and can handle approximately 200 trips per day.

COLLECTOR - a street whose principal function is to carry traffic between local and arterial streets but that may also provide direct access to abutting properties. It is designed to carry 200 to 800 trips per day.

ARTERIAL - a major street that serves as an avenue for traffic into and out of the Township and carries high volumes of traffic.

CUL-DE-SAC - a street that terminates in a vehicular turnaround.

3. Access.

A. Any new driveway accessing a municipal road shall conform to the standards in §22-407(4).

B. In order to protect the public safety, the Planning Commission may restrict access onto a public street or highway to specific locations shown on the plot plan.

C. Any subdivision or land development plan proposing any new public or private streets or any new driveway(s) accessing a state highway shall contain a notice that a highway occupancy permit must be issued by the Pennsylvania Department of Transportation (PennDOT) before construction of access onto the state highway can be initiated. Additionally, the subdivider must submit to the Township Planning Commission a copy of the permit issued by PennDOT prior to subdivision approval.

D. Subdividers or developers proposing any new public or private streets or any new driveway(s) accessing onto a municipal road shall obtain a zoning permit from the Township Zoning Officer before construction of access onto the

municipal road can be initiated. Additionally, the subdivider must submit to the Township Planning Commission a copy of the access permit prior to subdivision approval.

4. Driveways.

A. All proposed lots or land development shall be situated in such a fashion so that safe driveway access onto a public or private road can be provided. Driveway access shall be defined as that portion of a property on which a driveway could be constructed in accordance with the minimum guidelines contained in Table 1.

B. In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Township may require, prior to granting final approval, that the subdivider construct the driveway access in strict accord with the guidelines contained in Table 1 or that a deed restriction be placed on the lot requiring the guidelines be complied with when a driveway is proposed for construction.

C. Drainage of driveways shall be designed and engineered in accordance with provisions of the Fishing Creek Stormwater Management Plan in effect or hereinafter adopted. Stormwater shall not discharge from any driveway on to the access road.

D. All driveways shall have a maximum grade of 15%.

E. All driveways shall provide a stopping or leveling area which extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 50°.

F. Driveways proposed in the village center (VC) zoning district shall have a reduced dimension, if necessary, in order to be consistent with existing driveway scale in the village area.

5. Street Pattern.

A. All subdivision plans shall extend or continue existing rights-of-way at a width required by the adopted minimums, as specified by this Chapter.

B. New streets in the village center (VC) zoning districts shall be compatible in pattern and scale to existing streets in the village.

C. Local streets within a new development or subdivision shall be laid out to discourage through traffic. However, cul-de-sacs are prohibited in the village areas (VC zoning districts) where a traditional grid layout is appropriate.

TABLE 1. Driveway Design Guidelines

Type of Development	Minimum Width ¹	Maximum Grade	Minimum Intervals ²	Minimum Sight Distance ³
Single Unit ⁴	10 ft.	15%	40 ft.	150 ft.
Multi-Unit Residential ⁵	15 ft.	12%	50 ft.	200 ft.
Non-Residential	15 ft.	8%	50 ft.	300 ft.

1 Driveway widths apply to intersections with 90° angles. Where a driveway forms less than a 90 °angle with the access street, a wider driveway width will be required.

2 The minimum interval shall apply between an intersection and the first driveway.

3 Minimum sight distance shall be measured from the point of intersection of the driveway and the street cartway centerline. No significant obstructions or plantings higher than 30 inches or tree limbs lower than 8 feet shall be permitted within this area.

4 Single unit driveways located in the village center (VC) zoning district may comply with reduced dimensions in order to be compatible with existing village scale.

5 For the purposes of driveway design, the multi-unit residential design criteria shall be used for driveways providing access to five or more dwelling units. All other dwelling units shall meet the driveway requirements for single-family residential use.

D. Local streets shall generally not provide access to more than 25 lots, shall be laid out to discourage short cuts to streets or property beyond the subdivision and shall minimize traffic speeds using appropriate posting. However, provision for the extension and continuation of collector streets into and from adjoining areas shall be required.

E. Where a subdivision or land development abuts or contains an existing or proposed collector street, the Planning Commission may require marginal access streets, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street and separation of local and through traffic.

F. If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

6. Street Design.

A. Minimum construction standards for public and private streets serving residential, commercial, institutional and industrial development are shown on Table III and are further detailed in the following sub-sections:

(1) All streets proposed for dedication to the Township shall meet the requirements set forth in Table III, for Local or Collector streets at the time of dedication;

(2) Streets shall be surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the sub-divider or developer and approved by the Township. Before finalizing street installation, the sub-divider shall install any required utilities and provide adequate drainage facilities for the street in accordance with the requirements of Chapter 22 of the Lamar Township Code of Ordinances;

(3) The pavement sub-base, base and wearing surface shall be constructed to the specifications contained in Table III. (see also PADOT's Publication 70, *Guidelines for the Design of Local Roads and Streets*, or most current standards.) All components of the pavement structure shall meet the requirements specified in the most current version of PADOT's Publication, form 408;

(4) Where low volumes of traffic are anticipated, the Township Supervisors may authorize the use of the alternate standards for construction of local streets as set forth in Table III. At a minimum, all such streets shall meet the specifications of the State's Dirt and Gravel Roads Program and shall be reviewed and inspected by the Clinton County Conservation District prior to consideration of acceptance by the Township;

(5) The sub-base shall extend six (6) inches beyond the required cartway width on each side of the proposed street in order to provide additional support and structural integrity for the cartway wearing surface. The sub-base shall be composed of shale, crushed stone (two (2) A or equivalent), or other material approved by the Township Supervisors and shall be constructed to the depth set forth in Table III;

(6) Street shoulders shall be constructed to a compacted depth equal to the depth of the base and wearing surface of the street. The finished surface elevation of the shoulder shall meet the finished elevation of the edge of the cartway;

(7) Private streets serving five (5) or more lots or dwelling units shall be constructed in accordance with the standards for Local Streets contained in Table III;

(8) All private streets being offered for dedication to the Township shall be constructed in accordance with the standards for Local Streets contained in Table III;

(9) Existing private streets proposed as access to a new subdivision or development must be constructed with a stabilized, all-weather driving surface in accordance with the standards of this ordinance. An independent engineering analysis, paid for by the sub-divider or developer, may be required by the Township to evaluate the capability of the existing road to accommodate the project addition use generated by the proposed development; and

(10) Where additional development is proposed utilizing an existing private street or right-of-way, the total number of lots or dwelling units served by the private roadway shall be determined by the applicable construction standards. It shall be the responsibility of the sub-divider or developer to improve the conditions of the existing private street where such improvement is deemed appropriate by the Township.

TABLE III

CONSTRUCTION STANDARDS FOR PUBLIC AND PRIVATE STREETS

Street Type (1)	Course	Type of Material (2)	Depth of Material After Compaction (3),(4)
Minor Collector Streets	Wearing Surface Base/Binder Course Sub-base	ID-2 or Equivalent Bituminous Concrete Sub-base (5)	1 1/2 Inches 3 Inches 8-12 Inches
Local Streets (Preferred)	Wearing Surface Base/Binder Course Sub-base	ID-2 or Equivalent Bituminous Concrete Sub-base (5)	1 Inch 2 Inches 8 Inches
Local Streets (Alternate) (6)	Wearing Surface Base Sub-base	---- 2RC Stone or Equivalent Sub-base (5)	---- 4 Inches 6 Inches

Private Streets (serving 3 or 4 lots or dwelling units) (7)	Wearing Surface Base Sub-base	---- 2A Stone or Equivalent Sub-base (5)	---- 4 Inches 6 Inches
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(1) Minor collector and arterial streets shall be designed and constructed in accordance with all applicable PADOT standards, For the purpose of determining appropriate construction standards, streets serving 20 or more lots or dwelling units shall be considered to be minor collector streets.

(2) All components of the pavement structure shall meet the requirements specified in the most recent version of PADOT's Publication, Form 408. (See also Publication 70, Guidelines for the Design of Local Roads and Streets, most current version.)

(3) Compaction shall be by 10 ton vibratory roller or equivalent.

(4) The depth of all materials may be modified by the Township Supervisors based on the soil types and drainage patterns of the area. In wet or poorly-drained areas, the Township may also require a 4-inch pavement base drain.

(5) The sub-base shall consist of shale, crushed aggregate, or other material approved by the Township Supervisors.

(6) Where low volumes of traffic are anticipated, the Township Supervisors may authorize the use of these or other alternate construction standards, All streets constructed utilizing alternate standards shall however meet the specifications of the State's Dirt and Gravel Roads Program, and be reviewed and inspected by the County Conservation District.

(7) Private streets serving 1 or 2 lots or dwelling units need not be constructed to meet specific standards. Private streets serving 5 or more lots or dwelling units shall be constructed to the standards set forth for local streets. All private streets being offered for dedication to the Township shall be constructed to the standards for local streets.

B. Where a proposed street is to remain private, the provisions of §22-407(I)(C) shall apply.

C. Minimum right-of-way and cartway widths are shown in Table 2. The following requirements shall also be applied.

(1) Provision for smaller street dimensions shall be approved in the village center (VC) zoning district and in districts directly abutting the VC district. Right-of-way width, cartway width and minimum radius shall be reduced in order to conform with the scale of existing village streets. If a hazard is demonstrated to exist, width and radius may be modified to address such hazard.

(2) Provision for a modified street right-of-way may be required by the Commission for public safety and convenience, or access to off-street parking in commercial and industrial areas and in areas of high density residential development.

(3) Where agricultural uses abut an existing street, the right-of-way widths shown on Table 2 shall be maintained for purposes of road stabilization. Agricultural activities shall be prohibited in the right-of-way area adjacent to the cartway.

(4) Where a subdivision abuts an existing street of inadequate width, additional right-of-way shall be required in conformance with the ultimate right-of-way widths required under Table 2 of this Chapter.

7. Intersections.

A. Streets shall be laid out as to intersect as nearly as possible at right angles, and no street shall intersect any other at less than 60°.

B. Intersecting private and public streets located on a slope shall have a leveling area of 25 foot length with a maximum grade of 4%.

C. Property lines at intersections shall be rounded with radii at 35 feet for local streets and 50 feet for collector streets.

TABLE 2. Design Standards for Private and Public Streets			
	Collector Streets	Local Streets 6	Private Streets 7
TABLE 2. Design Standards for Private and Public Streets			
	Collector Streets	Local Streets 6	Private Streets 7
Right-of-Way Width ⁸	50 ft	50 ft	50 ft
Cartway Width ⁸	24 ft.	20 ft.	16 ft.
Maximum Grade	8%	10%	12%
Minimum Radius at Centerline for Horizontal Curves ⁸	300 ft.	175 ft	
Minimum Sight Distance	300 ft.	150 ft.	
Cul-de-Sacs:			
Diameter of Turnaround Right-of-Way		100 ft.	80 ft.

Diameter of Turnaround Cartway		80 ft	60 ft.
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6 If alleys or service drives are proposed, they shall have a minimum right-of-way width of 20 feet.

7 Private streets shall serve no more than three lots or dwelling units.

8 Minimum cartway width and radii may be reduced in the village center (VC) district and in districts immediately contiguous with the VC district to correspond to existing street dimensions.

D. Streets entering opposite sides of another street shall be laid out directly opposite each other; or if necessary, or where encouraged by the Commission, they shall be separated by at least 150 feet between centerlines, measured along the intersected thoroughfare.

E. Multiple intersections involving the junction of more than two streets shall be avoided whenever possible. Intersections along collector and arterial streets shall be located not less than 800 feet apart between centerlines.

F. At all street intersections no obstruction to vision (including signs but not an existing building, post, column, fence or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be permitted or tree limbs lower than 10 feet on any lot within a triangle formed by a line drawn between points along adjacent street centerlines located 75 feet distant from their point of intersection.

8. Cul-de-sac Streets.

A. All dead-end streets require cul-de-sacs or turnarounds.

B. Cul-de-sac streets shall not exceed 600 feet in length or serve more than 20 lots or dwelling units, whichever is less.

C. The cul-de-sac turnaround shall be graded and surfaced in the same manner as the street and shall have a minimum right-of-way diameter of 100 feet.

D. Innovative alternatives to the standard turnaround may be permitted by the Township where an equivalent turnaround area is provided. However, the use of any innovative alternative may jeopardize eligibility for PennDOT liquid fuels tax reimbursement for the cul-de-sac street.

E. Any street dead-ended because of authorized staged development shall be provided with a temporary all-weather turnaround.

9. Street Names and Signs.

A. The Planning Commission shall approve street names at the time of preliminary plan approval. The local Postmaster shall be consulted in this regard. Names shall be different in sound and in spelling from other road names in the Township so as not to cause confusion. A road which is planned as a continuation of an existing road shall bear the same name.

B. The subdivision or land development shall be provided with street name signs at all intersections. Such signs shall conform to Township specifications and shall be installed by the subdivider or developer at his expense in a manner specified by the Township.

(Ord. 3/9/1993A, §406; as amended by Ord. 06-05-2018-C, 6/5/2018, §I)

§ 22-408. Sidewalks.

1. Sidewalks may be required in subdivisions or land developments, as in the following conditions:

A. Where the distance to the nearest school is within State limits which require students to walk rather than be transported.

B. To continue existing sidewalks from adjoining subdivisions or land developments.

C. To provide access to community facilities.

D. In subdivisions with lots of less than 15,000 square feet in size E. As may be required by the Township.

2. Sidewalks, where provided, shall be located within the street right-of-way and shall be no closer than 4 feet from the curb face, shoulder or-street drainage facility. A grass planting strip and street trees may be required between the curb and sidewalk.

3. Whenever curb construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of PennDOT.

(Ord. 3/9/1993A, § 407)

§ 22-409. Stormwater Management.

1. General Requirements.

A. An erosion and sediment pollution control plan shall be submitted for all land development in order to promote erosion control and site stabilization during and after the construction phase. Logging operations shall be included in this

requirement.

B. A stormwater management plan to promote long term erosion control shall be submitted for land development involving:

- (1) Sites with slopes which exceed 8%.
- (2) Sites with sinkholes or which are sinkhole prone.
- (3) Sites where poor drainage or stormwater runoff problems are known to occur.
- (4) Mobile home parks and multi-family residential developments.
- (5) Commercial and industrial developments.

C. The Planning Commission shall request that the Clinton County Conservation District review and comment on stormwater management plans.

D. All subdivision and land development proposals shall meet the requirements of the Fishing Creek watershed stormwater management plan in effect or hereinafter adopted. If conflicts emerge between this Chapter and the watershed stormwater management plan, the more strict provisions shall apply.

E. The requirements contained in this §22-409 shall apply to all areas of Lamar Township not located in the Fishing Creek/Cedar Run Watershed. Those areas located within the Fishing Creek/Cedar Run Watershed shall be governed by the Fishing Creek/Cedar Run Watershed Stormwater Management Ordinance [Chapter 26] enacted by the Board of Supervisors of the Township of Lamar on November 11, 1996. [Ord. 54-5-96A]

2. Plan Requirements.

A. Subdivisions and land developments adjacent to streams must comply with §22-413 "Stream Corridors."

B. The erosion and sediment pollution control plan shall be prepared by the subdivider or a knowledgeable designee who shall consider the potential for accelerated soil erosion resulting from development activities. Soil erosion and sedimentation control measures shall be designed to protect existing vegetation and minimize the area and time of soil exposure. The plan must comply with the most recent DEP regulations and/or guidelines for soil erosion and sedimentation control in effect. [Ord. 12/10/2001]

C. The stormwater management plan for the proposed subdivision shall include a brief description of:

- (1) Existing drainage patterns and stormwater runoff characteristics of the site, including any drainage or stormwater problems and facilities. Existing conditions shall be calculated for the site in its natural wooded or meadow state.
- (2) The anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns, both onsite and offsite. Sediment leaving the site shall be indicated.
- (3) The type of structural and nonstructural improvements planned to control post development stormwater runoff.
- (4) The proposed location of structural and nonstructural improvements shall be shown on the plot plan. The Planning Commission shall also require the subdivider to include on the plot plan topographic contours at 2 foot intervals in order to better evaluate the proposed stormwater control techniques.
- (5) Detailed specifications, including dimensions, typical cross-sections and profiles, shall be submitted for all structural stormwater control improvements, such as swales, seepage pits and retention and detention basins.

D. The stormwater management plan shall include a proposal for ownership and maintenance of all stormwater control improvements as follows:

- (1) Where the developer proposes to dedicate such improvements to the municipality, a deed which dedicates the land to be used for stormwater control improvements to the Township shall be recorded with the final plan. A copy of the deed and a letter from the Township stating their intent to accept ownership and maintenance responsibility shall be submitted with the subdivision plan.
- (2) Alternatively, an ownership and maintenance agreement, which specifies ownership and assigns maintenance responsibility for the proposed improvements to either the developer or among property owners within the subdivision, shall be recorded with the final plan and referenced in the deeds to each property within the subdivision.
- (3) Where a subdivision or development is traversed or bounded by a stream or other drainage way, the developer must provide a drainage easement to preserve the unimpeded flow of natural drainage.

3. Design Standards.

A. Stormwater shall not be discharged into sinkholes.

B. Protection of existing vegetation shall be a key component of the stormwater management design. The site plan shall feature retention of existing vegetation to the greatest extent possible and improvement of existing vegetation where necessary.

C. Stormwater management controls shall be designed so that the peak rate of runoff during and after construction

shall be no greater than the peak rate of runoff prior to development.

D. Controls and improvements shall slow the rate of runoff. Such improvements may include, but are not limited to, deed covenants which restrict the allowable impervious area on each lot, the provision of drainage easements, parabolic swales, seepage pits and detention and retention basins.

E. Specifications for proposed stormwater improvements shall be evaluated by the Planning Commission, in consultation with the County Conservation District or Township Engineer, on a case by case basis.

(Ord. 3/9/1993A, § 408; as amended by Ord. 54-5-96A, 11/11/1996, § 1; and by Ord. 12/10/2001)

§ 22-410. Utilities and Utility Easements.

1. Utilities, including electric and telephone, shall be installed underground in accord with the Pennsylvania Public Utility Commission (PUC) Regulation 52 Pa. Code § 57.82. Underground utilities are not required for any of the following situations:

A. For a residential subdivision of fewer than five lots bordering an existing street which is presently served by overhead utility service.

B. For service to facilities within a commercial or industrial development.

C. For service within the Clinton County Fairgrounds.

D. For service to an agricultural operation.

E. For a project where a variance under the above cited regulation has been granted by the Pennsylvania Public Utilities Commission.

2. The width of utility easements shall be as specified by the particular company. Subdividers may be required to provide the Planning Commission with documentation from the utility companies involved as to the adequacy of utility easements.

3. To the fullest extent possible, easements for public utilities shall be centered on side or rear lot lines.

4. Where natural gas, petroleum or high tension lines are located within or adjacent to the subdivision or land development, the subdivider shall contact the utility company involved to determine any special conditions that may be required.

5. Whenever a developer installs or causes to be installed any utility line, the developer shall, as soon as practicable after installation is complete and, before acceptance of any water or sewer line, furnish the Township with a copy of as-built drawings. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

(Ord. 3/9/1993A, § 409)

§ 22-411. Landscaping and Buffer Yards.

1. The proposed development shall avoid excessive tree clearance, earth moving and destruction of natural amenities. Natural features shall be preserved and incorporated into the site design to the greatest extent possible.

2. Existing hedgerows shall be utilized as landscaping and buffer wherever possible.

3. Existing trees shall be protected to prevent unnecessary destruction during construction. Healthy trees with a caliper of 6 inches or more as measured at a height of 4 1/2 feet above existing grade, shall not be removed unless they are located within 20 feet any planned improvement. In areas where trees are retained, the original grade level shall be generally maintained so as not to disturb the trees.

4. Ground cover shall be provided on all disturbed, unpaved areas to prevent soil erosion.

5. The developer shall inquire into the feasibility of providing underground telephone and electric lines.

6. A buffer yard shall be required where proposed development is located adjacent to an agricultural zone or use.

A. Such buffer shall consist of either existing or newly planted trees located throughout the length and breadth of the buffer yard.

B. Such buffer shall cover a minimum width of 50 feet. At the discretion of the Township Planning Commission, a wider buffer may be required. Certain uses proposed in the scenic protection overlay area shall require a minimum buffer yard width of 100 feet and the Planning Commission may require a greater width.

C. If evergreen trees are planted, their density shall be one tree per 10 linear feet of the buffer yard's length and breadth and shall be of 3 feet height at the time of planting.

D. If deciduous trees are planted, their density shall be one tree per 20 linear feet of the buffer yard's length and breadth and shall be of 4 feet height at the time of planting.

E. If an orchard is planted, density and tree size shall be according to standard fruit grower practices.

F. Buffer yard trees shall be healthy and dead trees shall be replaced.

7. Buffering and landscaping requirements are identified for specific uses in Part 5 of the Zoning Ordinance [Chapter 27] for which the standards of § 27-806 of that Chapter shall apply.

(Ord. 31911993A, § 410)

§ 22-412. Floodplain.

All subdivision and land development plans shall conform with the Lamar Township Floodplain Ordinance [Chapter 8].

(Ord. 3/9/1993A, § 411)

§ 22-413. Stream Corridors and Sinkholes.

Land uses, including agricultural land uses, which occur adjacent to streams and/or sinkholes shall require an undisturbed buffer or filter strip along the stream or sinkhole. The requirement for a buffer applies to all streams and watercourses which are defined as a channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

A. The purpose of the buffer is to intercept sediment and pollutants from project runoff occurring overland before they reach the stream and/or sinkhole, thereby protecting local water resources and the environment.

B. The buffer width shall be a minimum of 50 feet measured from the stream bank or sinkhole to the area of the proposed soil disturbance. This buffer shall apply to each side of the watercourse where soil disturbance is proposed. If the watercourse marks the project boundary, the buffer requirement shall apply to only one side of the stream.

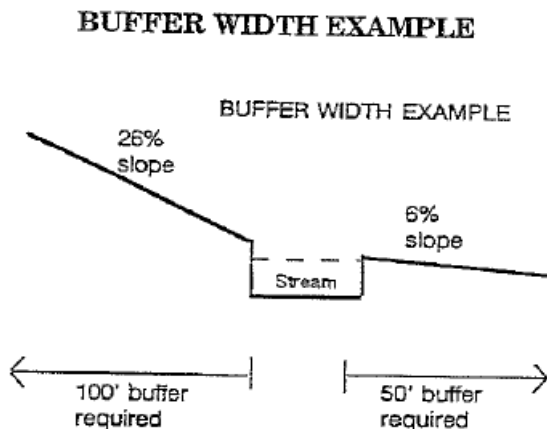
C. Where the subdivision and land development has a slope in excess of 8%, the following buffer widths shall apply to each applicable side of the watercourse.

% Slope	Buffer Width
0-8%	50'
8-15%	65'
15-25%	80'
25%+	100'

D. The slopes of a site may not be averaged over the gross acreage. Only the area within 200 feet of the watercourse shall be considered for the purpose of slope calculation.

E. If the land on each side of the stream bank has different slope characteristics (as shown by the diagram) a different buffer width would be required on each side of the stream.

BUFFER WIDTH EXAMPLE



F. The buffer shall consist of existing or new vegetation or a combination thereof, as in the following order of preference:

- (1) Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.
- (2) A combination of existing vegetation (such as above) and newly established vegetation.
- (3) A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.

G. Stream encroachment work or any development within 50 feet of a stream bank or wetlands must obtain a permit

from DEP and the US Army Corps of Engineers. The applicant shall provide written determination from the applicable regulatory body or a copy of the required permit prior to final plan approval. [Ord.12/10/2001]

(Ord. 3/9/1993A, § 412; as amended by Ord. 12/10/2001)

§ 22-414. Hydrogeology.

1. Minor Subdivisions. Those applications proposing the use of onlot wells and/or onlot sewage disposal systems in areas underlain by karst topography which contains sinkholes or is sinkhole-prone shall conform to the following guidelines:

A. Storm water from roadways, parking lots, storm sewers, roof drains or other concentrated runoff paths shall not be discharged into sinkholes.

B. Sinkholes shall be protected by diverting surface water away from a sinkhole or planting and maintaining a dense filter strip of suitable vegetative material (e.g., tall grasses) at least 30 feet in width in such manner and location as to disperse and slow the runoff and to promote the maximum possible filtration of both solid and dissolved impurities.

C. Sinkholes with a capacity sufficient to receive an appreciable volume of storm water, as determined by the Township, must be posted in a clearly visible manner. Such notice shall explain the sinkhole designation as contamination prone and shall prohibit disposal of any material including but not limited to refuse, rubbish, hazardous wastes, organic matter or soil.

D. If increased runoff is to be discharged near a sinkhole, even in filtered condition, a geologic assessment of the effects of such runoff shall be made and submitted with the stormwater management plan specified in § 22-409. Such discharge shall be prohibited if it is determined that this runoff poses a hazard to life, property or groundwater resources or causes increased land subsidence.

2. Commercial Land Development and Major Subdivisions. Those applications proposing the use of onlot wells and/or onlot sewage disposal systems for commercial and major subdivision purposes in areas underlain by karst topography or carbonate bedrock units which are sinkhole-prone shall require the preparation of a preliminary hydrogeologic study. Such preliminary hydrogeologic study shall be conducted by a qualified hydrogeologist and consist of the following minimum requirements:

A. A topographic map showing the location of the site, as well as the proposed onsite sewage disposal systems and wells. Narrative descriptions of these systems shall also be furnished.

B. A map showing the existing sinkholes, bedrock and surficial units, soils and a description of the geologic conditions on and around the site.

C. A map and narrative description of the area that will be impacted by the use of the proposed well(s) and/or onlot sewage disposal systems. Accompanying the map and narrative will be an analysis of the well(s) impact upon the ground water of the region and any anticipated water quality/quantity impacts to areas located downgradient and/or along any geologic fracture, trend or fault. These anticipated impacts shall also consider existing and potential land uses located within the affected area.

D. Should it be determined that the proposed use(s) would result in a degradation of the groundwater at nearby properties, the study shall present measures to be employed to mitigate these adverse impacts.

E. Where existing sinkholes are located, no stormwater runoff shall be discharged into or near the sinkhole and a filter strip shall be established as a buffer. Specifications and mapped description for such a buffer shall be furnished by the developer.

(Ord. 3/9/1993A, § 413)

§ 22-415. Steep And Severe Slopes.

1. For development of hillsides, the developer shall prepare the following:

Development plans shall show the location of steep (15-25%) and severe (greater than 25%) slope areas. These areas may be delineated from U.S. Geological Survey topographic maps, or if a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect or geologist may be required.

2. The following protection requirements shall be required for such hillside subdivision and land development:

A. Erosion and Sedimentation Control Plan. An erosion and sedimentation control plan shall be required prior to disturbance of any steep or severe slope area, in accordance with provisions of § 22-409 of this Chapter.

B. Soil Stability Analysis. A soil stability analysis shall be performed by a professional soil scientist prior to the disturbance of steep slope areas in excess of 2,000 square feet. This analysis shall evaluate the impact upon the stability of the slope and shall include mitigation techniques.

C. Final plan approval shall require incorporation of mitigation measures in the site design.

D. Severe slopes (in excess of 25%) shall not be developed, nor their soil disturbed, except that such development shall be considered if innovative engineering is utilized.

(Ord. 3/9/1993A, § 414)

§ 22-416. Sewage Facilities.

1. Sewage facilities shall be designed in accordance with regulations and standards of the Township Sewage Enforcement Officer (SEO) who shall be duly licensed by the Pennsylvania Department of Environmental Protection (DEP). All plans shall be approved by either DEP or the licensed SEO. [Ord. 12/10/2001]

2. High-Density Development. For development featuring four or more units per acre, sanitary sewage facilities shall connect with a public or DEP approved private sanitary sewage system. Sewers shall be installed to serve each lot and/or unit. Grades and sizes shall be as required by the Township. No onlot septic or centralized disposal systems shall be permitted. Sanitary sewer facilities including laterals in the right-of-way shall be subject to the specifications of the Township and DEP. [Ord. 12/10/2001]

3. Low- and Medium-Density Development. For development of fewer than four units per acre, sanitary sewage systems shall be constructed as follows.

A. Where a public or other DEP approved sewage system is reasonably accessible, (See definition below) the applicant shall connect with the system and provide sewers accessible to each lot/unit in the subdivision. [Ord. 12/10/2001]

B. Where a public sewage system is not reasonably accessible but will become available within 10 years, the applicant may choose one of the following:

(1) Central sewage system, the maintenance cost to be assessed against each property benefitted. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.

(2) Onlot septic systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for installation of the public sewer system.

C. Where a public sanitary sewage system is not reasonably accessible and will not become available within 10 years, the applicant may choose one of the following alternatives:

(1) Central sewerage system, the maintenance cost to be assessed against each property benefitted.

(2) Onlot septic systems, pending percolation test approved by the Township sewage enforcement officer.

4. Mandatory Connection to Public Sewer System. If a public sanitary sewer is accessible, the owner shall be required to connect to the public sewer and it shall be unlawful for any such owner or occupant to maintain an onlot sewage disposal system.

5. Definition. An accessible public sewer is one which is placed in a street or alley abutting the property or is within 200 feet of the unit.

6. Individual Disposal System Requirements. If public sewer facilities are not available and onlot systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance [Chapter 27]. Percolation tests and test holes shall be made as directed by the Township Sewage Enforcement Officer (SEO) and the results submitted to the Pennsylvania Department of Environmental Protection

(DEP). The onlot system including the size of the septic tank and tile field, shall also be approved by the SEO. [Ord. 12/10/2001]

(Ord. 3/9/1993A, § 415; as amended by Ord. 12/10/2001)

§ 22-417. Water Supply.

1. Whenever feasible, a development shall connect to an existing public or community water-supply system.

2. Where individual onsite water-supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.

3. Where groundwater problems are known to exist or where sinkholes or sinkhole prone soils exist or where anticipated levels of development may result in water supply problems, the Planning Commission may require the developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision without detrimental effects upon existing adjacent water wells. The standards set forth in the Safe Drinking Water Act (35 P.S. §§ 721.1 to 721.17) shall be used, in addition to requirements as applicable contained in § 22-414, "Hydrogeology," of this Chapter.

4. If water is to be provided by other than individual onsite systems (wells owned and maintained by the individual lot owners), the final plan must include evidence that the subdivision or development will be supplied by one of the following:

A. Certificated public utility.

B. A bonafide cooperative association of lot owners.

C. A municipal corporation, authority or utility.

Acceptable evidence of the above would include a copy of the certificate of public convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment to serve the area in question, whichever is appropriate.

5. New public water systems which are to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental Protection. The developer shall submit a copy of the appropriate DEP approval letter or permit for construction and operation of the new public water system. [Ord.12/10/2001]

6. Extensions to existing water systems which are proposed to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental Protection. The developer shall submit a letter from the appropriate water authority approving the extension. [Ord. 12/10/2001]

(Ord. 3/9/1993A, § 416; as amended by Ord. 12/10/2001)

§ 22-418. Fire Hydrants.

1. Every development that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

2. Fire hydrants must be located so that every building within the development may be served by a hydrant by laying not more than 500 feet of hose connected to such hydrant. However, the Fire Chief may authorize or require a deviation from this standard if in his professional opinion another arrangement is more satisfactory.

3. The Fire Chief shall determine the precise location of all fire hydrants. In general, fire hydrants shall be placed 6 feet behind the curb line of publicly dedicated streets that have curb and gutter.

4. The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Fire Chief, all hydrants shall have 2 1/2 inch hose connections and one 4 1/2 inch hose connection. The 2 1/2 inch hose connections shall be located at least 21 1/2 inches from the ground level. All hydrant threads shall be national standard threads.

5. Water lines that serve hydrants shall be at least 6 inch lines, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

(Ord. 3/9/1993A, § 417)

§ 22-419. Monuments And Markers.

1. Placement and Marking. Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a brass or bronze dowel.

2. Location of Monuments. On street lines, rear common property lines or at other locations as required by the Township.

3. Location of Lot Markers. At all lot corners.

4. Removal. Any monuments or markers that are removed must be replaced by a registered engineer or registered surveyor or the developer at the expense of the person removing them.

(Ord. 3/9/1993A, § 418)

PART 5

LAND DEVELOPMENTS

§ 22-501. General.

Preparation of plans for land development is dependent upon the type of land development, whether major or minor, the criteria of which are presented below. Land developments shall be evaluated by the Township according to the standards outlined in this Part.

(Ord. 3/9/1993A, § 500)

§ 22-502. Definition of Land Development.

Land development is defined as any of the following activities:

A. The improvement of one or more contiguous lots or tracts of land for any purpose involving:

(1) Two or more residential or nonresidential buildings (whether proposed initially or cumulatively) or a single nonresidential building on a lot regardless of the number of occupants or tenure.

(2) The allocation of land or space (whether proposed initially or cumulatively) among two or more existing or

prospective occupants for streets, common areas, leaseholds, condominiums, buildings or other features.

B. A subdivision of land.

(Ord. 3/9/1993A, § 501)

§ 22-503. Types of Land Development.

1. Minor Land Development. A plan for a minor land development shall be prepared in accord with §22-302(4) of this Chapter. A minor land development shall be defined as:

- A. A single non-residential building of less than 2,000 square feet.
- B. The placement of two single-family detached dwellings on a single lot.
- C. Involving no new streets or extension of public water or sewer facilities.

2. Major Land Development. A major land development plan shall be prepared in accordance with the plat requirements specified for preliminary and final plans in Parts 2 and 3 of this Chapter. A major land development shall include:

- A. A non-residential building greater than 2,000 square feet in size.
- B. Two or more non-residential buildings on a single lot.
- C. Four or more residential units or three or more detached dwellings on a single lot.

3. Phased Development. Phased development shall be considered major land development. Each phase shall consist of a minimum of three contiguous parcels. Plans for each phase shall be prepared in accordance with §§ 22-303 and 22-304 of this Chapter.

4. Land Development, Exceptions. The following shall not be regarded as land development.

A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

B. The addition of any accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclass, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until plans for the expanded area have been approved by proper authorities.

(Ord. 3/9/1993A, § 502)

§ 22-504. Campgrounds.

Campgrounds are classified as major land development and require compliance with Parts 2, 3 and 4 of this Chapter. Such campgrounds include commercial, recreational and private campgrounds. In addition, all campgrounds shall conform to the Lamar Township Zoning Ordinance [Chapter 27] in effect. The following provisions also apply:

A. A campground permit shall be secured from the Pennsylvania Department of Environmental Protection. [Ord.12/10/2001]

B. Sewage facilities shall meet the following standards:

(1) All sewage facilities shall be constructed in accordance with the standards of the Pennsylvania Department of Environmental Protection. [Ord. 12 / 10 /2001]

(2) Campgrounds shall provide one sanitary station for every 100 trailer spaces for disposal of sewage from trailer holding tanks.

(3) One male and one female toilet and sink shall be required for each 15 tent or travel trailer spaces.

C. All internal streets within the campground shall meet the following design standards:

- (1) Minimum subbase: 6 inches of compacted stone.
- (2) Minimum base and wearing surface: Four (4) inches of 2 RC or similar material.
- (3) For a two-way road, a 16 foot cartway is required and for a one-way road, a 10 foot cartway width is required.

D. Unregistered vehicles are prohibited unless kept within a garage.

E. Bathing facilities or showers, if provided, shall meet the following standards:

- (1) Facilities shall be of a design which is readily cleanable and shall be maintained in a sanitary condition.
- (2) Facilities shall be properly drained.

(3) Facilities shall be properly ventilated.

(Ord. 3/9/1993A, § 503; as amended by Ord. 12/10/2001)

§ 22-505. Multiple Family Dwelling Developments.

Multiple family developments are classified as major land development and require compliance with Parts 2, 3 and 4 of this Chapter. Such development includes apartments, townhouses and condominiums. All pertinent standards from the Lamar Township Zoning Ordinance [Chapter 27] shall apply. In addition, the following requirements shall apply:

A. The developer shall submit with the land development or subdivision plan the following:

(1) Description of the type of multiple family dwelling proposed, indicating the number of dwelling units per structure.

(2) Description of the maintenance of all facilities which are shared by residents within the proposed development, including the required open space. The developer shall provide implementing documents to ensure such maintenance.

(3) If the developer proposes to subdivide and convey individual dwelling units within the development, an exact legal description of the areas or dwelling units to be conveyed shall be provided, along with an agreement which assigns maintenance responsibility for commonly used facilities. This agreement shall be recorded with the subdivision plan and referenced in the deeds for all properties in the development.

B. A consolidated area of at least 500 square feet per dwelling unit of usable open space shall be provided. At least one shade tree shall be part of this open space.

C. Buffer yards shall be required by the Township where adjacent land use dictates their placement. Developers shall protect and utilize natural hedgerows, where possible, for this purpose. A planted buffer of at least 50 foot width shall be established at the boundary between multi-family residential development and

(1) Agricultural zone or use.

(2) Commercial zone or use.

The buffer yard design shall be in conformance with §22-411(6).

D. A stormwater management plan is required as specified in § 409.

(Ord. 3/9/1993A, § 504)

§ 22-506. Commercial and Industrial Land Developments.

Commercial land developments, including but not limited to, shopping centers and motels and industrial land developments such as industrial parks and multiple tenant industrial buildings shall comply with all applicable standards of the Township Zoning Ordinance [Chapter 27]. In addition the following standards shall apply:

A. All parking areas, service drives, loading areas, driveways and internal roadways shall be surfaced in accordance with the Township Zoning Ordinance [Chapter 27]. Access to public streets shall be limited to well defined entrance and exit lanes. Painted lines, arrows and dividers shall be provided and maintained to control parking and internal circulation. (22, PART 5)

B. Buffer yards shall be required by the Township where adjacent land use dictates their placement in accordance with § 27-805 of the Zoning Ordinance [Chapter 27].

C. A planted buffer of at least 75 foot width consisting of trees shall be established between an agriculture zone and any proposed commercial or industrial use, in conformance with § 22-411(6) of this Chapter.

D. A stormwater management plan is required as specified in §22-409 of this Chapter.

(Ord. 3/9/1993A, § 505)22-48

PART 6

MOBILE HOME PARKS

§ 22-601. General.

Mobile home parks are permitted only in those zoning districts specified in the Lamar Township Zoning Ordinance [Chapter 27]. Every proposed mobile home park must meet the requirements of this Part as well as all the required procedures pertaining to major land development identified in Parts 2 and 3 of this Chapter. Each mobile home placed in a mobile home park shall secure an occupancy permit prior to its use as living quarters.

(Ord. 3/9/1993A, § 600)

§ 22-602. Site Plan Requirements and Procedures.

Application for a mobile home park shall require the submission of eight copies of the preliminary and final plans to the Township Planning Commission in accordance with Parts 2 and 3 of this Chapter. In addition, all design standards as

contained in Part 4 of this Chapter shall apply, unless delineated by this Part.

(Ord. 3/9/1993A, § 601)

§ 22-603. Design Standards.

1. Minimum Park Area. Each mobile home park shall have a gross area of at least 2 contiguous acres of land suitable for development.
2. Grading and Ground Cover Requirements.
 - A. The developer shall retain existing vegetation to the greatest extent possible in order to prevent soil erosion.
 - B. A stormwater management plan shall be submitted in accordance with §22-409 of this Chapter.
3. Mobile Home Park Lot Requirements.
 - A. Gross Density. The maximum number of mobile home lots within every mobile home park shall be no more than four lots per acre of the gross area.
 - B. Minimum Lot Sizes. The mobile home lot shall contain no less than 6,000 square feet. The minimum width of any mobile home lot shall be 60 feet.
 - C. Innovative Site Design. Variations in lot size may be permitted for innovative site plans, provided gross density requirements are met.
4. Setbacks, Buffer Strips and Screening Requirements.
 - A. Setbacks from Public Roads. All mobile homes and auxiliary structures shall be located at least 75 feet from the centerline of any abutting public road or street.
 - B. Park Perimeter Buffer Strips. All mobile homes and auxiliary structures shall be located at least 50 feet from the mobile home park boundary lines. If a suitable attractive, effective screening either manmade or of natural plantings is provided along the perimeter, this minimum buffer strip may be reduced to 25 feet.
 - C. Existing Hedgerows. Developers shall utilize existing hedgerows as buffer, wherever possible.
 - D. Adjacent Commercial or Industrial Zones. All mobile home parks located adjacent to industrial or commercial land uses or zone districts shall have a buffer yard of 50 foot width consisting of fencing, trees and shrubbery. Fencing may be waived by the Planning Commission where a sufficiently dense existing hedgerow is utilized as the buffer. In the event that the performance zoning and buffer yard design standards set forth in the Zoning Ordinance [Chapter 27] are followed by the developer then the requirements of the Zoning Ordinance [Chapter 27] shall supersede this Section.
 - E. Adjacent Agricultural Use of Zone. Proposed mobile home parks located adjacent to agricultural use zones shall have a buffer yard of 75 foot width consisting of a plantation of trees, in accordance with § 22-411(6) of this Chapter. In the event that the performance zoning and buffer yard design standards set forth in the Zoning Ordinance [Chapter 27] are followed by the developer then the requirements of the Zoning Ordinance [Chapter 27] shall supersede this Section.
 - F. Screening. Requirements Within the Mobile Home Park. Repair, maintenance and storage areas or buildings shall be effectively and attractively screened from the mobile home lots and streets by manmade screens or natural plant materials.
5. Recreation Space Requirements. A minimum of 10% of the gross park area or 1,000 square feet per unit, whichever is larger, shall be provided for recreational or open space. This space shall be suitable for outdoor recreational activity and shall be easily accessible to all park residents. At least one shade tree shall be located in this space.
6. Parking Space Requirements. A minimum of two stabilized vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located within 200 feet of the mobile home lot which they are intended to serve.
7. Mobile Home Park Internal Street Requirements. Each mobile home lot must have access to the mobile home park internal street system. Streets shall be constructed in accordance with the street standards outlined in § 22-407 this Chapter.
8. Mobile Home Lot Improvements. Each lot within the park shall be improved with utility hook-ups. In addition, an all-weather patio with a minimum area of 200 square feet per mobile home shall be provided.

(Ord. 3/9/1993A, § 602)

§ 22-604. Utilities and Park Facilities.

1. Water Supply System. An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install and maintain a private water supply system according to the standards of and with the approval of the Pennsylvania Department of Environmental Protection. [Ord. 12/10/2001]
2. Fire Hydrants. Fire hydrants shall be provided in accordance with §22-418 of this Chapter.

3. Sewage Disposal System. An adequate sewage system shall be provided in all mobile home parks for conveying and disposing of sewage. Mobile home parks shall be connected to public or a private sewer system. Private sewage system shall be designed, installed and maintained according to the standards of the Pennsylvania Department of Environmental Protection. [Ord.12/10/2001]

4. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township Supervisors and the utility company. Underground installation of utility lines is required for approval of the mobile home park proposal.

5. Service and Other Auxiliary Park Buildings. Buildings required for the management, servicing and maintenance of the park and well-being of the park residents, including a community building, shall be allowed within the mobile home park boundaries. The entire area of these buildings shall be used exclusively for the use, management, servicing and maintenance requirements of the park.

6. Solid Waste Collection and Disposal. The developer shall present information explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient, an alternate method shall be proposed by the applicant.

(Ord. 3/9/1993A, § 603; as amended by Ord. 12/10/2001)

§ 22-605. Rules and Regulations of the Park.

The developer shall submit a copy of the proposed rules and regulations to be followed by tenants of the mobile home park. At a minimum, regulations shall include the following:

A. Each mobile home shall be skirted with either a masonry wall or fabricated materials for this specific purpose. Bales of hay, straw, interior plywood, unfinished wood or like materials shall not be allowed.

B. Garbage and trash shall be placed in appropriate receptacles.

C. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in the supplementary regulations of the Township Zoning Ordinance [Chapter 27].

(Ord. 3/9/1993A, § 604)

PART 7

ADMINISTRATION

§ 22-701. General.

The Lamar Township Board of Supervisors shall administer and enforce this Chapter and does hereby designate the Lamar Township Planning Commission as the agency:

A. With which applicants may hold all pre-application consultations relating to the plans.

B. To which all preliminary or final subdivision and land development plans are referred upon submission to the Township.

C. Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.

D. Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Chapter.

(Ord. 3/9/1993A, § 700)

§ 22-702. Records.

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

(Ord. 3/9/1993A, § 701)

§ 22-703. Waivers and Modifications.

1. The provisions of this Chapter are the minimum standards for the protection of the public welfare.

2. If any mandatory provision of this Chapter is shown by the applicant, to be unreasonable and to cause unique and undue hardship, the Board of Supervisors may grant a waiver in writing from such a mandatory provision, provided that:

A. Such waiver will not have the effect of nullifying the intent and purposes of this Chapter.

B. The public safety is not compromised.

C. No requirements related to stormwater management, hydrogeology or stream corridors are modified.

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

In granting waivers and modifications, the Board of Supervisors may impose such conditions as will, in its judgment, encourage innovative design, secure substantially the objectives of the standards or requirements so waived or modified.

(Ord. 3/9/1993A, § 702)

§ 22-704. Amendment.

1. The Lamar Township Board of Supervisors may, from time to time, revise, modify and amend this Chapter by appropriate action taken at a scheduled public hearing, all in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

2. A public hearing held pursuant to public notice is required to amend this Chapter. At least 30 days prior to hearing, the Township shall submit the amendment to the County Planning Commission for recommendations. Within 30 days after adoption, the Township shall forward a certified copy to the County Planning Commission.

3. The proposed amendment or summary thereof shall be published in a newspaper of general circulation from 7 to 60 days prior to passage.

(Ord. 3/9/1993A, § 703)

§ 22-705. Preventive Remedies.

1. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer from such penalties or from the remedies herein provided.

2. The Board of Supervisors 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 any ordinance adopted pursuant to this Part. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

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

(Ord. 3/9/1993A, § 704)

§ 22-706. Enforcement Remedies.

1. District justices shall have initial jurisdiction in proceedings brought under this Section.

2. Any person, partnership or corporation who or which has violated the provisions of this Chapter upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure.

3. Each day that a violation continues shall constitute a separate violation, unless the District Justice further determines that there was good faith basis for the party to have believed that there was no such violation until the fifth day following the date of the determination of a violation. In this event, there shall be deemed to have been only one violation by the District Justice and thereafter each day that a violation continues shall constitute a separation violation.

4. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per them judgement pending a final adjudication of the violation and judgement.

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

PART 8

DEFINITIONS

§ 22-801. Interpretations.

The following definitions shall be used in the interpretation of this Chapter. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not optional.

(Ord. 3/9/1993A, § 800)

§ 22-802. Definitions.

ABANDONED - the apparent discontinuance of a non-conforming use of a building or premises or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement or the replacement of the non-conforming use or structure.

ACCESS DRIVE - a durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g., a driveway.

ACCESSORY USE OR STRUCTURE - a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

ALTERATION - any major change in or addition to a structure.

AMENDMENT - a change in use in a district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

AMUSEMENT USES - activities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of establishments but excluding adult entertainment facilities.

APPLICANT - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plan or a development plan.

APPOINTING AUTHORITY - the Board of Supervisors.

AUTHORITY - a body politic and corporate created pursuant to 53 Pa. C.S. §§ 5601 et seq., known as the "Municipality Authorities Act of 1945."

BOARD - the Zoning Hearing Board of Lamar Township.

BUFFER - a buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between differing land uses, as specified in § 22-411 of this Chapter.

BUFFER YARD - an area of existing or newly-planted trees located between differing or incongruous land uses and whose width is at least 50 feet, as specified in § 22-411(6) of this Chapter.

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

CONDITIONAL USE - a use permitted in certain districts, as provided for in Part 2, of the Township Zoning Ordinance [Chapter 27] which may only be authorized by the Township Supervisors as set forth in Part 11 of the Township Zoning Ordinance [Chapter 27].

DENSITY, GROSS - the total number of dwelling units per acre in a development divided by the total site area in acres.

DEVELOPER - any landowner, agent of such landowner or tenant, with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving or excavation.

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

DWELLING - any building or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as:

DWELLING, MULTI-FAMILY - a building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

DWELLING, SEASONAL - a dwelling intended for occupancy only occasionally during the year, including dwellings intended for summer or winter recreational use such as cottages, hunting cabins and mobile homes.

DWELLING, SINGLE-FAMILY ATTACHED - a building designed and occupied exclusively as a residence for one family and having a party wall on each side in common with an adjacent dwelling; i.e., a townhouse.

DWELLING, SINGLE-FAMILY DETACHED - a detached building designed for or occupied exclusively by one family.

DWELLING UNIT - one or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by one family for living and sleeping purposes. Travel trailers, recreation vehicles and similar facilities for transient lodging shall not be considered as dwelling units.

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

ENCROACHMENT - a structure or activity which changes, expands or diminishes the course, current or cross-section of a watercourse, floodway or body of water. Any development within 50 feet of waterways or wetlands and requiring a permit from DEP and the US Army Corps of Engineers. [Ord. 12/10/2001]

ENCLOSED USE - a use which is located entirely within a structure.

FAMILY - one person or two or more persons related by blood, foster relationship, marriage or adoption and in addition, any domestic servants or gratuitous guests thereof. A roomer or boarder shall not be considered a member of the family.

FILTER STRIP - an existing or new buffer of vegetation along a stream, pond, lake or sinkhole, which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of an existing hedgerow, uncultivated field or newly established grass.

FLOOD - a temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) - an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the 100 year floodplain and the special and risk premium zones applicable to the community.

FLOOD FRINGE - that portion of the 100 year floodplain outside the floodway.

FLOOD, 100 YEAR - a flood that on the average is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year).

FLOODPLAIN - a relatively flat or lowland area adjoining a river, stream or watercourse which is subject to partial or complete inundation or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING - any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage. (See Lamar Floodplain Ordinance [Chapter 8].)

FLOODWAY - the channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100 year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100 year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FLOOR AREA - for the purposes of applying the requirements for offstreet parking and loading, "floor area" in the case of office, merchandising or service type uses, shall mean the gross floor area used by tenants, or for service to the public or clients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also "habitable floor area.")

GOVERNING BODY - Lamar Township Board of Supervisors.

GROUP HOME - a residential facility for mentally retarded or mentally ill individuals not related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit and licensed by the County or State.

GROUP QUARTERS - a dwelling that houses unrelated individuals.

HABITABLE FLOOR AREA - any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking and recreation or a combination thereof. Floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area.

HEIGHT OF BUILDING - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys or similar projections.

HIGH DENSITY DEVELOPMENT - the establishment of four or more permanent dwelling units per acre.

HUD CODE - manufactured home construction and safety standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code which classifies mobile homes as manufactured homes. The HUD Code preempts State and local building regulations.

INDUSTRIAL PARK - a tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

JUNK - any used or discarded material including, but not limited to, waste paper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

JUNKYARD - an area of land, with or without buildings, used for storage, collection and/or sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition. Storage of two or more abandoned motor vehicles or the major parts thereof, for a period exceeding 120 days, shall be deemed a junkyard and must be licensed by the Township.

JUNKED or ABANDONED VEHICLE - an unlicensed and uninspected vehicle which has been abandoned or not moved for 6 months.

LAND DEVELOPMENT - any of the following activities:

A. The improvement of one or more contiguous lots or tracts of land for any purpose involving:

(1) Two or more residential or nonresidential buildings (whether proposed initially or cumulatively) or a single nonresidential building on a lot regardless of the number of occupants or tenure.

(2) The allocation of land or space (whether initially or cumulatively) among two or more existing or prospective occupants for streets, common areas, leaseholds, condominiums, buildings, mobile homes or other features.

B. A subdivision of land.

LAND DEVELOPMENT EXCLUSIONS:

A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless they are intended to be a condominium.

B. The addition of any accessory building, including farm buildings, subordinate to an existing principal building.

C. The addition or conversion of buildings or rides within an amusement park. An amusement park is defined as a permanent area used principally for amusement structures or rides.

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 person having a proprietary interest in land.

LIGHT MANUFACTURING - a manufacturing or industrial operation that produces a negligible amount of noise, smoke, odor, dust, vibration or glare as a result of operation of the activity.

LOGGING - the act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than 1 acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

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

LOT AREA - the computed area contained within the lot lines, excluding any street right-of-way.

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

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

LOT LINE - a lot 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°.

LOT OF RECORD - any lot which individually or as part of a subdivision has been recorded in the office of the Clinton County Recorder of Deeds.

MANUFACTURED and MOBILE HOME SALES - an area, including a building, used primarily for the display or sale of manufactured and/or mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

MANUFACTURED HOME - a factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be

used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MANUFACTURING - the act of producing, preparing or assembling finished products or goods from raw materials or components parts through the repetitious use of an established or set process.

MARKET VALUE - the fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

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

MINOR LAND DEVELOPMENT - development involving no new streets and no extension of public water or sewer and which consists of either a single nonresidential building of less than 2,000 square feet or the placement of two single family dwellings on a single lot.

MINOR SUBDIVISION - a subdivision of land of three or fewer new lots involving no new street and no extension of sewer and water facilities.

MOBILE HOME - a single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976 (See HUD Code)

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for a single mobile home.

MOBILE HOME PARK - a parcel of land which has been so designated and improved that it contains two or more mobile home lots. A mobile home park is the same as a manufactured home park if the units were built after 1976, were certified by the HUD Code and lot parcels are rented.

MODULAR HOUSING - housing units designed and manufactured in two or more standard sections, which are shipped and joined into one integral unit on the site.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to 53 Pa. C.S. §§ 5601 et seq., known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township Engineer.

MUNICIPALITY - any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class A through eighth class, home rule municipality or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NEW CONSTRUCTION - the construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.)

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of the Zoning Ordinance [Chapter 27], but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure not in compliance with the Zoning Ordinance [Chapter 27], but where such structure lawfully existed prior to the enactment of the Ordinance [Chapter 27]. Such nonconforming structures include nonconforming signs.

NONCONFORMING USE - a use which does not comply with the provisions in the Zoning Ordinance [Chapter 27] but was lawfully in existence prior to the enactment of such ordinance.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

OPEN SPACE - any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures or impervious surfaces.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION - the Planning Commission of Lamar Township.

PLAT - a map, plan or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

PREMISES - any lot, parcel or tracts of land and any building constructed thereon. **PRINCIPAL BUILDING** - a structure in which the principal use of the site is conducted. **PRINCIPAL USE** - the primary purpose(s) for which a lot is occupied.

PRINCIPALLY ABOVE GROUND - at least 51% of the actual cash value of the structure, less land value, is above ground.

PRIVATE ROAD - a right-of-way which provides vehicular access to a maximum of three lots and which is not dedicated or maintained by the Township or State.

PUBLIC - owned, operated or controlled by a government agency (Federal, State or local, including the Board of Public Education.)

PUBLIC HEARING - a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

PUBLIC MEETING - a forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE - notice published once each week for 2 consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days and the second publication shall be not less than 7 days from the hearing date.

PUBLIC SEWAGE SYSTEM - a system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

RECREATIONAL VEHICLE - a vehicle less than 38 feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes. Such vehicles are permitted only in campgrounds or on private individual parcels.

SALE PARCEL - in a planned residential development, that portion of a tract's gross acreage which may be sold for land development, while the remaining acreage is left undisturbed for common open space.

SEASONAL HOME - a dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages, cabins, second homes, travel trailers and forms of camping accommodations. Such uses shall be limited to hunting and fishing seasons, vacation time, weekends, retreats and other periodic visits.

SCREENING - a barrier to visibility, glare and noise between adjacent properties made of plant materials such as trees or shrubs.

SIGN WALL - a sign attached to a wall of a building directly related to the premises on which it is located.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of Part 10.

SPECIAL PERMIT - a special approval needed for specific types of development being proposed in any portion of the floodplain.

STORY - that portion of a building included between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between any floor and the ceiling immediately above it.

STREAM - see "watercourse."

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STREET LINE - the dividing line between the street and lot, also known as right-of-way line.

STRUCTURE - any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpole, stadiums, platforms, towers, sheds, storage bins, fences exceeding 4 feet in height, signs, sign posts, lights and light standards for other than residential use but excepting patios, driveways, walks and parking areas at yard grade.

SUBDIVISION - the division or redivision of a lot, tract or parcel of land 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. However, the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - where in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUBSURFACE DRAINAGE - construction associated with the removal of ground water from under roadway or other surfaces designed to maintain firm, stable subgrades and structure foundations.

TOWNSHIP SUPERVISORS - the governing body of Lamar Township.

TRANSFERABLE DEVELOPMENT RIGHTS - the attaching of development rights to specified lands which are desired by a municipality to be kept underdeveloped, but permitting those rights to be transferred' from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

TRIANGLE, SIGHT - a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

USE - the specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use.

VARIANCE - a modification of the literal provisions of the Township Zoning Ordinance[chapter 27] which the Zoning Hearing Board' is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

WATERCOURSE - any channel or conveyance of surface water having a defined bed and bank, whether wet or dry, whether artificial or natural.

WETLANDS - land that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes and marine meadows.

YARD - an open space which lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

YARD, FRONT - an open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.

YARD, REAR - an open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

YARD, SIDE - an open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

(Ord. 3/9/1993A, § 801; as amended by Ord. 12/10/2001)