

**PENN LAKE PARK BOROUGH**  
**ORDINANCE NUMBER   4   OF 2010**

AN ORDINANCE AMENDING THE PENN LAKE PARK BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF AUGUST 12, 1997, AS AMENDED.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK THAT THE FOLLOWING AMENDMENTS TO THE PENN LAKE PARK SUBDIVISION AND LAND DEVELOPMENT ORDINANCE HEREBY ADOPTED.

**SECTION 1.**

**ARTICLE 8, DESIGN STANDARDS, IS HEREBY AMENDED TO DELETE SECTION 800, APPLICATION, SECTION 801, GENERAL STANDARDS AND SECTION 802 AND SECTION 803, SITE SUITABILITY FOR DEVELOPMENT WHICH RESPECTIVELY READ AS FOLLOWS :**

**SECTION 800      APPLICATION**

- 800.1 The design standards and requirements as outlined in this Article shall be utilized by the Borough Council in evaluating the plans for all proposed subdivisions and land developments.
- 800.2 Any request to modify the design standards and requirements of this Article shall be in accordance with Section 110 of this Ordinance.

**SECTION 801      GENERAL STANDARDS**

- (a) All applicable Borough, County, State and Federal statutory provisions and/or regulations;
- (b) All governing rules and regulations of the Pennsylvania Department of Environmental Protection;
- (c) The applicable regulations and design standards of Pennsylvania Department of Transportation;
- (d) Whenever another Borough, County, State or Federal statute and/or regulation imposes a higher or more restrictive standard than those contained in this Ordinance, the higher or more restrictive standard shall apply.
- (e) All applicable regulations and design standards for compliance with the American with Disabilities Act, and any subsequent amendments thereto.

**SECTION 802      SITE SUITABILITY FOR DEVELOPMENT**

- 802.1 The land for any proposed subdivision or land development shall be suited for the purpose of intended use.
- 802.2 Land which the Borough Council deems unsuitable for subdivision or development due to flooding, improper drainage, rock formations,

adverse earth formations or topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the applicant and approved by the Borough Council upon the recommendation of the Borough Engineer.

802.3 The approval of a plan for any proposed subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Borough, any official, any employee, or agent thereof of the practicability or safety of the use of such land or development, and shall create no liability upon the Borough, its officials, employees or agents.

## **SECTION 2.**

**ARTICLE 8, DESIGN STANDARDS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING SECTIONS AND SUBSECTIONS WHICH SHALL READ AS FOLLOWS:**

### **SECTION 800      APPLICATION**

#### **800.1**

It shall be the policy of Penn Lake Park Borough to promote stewardship of the environmental components and resources of the Borough and to preserve natural features that represent essential and vital elements of the Borough that provides its identity.

#### **800.2**

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

### **SECTION 801      GENERAL REQUIREMENTS**

#### **A.      PLANNING**

The development shall generally conform to the policies, goals and objectives of this Ordinance and the Community Development Objectives of the Borough's Zoning Ordinance.

B. CONTIGUOUS LANDS

Where the owner of a site under consideration for development, owns contiguous land that may be suitable for development, the subdivision plan shall include all contiguous lands. At minimum information for contiguous lands shall include a prospective street layout and a topographic map of said lands at a scale of not less than one inch equals 200 feet. This provision however, may be waived in full or in part by the Borough, if it is not considered essential to the evaluation of the plans for the current development tract.

C. REMNANTS; DEVELOPMENT DESIGN; NEIGHBORING DEVELOPMENT

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

D. HAZARD AREAS

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

E. IMPROVEMENT SPECIFICATIONS

The design standards and requirements as outlined in this Article shall be utilized by the Borough Council in evaluating the plans for all proposed subdivisions and land developments. Altered design standards, including more stringent specifications may be required, in cases where the Borough Council find that such specifications are essential to protect the health, safety and general welfare of the residents of Penn Lake Park Borough and/or the environment of the Borough. Any request to modify the design standards and/or requirements below those contained within this Article shall be considered in accordance with Section 107 of this Ordinance.

F. OTHER ORDINANCES

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

## **SECTION 802   NATURAL FEATURES**

Care shall be taken to preserve natural features such as agricultural land, woodlands, wetlands, watercourses, bodies of water, riparian lands, scenic views, and historical and cultural features and/or resources, such as buildings and stone walls, which maintains the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering 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 PA DEP and the US Army Corps of Engineers.

### **A. Groundwater Resources**

Proposed subdivisions and land developments shall to the greatest practical extent be designed in a manner to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful consideration of vegetation and land disturbance activities. The placement of streets, buildings and other impervious surfaces shall to the greatest practical extent attempt to minimize locations where precipitation is most likely to infiltrate and recharge the groundwater.

### **B. Streams, Swales, Springs, and Other Lowland Areas**

Stream channels, swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

1. To the greatest practical extent the following activities shall be minimized:
  - a. Disturbance to streams and drainage swales.
  - b. Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.

### **C. Woodlands**

Woodlands occur extensively throughout the Borough, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

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

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

- d. No clearing or earth disturbance shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

#### **D. Slopes**

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety. Areas of steep slope shall be preserved in accordance with the following:

1. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
2. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.

#### **E. Significant Natural Areas and Features**

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Borough. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed open space or avoiding their disturbance in areas proposed for development.

#### **F. Historic Structures and Sites**

All subdivision and land development plans shall be designed to protect historic and cultural resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Borough Council, a plan will have an impact upon an historic or cultural resource the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Borough participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.

#### **G. Scenic Viewsheds**

All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into open space or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances, where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape

buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

#### **H. Trails**

1. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Borough Council may request the applicant to make provisions for continued recreational use of the trail.
2. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
  - a. The points at which the trail enters and exits the tract remain unchanged.
  - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
  - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
3. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Borough Council upon recommendation of the Borough Solicitor.
3. Trail improvements shall demonstrate adherence to principles of quality trail design.
4. Trails shall have a vertical clearance of no less than ten (10) feet.
5. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
6. No trail shall be designed with the intent to accommodate motorized vehicles.

### **SECTION 3.**

#### **ARTICLE 4, PRELIMINARY PLAN, SECTION 404, PRELIMINARY PLAN-DRAFTING STANDARDS WHICH CURRENTLY READS AS FOLLOWS:**

##### **SECTION 404      PRELIMINARY PLAN    DRAFTING STANDARDS**

**404.1** The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than

- (a) one (1) inch equals fifty (50) feet for a property in excess of two (2) acres.
- (b) one (1) inch equals twenty (20) feet for a property equal to or less

than two (2) acres.

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

404.3 All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

404.4 If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.

404.5 Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 404            PRELIMINARY PLAN REQUIREMENTS

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

- A. Site Context Map (Major Residential Subdivision/Land Development).
- B. Existing Resources and Site Analysis Plan (Major Residential Subdivision/Land Development).
- C. Preliminary Improvements Plan.
- D. Preliminary Studies and Reports as set forth in other parts of this Ordinance.

404.1            Preliminary Plan    Drafting Standards

- A.    The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than
  - (1)    one (1) inch equals one hundred (100) feet for a property in excess of two (2) acres.
  - (2)    one (1) inch equals twenty (20) feet for a property equal to or less than two (2) acres.
- B.    The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-four (24) inches by thirty-six (36) inches.
- C.    All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

- D. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- E. If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.
- F. Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed. Plans shall be legible in every detail.

#### 404.2 Site Context Map

All major subdivisions and/or land developments shall provide a map showing the location of the proposed subdivision and/or land development within the context of its neighborhood. For sites under one hundred (100) acres in area, such maps shall be at a scale not less than one inch equals two hundred feet (1"= 100'), and shall show the relationship of the subject property to natural and man-made features existing within two hundred (200) feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (0.5) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

#### 404.3 Existing Resources and Site Analysis Plan

For all major subdivisions and/or land developments an Existing Resources and Site Analysis Plan shall be prepared to provide the Developer and the Borough with a comprehensive analysis of existing conditions, both on the proposed development site and within two hundred (200) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The Borough Council shall review such Plan to assess its accuracy, conformance with Borough ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included in this Plan:

- A. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- B. Original topography providing the contour lines at vertical intervals of:
  - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
  - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
  - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography for major subdivisions or land development shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

- C. The location and delineation of ponds, vernal ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, wetland and trees described by plant community, relative age and condition.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for on-site sewage disposal suitability).
- F. Identification of ridge lines and watershed boundaries.
- G. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands; and, showing views from the property to exterior points.
- H. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs and sinkholes, based on available published information or more detailed data obtained by the applicant.
- I. All existing man-made features including, but not limited to, streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract including, but not limited, to cellar holes, stone walls, earthworks, and graves.
- K. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- L. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Luzerne County.

#### **SECTION 4.**

#### **ARTICLE 2 DEFINITIONS, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING TERM WHICH SHALL READ AS FOLLOWS:**

QUALIFIED PROFESSIONAL: An individual authorized to prepare plans pursuant to

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

**SECTION 5.**

**SEVERABILITY:** If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

**SECTION 6.**

**REPEALING PROVISION:** All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 7.**        **EFFECTIVE DATE**

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) FOLLOWING ITS DATE OF ENACTMENT:

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
BOROUGH SECRETARY

APPROVED: \_\_\_\_\_  
MAYOR