

CODE OF WAYMART BOROUGH  
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS – CHAPTER 100

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**Article 1 - General Provisions**

**§ 100-01. Title.**

This Chapter provides for the regulation of land developments and subdivisions within the Borough of Waymart, Wayne County, Pennsylvania. It may be cited as the "Waymart Borough Subdivision and Land Development Ordinance" or as the "Waymart Borough Subdivision and Land Development Regulations."

**§ 100-02. Authority.**

This Chapter is adopted under the authority provided Waymart Borough by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

**§ 100-03. Purposes.**

This Chapter is adopted for the following purposes;

- A. Protect and provide for the public health, safety, and general welfare of Waymart Borough.
- B. Guide the future growth and development of Waymart Borough.
- C. Provide for adequate light, air, and privacy; secure safety from fire, flood, stormwater and other danger; and prevent overcrowding of the land and undue congestion of population.
- D. Protect the character and the social and economic stability of all parts of Waymart Borough.
- E. Protect and conserve the value of land, buildings and improvements throughout Waymart Borough and minimize conflicts between land uses.
- F. Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.
- G. Provide for safe and convenient circulation of people and goods throughout the Borough, including pedestrian travel, and provide for the proper location and width of streets and building lines.
- H. Establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout of land, and to ensure proper legal description and monumenting of subdivisions and land developments.
- I. Ensure that improvements for public facilities are available and will have a sufficient capacity to serve proposed subdivisions and land developments.
- J. Implement the Waymart's Borough Comprehensive Plan.

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**§ 100-04. Jurisdiction.**

- A. This Chapter shall apply to all subdivisions of land and land developments made on or after the effective date of the Chapter and not yet recorded, including mobile home parks, recreational land developments and other land developments as defined herein.
- B. This Chapter shall have only limited application to; 1) lot improvements, and 2) subdivisions of land created for non-building purposes such as hunting or agricultural use where a restrictive covenant or similar legal instrument ensures such land will not be further developed or improved for commercial, institutional or residential use in the future without first securing the additional approval of Waymart Borough pertaining to required sewage planning. Such subdivisions shall be subject only to the approval of the Waymart Borough Planning Commission. Applications, however, shall contain the basic plat specifications as required for minor subdivision applications, excepting those items determined not to be applicable due to the nature of the submission.

**§ 100-05. Constitutional Construction.**

- A. The provisions of these regulations in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. These regulations are not intended to interfere with, abrogate, or annul any other Chapter rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other Chapter rule or regulations or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- C. If any part or provision of these regulations is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Borough Council hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

**§ 100-06. Waivers and Modifications.**

- A. The Borough Council shall have the power to authorize waivers and modifications of these regulations.
- B. Applications for such waivers and modifications shall be submitted in writing by the subdivider at the time the subdivision or land development plan is filed, except in cases where a waiver or modification is proved necessary at a later date by construction conditions. The application shall state fully the grounds on which it is based and all the facts relied upon by the subdivider or developer.
- C. The Borough Council may, by resolution, authorize a waiver or modification of these regulations when, in its opinion, undue hardship will result from strict compliance therewith, subject, however, to the provisions of the Pennsylvania Municipalities Planning Code and the following:

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- (1) Waiver or modification applications shall, in those instances where either the applicant so requests, or the Borough determines a waiver or modification could have an impact on adjoining properties, be subjected to a public hearing pursuant to public notice. The person applying for a waiver or modification shall in such cases pay to the Borough Secretary, in advance, such sum as provided for by resolution of the Borough Borough Council setting forth fees.
  - (2) Any resolution of the Borough Borough Council authorizing a waiver or modification of these regulations shall state in it the reasons on which the Borough Council bases its finding that unreasonable hardship will result from strict compliance with these regulations.
- D. In authorizing a waiver or modification, the Borough Borough Council may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations. Modifications may be granted where the following conditions occur;
- (1) There is no reasonable possibility, because of unique physical circumstances, of developing the property in strict conformity with the provisions of these regulations.
  - (2) The above hardship would be unique and not shared by other properties in the immediate vicinity.
  - (3) The waiver would not change the character of the area and would preserve the purpose and intent of these regulations.

**§ 100-07. Appeals.**

In any case when the Borough Borough Council disapproves a subdivision plan, any person aggrieved thereby may appeal the decision pursuant to the Pennsylvania Municipalities Planning Code.

**§ 100-08. Violations and Remedies.**

Any person, partnership, or corporation who or which violates the provisions of this Chapter shall be subject to the full range of enforcement and preventative remedies provided to the Borough under the Pennsylvania Municipalities Planning Code. This shall include, but not be limited to, payment of a judgment of not more than \$500 plus all court costs and reasonable municipal attorney fees. Each day that a violation continues shall constitute a separate violation. The description by metes and bounds, or the lack thereof, in an instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor of rights to develop land from such penalties or from the remedies therein provided. The Borough Borough Council may also initiate and maintain civil action:

- A. To obtain a writ of injunction against the subdivider who attempts the improper sale, lease, or conveyance of land.
- B. To set aside and invalidate any conveyance of land made prior to recording of any subdivision.

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Nothing herein shall prevent the Borough from taking such other action as may be necessary to prevent or remedy any violation or to restrain it from following the requirements of the aforementioned Code.

**§ 100-09. Amendments.**

The Supervisors may, after public hearing, amend these regulations pursuant to the Pennsylvania Municipalities Planning Code. These regulations shall also be considered amended whenever any provision of the aforementioned Code is itself amended to require or authorize actions different from those specified herein.

**§ 100-10. Municipal Liability.**

The approval of a subdivision and/or land development plat, or of any improvement installed, shall not constitute a representation, guarantee, or warranty of any nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

**§ 100-11. Enactment and Effective Date.**

Enacted into law this ninth day of August, 2000 to be effective five (5) days following.

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**Article II - Definitions**

**§ 100-12. General.**

As used in these Regulations, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of these Regulations are defined as mandatory.

For the purpose of these Regulations, the following terms shall be considered interchangeable:

- A. The words "Chapter," "Ordinance" and "Regulation(s)."
- B. The terms Borough and Waymart Borough
- C. The terms subdivider and developer.

Unless otherwise expressly stated, the following definitions shall, for the purpose of these Regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

**§ 100-13. Glossary of Terms.**

The following is a list of specific terms, found elsewhere in the Chapter, along with definitions of their intended meaning:

**Alley:** A permanent service way providing a secondary means of access to abutting lands.

**All-Weather Surface:** The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone or other state-approved surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the review of the Borough Engineer and Roadmaster as well as approval by the Borough Council. Pennsylvania Department of Transportation specifications shall also be applicable.

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

**Berm or Shoulder:** That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

**Block:** A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Borough, or by any combination of the above.

**Building:** A structure formed of any combination of materials designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. A multi-family building divided by unpierced masonry walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for the purpose of this Chapter.

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**Campsite:** A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes. Campsites in transient developments may be clustered and not necessarily specifically defined, however, provided the gross density does not exceed that permitted herein.

**Clear Sight Triangle:** An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street centerlines.

**Commercial, Industrial and Other Non-residential Land Development:** Improvement of a property for any purpose other than residential development (dwellings) or recreational land development (as defined herein), that is not exempted by Section 100-38 hereof.

**Commonwealth:** The Commonwealth of Pennsylvania and any of its Departments or agencies.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water, within or part of a development site and designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

**Common Property:** All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Borough for approval.

**Conditional Approval:** A special approval of a subdivision or land development granted by Borough Council with conditions attached thereto.

**Conservation Subdivision (Cluster Development):** A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant extra land is devoted to open space.

**County:** The County of Wayne, Commonwealth of Pennsylvania, and its Planning Department.

**Cul-de-sac:** A minor street providing a single access to a group of lots with a turn-about area at the end of such street.

**DEP:** The Pennsylvania Department of Environmental Protection.

**Developer:** The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or land development or any of the activities covered by this Chapter, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of this project may vary.

**Driveway:** A defined private access from an individual lot to a public or approved private right-of-way.



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**Dwelling:** A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- A. **Single-Family:** A building arranged, designed and intended, for and occupied exclusively by, one family.
- B. **Two-Family:** A building arranged, designed and intended for and occupied by two families living independently.
- C. **Multi-family:** A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.

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

**Filing Date:** The date of the regular meeting of the Planning Commission next following the date an application for preliminary or final approval of a subdivision or land development is received by the Planning Commission Secretary. If said next regular meeting occurs more than thirty days following its receipt, the filing date shall be the thirtieth day following its receipt by the Secretary. Submissions lacking information required by this Chapter as shall be determined by the Planning Commission will not be considered filed.

**Frontage:** That side of a lot abutting on a street or way excepting that portion of the perimeter that is designated as the side lot line of a corner lot.

**Land Development:** either of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

Excepted are the following activities; (1) conversions of single-family dwellings into two-family dwellings and (2) buildings accessory and subordinate to existing principal buildings on the same lot.

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

- A. **Lot Area:** The area of land contained within the limits of the property lines bounding that lot, including any area within a highway right-of-way.
- B. **Lot Width, Average:** The average of the widths of a lot at the building setback line and the rear lot line.

**Lot Improvement:** A division of land that:

- A. Involves the addition of land to an existing parcel so as to:
  - (1) Improve ability of that parcel to comply with setback or other building standards; or
  - (2) Increase suitability of the parcel for building development; or
  - (3) Add to the availability of open space; or
  - (4) Resolve a boundary line dispute for which subdivision approval is otherwise required; and
- B. Does not substantially reduce the ability of the lot, from which the lot improvement parcel is taken, to comply with the applicable standards of this Chapter; and
- C. Includes a map and deed restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added; and
- D. Complies in other respects with criteria established by the Pennsylvania Department of Environmental Protection pertaining to sewage planning for "non-building lot subdivisions" in the case of such subdivisions.

**Major Improvements:** Streets, recreational facilities, off-site sewage facilities; off-site water facilities, stormwater management facilities and similar facilities intended to render a property usable for intended developments.

**Major Subdivision or Land Development:** See Section 100-15 introduction for a definition of this term.

**Minor Subdivision or Land Development:** See Section 100-14 introduction for a definition of this term.

**Mobile/Manufactured Home:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term Mobile Home shall not include recreational vehicles or any unit of less than forty feet in length or ten feet in width.

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**Mobile/Manufactured Home Lot:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. The mobile home lot in a mobile home park may be either owned by the occupant of the mobile home or leased from the mobile home park owner.

**Mobile/Manufactured Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Mobile/Manufactured Home Site:** That part of an individual lot which has been reserved for the placement of the mobile home, appertaining structures or additions.

**Modification:** A relief of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the Chapter is observed.

**Official Wastewater Facilities Plan:** A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of such systems, and submitted to and approved by the State Department of Environmental Protection, as provided by the Pennsylvania Sewage Facilities Act and Chapter 71, Rules and Regulations, promulgated thereunder.

**Off-site Sewage:** A sewage system designed to serve more than one dwelling unit or building; not including the use of a single disposal system for two dwellings on the same parcel of land.

**Off-site Water:** A water supply system designed to serve more than one dwelling unit or building; not including the use of a single well for two dwellings in the same lot.

**On-site Sewage:** Any sewage system designed to treat sewage by subsurface means within the boundaries of an individual lot.

**On-site Water:** Any water supply system designed to provide water by means of a well within the boundaries of the lot being served.

**Parcel:** An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

**Pavement:** Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the specifications of Waymart Borough or Pennsylvania Department of Transportation specifications, as the case may be.

**Performance or Completion Guarantee:** A surety bond, certified check or other security meeting the requirements of Act 247 (Pennsylvania Municipalities Planning Code), and the terms of which are satisfactory to the Borough Solicitor, guaranteeing the subdivider will install all required or planned improvements.

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**Person:** Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

**Plan or Plat:** A map or chart indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

- A. **Sketch Plan:** An informal plan, identified as such with the title "Sketch Plan" on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for consideration by the Borough.
- B. **Preliminary Plan:** A complete plan prepared by a registered professional engineer, registered landscape architect, registered surveyor or other qualified individual, identified as such with the wording "Preliminary Plan" in the title, accurately showing proposed streets and lot layout and such other information as required by this Chapter.
- C. **Final Plan:** A complete and exact plan, identified as such with the wording "Final Plan" in the title, with professional engineer's or registered surveyor's seal affixed, and prepared for official recording.

**Recreational Land Development:** A campground or other area used for the regular parking of recreational vehicles or erection of tents for camping or recreational purposes on either a remunerative or non-remunerative basis.

**Setback:** A line, parallel to a property boundary or the edge of a highway right-of-way, which defines an area within which buildings and improvements (fences and utility lines excepted) are restricted.

**Street:** A highway, road or other vehicular way that serves as a designated public thoroughfare, is depicted on an approved subdivision or land development plat or is otherwise depicted or described in legal documents recorded in the office of the Wayne County Recorder of Deeds, including the following:

- A. **Major Street:** An arterial street with signals or stops signs at important intersections that collects traffic from collector streets.
- B. **Collector Street:** A street which collects traffic from minor streets and delivers it to major streets.
- C. **Minor Street:** A street which offers access to abutting properties and has little or no through traffic.
- D. **Interior or Marginal Access Street:** A street intended to provide access to lots bordering a public right-of-way to which access has been limited or prohibited, and generally running parallel to such right-of-way.
- E. **Alley:** A service way providing a secondary means of access to abutting properties and not intended for general traffic circulation.

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

**Supervisors, Board:** The Waymart Borough Borough Council.

**Surveyor:** A registered land surveyor licensed by the Commonwealth of Pennsylvania.

**Borough:** Waymart Borough, Wayne County, Pennsylvania.

**Borough Engineer:** A Professional Engineer licensed as such by the Commonwealth and appointed or hired on a consulting basis to provide engineering advice to the Borough.

**Trip-end:** The starting point or destination associated with any trip by vehicle. All trips have both a beginning and ending trip-end (two trip-ends).

**Waiver:** A relief of one or more procedural requirements of this Chapter if the requirements pertaining to the same are not applicable because of peculiar conditions pertaining to the application or land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the Chapter is observed.

**Watercourse:** A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature, or originate from temporary sources such as runoff from rain or melting snow.

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**Article III - Plan Submission and Review Requirements**

**§ 100-14. Procedures and Requirements for Minor Land Developments and Subdivisions.**

A minor subdivision or land development is one containing not more than ten lots, or a cumulative development on a lot-by-lot basis for a total of ten lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this Chapter, by the owner or the owner's duly appointed agent) where no new streets or other major improvements such as sewer and water extensions are required. Use of the land in the case of minor subdivisions is limited to a single-family or two-family dwelling (provided that any creation of a two-family dwelling shall, nonetheless, be considered a subdivision). Minor subdivisions shall otherwise meet the definition of a "Supplement to the Borough Official Plan" as provided for in Chapter 71 of the Regulations of the Pennsylvania Department of Environmental Protection.

The following procedures and requirements shall apply to minor subdivisions and land developments only (See Definitions). All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified in Sections 100-15 to 100-19 of this Chapter. Minor subdivisions shall not be subject to these particular requirements, but shall comply with the remainder of this Chapter.

- A. Any person proposing to create a minor subdivision shall submit along with plans required in Sub-section B below, eight (8) copies of an application for minor subdivision approval. This application shall include:
- (1) The name, address and telephone number of the property owner of record and those of the subdivider, if different.
  - (2) The name and number of the road where the proposed subdivision is to be located.
  - (3) The name, address and telephone number of the Registered Professional Land Surveyor preparing the subdivision plans.
  - (4) The type of water supply proposed.
  - (5) The type of sewer system proposed and permit number, if granted. Should an existing system be proposed for a new use of greater intensity than the previous use, a Professional Engineer or Certified Pennsylvania Sewage Enforcement Officer shall have first determined such system is adequate to accommodate the additional wastewater flow and documents to this effect shall be submitted.
  - (6) Fee or receipt for the same from the Borough Secretary.
  - (7) Existing and proposed uses of the property.
- B. This plan shall be prepared by a Registered Professional Land Surveyor in the case of a subdivision or by a Professional Engineer, Registered Landscape Architect or other qualified individual in the case of other land developments, with his address provided, and shall show all the lots proposed

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to be created. The subdivider shall submit eight (8) copies of the Final Plan bearing the original seal and signature of the Surveyor and required supplementary data for the proposed subdivision. The Final Plan and supplementary data shall meet the following requirements:

- (1) The map shall when possible be drawn at a size compatible with Wayne County tax maps and shall be not less than 11" X 17" nor more than 24" X 36" in size.
- (2) The names of all current abutting property owners (including those across the street), with current deed references and tax map numbers for these as well as the property being subdivided, and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
- (3) The map shall include a title block with the name of the municipality and County and name of the existing owner of record. The North Point, graphic scale, preparation date and all revision dates shall also be indicated. A signature approval block shall be provided, including space for the chair or vice-chair of both the Planning Commission and Borough Council to sign and date their signatures, along with a blank area beneath sufficient in size to record any conditions of approval as shall be specified by the Borough.
- (4) Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used. Floodplain boundaries shall also be depicted where applicable.
- (5) All existing streets shall be identified by their official posted names and numbers and right-of-ways depicted. Existing buildings, utility lines sewage systems and other significant natural or man-made features shall also be depicted along with any other existing or proposed easements and rights -of-way.
- (6) Proposed lot or parcel lines shall include accurate bearings and be drawn to scale, dimensions given in feet and hundredths of a foot and error of closure of 1 in 10,000 or better. Lot areas shall be shown in acres or square feet and lot corners shall be depicted as set in the field. The map shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel.
- (7) A Planning Module for Land Development (or such other comparable documentation as may be required by the Pennsylvania Department of Environmental Protection), along with a soils evaluation by the test pit method and/or other required supplemental data shall be reviewed by the Borough Sewage Enforcement Officer and submitted in a form suitable for adoption by the Borough as a supplement to the Borough Official Wastewater Facilities Plan.
- (8) A permit from either Waymart Borough or the Pennsylvania Department of Transportation, as the case may be, for a street encroachment or highway occupancy permit. The Borough, however, may waive this requirement where no immediate plans exist to improve the property, provided a notice has been placed on the plat that such permits are required.
- (9) A location map inset at a scale of 1" = 2000' shall be provided.

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(10) Building setback lines shall be depicted geographically or listed.

(11) A copy of the proposed deeds relating to any lot improvement.

- C. The Plan shall include all the items identified in Section 100-14 above and shall be submitted at least 10 days prior to a regular meeting of the Borough Planning Commission to the Borough Secretary who shall note receipt of the application and collect any fees due. The Secretary shall forward copies to the Borough Planning Commission for action and the Borough code enforcement officer(s) and other officials (e.g. Borough Engineer) as may be appropriate, for analysis of compatibility with this and other Waymart Borough ordinances. Checks shall be made payable to the Waymart Borough Borough Council. Notwithstanding these requirements, however, the Planning Commission may, for review purposes, accept or reject any application brought before it less than 10 days of its meeting.

The Borough shall also, at the time of official receipt of the application package, forward a copy to the Wayne County Planning Department for a review and report together with a fee sufficient to cover the costs of the review, which fee shall be paid by the applicant. Checks shall be made payable to the Wayne County Planning Department.

Upon receipt of the County Planning Department's review comments, the Borough Planning Commission shall be authorized to grant final approval to; 1) any lot improvement, or 2) any non-building subdivision pursuant to § 100-04(B) hereof; without the necessity of securing approval from the Borough Council.

Otherwise, the Borough Planning Commission, and any other officials requested to review the application shall prepare a report on it for the Borough Borough Council no later than thirty 30 days following receipt of the same, unless the application is determined to be incomplete and is not accepted for filing. Incomplete applications shall be returned to applicants by the Planning Commission with or without the other review agencies' advice, and shall be accompanied by a written explanation of the items which are missing.

All reviewing agencies shall make recommendations to the Borough Council, which recommendations shall be in letter form or noted on the plats submitted.

The Supervisors shall act no later than ninety (90) days following the filing date.

The Supervisors shall concurrently act on the proposed supplement to the Official Wastewater Facilities Plan and shall communicate their decision in writing to the applicant within fifteen (15) days following the action [within ninety (90) days following the filing date], setting forth any reasons for disapproval if that should be their decision.

**§ 100-15. Procedures and Requirements for Major Land Developments and Subdivisions.**

A major subdivision or land development is one that is not a minor subdivision (see Section 100-14), recreational subdivision or land development, mobile home park, multi-family dwelling project. Any subdivision that involves the utilization of off-site sewage disposal systems or water supplies, the



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construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots or other considerations.

- A. A Sketch Plan may be submitted to the Borough by the owner of any land to be subdivided or developed, for the purpose of classification and preliminary discussion of the proposed subdivision or land development. No action will be taken by the Borough with respect to a Sketch Plan and no discussions concerning the same shall later be construed to have implied approval of any sort.
- B. Sketch planning shall be mandatory for all major subdivisions involving more than ten (10) housing units or residential lots and for all land developments. Two (2) such plans shall be prepared by the developer - one depicting a conventional layout according to the standards of Section 100-24 herein and the other illustrating a conservation subdivision design as provided in Section 100-37. The Planning Commission shall use the former, and professional advice at its disposal, to determine net density possible with conventional development and use this figure as a basis for determining net density for the conservation subdivision development. Should the developer then opt to pursue such a conservation subdivision or the Borough Planning Commission require the use of this technique pursuant to Section 100-37, the Borough Council may adjust the development standards contained herein to allow such development without necessitating a formal waiver or modification request.
- C. Eight (8) copies of a Preliminary Plan shall be required for all proposed major subdivisions and land developments. The Preliminary Plan shall be accompanied by an application as provided in Section 100-14.A hereof for minor subdivisions and also include all the items identified in Section 100-17 below. It shall be submitted at least 10 days prior to a regular meeting of the Borough Planning Commission to the Borough Secretary who shall note receipt of the Preliminary Plan and collect any fees due. Copies shall be distributed in the manner provided for minor subdivisions. Checks shall be made payable to the Waymart Borough Borough Council. Notwithstanding these requirements, however, the Planning Commission may, for review purposes, accept or reject any application brought before it less than 10 days of its meeting.

The Borough Engineer and planning commission shall review the Preliminary Plan to ascertain whether it complies with the requirements of this Chapter. It may request the subdivider to submit additional information, make certain corrections or changes, or advise the Borough Secretary to return the Plan as incomplete and, therefore, not acceptable for filing.

The Borough shall also, at the time of official receipt of the Preliminary Plan, forward a copy to the Wayne County Planning Department for a review and report together with a fee sufficient to cover the costs of the review, which fee shall be paid by the applicant. Checks shall be made payable to the Wayne County Planning Department.

The review agencies (other than the Wayne County Planning Department) shall, no later than forty-five (45) days following the filing date, make its recommendation for approval or disapproval and submit a report to the Borough Council. The Borough Council shall make its decision regarding the Preliminary Plan within thirty (30) days of its receipt of the reports and communicate that decision in writing to the applicant within fifteen (15) days, (90 days total from the filing date) setting forth any reasons for disapproval, should that be the decision.

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The Board shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its Official Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DEP. Preliminary approval shall be conditional upon DEP acceptance of the proposed revision and shall be considered null and void in the absence of such acceptance unless the Borough Council has determined the legal limit of time for DEP action has expired giving the applicant a deemed approval. The approval shall expire, in any event, after six (6) months unless some form of DEP approval has been obtained.

After receiving approval of a Preliminary Plan, (or when conditions are removed), the subdivider shall install or guarantee installation of the improvements required by this Chapter and commence the preparation of Final Plans. In the absence of actual installation of improvements, the subdivider may otherwise guarantee them according to the requirements of § 100-18.

- D. Following the installation and inspection of improvements or preparation of satisfactory guarantees for their installation and maintenance, the subdivider may submit Final Plans to the Borough, which shall be processed in the same manner as Preliminary Plans. Final Plans may be submitted in stages. However, no Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of five years from Preliminary Approval if any of the applicable standards of this Chapter have been modified and no extension of approval has been granted. Moreover, no Final Plans shall be accepted for any subdivision or land development for which DEP has not approved the necessary revision to the Official Wastewater Facilities Plan.

Following approval of the Final Plan by the Borough Council the subdivider shall, within ninety (90) days, officially record the Final Plan in the Office of the Wayne County Recorder of Deeds. Failure to do so will render the plan void and the subdivider shall resubmit the Plan for approval including any filing fees required.

**§ 100-16. Sketch Plans.**

Sketch Plans for Major Land Developments and Subdivisions should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. All existing structures, wooded areas, wetlands, rivers, streams and lakes within the portion to be subdivided.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- D. All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- E. The tentative layout of the remainder of the tract owned by the subdivider.
- F. North Point, graphic scale, date and name/address of subdivider and landowner.

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- G. A location map with sufficient information to enable the locating of the property.

**§ 100-17. Preliminary Plan Requirements.**

Preliminary Plans for Major Land Developments and Subdivisions shall be prepared by a Registered Professional Land Surveyor or other professional as permitted herein with the term "Preliminary Plan" indicated in the title block on all sheets and original seals and signatures appearing on each sheet connected with the submission. They shall be clearly and legibly drawn at a scale compatible with Wayne County tax maps. Maps shall be not less than 11" X 17" nor more than 24" X 36" in size and should, when possible, show the entire tract to be divided.

The Plans and accompanying supplementary data shall contain the following information:

- A. Proposed name of the subdivision. This name, to be provided in a "Preliminary Plan" title block shall not duplicate in spelling or pronunciation any recorded subdivision within Wayne County. The name and address of the present landowner as well as subdivider (if different) shall also be provided.
- B. Location by municipality and County (to be placed in the title block). The plan shall also include current deed book references and tax map numbers for affected parcels and a 1" = 2000' location map.
- C. The map shall include a title block with the name of the municipality and County and name of the existing owner of record. The North Point, graphic scale, preparation date and all revision dates shall also be indicated. A signature approval block shall be provided, including space for the chair or vice-chair of both the Planning Commission and Borough Council to sign and date their signatures, along with a blank area beneath sufficient in size to record any conditions of approval as shall be specified by the Borough.
- D. Boundaries of total tract and area, in square feet (or acres) contained within it.
- E. Locations, names and widths of rights-of-way of all streets, widths of utility rights-of-way and other easements, parks and public grounds and permanent buildings and other significant physical features in, or adjacent to, the subdivision which will have an effect on the design, and all common open space easements.
- F. Approximate locations of existing and proposed sewage systems, sanitary sewer lines, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with size, direction of flow and pressure details as may be appropriate or required by the Borough Engineer.
- G. Names of current owners of abutting properties (including those across the street) with deed book references, and lines showing where they intersect.

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- H. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Borough reserves the right to request greater detail when the scope or nature of the development demands the same.
- I. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by Waymart Borough and § 100-30 hereof, including profiles, cross-sections, and preliminary designs for bridges and culverts.
- J. The proposed layout, numbering and approximate dimensions and area of lots (in square feet or acres) along with the types of dwellings proposed on each lot and remaining acreage.
- K. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
- L. Building setback lines shall be indicated. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall also be shown.
- M. All drainage easements shall be shown and marked as such.
- N. Approximate final grades in areas of cut or fill shall be shown.
- O. Proposed uses for all lots shall be indicated.
- P. Proposed covenants and restrictions along with any other documents associated with the formation of a Property Owners Association (POA), if any. Such documents shall, at a minimum, require that all property owners be members and pay dues assessed thereby. They shall also address the responsibilities of lot purchasers for management of common property.
- Q. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs from test wells by the subdivider, or logs from existing wells established by professional well drillers.
- R. The subdivider shall present a letter from each utility company servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- S. Erosion and sedimentation plan prepared in consultation with the Wayne County Conservation District (where required) with evidence of that agency's approval also provided.
- T. Storm water management plan prepared in compliance with § 100-29 of this Chapter.
- U. Planning Module for Land Development, along with all information required in order to approve as a revision or supplement to the Official Plan.
- V. Copies of permits from either Waymart Borough or the Pennsylvania Department of Transportation, as the case may be, for street encroachment or highway occupancy. The Borough,

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however, may waive this requirement where no immediate plans exist to improve the property, provided a notice has been placed on the plat that such permits are required. Notwithstanding any exceptions granted, such permits shall be obtained prior to starting construction or guaranteeing any road construction required.

- W. Floodplain and wetland boundaries from official maps of the same generated by the Federal government, if applicable, and evidence of compliance with Borough, Commonwealth and Federal requirements pertaining to such areas. The Borough Planning Commission may also require more detailed studies for purposes of identifying the boundaries of such areas where Federal mapping is of insufficient detail.
- X. Other prominent natural or man-made features such as stone walls and ledges shall be indicated.

**§ 100-18. Requirements for Guarantee of Improvements.**

- A. After approval of the Preliminary Plan, the subdivider, in a manner consistent with the Pennsylvania Municipalities Planning Code, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plan approval the subdivider must:
  - (1) Install all the improvements approved on the Preliminary Plan and required in Article IV at the standards required, or
  - (2) File with the Secretary of the Borough a performance guarantee to insure installation and construction of all required improvements at the standards required. Such guarantee shall meet with the approval of the Borough Solicitor as to form and procedure.

The subdivider shall meet with the Borough Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.

- B. This Section is designed to be consistent with Section 509 through Section 511 of the Pennsylvania Municipalities Planning Code and the Borough hereby incorporates all authorities and requirements contained therein as part of this Chapter.
  - (1) Posting - The performance guarantee must be approved by the Board with the advice of the Borough Solicitor and Engineer, and must:
    - (a) Be a corporate surety bond, certified check, or other security, provided the same is satisfactory to the Board and consistent with the requirements of the Pennsylvania Municipalities Planning Code.
    - (b) Be payable to Waymart Borough.
    - (c) Be in an amount sufficient to complete the improvements in compliance with these and other Borough regulations plus expected cost increases as provided in the Municipalities Planning Code.

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- (d) In the case of cash or its equivalent, be held in an escrow fund in the name of the municipality.
  - (e) Specify a satisfactory completion date for improvements which shall not be more than one (1) year from the date of the Final Approval. Provisions may also be made, pursuant to the aforementioned Code, for completion of improvements in phases or over a longer period, in cases of large developments.
- (2) Return - When the improvements have been completed and approved for conformity with these and other Borough regulations by the Borough Engineer or other qualified individual designated by the Borough and accepted by the Borough Council, the guarantee shall be released and returned pursuant to Section 510 of the Pennsylvania Municipalities Planning Code. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
- (3) Default - In the event of default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- C. Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in Section 100-20 of these Regulations. Said payment shall be made to the Borough.
- D. Where improvements are being dedicated to the Borough, the subdivider shall comply with the applicable requirements of any other Borough ordinances or regulations governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Borough Council.

**§ 100-19. Final Plan Requirements.**

Final Plans for Major Land Developments and Subdivisions shall be prepared by a Registered Professional Land Surveyor or other professionals as provided herein. The term "Final Plan" shall be indicated in the title block on all sheets and original seals and signatures appearing on each sheet connected with the submission. The plans shall be prepared on one or more sheets of a uniform size no less than 11" x 17" and no greater than 24" x 36" and otherwise coinciding with requirements of the

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Wayne County Recorder of Deeds. Final Plan attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and any "subdivision checklists" developed by the Borough. The Final Plan shall include, in addition to the information required for the Preliminary Plan submission, the following:

- A. Exact locations, widths and names of all streets and all crosswalks within the subdivision or land development.
- B. Complete curve data for all curves included in the Plan.
- C. Exact descriptions of all easements being provided for services or utilities in the subdivision or land development, and any limitations placed on the use of such easements.
- D. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision or land development, or for general public use, with the purpose indicated thereon.
- E. Front building lines, shown graphically with dimensions.
- F. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision or land development. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- G. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field to an error of closure of 1 in 10,000 or better; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all permanent boundary line (perimeter) markers shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify the placement of permanent lot markers for all lots proposed for final approval.
- H. The Final Plan shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Borough Engineer and sufficient to ensure their installation has been submitted to the Borough.
- I. Complete final construction (as built) plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless private septic tanks are to be used. Also, complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations off valves and fire hydrants, if any, shall be provided unless private wells are to be used.
- J. Complete final construction (as built) plans for all other improvements proposed on the Final Plan.
- K. Evidence in writing of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.

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- L. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2,000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4,000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- M. A signature approval block, including space for the chair or vice-chair of both the Planning Commission and Borough Council to sign and date their signatures, along with a blank area beneath sufficient in size to record any conditions of approval as shall be specified by the Borough. This shall appear on every sheet of the set of plans.
- N. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and, where appropriate, approved by the Wayne County Conservation District. Stormwater management plans shall also require the specific approval of the Borough Engineer.
- O. Copies of street encroachment or highway occupancy permits (to be secured prior to any actual road construction) if preliminary approval was conditioned on obtaining the such permits.

Each Final Plan submission shall, in addition to the items required above, include new submissions of Preliminary Plan data in any instance where there has been a change in the plans or the circumstances surrounding them.

**§ 100-20. Fees.**

At the time an Application for subdivision approval is filed, a fee shall be paid to the Borough by the subdivider; such fee to be determined from a schedule of fees as adopted by the Borough Council by resolution. These shall include reasonable professional review fees as may be required by the Borough based on need for the same.

**§ 100-21. Right of Entry.**

The Borough Borough Council, the Borough Planning Commission and other designated Borough officials with responsibilities for administration of this Chapter, shall, upon request, be granted reasonable right of entry to any property, that is the subject of an application made hereunder, for purposes of gathering information to determine compliance with these provisions. Refusal to provide for such right of entry shall be cause to deny any application.



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**Article IV - Design Standards**

**§ 100-22. Application.**

The design standards and requirements set forth in this Article shall be observed as minimums by the developer in the design of each subdivision or land development within Waymart Borough. The Borough may require more restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

**§ 100-23. General Site Requirements.**

Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be developed for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.

The Borough, in determining and evaluating potential hazards, shall rely upon information contained in its Wastewater Facilities Plan, its Comprehensive Plan or any regional and County plans in which it has participated, including stormwater and solid wastes management plans. It shall also use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies as may be applicable.

All portions of a tract being developed or subdivided shall be taken up in lots, streets, designated open spaces, or other proposed uses, so that remnants and land-locked areas shall not be created. All land developments shall also be planned with consideration of impacts on adjacent properties and neighborhoods, including traffic, stormwater drainage, off-street parking, noise, odors, vibrations, landscaping and aesthetics, nuisance activities and other impacts.

Care shall be taken with all land developments to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a land development is proposed on a site that has a slope of more than 15% the Borough may require larger lot sizes than the minimum standards set forth herein.

Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the Pennsylvania Department of Environmental Protection.

Wherever possible, lot lines shall follow municipal and county boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

**§ 100-24. Blocks and Lots.**

A. Blocks shall ordinarily not exceed 1,200 feet in length.

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- B. Pedestrian interior walks may be required, where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than 10 feet and be all-weather-surfaced for not less than 4 feet in width.
- C. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier.
- D. Where a subdivision adjoins a major state highway (one which is designated and marked for two lanes or more and carries at least 100 vehicles per day), the greater dimension of the block shall front along said highway, and interior or marginal access streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Borough Council determines, after inspection, that such is necessary for the above stated reasons.
- E. Cul-de-sac streets, permanently designed as such, shall not exceed twelve-hundred (1,200) feet in length and shall furnish access to not more than 12 dwelling units. Cul-de-sac streets shall have, at the closed end, a turn-around with the right-of-way having minimum outside diameter of not less than 100 feet and shall be paved to a diameter of not less than 70 feet. Drainage of cul-de-sacs shall preferably be toward the open end.
- F. All side lines of lots shall be at approximate right angles to straight street lines and approximately radial to curved street lines, except where a variation to this rule will provide a safer or more practical layout.
- G. Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- H. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area.
- I. Corner lots shall have an average width of at least 100 feet. Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated.
- J. All lots shall front on a public or private street (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of fifty (50) feet in width. No subdivision will be approved where the width of the existing right-of-way is less than 50 feet unless the subdivider is able to secure such additional right-of-way as may be required to achieve this width. However, the Borough may, to reduce the number of entrances to the public highway and encourage development in and around existing hamlets and villages, grant waivers and modifications from this and other street requirements of this Chapter to accommodate flag lots and others accessed by private driveways. The standards applicable to such driveways may be found in § 100-30(Q) of this Chapter.

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K. Dimension standards applicable to all new lots follow:

<b>Utilities Available</b>	<b>Minimum Lot Area</b>	<b>Minimum Average Lot Width</b>	<b>Minimum Lot Frontage</b>	<b>Minimum Front Setback</b>	<b>Minimum Rear/Side Setback*</b>
Off-site water and sewage	21,780 s.f. or 0.50 acre	100 feet	50 feet	35 feet	20 feet
Either off-site water or off-site sewage	43,560 s.f. or 1.00 acre	125 feet	50 feet	35 feet	20 feet
On-site water and sewage	43,560 s.f. or 1.00 acre	150 feet	50 feet	50 feet	20 feet

\* No structures demanding building permits and no driveway improvements shall be allowed within this area unless shared by property owners.

L. Monuments or other permanent markers shall be placed at perimeter corners and the corner of each street, and permanent markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.

**§ 100-25. Common Open Space.**

Such portion of the development as may be required by § 125, but not less than 10% of the gross area of any major subdivision or land development, exclusive of lakes or ponds, shall be designated as common open space for the enjoyment of the residents of that subdivision and the general community, except where such area would be less than one acre. Such areas shall be suitable for any intended recreational uses. This requirement may be waived in instances where less than 25 lots are involved. Sites so designated shall not be deemed to be dedicated to or accepted by the Borough unless and until it has taken formal action with regard to the same. The subdivider and the Borough may also agree to otherwise provide recreational land for the use of residents pursuant to the the Borough's Comprehensive Plan.

**§ 100-26. Water Supply.**

Where a public water supply is available within 1,000 feet of a proposed subdivision or land development of twenty (20) lots or more, the Borough Borough Council may require the subdivider to construct a system of water mains, tied to such system and provide a connection for each lot. Regardless of this requirement, all subdivisions and land developments shall be served with an adequate water supply.

Plans and specifications for off-site water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a professional Engineer and shall conform to accepted engineering practices. The system shall be designed to furnish adequate main sizes and , where necessary, fire hydrants located to meet the specifications of the Association of Fire Underwriters and the applicable

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Fire Department. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

The applicant must demonstrate ability to provide a minimum of 150 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.

New off-site water supply wells shall be sited, drilled, and tested under the direct supervision of a Registered Professional Engineer or a professional groundwater geologist. Tests shall include analyses of impacts on neighboring wells. Wells shall be so located that no potential pollution sources can exist within a 100 foot radius. The well shall also be located on a reserved parcel.

**§ 100-27. Sewage Disposal.**

When a public sewage disposal system is located within 1,000 feet of a proposed subdivision or land development of twenty (20) lots or more, the Borough Council may require the subdivider to provide a system of collection lines to connect to said system. Regardless of this requirement, all subdivision and land developments shall be provided with an adequate sewage disposal system(s).

All lots shall contain suitable areas for on-lot sewage disposal systems or be served by an approved off-site sewage disposal system. Plans and specifications, including a Planning Module for Land Development complete with all appropriate components as required by the Pennsylvania Department of Environmental Protection (to revise or supplement the Borough Official Plan), shall be submitted with all preliminary subdivision or land development plans (final plans in the case of Minor Subdivisions). Following preliminary plan approval, the Borough will submit copies of the module and necessary documentation to the Commonwealth for review. Commonwealth approval of the module and the Borough's revision or supplement to its Official Plan shall be required prior to final approval.

Off-site sewage disposal systems are required for all residential lots and non-residential developments where the Borough SEO (Sewage Enforcement Officer) or DEP determine that on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.

Design standards, materials and specifications shall meet Pennsylvania Department of Environmental Protection requirements.

Where connection to an off-site sewage system is not required, on-site systems shall be provided in accordance with criteria set forth by the Pennsylvania Department of Environmental Protection. The Borough Sewage Enforcement Officer's site and soils evaluation by the test pit method and favorable report is required prior to preliminary plan approval. The Sewage Enforcement Officer shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision or land development for on-lot subsurface sewage disposal.

Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Protection standards and Borough standards.

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Sanitary sewers shall not be used to carry storm water.

**§ 100-28. Erosion and Sedimentation.**

In the event that any developer shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision or land development plan submitted to the Borough, the same shall only be approved and accomplished after the developer has submitted plans for erosion and sedimentation control measures to the Wayne Conservation District for review and approval and otherwise complied with Commonwealth regulations respecting such plans. A copy of this plan shall be provided to the Borough along with evidence of its approval.

**§ 100-29. Storm Water Management.**

A Storm Water Management Plan meeting the requirements of Chapter 111 of Pennsylvania DEP Regulations and the Borough's Lackawaxen River Watershed Stormwater Management regulations (see § 85) shall be provided for all subdivisions and land developments, including those within other watersheds. Such plan shall also be submitted to the Borough Engineer and the Wayne Conservation District for review and comment on appropriate measures for meeting complying with the Pennsylvania Storm Water Management Law and associated Federal and State requirements.

**§ 100-30. Street Requirements.**

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.
- B. Design and Arrangement.
  - (1) In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
  - (2) Where a subdivision abuts or contains an existing or proposed major street, marginal access streets may be required, in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.
  - (3) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this and other Borough ordinances or regulations.
  - (4) New half or partial streets will not be permitted. Wherever a tract to be subdivided borders an existing half or partial street, the remaining portion of the street shall be platted within such tract.
  - (5) Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Temporary cul-de-sacs shall be provided in the case of the former. Also, see § 100-24.E hereof.

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- (6) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
- (7) Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one hundred -twenty-five feet (125').
- (8) Street and driveway intersections with major streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- (9) Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
- (10) Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than twenty (20) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the subdivider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Borough Council as to form.

C. Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.

D. Street Grades

- (1) Profiles: No street grade shall be less than 1/2 percent or exceed the following, with due allowances for reasonable vertical curves:

Major Traffic Streets	6% (up to 8% for 250 feet)
Collector Streets	8% (up to 10% for 250 feet)
Minor Streets	12% (up to 15% for 250 feet)

Streets shall have a grade not to exceed three (3) percent for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.

- (2) Cross Section: The gradients of streets shall be not less than 0.5% without curbs and gutters, and 0.3% with curbs and gutters. On streets where curbs, gutters, and sidewalks are not required, there shall be a shoulder, as provided in the Borough's road standards (§ 70).

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(3) Minimum Sight Distance (measured from a vehicle ten (10) feet back of the pavement edge):

<b>Posted Speed (Classification)</b>	<b>Sight Distance to Left</b>	<b>Sight Distance to Right</b>
55 mph (Major Streets)	845 feet	875 feet
45 mph (Major Streets)	635 feet	570 feet
35 mph (Collector Streets)	440 feet	350 feet
25 mph (Minor Streets )	250 feet	195 feet

E. Street and Alley Width

(1) The width of all major thoroughfares shall conform to the width designated on the Borough's official map, if one shall exist.

(2) The minimum right-of-way widths for streets and alleys are as follows:

Major Streets	80 feet
Collector Streets	66 feet
Minor Streets	50 feet
Alley	25 feet
Crosswalks	10 feet

Where the proposed subdivision fronts on an existing public right-of-way of less than the required width as specified above, the subdivider shall provide additional right-of-way as may be required to conform with these standards. Where the proposed subdivision fronts on only side of such a road, the entire additional width required shall be provided on that side.

F. On all dead-end roads a turn-about area with a one hundred (100) foot diameter right-of-way and seventy (70) foot diameter traveled portion shall be provided.

G. The entire width of the travelway of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving, drainage structures, curbs and gutters, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards of the Borough Road standards found in § 70.

H. Pavement.

(1) The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

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<b>Type of Street</b>	<b>Minimum Shoulder Width</b>	<b>Minimum Clearance Beyond Shoulder</b>	<b>Minimum Pavement Width</b>
Major Streets	6 feet	4 feet	24 ft (2 lanes)
Collector Streets	6 feet	4 feet	20 feet
Minor Streets	4 feet	N/A	20 feet

(2) The pavement shall be constructed in accordance with specifications and standards contained in the Borough Road standards (§ 70).

**I. Shoulders and Embankments.**

(1) Street shoulders shall be constructed with materials approved by the Borough Engineer and consistent with the requirements of the Borough's Road standards. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Borough Engineer.

(2) Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of one and one-half (1.5) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Borough Engineer may require more-rigid standards.

**J. Curbs and Gutters.**

(1) Curbs shall ordinarily be required for public safety purposes In the case of commercial developments and other instances where intensive uses exist or are anticipated along a major or collector street.

(2) Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.

(3) Curbs shall not be constructed where pavements are less than 20 feet in width, the public street is not paved or the lot fronts on a private street. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.

(4) Curbs may be of the wall type or may be combined with gutters built of concrete. Curbs, combined curbs and gutters, and graded gutters shall be constructed in accordance with standard engineering practice.

**K. Walls, Slopes and Traffic Guards.**

(1) Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough, and shall be sufficient to support the street or the adjacent land, as the case may be.

(2) Where the adjoining embankment has a slope exceeding one and one-half (1.5) feet horizontally to one (1) foot vertically and the grade of the street is two (2) feet or more



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above the grade of the adjacent land, guards shall be built to protect travel, if required by the Borough Engineer.

- L. All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary Plan approved by the Supervisors and in conformity with the Borough Road standards (§ 70) and the street requirements contained herein. Where such standards do not provide a clear standard, the Borough may rely upon the standards promulgated by the Pennsylvania Department of Transportation for local streets. These standards may also be modified wherever necessary to preserve shade, address aesthetic concerns or otherwise avoid unnecessary earth disturbance, provided the construction standards applicable to the road base are not modified and the full right-of-way is obtained as required.
- M. Four-way street name signs of a design approved by the Borough Council shall be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Borough and shall be subject to Borough approval.
- N. Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Borough Engineer will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.
- O. The subdivider shall preserve existing shade trees along any proposed street right-of-way unless their removal is clearly required for safety of construction and use.
- P. Requirement for Road Occupancy and Other Permits.
  - (1) No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the Pennsylvania Department of Transportation shall be altered or connected onto without first obtaining a permit from Penn DOT.
  - (2) No driveway, local road or drainage facility or structure shall be constructed or altered within a Borough right-of-way, and no drainage facility of Waymart Borough shall be altered or connected onto without first obtaining a permit from the Waymart Borough Supervisors.
- Q. Private driveways may be used to access a maximum of three (3) single-family dwellings on a State highway or five (5) single-family dwellings on a Borough highway. The following standards shall apply to private driveways:
  - (1) Individual driveways serving only one single-family dwelling, or two such dwellings in the case of shared driveways, shall not be subject to any of the street design or improvement requirements of this Chapter or the Borough Road standards (§ 70), provided that, in the case of two dwellings, the deed for each lot (a copy of which shall be submitted) shall contain appropriate restrictive covenants;

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- (a) setting forth the manner in which the costs of repairs, upgrade and maintenance shall be apportioned between the owners,
- (b) restricting each parcel from further subdivision,
- (c) providing for the maintenance of a minimum right-of-way of fifty (50) feet in width for said driveway, and
- (d) documenting that the parties understand the driveway is the not the responsibility of the Borough and that they have no recourse to the Borough for repairs, upgrades or maintenance unless and until said driveway is brought completely up to then prevailing road dedication requirements of Waymart Borough and is accepted by the Borough Council.

(2) Standards of construction for other shared driveways servicing up to three (3) single-family dwellings on a State highway or five (5) single-family dwellings on a Borough highway may be modified provided;

(a) the deed for each lot (a copy of which shall be submitted) shall contain appropriate restrictive covenants meeting the requirements of Sub-section (1) immediately above,

(b) the driveway shall meet the following minimum design standards:

Minimum Right-of-Way	50 feet
Minimum Pavement Width	16 feet
Minimum Shoulder Width	3 feet

(c) pavement shall consist of an all-weather surface,

(d) applicants proposing driveways of this nature shall not be required to submit detailed engineering data (e.g. profiles, grade analyses, etc.) in conjunction with the submission but driveways shall be subject to inspection by Borough representatives to determine compliance with these standards.

R. All lots intended for single-family residential use shall be of sufficient size and design to allow for a minimum of two (2) off-street parking spaces per residence. The Borough Planning Commission may require prospective sites for such parking areas or other improvements be designated on Final Subdivision Plans. Parking areas for other land developments shall be provided and depicted in accordance with the applicable standards for those developments (see Article VII).

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**Article V - Mobile Home Parks**

**§ 100-31. Design Standards and Other Requirements.**

- A. A mobile home park shall have a gross area of at least five (5) contiguous acres of land under the unified control of an owner/operator or a property owners association.
- B. Mobile home parks shall not be located in any area subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; nor shall they be located on any soils classified by the U.S.D.A. Natural Resource Conservation Service as having a seasonal high water table within twenty-four (24) inches of the surface or on any slope of 15% or greater.
- C. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner. All stormwater facilities shall comply with the Borough Stormwater Management standards (§ 85) and otherwise be designed as required in Section 100-29 of this Chapter. Stormwater management plans for achieving this objective shall be reviewed by the Wayne Conservation District and the Borough Engineer.
- D. All exposed ground surfaces shall be protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The owner shall, within a reasonable period of time, insure that the above requirements have been satisfied.
- E. Park Areas for Non-Residential Uses
  - (1) Mobile home parks shall be restricted to residential uses, except those uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
  - (2) Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.
  - (3) In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall be not less than 10% of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and should, where the topography permits, be centrally located.
- F. Required Setbacks, Buffer Strips and Screening.
  - (1) All mobile homes shall be located at least seventy-five (75) feet from the right-of-way line of any public street or highway, and at least fifty (50) feet from any other park property boundary lines.
  - (2) There shall be a minimum distance of twenty (20) feet between an individual mobile home and the adjoining pavement of a park street, common parking area or other common areas and structures.

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- (3) All mobile home parks shall be required to provide screening, such as fencing or natural growth, along the property boundary line separating the park from adjacent uses. A planting or screening plan shall be approved by the Borough Council.
- (4) Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback and buffer areas, provided that a fire lane of at least ten (10) feet in width is maintained, clear of all obstacles, on each side of each mobile home lot. No structures of any kind may be erected within ten (10) feet of the mobile home lot line.

**G. Erection and Placement of Mobile Homes.**

- (1) Mobile homes shall be separated from each other, and from other buildings and structures, by at least thirty (30) feet.
- (2) An enclosure of similar design and material to the mobile home itself shall be erected around the entire base of each mobile home. Enclosures shall be placed within one year of occupancy of the mobile home.

**H. Park Street System.**

- (1) A safe and convenient vehicular access shall be provided from abutting public streets or roads.
- (2) The entrance road connecting the park with a public street or highway shall have a pavement width of no less than twenty-four (24) feet and a right-of-way of no less than fifty (50) feet, and no parking shall be allowed on either side of the street. All mobile home lots shall be served by the entrance road or internal streets connected thereto, and none shall be served directly from the public street or highway.
- (3) Surfaced roadways shall be of adequate width to accommodate anticipated traffic. The minimum pavement width shall be eighteen (18) feet. Dead-end (cul-de-sac) streets shall be provided with a paved turn-around having an outside diameter of no less than seventy (70) feet and shall not exceed 1,200 feet in length. All streets shall have a right-of-way of no less than fifty (50) feet. Rumble strips or other pavement warnings may be required at intersections.
- (4) All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- (5) All park streets shall adhere to the Pennsylvania Department of Transportation "Guidelines for Design of Local Roads and Streets." For purposes of evaluation under these guidelines, park streets shall be considered local access urban highways.

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- (6) There shall generally be at least two points of ingress and/or egress in each mobile home park but no more than two accesses to a mobile home park from any one public right-of-way (emergency accesses excepted), and all driveways to individual units along a public right-of-way shall front on an interior or marginal access street. Accesses shall be separated by at least 150 feet where they intersect with a public street.

I. Walks.

- (1) General Requirements - All parks containing ten (10) or more mobile homes shall be provided with safe, convenient, all-weather surfaced pedestrian walkways between individual mobile homes, the park streets, and all community facilities provided for park residents.
- (2) Common Walk System - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.
- (3) Individual Walks - All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

J. Mobile Home Site.

The area of the mobile home site shall be improved to provide a permanent foundation for the placement and tiedown of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.

- (1) The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (2) The mobile home site shall be provided with anchors and tiedowns, such as cast-in-place concrete "deadmen", eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- (3) Anchors and tiedowns shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

K. Mobile Home Lot Size and Density.

- (1) All mobile home lots shall be served with an off-site sewage disposal system and an off-site water supply, shall have a minimum lot area of 10,000 square feet and shall be not less than 75 feet wide at the setback line. Density within the park as a whole shall not exceed one mobile home per 21,780 sq. ft. (0.50 acre) and no less than 50% of the park shall be dedicated to permanent open space. No less than half of this open space shall be usable for

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active recreational activities and not include wetlands, floodplains, slopes over 15% in grade or other undevelopable area.

- (2) All square feet areas and density calculations shall be measured or taken exclusive of any rights-of-way. For the purpose of administration, public rights-of-way shall mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public.
- (3) All lots intended to be conveyed individually to mobile home occupants shall meet minimum lot area standards applicable to other single-family homes in recognition of the lesser degree of control inherent in parks managed by multiple owners as opposed to a single operator.

L. Water Supply.

An adequate off-site supply of water shall be provided for mobile homes, service buildings, and other accessory facilities, as required by this Chapter. The water supply shall be capable of supplying a minimum of 400 gallons per day per mobile home, and the water distribution system shall be designed and maintained so as to provide a pressure of not less than 35 pounds per square inch under normal operating conditions, at service buildings and other locations requiring potable water supply. There must also be an adequate reserve supply of water at adequate pressure to meet fire fighting needs as estimated by the fire company serving the area. Any other applicable requirements of the Pennsylvania Department of Environmental Protection with respect to water supply shall also be met. Fire hydrants may be required at the discretion of the Borough Council.

M. Sewage Disposal.

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained, in accordance with the Pennsylvania Department of Environmental Protection and local sewage regulations.

N. Required Off-Street Parking.

Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. No less than 2 vehicular parking spaces of at least 200 square feet each in size shall be provided for each mobile home lot. Common parking areas shall not be located further than 300 feet from the mobile home lots they are intended to serve. Any common parking areas shall be all-weather surfaced.

O. Utilities.

- (1) Electrical Distribution: All mobile home parks shall have an underground electrical/telephone distribution system which shall be installed and maintained in accordance with the local electric power company's specification regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.

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- (2) Liquefied Petroleum Gas (LPG) Systems. Liquefied petroleum gas systems, when provided in mobile home parks, shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location. Systems shall have at least one accessible means for shutting-off gas located outside the mobile home, and which shall be maintained in effective operating condition. All LPG piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas shall not be conveyed through piping equipment and systems in mobile homes. Vessels of more than 12 and less than 60 U.S. gallons gross capacity shall be secured to prevent accidental overturning. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
- (3) Fuel Oil Supply Systems. All fuel oil supply systems, when provided in mobile home parks, shall be installed and maintained in conformity with the following regulations:
  - (a) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.
  - (b) All fuel oil supply systems shall have shutoff valves located within five (5) inches of storage tanks.
  - (c) All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five (5) feet from any mobile home parking area or exit.
  - (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

**P. Licensing and Inspection.**

The Borough Council, by general resolution or in the granting of approval for a mobile home park, may attach a condition requiring annual inspection and licensing of mobile home parks, including provisions for revocation of licenses if the owner/operators or property owners associations shall fail to meet standards contained herein. The Borough Council and/or its designated agents shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any vacant mobile home sites in a mobile home park until the owners and/or management provide evidence of compliance with these provisions.

**§ 100-32. Application to Existing Parks.**

- A. Extensions or enlargements of existing mobile home parks by addition of land areas or increase in the number of available lots shall fully comply with the provisions of this Article, except to the extent which they would be modified by restrictive covenants approved by the Borough for an existing contiguous portion of the park.
- B. No new or replacement mobile home in an existing park shall be erected any closer than 20 feet to another home site, structure or property line; and on one side of the home there shall be maintained a completely open, unobstructed yard of 10 feet in width for a fire lane. No decks,

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parking areas, service buildings or other structures shall be erected in said yard. All replacement mobile homes shall comply with the skirting and anchoring requirements applying to mobile homes in new parks.



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**Article VI - Recreational Land Developments**

**§ 100-33. Recreational Land Development Design Standards and Other Requirements.**

- A. A campground subdivision or development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- B. All campgrounds shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area to a minimum of six (6) feet in height within a reasonable time period (one year of application approval). A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Borough Council.
- C. Recreational land development lots or camping sites in non-transient recreational land developments shall comply with the lot requirements found in § 100-24 hereof. Transient recreational land development lots or camping sites shall be a minimum of fifty (50) feet wide and seventy-five (75) feet deep and may be clustered. Gross density, however, shall not exceed a total of five (5) sites per acre in such instance (eight [8] per acre if tent/primitive type camping only). Frontages on cul-de-sacs may be varied.

Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section B above, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than twenty-five (25) feet to any other recreational vehicle or tent platform; or one-hundred (100) feet to any adjacent property line.

- D. At least two off-street parking spaces of two-hundred-seventy (270) square feet each shall be provided for each site. At least one such off-street parking space shall be provided on each lot as required.
- E. Street Requirements.
  - (1) Non-transient recreational land developments. The street design standards contained in Article IV of this Chapter shall apply to streets within non-transient recreational land developments.
  - (2) Transient recreational land developments. Transient recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Borough Borough Council upon recommendation of the Borough Engineer, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).
- F. No individual on-site sewage or water supply shall be permitted, and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved

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plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Waymart Borough.

- G. The following additional regulations shall apply to all recreational land developments.
- (1) Appurtenances. No permanent external appurtenances, such as carports, cabanas or patios - physically and permanently attached to the recreational unit, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
  - (2) Location. A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Borough highway shall be required.
  - (3) Common Use Areas - A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
  - (4) Entrances and Exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. The radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Borough highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Borough highway, nor shall such intersection be located within 150 feet of any other intersection.
  - (5) Parking Areas - In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.
  - (6) Occupancy - Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and

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occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Borough may require any owner to remove a recreational vehicle from the campground for a period of 7 days, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.

- (7) Records - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Borough Council and/or its designated agents shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Borough Council and/or their designated agents shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
- (8) Waste Disposal - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within five-hundred (500) feet of each lot or campsite. A minimum of one toilet per sex per twenty-five (25) lots or campsites shall be provided.
- (9) Fences - All property lines within the development shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, ledges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
- (10) Nuisances - No noxious or offensive activities or nuisances shall be permitted on any campsite or lot. The management plan shall provide for limiting significant noise generating activities to specified periods of time that allowing for sleeping by neighboring residents.
- (11) Animals - No animals shall be kept or maintained on any campsite or lot, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- (12) Garbage and Refuse Disposal - No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite or lot.
- (13) Camping Accessories - Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

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- (14) Ditches and Swales - Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite or lot.
- (15) Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite or lot.
- (16) Vehicle Parking - No recreation vehicle shall be parked on any street or roadway within the development.
- (17) Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
- (18) Water Supply - Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite and fire fighting needs shall also be addressed in the case of recreational land developments accommodating recreational vehicles by providing an emergency water source approved by the local fire department.

The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Borough Council in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in Article III of this Chapter. A plan or set of covenants which does not adequately provide for conformance with this Section shall not be approved and, in the case of the latter, shall provide for the establishment of a bona fide property owners association. The plan and/or covenants shall also provide the Borough with the option (but not the obligation) of being a party to their enforcement and include a right for the Borough to periodically inspect the development for continued compliance with the plan and/or covenants.

**§ 100-34. Application to Existing Recreational Land Developments.**

The regulations of this Article VI shall apply to any extensions of existing recreational subdivisions and land developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved. However, nothing herein shall apply to existing facilities.

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**Article VII - Other Land Developments**

**§ 100-35. Nonresidential Land Developments.**

A. Application and Procedure. All commercial, industrial and other non-residential land developments shall comply fully with the procedures set forth in Article III of this Chapter, "Plan Submission and Review Requirements," regardless whether or not any actual conveyance of land by metes and bounds or other means is involved. Plans for any new or expanded commercial, industrial or other non-residential developments shall be prepared and submitted for review and approval in the same manner as plans for subdivisions.

B. Street Systems.

- (1) Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should they create hazards for adjacent residential areas.
- (2) The design of streets, service drives, and pedestrian ways, should provide for safe and hazard-free internal circulation, including provision for fire lanes where appropriate.
- (3) The points of ingress and egress shall be designed so as not to require commercial or industrial traffic to pass through residential areas.

C. Plan Review Standards. Plans shall be prepared to address specific site conditions and, more particularly, the site requirements of Section 100-23 of this Chapter, delivering the best possible service to customers in terms of traffic circulation, parking and pick-up and delivery services, while also protecting the public health, safety and general welfare.

- (1) The amount of parking required shall be based on Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Commission may require the developer or applicant to gather and submit such data in support of its proposed parking provisions and the National Parking Association and Urban Land Institute are examples of such industry sources. Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards may be applied:

Hotels/motels	1 space per rental room
Industrial uses	1 space per 400 sq. ft. floor area
Places of public assembly	1 space per 5 seats
Offices	1 space per 300 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Auto service stations	4 spaces plus 1 per employee
Other Commercial uses	1 space per 250 sq. ft. floor area

- (2) Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley.

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- (3) Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways. All parking areas which are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control.
- (4) Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall also provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be sixty (60) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.
- (5) Access drives shall not open upon any public right-of-way within one-hundred (100) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than five-hundred (500) feet.
- (6) There shall be no more than one entrance and one exit to any business or parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within one-hundred (100) feet of any other on the same property or adjoining property along the same public right-of-way. Existing lots of record, however, shall be exempt from this separation requirement to the extent there is no other means of providing access.
- (7) All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least fifteen (15) feet in depth.
- (8) The Planning Commission, at its discretion, may require a traffic impact study with any land development application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See "Trip Generation" - Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not

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adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Commission.

The impacts of additional traffic associated with any land development shall be mitigated with appropriate design measures approved by the Pennsylvania Department of Transportation or Waymart Borough, if such impacts would result in a significant decline in the level of service of any existing highway or intersection. Traffic delays shall be maintained at a level below where the highway is expected to be in 10 years absent the new land development.

- (9) Landscaping may be required, access may be required to be modified and other measures taken to accomplish these purposes and to secure conformance with the objectives of the Borough Comprehensive Plan, or other plans of the Borough or County.

**D. Lot, Block and Setback Standards.**

- (1) Block lengths shall be a minimum of six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.
- (2) Lot sizes shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities. They shall also be substantial enough to buffer the use from adjacent residences and mitigate any negative environmental impacts on the community or neighborhood. Lots shall, in no case, be less than one-half acre in lot area and, where on-site sewage disposal facilities are to be utilized, a minimum of one-acre shall be required.
- (3) The following minimum setbacks, as provided for under Section 503 (4.1) of the Pennsylvania Municipalities Planning Code, shall apply to all commercial, industrial and other non-residential land developments in Waymart Borough:

<b>Utilities Available</b>	<b>Minimum Front Lot Line Setback</b>	<b>Minimum Side Lot Line Setback</b>	<b>Minimum Rear Lot Line Setback</b>
Off-site water and sewage	35 feet	20 feet	20 feet
Either off-site water or off-site sewage	35 feet	35 feet	35 feet
On-site water and sewage	50 feet	50 feet	50 feet

- (4) Any setback which does not adequately buffer a land development from adjacent residences or otherwise mitigate environment impacts on the community or neighborhood shall be increased as may be necessary to accomplish these purposes and landscaping shall be

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required to create an effective buffer within 5 years or less. However, the additional buffer area shall be restricted to the minimum required to effectively limit such impacts to the property being developed (e.g., maintain odors, lights, vibrations and noise on-site, ensure that industrial operations are fully screened, etc.).

- (5) All setbacks in the case of uses which may generate significant amounts of commercial truck traffic, flood-lighting, noise or odors, including trucking terminals, distribution facilities, amusements parks, auto race tracks, wood products manufacturers, concentrated animal feeding operations not otherwise exempt from this Chapter, all-night recreational facilities, junkyards or similar enterprises shall be increased to a minimum of 200 feet where off-site water supply and sewage disposal facilities are provided and a minimum of 300 feet where on-site water supply and sewage facilities are used. Additional setbacks, landscaping or other buffer screening may be required where such areas are not forested. Also, in those instances where greater setback are demanded by other Borough regulations, those greater setbacks shall apply. "Significant" shall mean any degree or amount of impact which can be seen, felt, heard, smelled or otherwise detected by the human senses from two-hundred (200) feet away on a regular and continuing basis.

E. Standards Applicable to Particular Nonresidential Land Developments.

- (1) Telecommunications Facilities.

The following standards shall apply to telecommunications facility land developments:

- (a) Special Definitions.

**Antenna:** A device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single poles known as whips.

**Telecommunications Facility:** Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Borough from regulating.

**Telecommunications Equipment Building:** The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

**Tower:** A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

- (b) Design and Location Standards. The following design and location standards shall apply to all telecommunications facilities:

[1] The location of the tower and equipment building shall comply with all general site requirements of this Chapter.



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- [2] An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence and existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Screening requirements may be waived for wooded sites.
- [3] An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- [4] The tower and antennae shall be designed and constructed to all applicable standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand wind gusts of up to 100 miles per hour.
- [5] A soil report prepared by a Professional Engineer shall be submitted to the Planning Commission to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- [6] An antenna may not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- [7] Telecommunications facilities shall be permitted as a sole use on any lot subject to the following land development standards:

Minimum lot size (entire tract).	Five (5) acres
Minimum setback requirements.	Two-hundred (200) feet (all sides)
Maximum height.	Tower - Two-hundred (200) feet Equipment building - Thirty (30) feet

Provided no residences directly adjoin the site, minimum setback requirements may be reduced to the fall-down limit plus fifteen (15) feet, where the net effect of requiring the full setback would be to necessitate additional lighting or tower height. Maximum height requirements may be exceeded, provided such height can be demonstrated to be necessary and the additional height is matched with an equal amount of additional setbacks on all sides.

- (c) A telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:

- [1] The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- [2] Development standards. The minimum lot area, minimum setbacks and maximum height required above shall apply, provided the land remaining for accommodation of the principal use on the lot shall also continue to comply with the minimum lot area requirement.

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- [3] Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  
- (d) Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following land development standards:
  - [1] Maximum height. Fifty (50) feet above the existing building or structure.
  
  - [2] If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with otherwise applicable minimum setback requirements, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.
  
  - [3] Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.
  
- (e) Notwithstanding minimum setbacks provided for above, any tower shall be setback from all property lines a distance that is at least equal to the height of the tower. The tower shall also be setback from any active recreation facilities or fields a distance that is at least equal to the height of the tower.
  
- (f) Plan Review Criteria. Telecommunications facilities shall be subject to all the ordinary review criteria applicable to Land Developments in general plus the following:
  - [1] The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
  
  - [2] The applicant shall present documentation that the tower is designed in accordance with the standards of this Chapter for communications towers.
  
  - [3] The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
  
  - [4] The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.

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- [5] The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- [6] Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- [7] Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- [8] All communications structures shall be lighted for safety in a manner consistent with industry best practices and, where lighted, additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- [9] All property owners and adjacent municipalities within five-hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Commission making a recommendation on a Preliminary Plan for such a land development. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their application.
- [10] Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and charge back the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- [11] An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Borough for the purpose of assessing the feasibility of co-located facilities. Should co-location not be feasible, the applicant shall demonstrate a good faith effort has been made to mount the antenna on an existing building or structure. If such efforts fail to result in a suitable site, a new communications tower shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.

(2) Reserved.

**§ 100-36. Multi-family Dwelling Projects.**

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the jurisdiction of this Chapter as well as the standards and procedures set forth in § 125-22 of this Code.

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**§ 100-37. Cluster Development.**

Cluster developments that provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be permitted under § 125-17 of the Borough Code.

**§ 100-38. Application of Land Development Standards.**

Notwithstanding any requirements that may exist under the Pennsylvania Municipalities Planning Code to submit an application for approval, the land development standards contained herein shall not apply to the following:

- A. Temporary or accessory activities that do not involve any of the activities listed in § 100-35.D(5) of this Chapter.
- B. Minor building alterations, repairs or maintenance activities.
- C. Conversion of single-family dwellings to two-family dwellings.
- D. Replacement, rehabilitation or reconstruction of a structure or facility for the same use at the same scale.
- E. Construction of any non-residential structure of less than one-thousand (1,000) square feet in floor area that does not involve any of the activities listed in § 100-35.D(5) of this Chapter.

The above list is intended to clarify, in terms of their practical application, the exceptions already provided under the Pennsylvania Municipalities Planning Code. No person is exempted from the demands to file any plan required under such Code regardless whether or not standards for the same have been included in this Chapter.