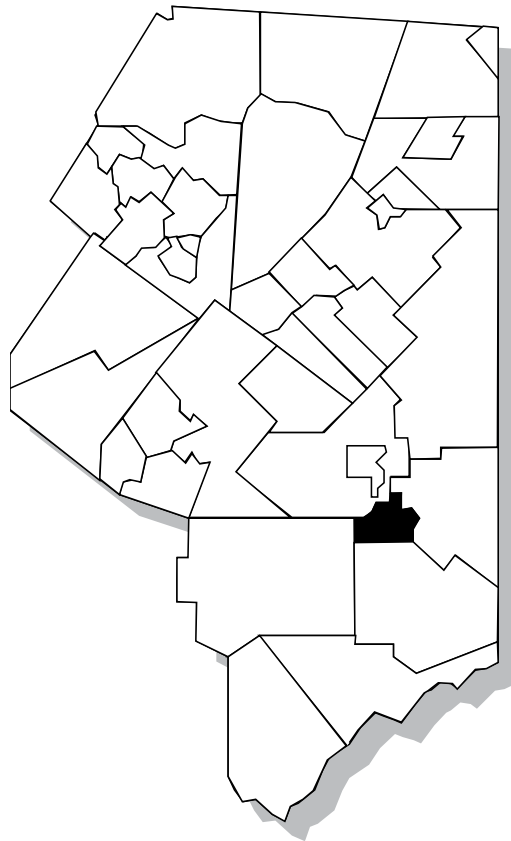


MOSCOW BOROUGH LACKAWANNA COUNTY, PA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Enacted January 19, 2010



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MOSCOW BOROUGH LACKAWANNA COUNTY, PA

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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ARTICLE 1

GENERAL PROVISIONS

101 PURPOSE

This Ordinance is enacted for the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of the Borough of Moscow; for the coordination of existing streets with proposed streets; for adequate open space, for traffic, recreation, light and air, to ensure the control of water run-off, soil erosion, sedimentation, and water pollution, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of the Borough of Moscow.

102 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the above-stated purposes. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail; provided, however, that regarding minimum setback lines and minimum lot sizes, the provisions of the Moscow Borough Zoning Ordinance shall prevail. Where provisions of any statute, other ordinance or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

103 JURISDICTION

This Ordinance is intended to be consistent with the requirements of Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, and P.L. 805, No. 247 as reenacted and amended. The provisions of this Ordinance are supplemented by the Pennsylvania Municipalities Planning Code (MPC) requirements and where said MPC requirements are not specifically stated in this Ordinance those requirements shall nevertheless apply.

104 SHORT TITLE

This Ordinance may be cited as the Moscow Borough Subdivision and Land Development Ordinance.

105 APPLICATION OF ORDINANCE

105.1 Subdivision of Land

No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance. This Ordinance shall also apply to all subdivisions or land developments previously approved by the Borough when the required improvements of the subdivision in accordance with the terms of such approval

have not been substantially completed within five (5) years of their preliminary plan approval date.

105.2 Sale of Lots, Issuance of Building Permits, or Erection of Buildings

No lot in a subdivision or land development may be sold or leased, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development, unless and until an approved Final Application is filed in the office of the Recorder of Deeds of the County, and until the improvements required by the Borough in connection therewith have either been constructed or guaranteed, as herein provided.

ARTICLE 2

DEFINITIONS

201 INCLUSIONS

As used in these regulations, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive, the words "shall" and "will" are mandatory.

202 DEFINITIONS

The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building on a lot, as regulated by the Moscow Borough Zoning Ordinance, the use of which is incidental to that of the main or principal building and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

AGENT: Any person other than the Developer who, acting for the Developer, submits subdivision or land development plans to the Borough for purpose of obtaining approval thereof.

APPLICANT: Any person who submits subdivision or land development plans to the Borough for the purpose of obtaining approval thereof.

APPLICATION, PRELIMINARY: All plans and other documents required to be submitted for the review of a proposed subdivision or land development. Approval of the Preliminary Application authorizes the applicant to proceed with the Final Application process, including the submission of required guarantees for the construction of required improvements in accordance with §504 of this Ordinance.

APPLICATION, FINAL: All documentation and legally binding commitments that the applicant must submit for approval based on the plans approved under the Preliminary Application process. Approval of the Final Application authorizes the applicant to proceed with the sale of lots and/or the sale of improved parcels; such authorization, however, may be subject to additional requirements of this Ordinance as well as other municipal ordinances.

BLOCK: A tract of land, a lot or group of lots, bounded by streets, public parks, water courses, borough boundary lines, unsubdivided land or by any combination of the above.

BOROUGH: Same as Municipality.

BUFFER STRIP: A strip of land that shall be part of the minimum setback distance or a required yard but not within an existing or required future street right-of-way and that is maintained free of any principal or accessory building or structure, driveway, parking, outdoor storage or any other use other than open space.

BUILDING: A structure formed of any combination of materials that is erected on the ground and temporarily or permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. Any structure such as but not limited to those having a roof supported by columns, piers, or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, camp cars, or other structures on wheels, or having other supports; and, any unroofed platform, terrace or porch having vertical face higher than three (3') feet above the level of the ground over or upon which said structure is located.

BUILDING SETBACK LINE: The line within a lot or parcel defining the required minimum distances between any structure and the adjacent street right-of-way or boundary line of any lot. The setback shall be measured from the edge of any street right-of-way bordering or within the lot or parcel. Setback distances shall not be measured, nor minimum required setback distances met, within any existing width or proposed or required future width of any public or private street right-of-way. See Illustration 2-1.

CAMPGROUND: A planned development, under single ownership, for rental, license or lease only, of sites to be used by transient persons for camping in tents, camp trailers, recreational vehicles, motor homes, or similar movable sleeping quarters of any kind, with or without recreational and service facilities, including central water and sewage.

CAMPSITE: A lot within a campground used for camping purposes and acting as a site for recreational vehicles or tents.

CARTWAY: The graded portion of a street and alley, including travelway and shoulders.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets and by a line of sight between points on their right-of-way lines at a given distance from the intersection of the right-of-way lines. See Illustration 2-1.

COMMISSION: The Planning Commission of the Borough of Moscow.

COMPREHENSIVE DEVELOPMENT PLAN: The allocation of land areas to the several varieties of physical development, present and future, of the Borough of Moscow, the same having been prepared in accordance with the principles of comprehensive planning or having been developed through the approval of subdivisions previously submitted, wherever such plan exists and has been officially adopted by the Moscow Borough Council. Wherever the term "Development Plan" is used, it shall have the same meaning as the term "Master Plan" or "Comprehensive Plan".

COUNCIL: The Moscow Borough Council, Governing Body.

COUNTY PLANNING COMMISSION: The Lackawanna County Regional Planning Commission.

CROSSWALK OR INTERIOR WALK: A right-of-way or easement for pedestrian travel across or within a block.

CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

DEAD-END STREET: A street or portion of a street with only one vehicular outlet that has a temporary turnaround and that is designed to be continued when adjacent open land is subdivided.

DEDICATION: The deliberate appropriation of land by its owner for any general and public or limited public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

DOUBLE FRONTAGE LOT: A lot extending between and having frontage on two streets. See Illustration 2-1.

DRAINAGE FACILITY: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

DRAINAGE PLAN: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours and topography.

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

DWELLING/DWELLING UNIT: A building or structure or portion thereof designed for occupancy by one family as a single housekeeping unit and containing complete sanitary and kitchen facilities. In no case shall a motor home, recreational vehicle, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

DWELLING TYPES:

- A. **RESIDENTIAL CONVERSION UNIT:** A structure or building changed from a non-residential use, occupancy, or purpose into, or adapted to, a residential dwelling unit or units.
- B. **SINGLE-FAMILY DWELLING:** A structure or building designed for and occupied exclusively by one family, detached from all other structures and surrounded by yards.
- C. **TWO-UNIT ATTACHED DWELLING:** A building or structure containing two individual side-by-side dwelling units sharing one roof, but each unit having separate front and rear entrances.
- D. **DUPLEX:** A building or structure containing two individual dwelling units that are divided horizontally with each unit having a separate entrance from the outside or through a common vestibule.

- E. MULTI-FAMILY DWELLING: A building or structure containing three (3) or more dwellings. Multi-family dwelling structures shall include garden apartments.
- F. TOWNHOUSE: A building or structure consisting of not less than three (3) or more than six (6) dwelling units each, with no other dwelling or portion of other dwelling directly above or below, each dwelling unit of which having direct ground level access to the outdoors and connected to the other dwelling units by a single party wall with no opening.
- G. GARDEN APARTMENT: An apartment building located on a lot, either singly or together with other similar apartment buildings, having no more than eight (8) units per building and substantial landscaped open-space adjacent to the building(s).

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public, or quasi-public purposes.

ENGINEER: A professional engineer licensed by the Commonwealth of Pennsylvania.

ENGINEER, BOROUGH: A professional engineer licensed by the Commonwealth of Pennsylvania, duly appointed by the Borough Council as the engineer for the Borough.

EROSION: The removal of soil or soil material by the action of wind or water.

EXCLUDED AREA: Those environmentally sensitive portions of the net lot area that are deemed unsuitable for development and thereby deducted from the minimum lot area requirements of the Zoning Ordinance by a percentage as established by this Ordinance. These environmentally sensitive areas shall include but are not limited to slopes of twenty-five percent (25%) or greater, wetlands, and land within the 100-year flood plain.

FLAG LOT: A lot that has the buildable or net portion located directly to the rear of another lot that has direct access to a street right-of-way line. Flag lots shall have access to street rights-of-way via a minimum twenty-five (25)-foot wide strip that is considered part of the gross lot area but not as part as the net or buildable area. See Illustration 2-1.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream, or watercourse that is subject to partial or complete inundation once in every one hundred (100) years, and designated by the Federal Emergency Management Agency as land within a 100-year flood boundary (Zone A).

FUTURE RIGHT-OF-WAY:

- A. The right-of-way width required for expansion of existing streets to accommodate anticipated future traffic loads.
- B. A right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY: The Moscow Borough Council.

GROSS FLOOR AREA: The sum of the total horizontal areas of the floors of a building, but not including interior parking spaces, vehicle loading areas, or any space where the floor-to-ceiling height is less than six feet (6').

HALF OR PARTIAL STREET: A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

HOMEOWNERS' ASSOCIATION: A formally established organization that includes bylaws. In cases where a homeowner association is given the responsibility to maintain land, streets, utilities or facilities, a legally binding process is established to require each household to fund their share of related expenses.

IMPROVEMENTS: For the purpose of classification as a land development as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, storm water controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) 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.
- C. The following shall be excluded from the definition of Land Development:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDSCAPE ARCHITECT: A professional landscape architect licensed by the Commonwealth of Pennsylvania.

LOT: A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit. See Illustration 2-1.

- A. Lot, Corner - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135°) degrees.
- B. Lot, Depth - The mean average horizontal distance between the front and the rear lot lines.
- C. Lot Lines - The property lines bounding the lot.
 - 1. Lot Line, Front - The lines separating the lot from an abutting, existing or proposed, street right-of-way. In the case of a lot that does not have direct frontage on an existing or proposed street right-of-way, or is shaped or designated as a "flag lot", that lot line nearest the street right-of-way line shall be considered the front lot line. In the case of a corner lot, both street frontages are considered to be front lot lines and the remaining lines are side lines.
 - 2. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
 - 3. Lot Line, Side - Any lot line other than a front or rear lot line.
 - 4. Lot Line, Street or Alley - A lot line separating the lot from a street or alley.
- D. Lot Width - The horizontal distance between the side lot lines measured:
 - 1. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equi-distant between the side lot lines, the said chord shall intersect the radial line at a point located a distance from the right-of-way line equal to the prescribed minimum front-yard building setback as set forth in the Zoning Ordinance.
 - 2. In the case of all other lots along a line parallel to and at a distance equal to the prescribed minimum front-yard building setback as set forth in the Zoning Ordinance.
- E. Lot Area - the computed area contained within the lot lines. The net lot area shall not be less than the minimum required area per dwelling unit for the zoning district as determined by deducting from the minimum lot area calculations the following percentages of those areas defined as "Environmentally Sensitive" and/or included in rights-of-way:
 - 1. Public or private road rights-of-way: 100%
 - 2. Wetlands: 50%
 - 3. 100-year flood plain: 50%
 - 4. Slopes greater than twenty-five percent (25%): 50%
 - 5. Flag lot "access strips" 100%

LOT JOINING: The merger of two (2) or more existing lots into one (1) lot.

LOT LINE ADJUSTMENT: The revision or adjustment of one (1) or more lot lines in such a way that no new lots will be created beyond what was previously approved or existed.

MAINTENANCE AGREEMENT: An agreement in a form and manner acceptable to the Borough Council requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

MAINTENANCE GUARANTEE: Financial security that is acceptable to the Borough to secure the promise made by a developer in the Maintenance Agreement that required improvements shall be maintained by the developer. These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements.

MANUFACTURED HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, that arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation, including but not limited to, mobile and modular homes.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, that 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. Manufactured homes or sections thereof that when assembled or combined are twenty (20') feet or more in width, and that have axles and hitches removed and are placed upon a permanent foundation shall not be classified as mobile homes, but as modular homes.

MOBILE 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.

MOBILE HOME PARK: A parcel or contiguous parcels of land that has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME: A single-family dwelling constructed in accordance with State standards and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame.

MUNICIPALITIES PLANNING CODE (MPC): An act of the Commonwealth of Pennsylvania Legislature (Act of 1968, P.L. 805, No. 247 as reenacted and amended) that establishes the basic authority for the exercise of municipal land-use controls within the Commonwealth.

MUNICIPALITY: The Borough of Moscow, County of Lackawanna.

ONE-HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur every 100 years, such as that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.

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

OPEN SPACE, PUBLIC: Common open space owned by a government agency or the Borough for public recreation.

OPEN SPACE RATIO: A measure of the intensity of land use, determined by dividing the total of all open space areas contained within a site by the gross site area.

OWNER: The person who holds the fee simple title to a property, and the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

PA DEP: The Pennsylvania Department of Environmental Protection.

PENNDOT: The Pennsylvania Department of Transportation.

PERFORMANCE GUARANTEE: A written instrument that may be accepted by the Borough Council in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, that shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting that may be required.

PLAN OR PLAT: A map or drawing indicating the subdivision or re-subdivision of land or a land development in its various stages of preparation, including 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 proposal to be used as a basis for consideration by the Borough.
- B. **PRELIMINARY PLAN:** A complete plan 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 Ordinance, such plan prepared by a Qualified Professional as defined by this Ordinance.
- C. **FINAL PLAN:** A complete and exact plan identified as such with the wording Final Plan in the title, with a Qualified Professional's seal (see definition of Qualified Professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. **RECORD PLAN:** The copy of the final plan that contains the original endorsements of the Borough Planning Commission, the County Planning

Commission and the Borough Council and that is intended to be recorded with the Lackawanna County Recorder of Deeds.

PLANNING COMMISSION: The Borough of Moscow Planning Commission created, and the members thereof appointed, pursuant to requirements of the Commonwealth of Pennsylvania.

PLANNING MODULE: An application required by the Pennsylvania Sewage Facilities Act, Section 5 (a) and (d); and Section 71.15 (b) and (c) of the Pennsylvania Department of Environmental Protection, Title 25: *Rules and Regulations*, Chapter 71, Administration of the Sewage Facilities Program, as amended.

PLANTING STRIP: A section of land intended to contain plant materials and for the purpose of creating a visual separation between uses or activities or for restricting vehicular access from a lot to a public or private right-of-way. See Illustration 2-1.

POSITIVE DRAINAGE: Sufficient slope to drain surface water away from buildings without ponding.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the ordinance and the Pennsylvania Municipalities Planning Code.

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

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

PUC: The Pennsylvania Public Utility Commission.

QUALIFIED PROFESSIONAL: An individual authorized to prepare plans pursuant to §503(1) of the Pennsylvania Municipalities Planning Code that 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.

RECREATIONAL VEHICLE: A vehicle that is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed, or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft other than canoes with a hull longer than 12 feet, motor homes, travel trailers, all-terrain vehicles, and snowmobiles.

RIGHT-OF-WAY: Land reserved for use as a street or other means of travel. See Illustration 2-1.

RUNOFF: That portion of rainfall or snowmelt that does not enter the soil but moves over the surface.

SEDIMENT: The resulting residue from erosion, mud.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED: A publicly or privately owned and operated utility system or other system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, COMMUNITY: A publicly owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment or disposal of the sewage on one or more of the lots or at any other site, by on-site (into the soil) disposal techniques in compliance with regulations of the appropriate agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, INDIVIDUAL: A utility system or other system designed for the collection, treatment and disposal of from a single lot into the soil or into waters of the Commonwealth, or for conveyance to another site for final disposal.

SEWAGE ENFORCEMENT OFFICER: The official appointed by the Moscow Borough Council who issues and reviews sewage permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act (Act 537 as amended) and the rules and regulations there under.

SHADE TREE COMMISSION: The body established by the Borough of Moscow Shade Tree Ordinance, enacted by the Moscow Borough Council on September 12, 1988, that has exclusive custody and control of the shade trees in the Borough and is authorized to plant, remove, maintain, and protect shade trees on public rights-of-way, parks, and public places within the Borough. The duties of the Shade Tree Commission also include the review of any subdivision or land development plan proposing dedication of public rights-of-way and/or open space to the Borough to recommend the type and kind of trees to be planted within such rights-of-way and open space areas.

SHADE TREE ORDINANCE: The Shade Tree Ordinance of the Borough of Moscow, as amended.

SHOULDER: The improved portion of a street immediately adjoining the travelway, for parking and for access to abutting properties.

SIGHT DISTANCE: The length of street, measured along the centerline, which is continuously visible from any point three and three-quarters (3-3/4') feet above the centerline to an object six inches (6") above the road surface.

STREET: A public or private thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

- A. **COLLECTOR STREET:** A public or private street that provides access to abutting properties, intercepts minor streets and provides routes for considerable volumes of traffic to community facilities and major traffic streets and highways and serves more than two hundred (200) dwelling units or lots.

- B. **MINOR STREET:** A public or private street that provides access to abutting properties and serves up to two hundred (200) dwelling units or lots.

STREET RIGHT-OF-WAY LINE: The dividing line between the street and lot, also known as the street line or front lot line.

SUBDIVIDER: Same as Developer.

SUBDIVISION: The division or subdivision 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 (10) acres, not involving any new street or easement or access or any residential dwelling, shall be exempted.

SUBDIVISION - MINOR: Subdivision of land under any of the following conditions:

- A. A subdivision that creates no more than five (5) lots, or the cumulative development on a lot-by-lot basis for a total of five (5) lots of any original tract of land of record not subdivided subsequent to the date of adoption of this Ordinance, that have frontage on an existing public or approved private street and involves no new street or extension or improvement of an existing street, or the extension of water and sewer lines.
- B. A subdivision of any parcel of land to create a single lot that involves no new road or street or improvement of an existing road or street other than a Minimum Access Drive as defined by this Ordinance.
- C. A division of any parcel of land for the purpose of joining or annexing a lot to an adjacent existing lot, parcel or tract of land providing a covenant running with the parcel to be conveyed that joins it with and makes it an inseparable part of the parcel to which it is joined.
- D. A lot joining or lot line adjustment, as defined by this §202.

SUBDIVISION - MAJOR: Any subdivision not herein defined as a Minor Subdivision and in all cases where a new street or road is created, an existing street or road is extended or the extension of sewer or water lines is required.

SUBORDINATE: As it relates to buildings or uses, that building or use on a lot, as regulated by the Moscow Borough Zoning Ordinance, that is accessory or incidental to the principal building or use in terms of area, extent, and purpose.

SUBSTANTIALLY COMPLETED: Where in the judgment of the Borough Engineer at least ninety (90%) percent, based on the cost of the required improvement for which financial security was posted pursuant to this Ordinance, of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR: A professional surveyor licensed by the Commonwealth of Pennsylvania.

TRANSIENT PERSON: Any person, who at his own expense or at the expense of another, obtains lodging or lodging space in any hotel, motel, bed and breakfast

establishment, resort or campground for any period of less than thirty (30) consecutive days.

TRAVELWAY: That portion of a street or road that is intended for vehicular movement.

TREE DRIPLINE: The line marking the outer edges of the branches of trees.

WATERCOURSE: A natural or constructed drainage way for water, including permanent streams and intermittent streams.

WATER SUPPLY SYSTEM, CENTRALIZED: A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with the requirements of the appropriate State Agency or regulations of the Borough, whichever may be more stringent. Any system not deemed a centralized water supply system shall be deemed an on-lot system.

WETLANDS: Those areas, as regulated by PA DEP and the U. S. Army Corps of Engineers, that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

YARD: An open space on the same lot with a building or group of buildings that lies between the principal building or group of buildings and the nearest lot line and that is unoccupied and unobstructed from the ground upward except as herein permitted.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZONING OFFICER: The administrative officer appointed by the Borough Council and charged with the duties of enforcing the Moscow Borough Zoning Ordinance, as amended.

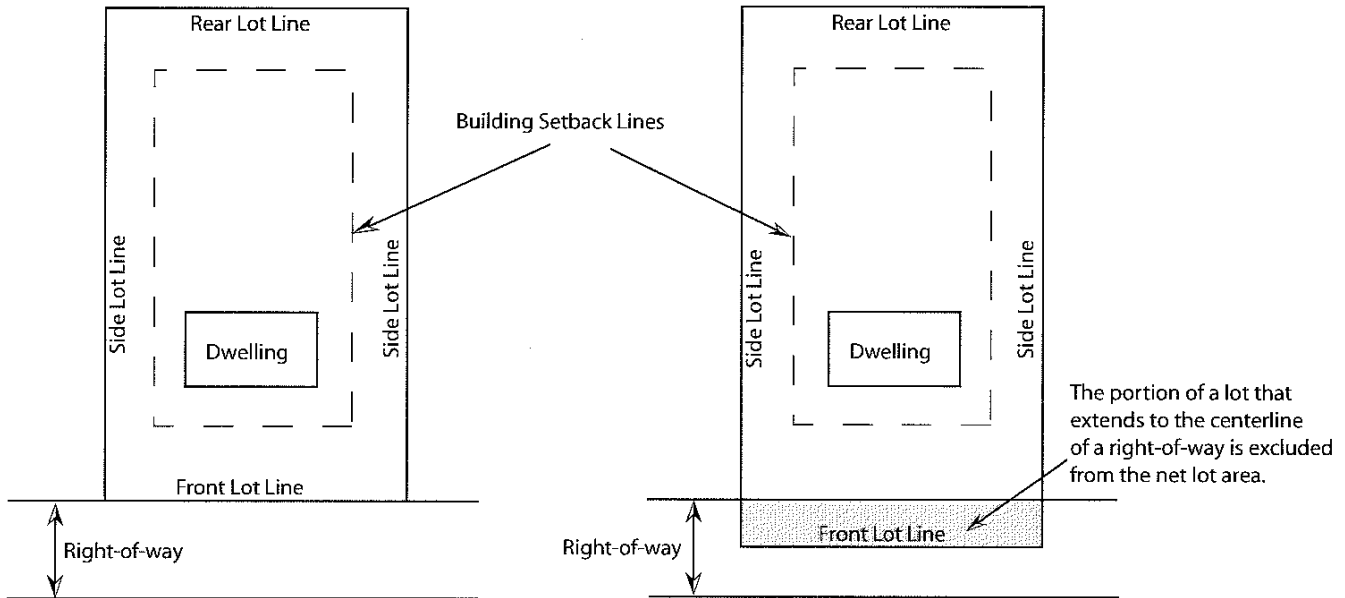
ZONING ORDINANCE: The Moscow Borough Zoning Ordinance, as amended.

203 TERMS OR WORDS NOT DEFINED

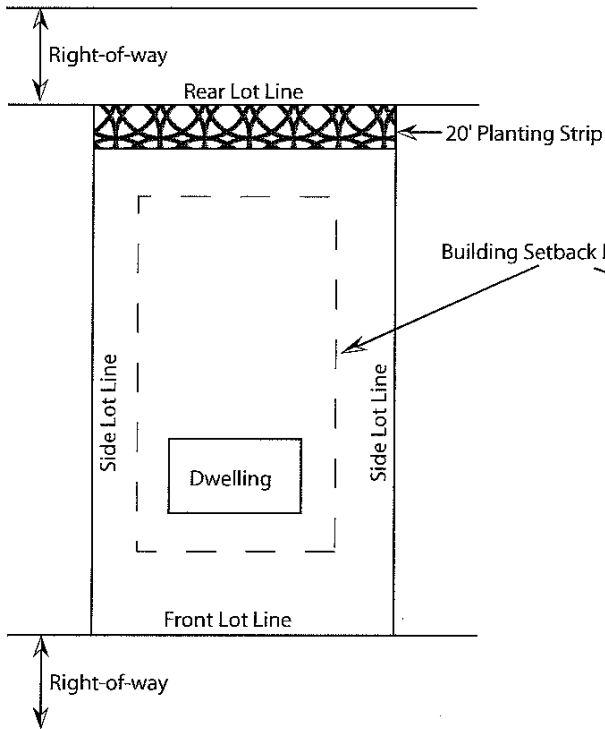
Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

ILLUSTRATION 2-1
LOT CONFIGURATIONS
(Generalized Illustration, Not to Scale)

TRADITIONAL LOTS



DOUBLE-FRONTAGE LOT



FLAG LOT

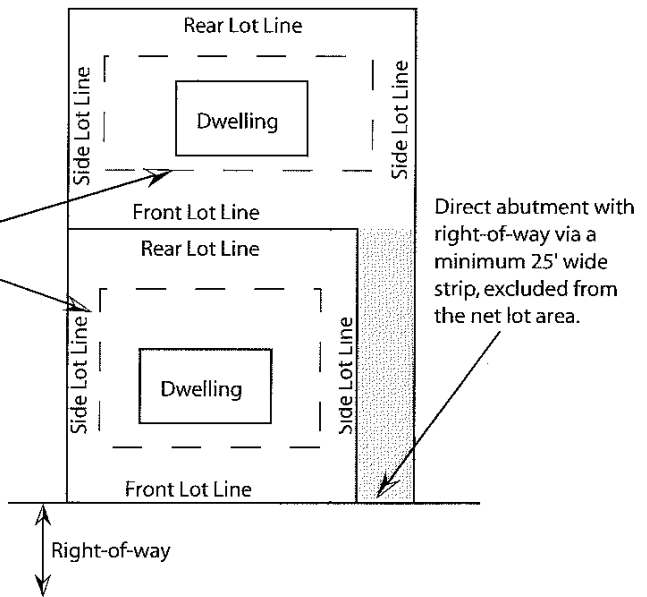
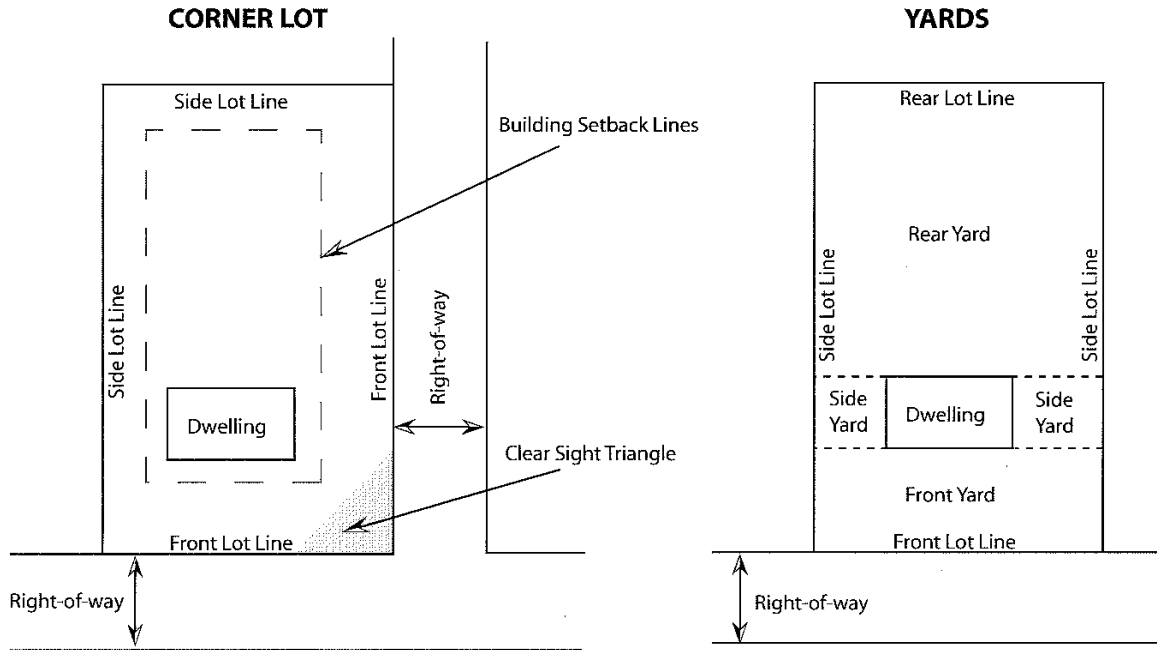
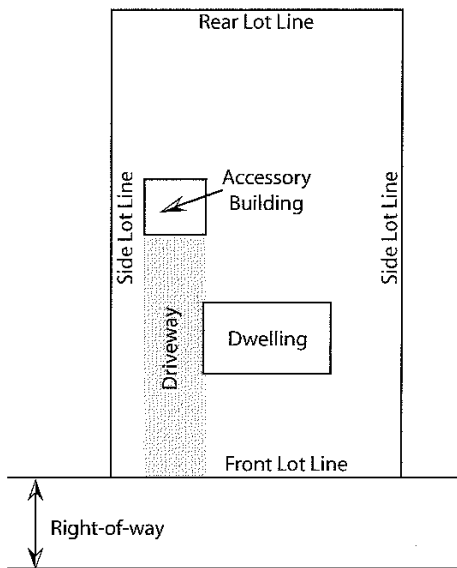


ILLUSTRATION 2-1 (continued)
LOT CONFIGURATIONS
(Generalized Illustration, Not to Scale)



DRIVEWAY



ARTICLE 3

PLAN PROCESSING PROCEDURE

301 GENERAL OUTLINE OF PROCEDURES

There are three (3) stages in the procedure for approval of subdivision and land development plans. These stages are necessary to enable the Planning Commission and the Borough Council to have an adequate opportunity to review the submissions and to ensure that their formal recommendations are reflected in the final plans.

The separate stages of approval include the submission of an optional sketch plan, a preliminary plan and a final plan. These plans differ in their purpose and required level of detail. The table below indicates the optional and required plans for the different types of submissions.

Application Stage	Type of Submission		
	<u>Minor Subdivision</u>	<u>Major Subdivision</u>	<u>Land Development</u>
Sketch (§302)	Optional	Optional Strongly Recommended	Optional
Preliminary (§303)	Not Required	Required	Required
Final (§304)	Required	Required	Required

302 SKETCH PLANS

302.1 Purpose

A Sketch Plan submission is strongly recommended to identify issues early in the process. This early review can reduce the need for applicants to make expensive and time-consuming revisions after they have submitted fully engineered preliminary plans. A sketch plan is intended to help in the following matters:

- A. To identify the overall objectives of the Applicant.
- B. To identify major issues that may need to be addressed to comply with this Ordinance, the Zoning Ordinance, and other applicable ordinances or regulations.
- C. To classify the submission as one of the following: Minor Subdivision, Major Subdivision, or Land Development.

- D. To identify any initial issues that the Borough may wish the Applicant to address in the more detailed engineering.
- E. To provide mapping for the Borough to understand the site conditions.

302.2 Fees

Fees for Sketch Plans, if any, shall be established by resolution of the Borough Council.

302.3 Procedure

The applicant shall submit a minimum of seven (7) copies of a Sketch Plan and any supporting documents to the designated Borough Official at the Borough of Moscow Municipal Office at least ten (10) days prior to the next scheduled monthly Planning Commission meeting. The applicant may be required to supply additional copies of the plan and documents if deemed necessary by the Borough. The applicant, or his duly designated agent, must be present at the planning commission meeting at which the Sketch Plan is considered; otherwise, the plan will not be reviewed.

The Sketch Plan shall be considered a submission for discussion between the applicant and the planning commission and/or Borough Council and shall not constitute a formal filing of a plan with the municipality. All Sketch Plans submitted shall be so noted on the Plan and in the minutes of the planning commission and/or Borough Council.

As part of the Sketch Plan procedure, a site inspection of the property by the Planning Commission and other borough officials may be arranged with the applicant. Comments made by borough officials or their professional consultants shall be interpreted as only suggestive. No formal recommendations can be offered and no official decisions can be made at the site inspection.

303 PRELIMINARY APPLICATIONS

303.1 Purpose

The purpose of the preliminary application is to arrive at a final plan that is acceptable to both the applicant and the borough. No work shall commence in the proposed subdivision or land development until the preliminary application is approved.

303.2 General

- A. A Preliminary Plan shall be submitted conforming to the changes recommended during the Sketch Plan process, if any.
- B. The Preliminary Plan and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where modifications may be requested pursuant to §902.

303.3 Fees

Fees for Preliminary Plans shall be established by resolution of the Borough Council. The applicant shall also be responsible for any fees charged for review

and comment by additional agencies, such as but not limited to, the county planning commission, county conservation district, and PA DEP.

303.4 Procedure

- A. The applicant shall prepare the preliminary plan in accordance with the data requirements specified in §402.
- B. The applicant shall prepare Planning Modules for Land Development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.
- C. The applicant shall submit the following to the designated Borough Official at the Borough of Moscow Municipal Office at least ten (10) days prior to the scheduled monthly meeting of the Borough of Moscow Planning Commission:
 - 1. Seven (7) copies of the preliminary plan and all supporting documents.
 - 2. A completed Moscow Borough Subdivision and Land Development Application Form.
 - 3. Two (2) copies of the Planning Modules for Land Development or two (2) copies of a request for planning module exemption according to PA DEP procedures.
 - 4. All applicable fees.

The applicant, or his duly designated agent, must be present at the planning commission meeting at which the preliminary application is considered; otherwise, the plan will be returned as incomplete.

- D. The applicant shall submit two (2) copies of the preliminary plan and all supporting documents, including the applicable review fee, to the Lackawanna County Regional Planning Commission (LCRPC) and one (1) copy each to such other reviewing agencies as required by State Law and/or specified by the Borough.
- E. The designated Borough Official shall check the submission for completeness. No application shall be deemed complete unless and until all items in §303.4. C. 1. to. 4. have been submitted. If deemed to be complete, the application shall be acted upon by the Governing Body no later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed or after a final order of the court remanding an application. However, should the next regular meeting of the Borough Planning Commission occur more than thirty (30) days following the filing of the application, the said ninety (90)-day period shall be measured from the thirtieth (30th) day following the day the application has been filed. If the borough fails to render a decision and communicate it in writing to the applicant within the allotted time, it shall be deemed to have made a favorable review, unless the applicant has agreed to a written extension of time for the review period or a change in the prescribed manner of communicating the decision.

- F. Upon acceptance of the preliminary application, the designated Borough Official shall immediately distribute the plans and supporting documents to the Borough Planning Commission.
- G. The Lackawanna County Regional Planning Commission (LCRPC) shall, within thirty (30) days from the date the application was forwarded, review the application and prepare a report for the Borough Planning Commission and Governing Body.
- H. The Borough Planning Commission should within sixty (60) days following acceptance of the preliminary application:
 - 1. Review the report of the LCRPC and all other reviewers.
 - 2. Discuss the submission with the applicant and determine whether it meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
 - 3. Recommend revisions, if any, so that the plan will conform to this Ordinance and all other pertinent regulations and ordinances.
 - 4. Recommend approval or disapproval of the application in a written report to the Governing Body.
- I. The Governing Body shall within ninety (90) days following acceptance of the preliminary plan:
 - 1. Review the reports of the Borough Planning Commission, the LCRPC, and other reviewers.
 - 2. Determine whether the application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
 - 3. Approve or disapprove the preliminary application. If approved, the Governing Body shall express its approval and state the conditions of approval, if any. If disapproved, the Governing Body shall state the reasons for this action.
- J. The decision of the Governing Body shall be in writing and shall be communicated to the applicant no later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- K. Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings.
- L. The approved Preliminary Plan shall be effective for five (5) years from the date of the approval, unless extended by the Borough.

304 FINAL APPLICATIONS

304.1 Purpose

The purpose of the Final Plan is to require formal approval by the Governing Body before plans for all subdivisions and land developments are recorded as required by §304.5.

304.2 General

- A. The Final Plan shall conform to the Preliminary Plan, as approved.
- B. The Final Plan and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where modifications may be specifically approved by the Borough Council pursuant to §902.

304.3 Fees

Fees for Final Plans shall be established by resolution of the Borough Council. The applicant shall also be responsible for any fees charged for review and comment by additional agencies, such as but not limited to, the county planning commission, county conservation district, and PA DEP.

304.4 Procedure

- A. The applicant shall prepare the final plan in accordance with the data requirements specified in §403, §404 and/or §405, whichever is applicable.
- B. The applicant shall submit the following to the designated Borough Official at the Borough of Moscow Municipal Office at least ten (10) days prior to the scheduled monthly meeting of the Borough of Moscow Planning Commission:
 - 1. Seven (7) copies of the final plan and all supporting documents.
 - 2. A completed Moscow Borough Subdivision and Land Development Application Form.
 - 3. Written agreements, offers of dedication, covenants and deed restrictions pursuant to §403.4.
 - 4. All applicable fees.

The applicant, or his duly designated agent, must be present at the planning commission meeting at which the final application is considered; otherwise, the plan will be returned as incomplete.

- C. The applicant shall submit two (2) copies of the final plan and all supporting documents, including the applicable review fee, to the Lackawanna County Regional Planning Commission (LCRPC) and one (1) copy each to such other reviewing agencies as required by State Law and/or specified by the Borough.

- D. The designated Borough Official shall check the submission for completeness. No application shall be deemed complete unless and until all items in §304.4. B. 1. to 4. have been submitted. If deemed to be complete, the application shall be acted upon by the Governing Body no later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed or after a final order of the court remanding an application. However, should the next regular meeting of the Borough Planning Commission occur more than thirty (30) days following the filing of the application, the said ninety (90)-day period shall be measured from the thirtieth (30th) day following the day the application has been filed. If the Borough fails to render a decision and communicate it in writing to the applicant within the allotted time, it shall be deemed to have made a favorable review, unless the applicant has agreed to a written extension of time for the review period or a change in the prescribed manner of communicating the decision.
- E. Upon acceptance of the final application, the designated Borough Official shall immediately distribute the plans and supporting documents to the Borough Planning Commission.
- F. The Lackawanna County Regional Planning Commission (LCRPC) shall, within thirty (30) days from the date the application was forwarded, review the application and prepare a report for the Borough Planning Commission and Governing Body.
- G. The Borough Planning Commission should within sixty (60) days following acceptance of the final application:
 - 1. Review the report of the LCRPC and all other reviewers.
 - 2. Discuss the submission with the applicant and determine whether it meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances and complies with conditions of the preliminary application approval. The applicant, or his duly designated agent, must be present at the planning commission meeting at which the final application is considered; otherwise, the plan will not be reviewed.
 - 3. Recommend revisions, if any, so that the plan will conform to this Ordinance and all other pertinent regulations and ordinances.
 - 4. Recommend approval or disapproval of the application in a written report to the Governing Body.
 - 5. Approve or deny any application that is considered to be a minor subdivision as defined by §202 of this Ordinance, including a lot joining and/or lot line adjustment, in accordance with same procedures as set forth for the Governing Body under subsections H.; H. 1., 2., 3; I.; K.; and M. below.
- H. The Governing Body shall within ninety (90) days following acceptance of the final plan:

1. Review the reports of the Borough Planning Commission, the LCRPC, and other reviewers.
 2. Determine whether the application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances and complies with conditions of the preliminary application approval.
 3. Approve or disapprove the final application. If disapproved, the Governing Body shall state the reasons for this action.
- I. The decision of the Governing Body shall be in writing and shall be communicated to the applicant no later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested.
- J. If the final plan is approval:
1. The Governing Body shall adopt a resolution approving the final plan.
 2. Approval shall not be final until entry into contract and production of completion guaranty as set forth in Article 5, when applicable.
- K. If the final plan is disapproved, the applicant may file a revised final plan with the designated Borough Official in order to secure approval.
- L. When requested by the applicant, in order to facilitate financing, the governing body shall furnish the applicant with a signed copy of a resolution indicating approval of the final application contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Governing Body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- M. In any case where the Governing Body disapproves a Final Plan, any person aggrieved thereby, may appeal the denial, by petition, to the Court of Common Pleas of Lackawanna County within thirty (30) days of said denial.

304.5 Recording of the Final Plan

- A. The subdivider/developer shall file the final record plan (two signed prints) with the Lackawanna County Recorder of Deeds within ninety (90) days of the date of endorsement by the Borough Council or ninety (90) days after the date of delivery of an approved plan endorsed by the Borough Council following completion of conditions imposed for such approval, whichever is later. The applicant shall notify the Borough in writing of the date of such recording and the instrument number or plan book and page wherein such plan is recorded.

- B. The Recorder of Deeds shall not accept any plan for recording unless such plan contains the signatures of the Borough Council confirming approval of the plan, and such plan contains the stamp and signature of the county planning commission confirming its review of the plan.
- C. If the subdivider fails to record the final record plan in the Recorder of Deeds office within the required ninety (90) day-period, the action of the Borough Council shall be deemed null and void and a resubmission of the plan shall be made to the Borough in accordance with this Ordinance.

304.6 Alteration of Final Plan

No changes, erasures, modifications, or revisions, shall be made to any Final Plan after the Borough Council has given approval and signed the plan. In the event that any Final Plan, when recorded, contains any such changes, the Final Plan shall be considered null and void, and the Borough Council shall institute proceedings to have said plan stricken from the record of the County Recorder of Deeds. The costs of all such action incurred by the Borough shall be borne by the subdivider/developer.

304.7 Effect of Final Plan Approval on Official Map

After a Final Plan has been approved and recorded as provided herein, all streets and public grounds on such plan shall be, and become, a part of the Official Map of the Borough, if one exists, without a public hearing.

305 AFFECT OF FILING AN APPLICATION

- 305.1 From the time an application for approval of a plat, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- 305.2 When an application for approval of a plat, whether preliminary or final, has been approved or approved without condition or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- 305.3 Where final approval is preceded by preliminary approval, the aforesaid five (5)-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

- 305.4 Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5)-year limit, or any extension thereof as may be granted by the Borough Council, no change of a municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street, or utility location.
- 305.5 In the case of a preliminary plat calling for the installation of improvements beyond the five (5)-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- 305.6 Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless the Borough Council in its discretion approves a lesser percentage. Provided, the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections. Then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completely within said five (5)-year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.
- 305.7 Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision, and other governing ordinances enacted by the Borough subsequent to the date of the initial preliminary plan submission.

306 AGRICULTURAL SUBDIVISIONS

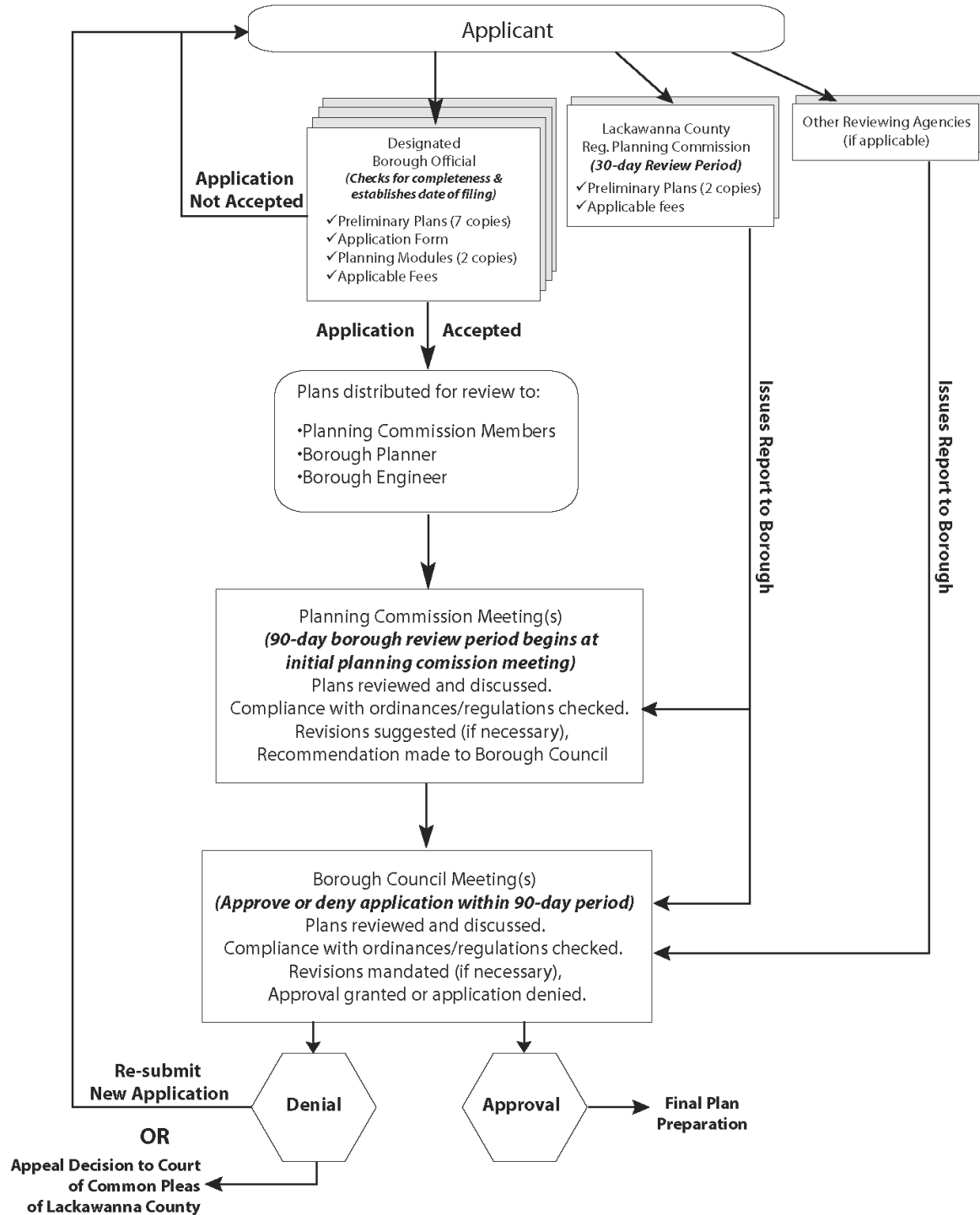
- 306.1 The subdivision by lease of land for agricultural purposed into lots of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempt from the provisions of this Ordinance. To ensure compliance with the criteria for exemption, no owner shall effect a subdivision or land development even for agricultural purposes in lots of more than ten (10) acres, unless the owner receives a certification of exemption from the Governing Body based upon the owner's written proof that:
- A. The lots shall each be more than ten (10) acres in area.
 - B. All future lots shall be used for agricultural purposes and not for the construction of any residential dwelling or use.
 - C. No new street or easement of access shall be involved.
- 306.2 The Governing Body shall review the request for exemption. If satisfied that the above criteria have been met, the Governing Body shall issue a written

certification of exemption. If the Governing Body finds that all of the criteria have not been met, it shall notify the owner that the proposed subdivision is required to comply with all of the procedures and requirements of this Ordinance.

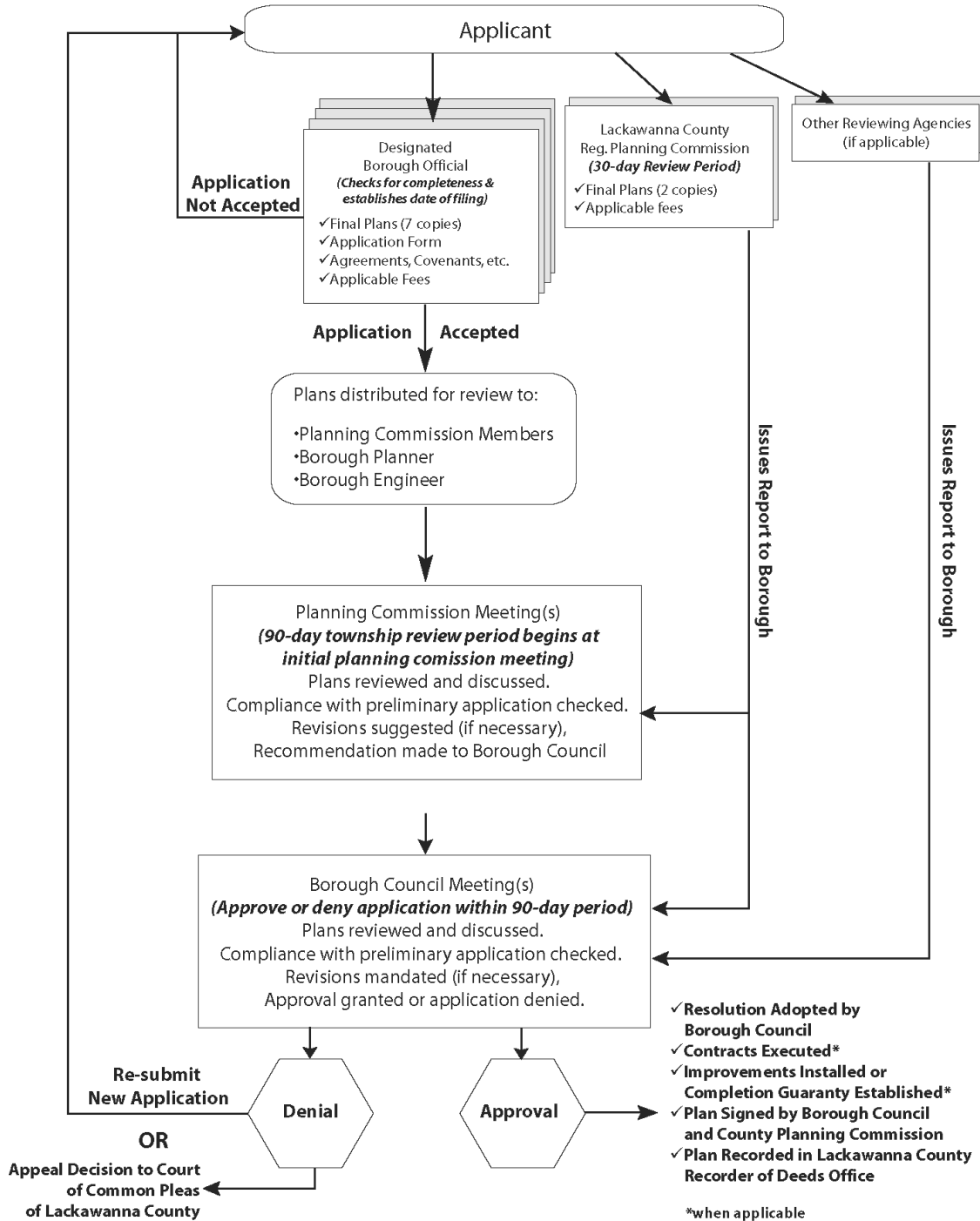
307 CONTIGUOUS MUNICIPALITIES

In accordance with §502.1 (b) of the Municipalities Planning Code, the governing body of any municipality contiguous to the Borough of Moscow may appear before the Planning Commission or Borough Council to comment on a proposed subdivision, change of use, or land development.

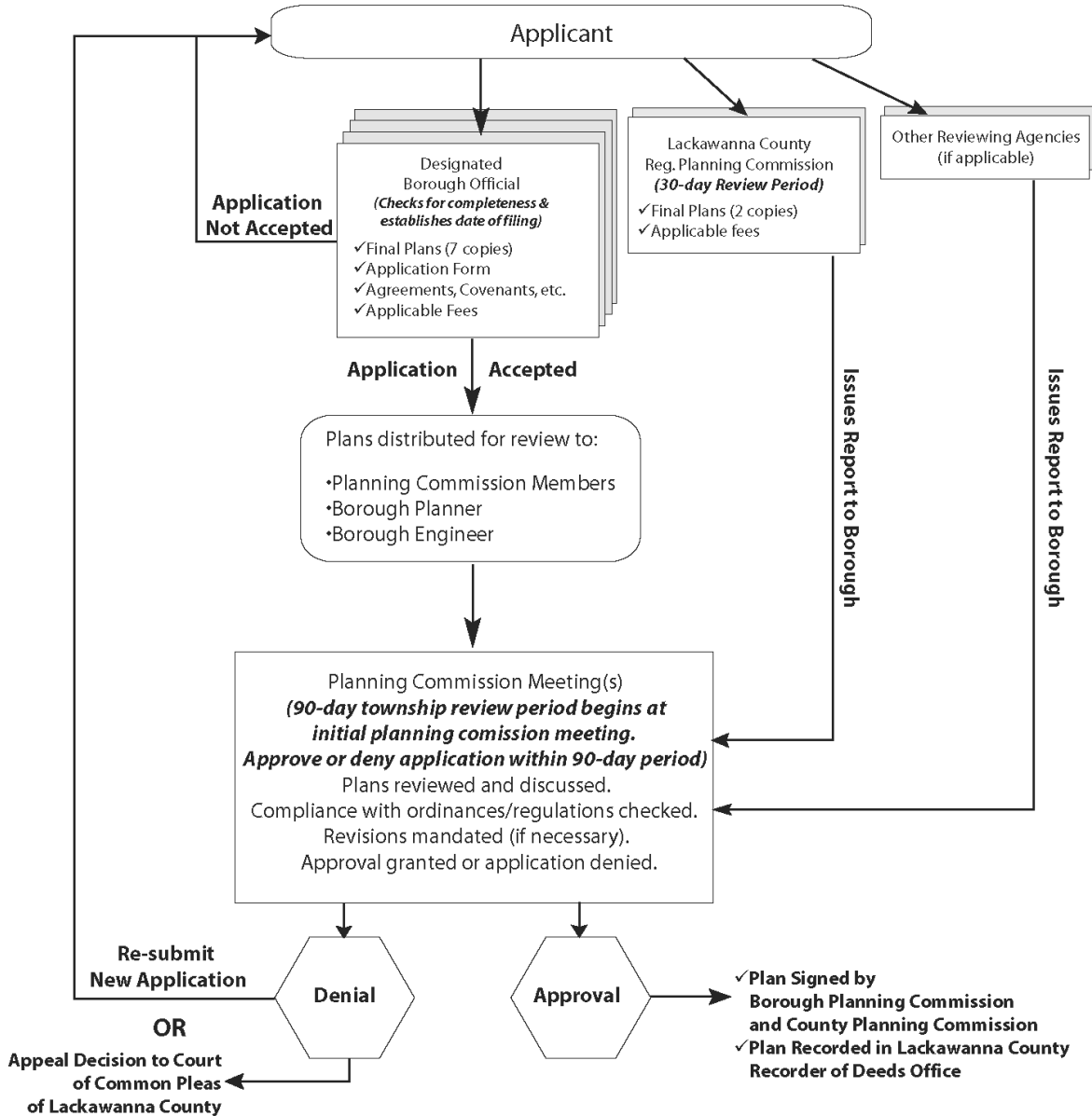
**ILLUSTRATION 3-1
MAJOR SUBDIVISION/LAND DEVELOPMENT
PRELIMINARY APPLICATION PROCEDURE**



**ILLUSTRATION 3-2
MAJOR SUBDIVISION/LAND DEVELOPMENT
FINAL APPLICATION PROCEDURE**



**ILLUSTRATION 3-3
MINOR SUBDIVISION
FINAL APPLICATION PROCEDURE**



ARTICLE 4

PLAN REQUIREMENTS

Preliminary and Final Plans submitted for approval shall meet the requirements outlined in the following sections. Sketch plans are optional and shall not constitute an official submission of a subdivision or land development plan to the Borough.

401 SKETCH PLAN REQUIREMENTS

All Sketch Plans submitted for informal review should include the following information:

- A. An Existing Resources and Site Analysis Plan, which includes the information outlined in §402.3, for all Major Subdivisions and Land Developments, as defined by this Ordinance.
- B. Name and address of the legal owner, equitable owner, and/or applicant.
- C. Name and address of the Qualified Professional responsible for preparing the plan.
- D. Graphic scale and north arrow.
- E. Location map, showing approximate tract boundaries sufficient enough to identify the tract within the Borough.
- F. Tax Assessment Property Identification Number (PIN).
- G. Zoning district.
- H. Streets on and adjacent to the tract, both existing and proposed.
- I. The limits of the 100-year floodplain, if applicable.
- J. Approximate location of wetlands.
- K. Topographic and physical features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, streams traversing or within two hundred feet (200') of the tract; and cultural and historic features such as existing rights-of-ways and easements, structures, foundations, walls, wells, storage tanks, trails and abandoned roads.
- L. Proposed street and lot layout.
- M. General description of the proposed method of water supply, sewage disposal, and storm water management.
- N. For land developments, proposed location of buildings and major structures, parking areas and other improvements.

402 PRELIMINARY PLAN REQUIREMENTS FOR MAJOR SUBDIVISIONS

Preliminary Plans shall be prepared by a Qualified Professional as applicable and required by Commonwealth law. The submission requirements for a Major Subdivision Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- Site Context Map
- Existing Resources and Site Analysis Plan
- Preliminary Improvements Plan
- Supporting Documents and Information

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at intervals of ten feet to the inch, no greater than 1" = 10' or no less than 1" = 200'.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than 12" x 18" and no larger than 24" x 36". If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the number of sheets in the plan. (e.g. Sheet 1 of 5).

402.2 Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1" = 200' and shall show the relationship of the property to natural and man-made features existing within 500 feet of the site. For sites 100 or more acres in area, the scale shall be no less than 1" = 400' and shall show the relationship of the property to natural and man-made features existing within 1,000 feet of the site. The features that shall be shown on the Site Context Map include topography (from USGS maps), stream valleys, wetland complexes (from US Fish & Wildlife or USDA Natural Resources Conservation Service maps), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights-of-way, public lands, and lands protected under conservation or agricultural preservation easements.

402.3 Existing Resources and Site Analysis Plan

For all major subdivisions, an Existing Resources and Site Analysis Plan shall be prepared to provide a comprehensive analysis of existing conditions, both on the development site and within five hundred feet (500') of the site. The Planning Commission shall review the plan to assess its accuracy, conformance with Borough ordinances, and the likely impact upon the natural and cultural resources of the property. The following information shall be included on this plan:

- A. A vertical aerial photograph enlarged to scale not less than 1" = 400', with site boundaries clearly marked.
- B. Topography, the contours of which shall generally be at two-foot (2') intervals, determined by photogrammetry. (10-ft. intervals interpolated from USGS maps are permissible beyond the parcel boundaries). The Planning Commission may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15% and 25%, and exceeding 25%, shall be clearly indicated.
- C. The location and delineation of ponds, vernal pools, streams, ditches, drains, natural drainage swales, 100-year floodplains, and wetlands.
- D. Vegetative cover conditions according to general cover type including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, tree lines, and individual trees with a caliper in excess of 15 inches that are not part of a tree line. Vegetative types shall be described by plant community, relative age and condition.
- E. Soil series, types, and phases, as mapped by the USDA Natural Resources Conservation Service in the published Soil Survey for Lackawanna County, and accompanying data for each soil relating to the its suitability for construction and, if applicable, for septic suitability.
- F. Ridge lines and watershed boundaries.
- G. A view shed analysis showing the location and extent of views into the property from public roads.
- H. Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, 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 lanes, woods roads, buildings, foundations, walls, wells, drainage fields, utilities, water lines, fire hydrants, and storm and sanitary sewers.
- J. Locations of all historically significant sites or structures on the tract, including but limited to cellar holes, stone walls, earthworks, and graves.
- K. All easements and other encumbrances of property that are filed of record with the Recorder of Deeds of Lackawanna County.
- L. Total acreage of the tract.

402.4 Preliminary Improvements Plan

This plan shall show or include the following information:

- A. Name of proposed subdivision or land development.
- B. Name and address of the owner of record (if a corporation give name of each officer), current Tax Assessment Property Identification Number

(PIN), and instrument number or deed book and page number where the deed of record is filed.

- C. Name and address of the developer if different from owner of record (if a corporation, give name of each officer).
- D. Name, address, license number, seal, and signature of the Qualified Professional responsible for the plan preparation.
- E. Date that the Preliminary Plan was completed and the date for each Plan revision along with a description of the revision.
- F. Location map, showing approximate tract boundaries sufficient enough to identify the tract within the Borough.
- G. North arrow, graphic and written scales.
- H. Names of current adjoining property owners and all adjoining subdivisions, if any, including properties across adjacent roads, along with current Tax Assessment Property Identification Numbers (PINs).
- I. A title block in the lower right corner.
- J. Signature blocks for the Planning Commission, Borough Council, and Lackawanna County Regional Planning Commission.
- K. Zoning data including district designations, lot regulations, district boundary lines traversing or adjacent to the tract, and parking and loading requirements, if applicable.
- L. Resources and features as indicated on the Existing Resources and Site Analysis Plan.
- M. Existing and proposed property lines, lot areas, existing easements and rights-of-way.
- N. Location, alignment, width, profiles, cross-sections, and tentative names of all proposed streets and street rights-of-way.
- O. A plan for the movement of pedestrians through the subdivision/development and to existing adjacent streets, public lands, or neighborhoods. Location, right-of-way or easement width, profiles and cross-sections of the proposed pedestrian-movement facilities, such as sidewalks, paths, and/or trails shall be shown.
- P. Location of proposed swales, drainage easements, and other storm water management facilities.
- Q. Where central sewage service is proposed, the layout and location of proposed sewer lines and treatment plants, if applicable, showing the type and capacity.
- R. Where central water service is proposed, the layout and location of water lines, fire hydrants, storage tanks, and any other water distribution facilities.

- S. Where on-lot sewage is proposed, the location of all percolation tests, including all failed test sites or pits. Approved sites shall be clearly distinguished from unapproved sites.
- T. Where on-lot water is proposed, the approximate location of wells, clearly showing compliance with PA DEP isolation distances from all proposed on-lot sewage systems.
- U. Limit-of-disturbance line that must be exact in relation to the preservation of trees required or proposed to be saved.
- V. Where the applicant proposed to install the improvements in phases, a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- W. Existing and proposed utilities, such as electric, telephone, cable, and gas lines, and any easements associated therewith. A plan for the placement and design of street and/or parking area lights prepared in accordance with §814 of the Moscow Borough Zoning Ordinance.
- X. A Landscaping Plan prepared in accordance with §808 of the Moscow Borough Zoning Ordinance, which includes proposed shade trees and existing vegetation to be retained.

402.5 Supporting Documents and Information

The following supporting documents, plans, and information shall be submitted with Preliminary Plans for all major subdivisions.

- A. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision or development plan.
- B. All existing and proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- C. Proof of legal interest in the property and latest deed of record.
- D. Water supply information. In the case of individual on-lot wells, information documenting water-table depth and potential for affecting the groundwater supply. In the case of community systems:
 - 1. A statement of a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - 2. Preliminary design of any central water supply system.
 - 3. For a publicly owned central system, a letter from the Water Company or authority stating that said company or authority will supply the development including a verification of the adequacy of service.
 - 4. For a privately owned central system, a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

5. A copy of any application for any permit, license, or certificate required by PA DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system.
- E. Sewage disposal information.
 1. Completed sewage facilities planning modules for land development and other required sewage planning documents as required by the Sewage Facilities Act and PA DEP.
 2. For private sewage treatment plants and community on-lot systems, a preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- F. Soil erosion and sedimentation control plan for submission approval by the Lackawanna Conservation District, and NPDES permits as applicable.
- G. A storm water management plan meeting the requirements of this Ordinance and the Moscow Borough Storm Water Management Ordinance.
- H. Preliminary bridge designs and a statement by the applicant's engineer regarding any approvals required by the state or federal government.
- I. A statement indicating any existing or proposed zoning variances and/or subdivision waivers/modifications. This statement(s) shall also be included on the Preliminary Improvements Plan.
- J. Highway Occupancy Permits approved by PENNDOT for access to state roadways or Driveway Permits approved by Moscow Borough for access to borough roadways. Documentation to the issuance of these permits shall also be included on the Preliminary Improvements Plan.
- K. A plan for the ownership and maintenance of all improvements and any common areas/greenway lands as required by Article V of this Ordinance.
- L. Written documentation from the Moscow Borough Shade Tree Commission of its review and recommendation for the planting of required shade trees in rights-of-way and any open space areas proposed for dedication to the Borough.

403 FINAL PLAN REQUIREMENTS FOR MAJOR SUBDIVISIONS

Final Plans shall be prepared by a Qualified Professional as applicable and required by Commonwealth Law. Final Plans shall be submitted pursuant to the following:

403.1 Existing Resource and Site Analysis Plan

The plan as required by §402.3 consistent with the terms of the approved Preliminary Plan and modified as necessary to reflect the proposal for final approval.

403.2 Final Plan Information

The Final Plan shall be drawn to the same drafting standards (§402.1) and contain all of the information required on the Preliminary Improvements Plan (§402.4) and the following additional information:

- A. The full plan of the proposed development, including but not limited to the following information and data:
 - 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 - 2. All dimensions in feet and hundredths of a foot.
 - 3. All bearings to the nearest one second of the arc.
 - 4. Street names.
 - 5. Street widths, pedestrian movement facilities, and rights-of-way and easement widths.
 - 6. A clear-sight triangle shall be shown for all street intersections.
 - 7. Lot numbers in consecutive order.
 - 8. Total tract area and area of each lot to the nearest one/one hundredth of square feet or acres.
 - 9. Location and type of permanent monuments and markers that have been found or set in place.
 - 10. Building setback lines for each lot or the proposed placement of each building.
 - 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 - 12. A statement of intended use of all lots, with reference to restrictions of any type that exist as covenants in the deed for the lots contained in the subdivision and if covenants are recorded, include the book and page and/or instrument number.
- B. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
 - 1. Building setbacks.
 - 2. Corner lot easements for clear-sight triangles.
 - 3. Corner lot driveway locations

4. Utility and drainage easements including ownership and maintenance responsibility.
 5. "Wells and sewage disposal systems shall be constructed in accordance with the current standards of the Pennsylvania Department of Environmental Protection and Moscow Borough."
 6. "Individual owners of lots must apply to the Borough for a sewage permit prior to the construction of an on-lot sewage disposal system."
 7. "In granting this approval, the Borough has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
 8. "All lots shown on this plan are subject to the rules and regulations contained in the Moscow Borough Zoning Ordinance."
 9. A statement setting forth any variances and/or modifications granted by the Borough Zoning Hearing Board or Borough Council, showing the applicable reference to the municipal ordinance from which the variance/waiver was granted and the date the variance/waiver was granted.
- C. The following general notes shall be included on all Final Plans, if applicable:
1. In the event of a lot joiner, lot line adjustment, or lot annexation, the following: "Lot/parcel____shall be joined to and become an inseparable part of lot/parcel____as recorded in Deed Book Volume____, Page____ (or Instrument Number____) and cannot be subdivided, conveyed, or sold separately or apart there from without prior Borough approval" and "Approval is granted for recording purposes only."
 2. "Highway Occupancy Permits are required for access to state roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (PL 1242, No. 428 §420)" OR "Driveway Permits are required for access to borough roads under the jurisdiction of Moscow Borough."
 3. In the case where wetlands are present or if otherwise required by the Borough, the following: "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, or Federal permits and/or approvals relating to wetlands. This approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough shall have no liability or responsibility for the same to the developer or purchaser(s)."
 4. When on-site sewage disposal is proposed, the following: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval

process is for general suitability only, and a sewage permit will be required prior of the issuance of any building permit.”

5. In cases where the requirement for sewage planning is waived by the Borough, the following: “The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use that generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and/or other applicable approvals by the Borough.”

403.3 Supporting Documents and Information

The following supporting documents and information shall be submitted with the Final Plan for all major subdivisions:

- A. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision or development plan.
- B. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- C. Proof of legal interest in the property and the latest deed of record.
- D. Water supply and sewage disposal information.
 1. Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with §611 and §612 of this Ordinance.
- E. All required state or Federal environmental permits.
- F. Highway Occupancy Permit approved by PENNDOT or Driveway Permit approved by Moscow Borough.
- G. Soil erosion and sedimentation control plan approved by the Lackawanna Conservation District, and NPDES permits as applicable.
- H. Final drainage/storm water management plan.
- I. Final bridge designs and required state or Federal permits/approvals.
- J. Written documentation of Shade Tree Commission review for the planting of shade trees in rights-of-way and any open space areas proposed to be dedicated to the Borough.

404 FINAL PLAN REQUIREMENTS FOR MINOR SUBDIVISIONS

Plans for minor subdivisions shall be prepared by a Qualified Professional as applicable and required by Commonwealth law, and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at intervals of ten feet to the inch, no greater than 1" = 10' or no less than 1" = 200'.
- B. Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes and seconds for the boundary of the entire tract, and dimensions in feet for lot lines.
- C. The survey shall not have an error of closure greater than one (1) in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than 12" x 18" and no larger than 24" x 36". If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the number of sheets in the plan. (E.g. Sheet 1 of 5).

404.2 Minor Plan Information

- A. Name of proposed subdivision or land development.
- B. Name and address of the owner of record (if a corporation give name of each officer), current Tax Assessment Property Identification Number (PIN), and instrument number or deed book and page number where the deed of record is filed.
- C. Name and address of the developer if different from owner of record (if a corporation, give name of each officer).
- D. Name, address, license number, seal, and signature of the Qualified Professional responsible for the plan preparation.
- E. Date that the Plan was completed and the date for each Plan revision along with a description of the revision.
- F. Location map, showing approximate tract boundaries sufficient enough to identify the tract within the Borough.
- G. North arrow, graphic and written scales.
- H. Names of current adjoining property owners and all adjoining subdivisions, if any, including properties across adjacent roads, along with current Tax Assessment Property Identification Numbers (PINs).
- I. A title block in the lower right corner.
- J. Signature blocks for the Planning Commission and Lackawanna County Regional Planning Commission.
- K. Zoning data including district designations, lot regulations, district boundary lines traversing or adjacent to the tract, and parking and loading requirements, if applicable.

- L. Total acreage of the tract, and lots numbered in consecutive order, along with lots previously subdivided from the parcel.
- M. Existing and proposed property lines, lot areas shown in the nearest 1/100th of an acre or square feet, existing easements and rights-of-way.
- N. Sufficient data, acceptable to the Borough, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- O. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- P. Any existing buildings on the tract being subdivided shall be shown to demonstrate compliance with setback requirements.
- Q. Building setback lines for each lot or the proposed placement of all buildings.
- R. Name, number, travelway width and right-of-way width of all existing public or private roads abutting the property.
- S. Watercourses, lakes, ponds, tree masses, stone walls, and other significant features constructed or natural including existing utilities, wells, and sewage systems.
- T. Wetlands in accordance with §616.
- U. A clear-sight triangle at all street intersections.
- V. Contour lines at an interval of not greater than twenty feet (20') as superimposed from the latest USGS quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- W. The 100-year flood plain as shown on the most recent FIA/FEMA mapping.
- X. Where on-lot sewage is proposed, the location and extent of soil types, and the location of all percolation tests, including all failed test sites or pits. Approved sites shall be clearly distinguished from unapproved sites.
- Y. Where on-lot water is proposed, the approximate location of wells, clearly showing compliance with PA DEP isolation distances from all proposed on-lot sewage systems.
- Z. The following items and notes shall be the Minor Final Plan in the form of protective and/or restrictive covenants:
 - 1. Building setbacks.
 - 2. Corner lot easements for clear-sight triangles.
 - 3. Corner lot driveway locations

4. Utility and drainage easements including ownership and maintenance responsibility.
5. "Wells and sewage disposal systems shall be constructed in accordance with the current standards of the Pennsylvania Department of Environmental Protection and Moscow Borough."
6. "Individual owners of lots must apply to the Borough for a sewage permit prior to the construction of an on-lot sewage disposal system."
7. "In granting this approval, the Borough has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
8. "All lots shown on this plan are subject to the rules and regulations contained in the Moscow Borough Zoning Ordinance."
9. A statement setting forth any variances and/or modifications granted by the Borough Zoning Hearing Board or Borough Council, showing the applicable reference to the municipal ordinance from which the variance/waiver was granted and the date the variance/waiver was granted.

AA. The following general notes shall be on all Minor Final Plans, if applicable:

1. In the event of a lot joiner, lot line adjustment, or lot annexation, the following: "Lot/parcel____shall be joined to and become an inseparable part of lot/parcel____as recorded in Deed Book Volume____, Page____ (or Instrument Number____) and cannot be subdivided, conveyed, or sold separately or apart there from without prior Borough approval" and "Approval is granted for recording purposes only."
2. "Highway Occupancy Permits are required for access to state roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (PL 1242, No. 428 §420)." OR "Driveway Permits are required for access to borough roads under the jurisdiction of Moscow Borough."
3. In the case where wetlands are present or if otherwise required by the Borough, the following: "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, or Federal permits and/or approvals relating to wetlands. This approval by the Borough shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. The Borough shall have no liability or responsibility for the same to the developer or purchaser(s)."
4. When on-site sewage disposal is proposed, the following: "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only, and a sewage permit will be required prior of the issuance of any building permit."

5. In cases where the requirement for sewage planning is waived by the Borough, the following: "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use that generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and/or other applicable approvals by the Borough."

404.3 Supporting Documents and Information

- A. The required Sewage Facilities Planning Modules and site investigation reports.
- B. Typical cross-sections and centerline profiles for any Minimum Access Drives of a design adequate to meet the requirements in §606 of this Ordinance.

405 REQUIREMENTS FOR LAND DEVELOPMENT PLANS

In addition to the requirements of §404 of this Ordinance, all land development plans shall show all proposed site alterations and elevations, location and first floor elevations of proposed buildings and structures, heights of all proposed buildings and structures, and all proposed improvements including streets, access drives, parking facilities, walkways, sidewalks, paved areas, drainage and storm water management facilities, utilities, sewer and water facilities, landscape plantings, fences and walls, signs and lighting.

ARTICLE 5

IMPROVEMENT GUARANTEES AND OPEN LAND

501 GENERAL

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this Ordinance. No final plan shall be signed by the Borough for recording in the office of the Lackawanna County Recorder of Deeds until:

- A. All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Borough requirements and such improvements are certified by the Borough Engineer; or,
- B. An Improvements Construction Guarantee in accord with §504 and the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, has been accepted by the Borough.

502 PENNDOT REQUIRED IMPROVEMENTS

The Applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a Highway Occupancy Permit pursuant to section 420 of the Act of June 1, 1945 (PL 1242, No.428) known as the "State Highway Law."

503 SECTIONS/STAGES

In cases where Final Plan approval is proposed in sections or stages, the Borough shall require the construction or guarantee of any and all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

504 IMPROVEMENT CONSTRUCTION GUARANTEES

504.1 Acceptable Guarantees

The following are acceptable forms of improvement construction guarantees:

- A. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Borough. The bond shall be payable to the Borough.
- B. Escrow Account - A deposit of cash either with the Borough or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Borough.

- C. Irrevocable Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Borough.
- D. Other Forms - Other forms of collateral including but not limited to real estate mortgages as the Borough may require or accept as part of the security.

The following requirements shall apply to the financial guarantees set forth in this §504.1:

- E. The funds of any guarantee shall be held in trust until released by the Borough and may not be used or pledged by the Developer as security in any other matter during that period.
- F. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Borough for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Borough Council.
- G. The creditor shall guarantee funds in an amount equal to the established cost of completing all required improvements pursuant to §504.2.
- H. The guarantee shall not be withdrawn, or reduced in amount, until released by the Borough.

504.2 Amount of Security

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said one-hundred and ten percent (110%). The developer in accord with this §504 shall post any additional security.

- A. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified in writing by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Borough and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

- B. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten percent (10%) for each one (1)-year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the improvements as reestablished on or about the expiration of the preceding one (1)-year period as estimated using the procedure established by this §504.2.

504.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Borough to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

504.4 Release of Improvement Construction Guarantees

- A. Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.
1. *Request* - All such requests shall be in writing to the Borough Council and a copy to the Borough Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Borough standards.
 2. *Inspection* - Within forty-five (45) days of receipt of such request the Borough Council shall direct the Borough Engineer to inspect the subject improvements and certify in writing to the Borough Council the completion in accord with the approved plans and Borough standards; and the Borough Council shall authorize release of such portion of the construction guarantee established by the Borough Engineer to represent the value of the completed improvements. If the Borough Council fails to act within said forty-five (45) day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
- B. Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Borough Council.
1. *Notification* - Such notification shall be in writing, by certified or registered mail, with a copy to the Borough Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Borough standards.
 2. *Inspection* - Within ten (10) days of receipt of said notice, the Borough Council shall direct and authorize the Borough Engineer to make a final inspection of the subject improvements.

3. *Report* - The Borough Engineer shall within twenty-five (25) days of said authorization, file a detailed written report with the Borough Council, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
4. *Action* - Within twenty (20) days of receipt of the Borough Engineer's report, the Borough Council shall act upon said report and shall notify the Developer in writing by certified or registered mail of their action. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty.
5. *Rejected or Unapproved Improvements* - If any portion of the subject improvements are not approved or are rejected by the Borough Council, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this §504.4, shall be followed.
6. *Remedies to Effect Completion of Improvements* - In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Borough Council may enforce any corporate bond or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee 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 purposes except for reimbursement of Borough court costs, reasonable attorney fees and other costs of enforcement.

505 IMPROVEMENTS CONSTRUCTION

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

505.1 Construction Plans and Drawings

Prior to the construction of any improvements shown on an approved preliminary plan or in conjunction with the final plan application and guarantee proposal, the Developer shall submit to the Borough Council for approval, final construction plans that have not previously been submitted and approved detailing the design

and installation of all improvements and documenting compliance with this Ordinance.

505.2 Schedule

The Developer shall, prior to the initiation of construction of any required improvements, submit to the Borough a schedule of construction for all required improvements, including the timing of the development of any proposed sections.

505.3 Inspections

Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Borough Engineer shall prepare a Borough Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and Borough standards. In addition to all final inspections required for all improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (e.g., backfilling of sewer or water line trenches). This may require a full-time inspector and may include but not be limited to such tests as pressure testing of conveyance lines or vacuum testing.

505.4 Notice

The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Borough Inspection Schedule.

505.5 Cost

The cost of all inspections conducted by the Borough shall be borne by the Developer.

506 IMPROVEMENT MAINTENANCE GUARANTEE

506.1 Guarantee

Before final approval is granted, the Developer shall provide to the Borough a maintenance guarantee in an amount determined by the Borough Council but not less than fifteen percent (15%) of the cost of all required improvements as estimated by the applicant's engineer and approved by the Borough Engineer.

- A. Such maintenance guarantee shall be in such form as prescribed in §504.1 and shall guarantee that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period, the Borough may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Borough, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

- B. After the expiration of the eighteen (18) months from the date of the final approval of the subject improvements and if all improvements are certified by the Borough Engineer to be in good condition, the Borough shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

506.2 Central Sewage Guarantee

- A. In lieu of the requirements of §506.1 above, the Borough Council may require a guarantee from the developer for the maintenance, operation and repair of any central sewage system for three (3) years after completion of construction. Said bond shall be posted immediately after the system receives final approval and before it is put into operation.
- B. In instances where the system use will not reach operational capacity within a period of one (1) year, however, the Borough may require that such guarantee provide for the maintenance and operation of the system for a period of three (3) years from the time operational capacity is reached. The amount of said maintenance guarantee shall be determined by the Borough Council but shall generally not exceed twenty-five percent (25%) of the estimated cost of the system as verified by the Borough Engineer.
- C. Upon the expiration of the term of the maintenance guarantee, the Borough shall release said maintenance guarantee, provided the system has been properly maintained and operated during the term of the guarantee and is currently operating properly and in conformance with the applicable PA DEP discharge requirements. In the event the system is not so maintained and operated, the Borough Council, at any time during the term of the guarantee and upon thirty (30) days notice, shall have the right to declare a forfeiture of a portion or all of the said maintenance guarantee, depending on the extent of the lack of maintenance and proper operation, and shall use the proceeds for such maintenance and corrective measures as shall be required. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said three (3) year period, the Borough, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

507 CONTINUED OWNERSHIP AND MAINTENANCE OF IMPROVEMENTS

The Developer shall provide to the satisfaction of the Borough and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.

507.1 Private Operation and Maintenance

- A. Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
- B. Residential Developments - In the case of subdivisions, conservation design developments, multi-family housing projects and other residential

developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA that are associated with improvements serving said lots. The Borough shall approve the deed covenants and restrictions creating the POA.

- C. Any Improvements That Will Remain Private - In the case where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund in accord with §504.1 to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Borough. The amount of said fund shall be established by the Borough Council, but in no case shall be less than fifteen (15%) percent or more than twenty-five (25%) percent of the construction cost of the system as verified by the Borough Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions that shall be approved by the Borough.
- D. Failure To Operate and Maintain Improvements - If any private improvements are not operated or maintained adequately to assure the function of said improvements consistent with Borough requirements and/or the needs of the users of said improvements, the Borough shall have the right to perform said operation and maintenance to meet the intent of this Ordinance and otherwise protect the public health, safety and welfare. The Council shall use any and/or all legal authority and remedies in law available to accomplish same and shall assess the legal, construction, and other costs for same to the person(s) responsible for or benefiting from said proper operation and maintenance shall use any and/or all legal authority and remedies in law. Such actions may include, but are not limited to, those prescribed in Article 9 of this Ordinance, injunctive relief, or the formation of special districts to assess costs.

507.2 Dedication to Borough

Where a plan includes a proposed dedication of roads, neither the plan approval nor the developer's completion of the roads shall obligate the Borough to accept the roads. Acceptance of a proposed dedication shall be a matter of discretion for the Borough Council. If determined by the Council to be in the interest of the public health, safety and general welfare, the Borough may accept roads and associated drainage facilities, but shall generally not accept any storm water control facilities used to manage storm water within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks, or other improvements unless the Borough deems it necessary to fulfill the purposes of this Ordinance or the Borough Official Wastewater Facilities Plan. In accepting

any improvements the Borough may attach such reasonable conditions necessary to fulfill the purposes of this Ordinance.

508 OPEN LAND AND RECREATION LAND—OWNERSHIP AND MAINTENANCE

This section shall apply to any development that involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Borough (referred to as "common open space") as required by this Ordinance.

508.1 Purpose

The requirements of this §508 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity that is best suited for the same and that will allocate any associated costs to the individuals that directly benefit from the use of the common open space.

508.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Borough Council with the recommendation of the Borough Solicitor shall approve the Plan. The provisions of the approved Plan shall be incorporated into a development agreement with the Borough, deed covenants and restrictions, or other legal document, which will effect the Plan and which can be enforced by the Borough.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.)
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Borough may require the applicant to escrow sufficient funds for the maintenance and operation costs of common facilities for up to 18 months.
- E. Any changes to the maintenance plan shall be approved by the Borough.

508.3 Use Restriction

The use of any common open space shall be limited to those uses that are specifically permitted or required by the applicable sections of this Ordinance.

508.4 Development Plan Designations

The subdivision/land development plan that will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: "Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

508.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance

One or a combination of the methods that follow shall address the use of common open space and common open space ownership and maintenance. In any case, the developer shall document to the satisfaction of the Borough Council that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land. All methods shall establish a mechanism for the Borough to effect the use dedication and require operation and maintenance of common open space, should the means established by the developer fail to provide the same. All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method that may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Borough Council. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

- A. Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:
 - 1. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
 - 2. Participation in the POA/CA is mandatory for all lot owners.
 - 3. Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
 - 4. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- B. Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the

said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

1. The deed contains the necessary covenants and restrictions in favor of the Borough to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
 2. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Borough Council.
 3. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
 4. A maintenance agreement between the developer, organization and Borough is executed to the satisfaction of the Borough Council.
- C. Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Borough, with provisions for reversion to the Borough, POA or trustee holding the remainder of the common open space. Up to eighty (80%) percent of the required greenway land may be included within one or more large conservation lots of at least ten (10) acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses permitted for greenway land by the Borough Zoning Ordinance, and that the Borough is given the ability to enforce these restrictions. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.
- D. Deed or Deeds of Trust - The landowner may provide, as approved by the Governing Body, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- E. Conservation Easements Held by the Borough - In the case of open lands and recreation lands, the Borough may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium while the development rights are held by the Borough. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- F. Fee Simple and/or Easement Dedication to the Borough - In the case of open lands or recreation lands, the Borough may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

1. There is no consideration paid by the Borough.
2. Such land is freely accessible to the public.
3. The Borough agrees to and has access to maintain such lands.

508.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space

Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the Borough Council shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Borough Council shall be in accord with the following:

- A. Notice - The Borough Council shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common open space.
- B. Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time that shall be stated in the notice.
- C. Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Borough Council may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.
- D. Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Borough Council may enter upon the common open space and maintain the same and/or correct the deficiencies. The Borough Council shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.
- E. Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Borough Council that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.
- F. Appeal - Any party to the action of the Borough Council may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- G. Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Borough

in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development that have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the Borough Council shall, at the time of the notice in §508.6.A. above, shall file the required notice of lien against the properties.

509 SUBDIVISION AND/OR LAND DEVELOPMENT IMPROVEMENTS AGREEMENT

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Borough Council, and if so directed by the Borough Council, enter into a legally binding development agreement with the Borough whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Borough requirements.

509.1 Contents

The development agreement shall be in a form suitable for execution by the Borough Council and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for any damages to adjacent or neighboring properties.
- F. A work schedule setting forth the beginning and ending dates and such other details as the Borough deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Borough to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Borough for the repair or reconstruction of improvements that are found by the Borough Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional

Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.

- K. Ownership of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Borough.
- M. A save harmless clause to protect the Borough from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

509.2 **Execution**

The final plan shall not be approved by the Borough Council prior to the execution of this agreement, if so required by the Borough Council.

ARTICLE 6

DESIGN STANDARDS AND SPECIFICATIONS

601 APPLICATION

The standards and specifications outlined in this Article shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of public health, safety, and general welfare and shall be applied as such by the Planning Commission and Borough Council in reviewing and evaluating subdivision and land development plans.

602 ZONING AND OTHER ORDINANCES

In addition to the standards and specifications of this Ordinance, all aspects of a proposed subdivision or land development shall conform to the Moscow Borough Zoning Ordinance and all other applicable Borough ordinances and specifications.

603 HAZARDOUS AREAS AND CONDITIONS

603.1 Subdivisions or land developments subject to hazardous conditions, or located in those areas that may present a hazard, such as open quarries, hazardous or toxic pollution sites, limestone solution channels, unconsolidated fill, flood prone areas, areas of excessive erosion or unsafe water supply shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards, in the determination of the Council to the best of its knowledge.

603.2 No subdivision or land development shall occur in such a way that would threaten the public health and safety, including but not limited to hazards of toxic substances, traffic hazards, and explosive or fire hazards.

604 RESERVED

605 BLOCKS AND LOTS

605.1 Configuration

The configuration of blocks and lots shall be based upon lot area requirements, salient natural features, open space requirements, existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

605.2 Blocks

To facilitate pedestrian movement through a neighborhood or development, mid-block pedestrian connections shall be provided on blocks longer than one thousand feet (1000').

605.3 Lots

A. All lot dimensions shall comply with the requirements of the Moscow Borough Zoning Ordinance.

- B. Lots divided by municipal boundaries should be avoided.
- C. All lots shall front on an approved public or private street.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double-frontage lots shall be avoided. In the event such lots can not be avoided, a twenty-foot-wide (20') planting strip shall be provided along the rear line of the lot.
- F. All lands in a subdivision shall be included in platted lots, roads, common areas, greenway lands, and/or other improvements. No remnants of land or reserve strips controlling access to lots, public rights-of-way, and adjacent public or private lands shall be permitted.
- G. All corner lots shall have a curve with a minimum radius of ten feet (10') adjoining the intersecting road edge or right-of-way lines.
- H. A minimum ten-foot-wide (10') drainage easement shall be provided along all side and rear lot lines. Such easements shall to the fullest extent possible either immediately adjoin or be centered on such lot lines.

606 STREETS AND DRIVEWAYS

606.1 Access to Streets

- A. All proposed subdivisions and land developments shall have adequate and safe access to the public street system.
- B. Existing Private Street and an Existing Lot – An existing lawful lot of record that abuts an existing private street that does not meet Borough road standards may have access for a single principal use onto such private street, but no new lot(s) shall be created with access onto such street, except as provided in §606.1 C. below.
- C. Existing Private Street and New Lots – An existing private street that does not meet Borough road standards may be used as access for new lot(s) only if approved by the Council and if all of the following conditions are met:
 - 1. The applicant shall grant a sufficient width of easement to affected property owners to result in a total thirty feet (30') minimum width along all street frontage that is owned by the applicant.
 - 2. The applicant shall document that the lots have a legally guaranteed right to use the street in perpetuity.
 - 3. After improvements made by the applicant prior to the occupancy of any new dwellings, the street shall have a permanently passable travelway of a minimum sixteen-foot (16') width. Such travelway shall extend from the driveways of the new lot(s) to a public road or other road meeting Borough standards.

4. The applicant shall demonstrate to the satisfaction of the Borough Engineer that:
 - a) the street will be suitable for access by emergency vehicles after any improvements the applicant may agree to make; and,
 - b) minimum sight distance will be available where the private street meets a public street or other road meeting Borough standards.
- E. **Driveways** – A driveway from an approved public or private road into a lot having frontage on said road (See §202) shall not be permitted unless authorized by the Borough through the Driveway, Curb-Cut, and/or Zoning Ordinance, or by PENNDOT through the issuance of a Highway Occupancy Permit. (See Illustration 2-1). Driveways shall also be subject to the following conditions:
 1. Entrances shall be rounded at a minimum radius of five feet (5') or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
 2. The minimum distance between a driveway centerline to the right-of-way lines of a street intersection shall be as follows:

	<u>Type of Road</u>	
	<u>Collector</u>	<u>Minor</u>
Residential	75'	40'
Non-Residential	150'	100'
 3. Intersecting streets shall be construed as being on the same or opposite side of the street on which the lot is located.
 4. A leveling area not exceeding four percent (4%) in grade and not less than twenty-five feet (25') in length shall be provided where a driveway intersects with the cartway of the adjoining street.
 5. Adequate provision shall be made for parallel drainage facilities

606.2 Topography

Proposed streets shall be adjusted to the contour of the land to produce usable lots and reasonably sloped streets. Proposed streets in subdivisions that will be served by a Centralized Sewage Disposal System shall be located, to the greatest extent possible, such that gravity sewers can be utilized and the necessity of pumping stations are minimized.

606.3 Street Continuations

- A. Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for the continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

- B. Where a subdivision or land development abuts or contains an existing street of inadequate cartway or right-of-way width, additional right-of-way and/or cartway width shall be required conforming with §606.9.

606.4 Street Names and Street Signs

- A. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.
- B. Street names shall not be repeated or be similar to those existing within the Borough or within the postal delivery areas of the post offices serving the Borough. Acceptance of street names by the local post office(s) shall be obtained in writing from the postmaster.
- C. Street names are also subject to approval by the Borough to ensure conformance with the 911 emergency call system.
- D. Four-way street name signs of a design approved by the Borough shall be installed by the developer at his expense at each street intersection.

606.5 Street Lighting and Traffic Control Devices

Streetlights and traffic control devices, such as stop signs, no parking signs and speed limit signs, shall be required when the Borough deems them necessary to provide safe traffic and pedestrian circulation. Streetlights shall meet design standards established by §818 of the Moscow Borough Zoning Ordinance, as amended. The cost for the installation of the streetlights and traffic control devices shall be the responsibility of the developer.

606.6 Cul-de-Sac Streets

- A. Dead-end streets shall be prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
- B. All cul-de-sac streets, permanent or temporary, shall terminate in circular turnaround. See Illustration 6-1. The circular turnaround or off-center circular turnaround shall have a right-of-way with a minimum outside radius of fifty feet (50'), and the outer pavement edge or curb line shall have a minimum radius of forty feet (40').
- C. Cul-de-sac streets, permanently designed as such, shall not exceed six hundred feet (600') in length and shall not serve more than eighteen (18) dwelling units, unless a second means of access, whether unrestricted or for emergency use only, is provided.
- D. The turnaround right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five feet (25').
- E. No private driveway shall be located on the cul-de-sac turnaround within twelve feet (12') of the arc to the approach right-of-way.
- F. When the Borough determines that a cul-de-sac street may be required to be converted to a through-street to provide access to adjoining property,

a right-of-way equal to the width of the cul-de-sac street shall be provided to the perimeter boundary of the development parcel.

- G. The design of multiple cul-de-sac streets rather than connections and block creations shall be avoided.

606.7 Intersections

- A. No more than two (2) streets shall intersect at one point for a maximum four (4) way intersection.
- B. Centerlines of streets shall intersect as nearly as possible at right angles. Any centerline angle less than eighty degrees (80°) shall be allowed only upon reason of topography and only upon the granting of a modification by the Council. In no case shall a centerline angle less than sixty degrees (60°) be approved.
- C. The minimum offset or distance between centerlines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
 - 1. One hundred fifty feet (150') for minor streets.
 - 2. Four hundred feet (400') for collector streets.
- D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of twenty-five feet (25') for minor streets and thirty-five feet (35') for collector streets. Right-of-way edges at intersections shall be rounded to a tangential arc with a minimum radius of ten feet (10').

606.8 Major Street Frontage

Where a subdivision and/or land development abuts or contains an existing or proposed collector street, the Borough may require access from interior subdivision streets and the prohibition of private driveways from individual lots from entering directly onto a collector street.

606.9 Public Street Design Standards

Minimum public street design standards shall be as set forth in the following Table 6-2, unless PENNDOT establishes more restrictive requirements.

**Table 6-2
Street Design Standards**

Design Specification	Collector	Minor
Number of dwelling units served	>200	1-200
Cross Section Standards		
Right-of-way width (feet)	60 [a]	50 [a]
Travelway width for streets with curbs [b]	30	28
Travelway Crown	2%	
Sidewalk width, each (feet) [c]	5	5
Geometric Standards		
Maximum Grade (percent)	8% [e]	10% [f]
Minimum Centerline Radii (feet) [d]	300	150
Minimum Sight Distance (feet)	300	200
Minimum Tangents between curves (feet)	100	50
Vertical Curves	See §606.13	
Notes: [a] Plus slope, drainage, and utility easements as required by §606.10. [b] Curbs mandatory on roads in all subdivision/developments. [c] See §607 for sidewalk design and construction standards. [d] Larger radii may be required as determined by alignment to provide the required sight distance. To be determined or confirmed by the Borough Engineer. [e] Ten percent (10%) for a three hundred feet (300') maximum distance. [f] Twelve percent (12%) for a three hundred feet (300') maximum distance. Maximum grades in [e] and [f] may be repeated if separated by five hundred feet (500') of standard grade segments.		

606.10 Easements

Easements shall be provided adjacent, and in addition, to street rights-of-way as follows:

- A. Slope easements as indicated by the required cuts and fills.
- B. Drainage easements a minimum of ten feet (10') in width as indicated and required by the drainage plans.
- C. Utility easements a minimum of ten feet (10') in width.

606.11 Street Alignment

- A. Whenever street lines are deflected in excess of seven and one-half degree (7½°), connection shall be made by horizontal curves.

- B. Streets shall be designed so that there will be unobstructed corner and stopping sight distances, as defined by §202, along the centerline of each travel lane as set forth in Table 6-2.
- C. Minimum tangents shall be provided between curves as set forth in Table 6-2.

606.12 Street Grades

- A. Centerline grades shall not exceed the grades set forth in Table 6-2.
- B. The maximum grade across the turnaround on a cul-de-sac street shall not exceed four percent (4%).
- C. For adequate drainage, the minimum grade of any street gutter shall not be less than one percent (1%).
- D. A leveling area for all street intersections shall be provided as follows:
 - 1. The tangent grade of the through street at the point of intersection of the centerlines of two streets shall not exceed eight percent (8%) for all street classifications as defined by this Ordinance. Crest and sag vertical curves shall be provided in accordance with §606.13.
 - 2. The tangent grade of the connecting street(s) shall not exceed four percent (4%) within twenty-five feet (25') of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided in accordance with §606.13. The point of vertical curvature or tangency shall not be within the through street right-of-way.

606.13 Vertical Curves

Vertical curves shall be used at changes of grade exceeding four percent (4%) and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table 6-2.
- B. On minor streets, sag vertical curves shall have a minimum length of fifteen feet (15') for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of seventy-five feet (75'). (Example: 5% = 75' vc; 5.1% - 6% = 90' vc, etc.)
- C. On collector streets, sag vertical curves shall have a minimum length of twenty-five feet (25') for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of one hundred feet (100'). (Example: 4% = 100' vc; 4.1% - 5% = 125' vc, etc.)
- D. Length of vertical curve and elevation and stationing of the VPI, VPC, VPT, and MO should be shown on the plans.

606.14 Sightlines

- A. Clear-Sight Triangle – At an intersection, a triangle area shall be graded and sight obstructions shall be removed so that vision between a height of from two to ten (2'-10') feet above the centerline grades of the intersecting streets is not obscured. Furthermore, by deed restriction, by lease restriction, or by plan amendment, whichever method is applicable, vegetation shall not be planted or allowed to be grown in such a manner as to obscure vision between a height of from two to ten (2'-10') feet above the centerline grades of the intersecting streets. Such triangular area shall be determined by the intersecting street rights-of-way and a diagonal from a point on the right-of-way of the intersecting road distant thirty feet (30').
- B. Sight Distance – At an intersection, the length of a street measured along the centerline shall be continuously visible from any point three and three-quarters (3-3/4') feet above the centerline to an object six inches (6") above the road surface for a distance as follows:
1. Three hundred (300') feet if the through road is a collector street.
 2. Two hundred (200') feet if the through road is a minor street.

606.15 Street Construction Requirements

Minimum public street construction requirements shall be as set forth in the following Table 6-3, unless PENNDOT establishes more restrictive requirements.

**Table 6-3
Street Construction Requirements**

Travelway Cross Section			
Course	Material [a]	Minimum Compacted Depths (inches)	
		Road Classification	
		Collector	Minor
Surface Course [b]	ID-2 Wearing or equivalent	1½	1½
Base Course	PennDOT BCBC or equivalent	5	4
Sub-Base Course	Crushed 2A Aggregate	8	8
[a] All material shall meet PENNDOT specifications, Publication 408, latest edition. [b] Where surface course does not immediately follow the base course, a tack coat must precede the application of the surface course.			

606.16 Bridges and Stream Crossings

Bridges and other stream-crossing structures that are part of a proposed street system shall be designed and constructed in accordance with the current PENNDOT Standards and Specifications for an H-20 loading. Evidence of compliance with any state or Federal requirements shall be provided. At a

minimum, the width of the bridge or stream crossing shall be equal to the travelway width of the roadway carried by the bridge or stream crossing.

606.17 Clearing and Grubbing

- A. The right-of-way for all roadways shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, associated drainage facilities, utilities, and sidewalks.
- B. All trees, stumps, roots and other material deemed unsuitable by the Borough shall be removed from the grading area.
- C. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Borough.
- D. Rocks greater than twelve inches (12") in diameter shall be removed to a minimum depth of six inches (6") below the finish sub-grade.
- E. All cleared and grubbed areas shall be inspected and approved by the Borough prior to the cut and fill operations.

606.18 Cuts and Fills

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot (1') vertical to two feet (2') horizontal unless stabilized by a retaining wall or cribbing.
- B. The maximum slope of any rock excavation shall not exceed four feet (4') vertical to one foot (1') horizontal.
- C. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion. The slope easement as required by §606.10 A. shall have sufficient width to contain the entire required slope.
- D. All embankments shall be compacted to the satisfaction of the Borough.
- E. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- F. Cuts and fills shall not endanger adjoining property.
- G. Fills shall be placed in lifts and compacted in accordance with specifications of PENNDOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- H. Fills shall not encroach on wetlands, natural watercourses or constructed channels, and fills placed adjacent to such wetlands, natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- I. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner and the Borough.

- J. During grading operations, necessary measures for dust control shall be exercised.
- K. Grading equipment shall not be allowed to cross streams and adequate provisions shall be made for the installation of culverts and bridges.
- L. Erosion control matting shall be utilized on all slopes greater than three (3) to one (1).
- M. Erosion and sedimentation control measures shall be as approved by and installed in accordance with the Lackawanna County Conservation District.

606.19 Drainage

- A. Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets.
- B. Drainage facilities shall be designed in accordance with the requirements of §613 of this Ordinance and the Moscow Borough Storm Water Management Ordinance. Proper design and construction in accordance with these requirements may require the use of curb and paved gutter or paved drainage swales to prevent erosion.
- C. The minimum diameter of any cross drainage or culvert pipe shall be eighteen inches (18").

606.20 Sub-Grade

- A. The design and construction of the roadbed shall take into consideration the supporting capacities of the sub-grade, with particular attention to those soils that are subject to frost heave.
- B. Unsuitable soils, if encountered or suspected, shall be confirmed by a Soils Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a road bed is proposed in such locations and particularly on soils identified in the Soil Survey of Lackawanna County as subject to frost heave, the Borough shall require such drainage facilities and/or under-drains and sub-grade drains as necessary to stabilize the sub-grade. The design of such facilities shall be approved by the Borough.

C. Alternative Designs

When required by the Borough, the applicant shall provide a pavement design in accordance with PENNDOT procedures. The mix design shall take into consideration the estimated Average Daily Traffic (ADT), vehicle and truck traffic estimates, Equivalent Single Axle Loads (ESALs), sub-grade values and environmental factors.

606.21 Road Barrier and Impact Attenuating Devices

Roadway design shall preclude or minimize the need for roadside or median barriers. Design shall be performed in accordance with the procedures outlined in the PENNDOT Design Manual – 2, Chapter 12. Design and selection procedure for guide rails shall conform to the appropriate section of Chapter 12.

606.22 Curbs and Gutters

- A. Curbs and paved gutters shall be provided in all subdivisions/land developments. Curbs and paved gutters shall be required throughout all commercial and industrial developments, unless elimination is needed to address Best Management Practices as part of the Stormwater Management Plan.
- B. Minimum curb or pavement edge radii at street intersections shall be as defined in §606.7 D.
- C. Where curbs exist on abutting properties, their extension will be required throughout the proposed subdivision.
- D. Straight curbs of Portland cement concrete shall be twenty-one inches (21") in depth, seven inches (7") wide at the top, and eight inches (8") at the bottom, and shall have an exposed face between six inches (6") and eight inches (8"), as directed by the Borough. Expansion joints shall be provided at least every twenty feet (20').
- E. Gutter requirements shall be subject to the approval of the Borough Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities.

606.23 Driveway Cross Drainage

At each point where a street is intersected by a private driveway that requires surface drainage water to be carried under the driveway at the intersection, a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements determined in accordance with the drainage plan. Pipes shall be installed at such depth and in such a manner as dictated by the site. No pipe to be installed shall be less than eighteen inches (18") in diameter.

607 SIDEWALKS, CROSSWALKS, PATHWAYS, AND TRAILS

- 607.1 Pursuant to a plan for pedestrian movement as required for major subdivisions and land developments (§402.4 O. of this Ordinance), sidewalks, interior walks, crosswalks, and/or pathways may be required where necessary to assist circulation or to provide access to community facilities and common areas.
- 607.2 Sidewalks shall be located within the street right-of-way and have a minimum width of five feet (5'). A planting area with a minimum width of five feet (5') shall be provided between the sidewalk and street travelway edge. Sidewalks shall be constructed of Portland concrete cement of at least four inches (4") thick underlain by four inches (4") of compacted gravel, or crushed stone.
- 607.3 Crosswalks shall be designed and marked in accordance with the most current PennDOT regulations.
- 607.4 Pathways and interior walks shall have a right-of-way or easement width of not less than ten feet (10') and a surface width of at least five feet (5'). Surface type construction and depth shall be as advised by the Borough Engineer.
- 607.5 Whenever a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians, the Borough may require the

applicant to make provisions for continued recreational use of the trail, subject to the following:

- A. The trail shall be protected by a permanent conservation easement on the properties on which it is located. The language of the conservation easement shall be to the satisfaction of the Governing Body upon recommendation from the Borough Solicitor.
- B. The land area permanently designated for trails may be credited toward the greenway land or open-space requirements of the Moscow Borough Zoning Ordinance.
- C. Easement or right-of-way widths and surfacing requirements for trails shall conform to §607.4 above for pathways and interior walks.
- D. No trail shall be designed to accommodate motor vehicles.

608 OFF-STREET PARKING

- 608.1 Off-street parking for all uses shall be provided in accordance with Article 10 of the Moscow Borough Zoning Ordinance. Roadways shall not be utilized for off-street parking requirements.
- 608.2 Minimum dimensions of required parking spaces shall be in accordance with Article 10 of the Moscow Borough Zoning Ordinance.
- 608.3 All off-street parking areas shall be designed in accordance with regulations as established by the Americans with Disabilities Act.

609 UTILITIES

- 609.1 All utility lines shall be placed underground and shall be planned in cooperation with the respective utility companies. A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable company and setting forth the conditions, terms and schedules under which services shall be provided to the subdivision or development. Any required executed or approved agreements or contracts for meeting the terms and conditions for providing services shall be provided to the Governing Body at the time of Final Application Submission.
- 609.2 All utility laterals that cross streets shall be constructed prior to final street sub-grade preparation or else conduit must be provided at that time so that crossings may be made at a later date without boring or open cut. Conduit size and material shall be determined by the utility. The conduit shall extend to the outside of the shoulder.

610 MONUMENTS AND MARKERS

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

610.1 Monuments

- A. Monuments shall consist of either:

1. Solid steel rods not less than one inch (1") in diameter and not less than thirty-six inches (36") in length.
 2. A two-inch (2") (inside diameter) galvanized pipe filled with concrete at least thirty-six inches (36") in length.
 3. A concrete cylinder four inches (4") in diameter and at least thirty-six inches (36") in length.
 4. Other types approved by the Borough Engineer.
- B. Monuments shall be set flush with the finished grade of the surrounding ground.
- C. All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Monuments shall be placed as follows:
1. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.
 2. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Borough Engineer. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand feet (1000').

610.2 Markers

- A. Lot markers shall consist of either:
1. Solid steel rods not less than three-quarters of an inch (3/4") in diameter and not less than twenty-four inches (24") in length.
 2. Steel pipes not less than three-quarters of an inch (3/4") in diameter and not less than twenty-four inches (24") in length.
 3. Other types approved by the Borough Engineer.
- B. Markers normally shall be set two inches (2") above the finished grade of the surrounding ground.
- C. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows:

1. At all points where lot lines intersect street right-of-way lines.
2. At all points where lot lines intersect exterior property lines.
3. At all interior lot corners.
4. At such other lot corners and locations as the Borough Engineer may direct.

611 WATER SUPPLY

611.1 General Standards

- A. All subdivisions and land development shall be served by an adequate water supply system, whether by on-lot wells or public or private central systems. The developer shall provide evidence documenting said adequacy.
- B. All suppliers of non-municipally-owned central water services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission (PUC) and the developer shall provide for operation, maintenance and continuity of services in a manner acceptable to the Borough.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Protection (PA DEP) and/or the Pennsylvania Public Utility Commission for the right to provide such services shall be submitted to the Borough during the preliminary application phase. One (1) copy of the permit and/or Certificate of Public Convenience issued by the PA DEP or PUC authorizing such services shall be submitted to the Borough during the final application phase (§503.1 of the Municipalities Planning Code).
- D. In the case of utilization of a publicly owned or other existing central water supply system, the developer shall submit during the preliminary application phase a letter from the operator of such utility indicating the utility's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. During the final application phase, an executed agreement with the supplier shall be submitted.
- E. All water supply systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work, and all systems shall be designed in accordance with all applicable Federal, state, and local standards.

611.2 Individual On-Lot Water Supply

All on-lot water supply systems shall comply with the requirements of PA DEP and/or applicable Borough Ordinances. The requirement for the installation of individual on-lot wells shall be noted on the development plan.

611.3 Shared On-Lot Water Supply

Shared on-lot water supply shall be prohibited. All individual lots and dwellings shall have their own individual on-lot water supply.

611.4 Central Water Supply

- A. Existing Utility - A central water supply system, including fire hydrants for the entire subdivision or land development, shall be installed and connected to any public water system existing within one thousand feet (1000') of the subdivision or land development. Said connection to such system shall be done in accordance with the requirements of the system owner, the PUC, and PA DEP; provided, the owner of the existing system agrees to such connection.
- B. Proposed Utility - If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Borough and State regulations, and that the propose system to be installed meets the requirements of the PUC, PA DEP, and any other applicable regulations.
- C. PA Safe Drinking Water Act - Any proposed new utility shall comply with all requirements of PA DEP, outlined in Title 25, Chapter 109 "Safe Drinking Water."
- D. Susquehanna River Basin Commission - All new water sources or increased capacity development of existing water sources shall comply with the requirements of the Susquehanna River Basin Commission.
- E. Deep Well Source Requirements
 - 1. Wells shall be sited, drilled, and tested under the direct supervision of a qualified registered professional engineer or a professional ground water geologist.
 - 2. The projected capacity of the well or wells shall be sufficient to produce at least one hundred (100) gallons per capita per day and/or four hundred (400) gallons per day for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall show adequacy of supply to meet such needs as established by the American Water Works Association.
 - 3. The wells shall be pump tested utilizing a controlled step-drawdown test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
 - 4. Well construction shall be consistent with good practice and the guidelines of the Pennsylvania Department of Environmental Protection (DEP).

5. Wells shall be so located away from potential sources of pollution. The well shall be located on a reserved one-half acre parcel.
6. The effect of area drawdown shall be carefully evaluated and reported.
7. Notwithstanding the above requirements, all new well water sources shall be developed in accordance with PA DEP and Susquehanna River Basin Commission procedures including but not limited to a pre-drilling plan, drilling, required hydrogeology reports, test pumping, and water well development drawings and specifications.
8. The Borough may require the developer to establish easements around a new or existing central water supply well to prohibit incompatible uses near the well, such as handling or storage of hazardous materials. The development shall comply with requirements of the PA DEP regarding wellhead protection.

F. Water Distribution System Requirements

1. The system design shall follow good engineering practice and the guidelines of the Pennsylvania Department of Environmental protection and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of 40 psi at curb stops.
2. Pipe classes shall be consistent with design pressures.
3. Service connections shall be a minimum $\frac{3}{4}$ -inch. Corporation stops, service connections and curb stops shall be installed concurrent with the installation of the water main.
4. Before being placed into service, the system must be tested and chlorinated by procedures established by the Engineer.
5. The proposed utility shall maintain adequate storage for the subdivision or development supplied. At any given period of development, such storage normally shall be not less than one day's supply.
6. Domestic Flow Rates:
 - a. Systems serving residential developments shall provide for a minimum flow rate of at least five (5) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
 - b. Systems serving commercial or industrial developments shall provide for a minimum rate of flow per minute not less than twenty-five (25) times the projection from the average daily rate of flow.
7. Fire Hydrants and Fire Flow Rates:

- a. All subdivisions and land developments that will be served by central water service shall provide fire hydrants as needed with appropriate pressure and storage volume so that all dwelling units and principal buildings are within six hundred feet (600') of an active fire hydrant.
- b. Systems intended to provide for fire flow shall provide for minimum flow rates and duration in accordance with standards of National Fire Underwriters.
- c. The location of all fire hydrants shall be submitted for review to the local fire company and written comments from the fire company shall be supplied to the Borough.
- d. Documentation shall be supplied by the water utility regarding the systems capability to meet fire flow demands.

612 SEWAGE DISPOSAL

612.1 General Standards

- A. All subdivisions and land development shall be served by an adequate sewage disposal system, whether on-lot or public or private central systems. The developer shall provide evidence documenting said adequacy.
- B. All suppliers of non-municipally-owned sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission (PUC) and the developer shall provide for operation, maintenance and continuity of services in a manner acceptable to the Borough.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Protection (PA DEP) and/or the Pennsylvania Public Utility Commission for the right to provide such services shall be submitted to the Borough during the preliminary application phase. One (1) copy of the permit and/or Certificate of Public Convenience issued by the PA DEP or PUC authorizing such services shall be submitted to the Borough during the final application phase.
- D. In the case of utilization of a publicly owned or other existing sewage disposal system, the developer shall submit during the preliminary application phase a letter from the operator of such utility indicating the utility's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. During the final application phase, an executed agreement with the supplier shall be submitted.
- E. All sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work, and all systems shall be designed in accordance with all applicable Federal, state, and local standards.

- F. All sewage disposal systems shall be consistent with the Borough Sewage Facilities Plan.

612.2 On-Lot Sewage Disposal

- A. All on-site sewage disposal systems shall comply with the applicable PA DEP standards, the Borough Sewage Facilities Plan, and all other applicable standards.
- B. Prior to any action on a Preliminary Plan by the Council, the applicant must document that all lots in subdivisions proposing on-site sewage disposal contain a suitable area tested by the Borough Sewage Enforcement Officer in accordance with PA DEP requirements, or are already served by an adequate, existing sewage disposal systems.

612.3 Central Sewage Disposal

- A. Act 537 Sewage Facilities Plan – The Borough Sewage Facilities Plan shall govern all central sewage disposal facilities, in addition to the following standards.
- B. Existing Public Sewer System – The developer shall provide sewer connections to a public sewer system if such system exists and has adequate capacity to service the development within one thousand feet (1000') of the subdivision or land development. Said connection to, and design of, such system shall be done in accordance with the requirements of the system owner, the PUC, and PA DEP; provided, the owner of the existing system agrees to such connection.
- C. Proposed Project-Based System
 - 1. If a public sewer system is not within one thousand feet (1000') of the subdivision or land development and sewage disposal is to be furnished on a project basis, the applicant shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all Borough and State regulations, and that the propose system to be installed meets the requirements of the PUC, PA DEP, and any other applicable regulations.
 - 2. The Borough may require that any central sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, the developer shall be financially responsible solely for those costs associated with his/her individual development.
 - 3. The developer of a project-based central sewage disposal system shall provide for system maintenance via the creation of a Property Owners Association (POA). Such POA shall be created in accordance with §507 of this Ordinance, and shall provide for the inspection of the system at intervals of not less than three (3) years from the date of the operation of the system.

613 STORM WATER MANAGEMENT

Applicants for subdivisions and land development projects shall prepare and submit a storm water management plan that meets all applicable requirements of the Moscow Borough Storm Water Management Ordinance. Said plan shall meet all requirements of the Pennsylvania Act 167, Storm Water Management Act for a Storm Water Management Plan, and Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for an Erosion and Sedimentation Control Plan.

Following are additional storm water management planning requirements:

- 613.1 Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. Natural drainage courses shall be maintained. The drainage easements may be incorporated into lots or established separately and apart there from. To minimize sheet flow of storm water across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross-section of the street as constructed shall provide for curbing on the lower side that shall discharge only at drainage easements. The requirements of this section may be altered or eliminated if justified as a Best Management Practice in the Storm Water Management Plan.
- 613.2 The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increased because of development without the written approval of all affected land owners.
- 613.3 No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structure on other private properties or public lands, without Borough approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- 613.4 Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
- 613.5 Where a subdivision is traversed by a watercourse there shall be provided a drainage easement conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.
- 613.6 Drainage structures that are located on state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation (PENNDOT), and a letter from that office indicating such approval shall be directed to the Borough Council prior to final approval.
- 613.7 All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- 613.8 All proposed surface drainage structures shall be indicated on the preliminary drainage plan.
- 613.9 Interceptors for storm water runoff along streets shall be so spaced and so designed to intercept eighty percent (80%) of the peak runoff from the design storm.

- 613.10 Drainage plans shall include all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.
- 613.11 Whenever storm drains are required by the Council, such storm sewer system shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Borough determines that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- 613.12 Cut and fill areas shall be graded to a maximum thirty percent (30%) slope and adequately stabilized. A lesser or gentler slope to twenty-five percent (25%) may be required in unstable soil areas and special stabilization treatment may be required based upon the Borough Engineer review. Surface water drainage shall be directed away from cut and fill slopes.

614 EROSION AND SEDIMENTATION CONTROL

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Lackawanna County Conservation District and PA DEP. Said plan shall comply with Commonwealth of Pennsylvania Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Lackawanna County Conservation District. The applicant shall submit the plan to the Borough at the time of preliminary plan application. Preliminary plan approval shall not be granted by the Borough until all required approvals are obtained from the Lackawanna County Conservation District.

615 LANDSCAPING AND TREE PRESERVATION

In an attempt to preserve and enhance the beauty of the natural forestation of Moscow Borough, all new construction shall be done in accordance with Tree Preservation standards as established in the Moscow Borough Zoning Ordinance as amended.

615.1 Type of Trees

Trees shall be of nursery stock quality of a species approved by the Borough and grown under the same climatic conditions as the area of proposed use. Topography, natural and historical features shall be considered by the Developer and the Borough in selecting and approving species. A list of Preferred Tree Species is provided in the Shade Tree Ordinance.

615.2 Location

In all subdivisions, trees shall be planted along the street right-of-way at intervals of forty feet (40') and shall be of a 2½ - 3" caliper. The location of shade trees will be subject to the approval of the Borough. If applicable, trees shall be planted between the curb and sidewalk within the required six-foot-wide (6') planting strip (§607 of this Ordinance).

615.3 Planting

Besides conforming to all parts of this Section, all planting shall be done in accordance with good nursery and landscape practice and in compliance with the Shade Tree Ordinance.

616 WETLANDS

616.1 If a proposed subdivision or land development includes an area(s) that is suspected to be wetlands, a professional wetland delineation shall be required to be submitted to the Borough. The Borough may require that the applicant obtain a Jurisdictional Determination from the US Army Corps of Engineers.

616.2 Any approval under this Ordinance is automatically conditioned upon compliance with Federal and state wetland regulations. The Borough may refuse to approve a plan for recording or delay the issuance of permits until an applicant proves compliance with applicable Federal and state wetland regulations.

617 MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

In addition to all the applicable requirements of this Article 6, the following standards shall apply to multi-family subdivisions and land developments:

617.1 Sewage and Water Systems

- A. In addition the requirements of §611 and §612, subdivisions and land developments proposing multi-family dwellings that will utilize on-lot or community subsurface sewage disposal areas shall provide a replacement area for the subsurface sewage disposal field, which has been properly tested and meets current PA DEP and Borough standards.
- B. A multi-family residential development of five (5) or more lots shall provide an adequate and reliable water source for fire-fighting purposes. The provisions for such source shall be submitted as part of the subdivision application. Such plans and installations shall be reviewed by the local fire department(s) and approved by the Council.

617.2 Setbacks

Setbacks shall be established in accordance with §743 of the Moscow Borough Zoning Ordinance.

617.3 Units and Building Height

The maximum number of dwelling units per building and maximum building height shall be as set forth in the Moscow Borough Zoning Ordinance.

617.4 Access to Public Roads

Plans for multi-family residential developments shall indicate specific ingress and egress points to existing Borough or State roads designed in conformance with PENNDOT regulations and standards.

617.5 Curbs and Sidewalks

Curbs and sidewalks, designed in accordance with §606.22 and §607 of this Ordinance, shall be provided.

617.6 Screening

A planting strip of no less than ten feet (10') wide shall be provided along all exterior property boundaries. This planting strip shall comprise hardy trees and shrubs that will effectively screen the development from adjacent properties to a height of five feet (5') within three (3) years.

617.7 Lighting

Adequate lighting designed in accordance with the Lighting and Glare Standards of the Moscow Borough Zoning Ordinance shall be provided in parking areas and along walkways.

618 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

618.1 Application

All commercial and industrial developments shall conform to the requirements of the Moscow Borough Zoning Ordinance.

618.2 Lot Size

Approval of lot or parcel size will be determined by the following factors:

- A. Requirements of the Moscow Borough Zoning Ordinance.
- B. The total lot area shall be sufficient to provide adequate space for required yards, proposed buildings, off-street parking and loading, landscaping, sewer and water systems, and other facilities.
- C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. Narrow, highway ribbon developments should be avoided.

618.3 Street System

- A. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas. The plan shall indicate ingress and egress points to existing public roads in conformance with Pennsylvania Department of Transportation regulations and standards.
- B. The design of streets, service drives, and pedestrian ways, should provide for safe and hazard free internal circulation.

618.4 Block Layout

Block layout shall conform with due consideration of site conditions, with best possible serve to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall block length be less than eight hundred feet (800').

618.5 Off-Street Parking

Adequate off-street parking shall be provided in conformance with the Moscow Borough Zoning Ordinance. In the absence of any specific requirements for off-street parking spaces within the applicable Zoning Ordinance, the Planning Commission may recommend and the Council shall review each proposed plan and shall determine the required number of off-street parking spaces for each proposed development based upon the type and size of the proposed development, the projected number of employees, and projected number of customers or clients.

618.6 Drainage

Storm water management and facilities shall be designed and constructed as required in §613 and in the Moscow Borough Stormwater Management Ordinance.

618.7 Setbacks

Minimum yards or setbacks for all commercial and industrial developments shall be as set forth in the Moscow Borough Zoning Ordinance. Additional yard widths and buffer strips and screening may be required by the Commission and Council in cases where deemed appropriate and necessary to protect adjacent development

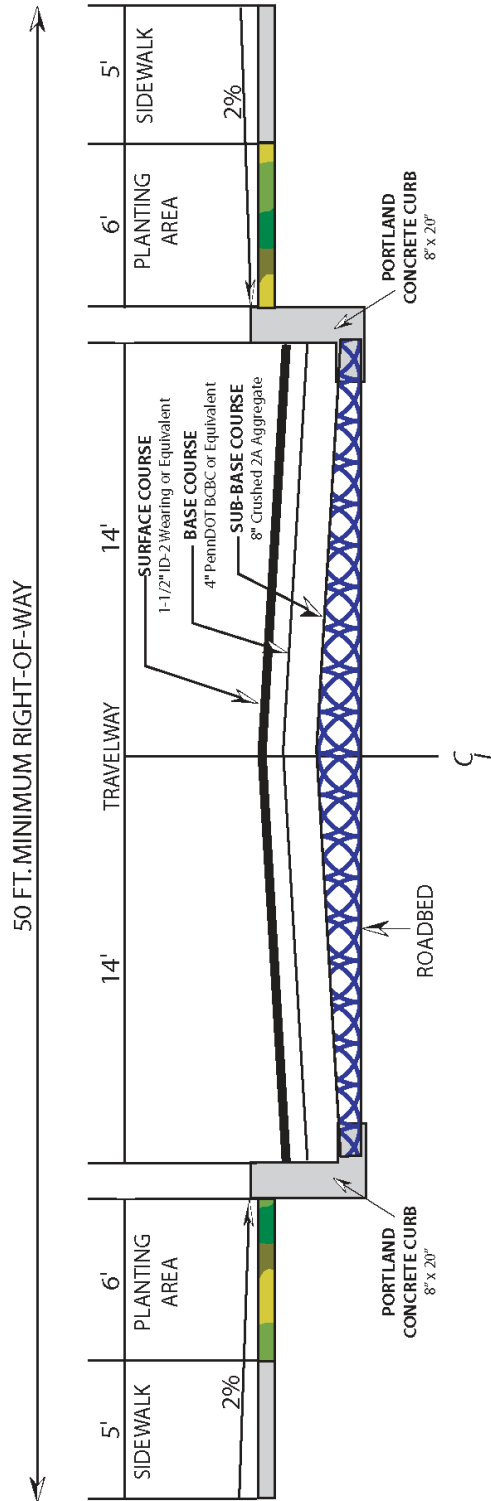
618.7 Landscaping

Commercial or industrial developments shall be required to conform to the following standards in addition to those set forth in §615:

- A. Tree fences, or other approved landscaping features, shall be provided for screening purposes along any boundary of the commercial or industrial lot that abuts an existing lot used solely for residential purposes. Minimum height and density of the screening features shall be as recommended by the Planning Commission.
- B. Trees or other approved natural landscaping features, such as shrubbery, grass areas, ornamental bushes or flower beds, shall be required in unpaved areas between the front building line and the front property line. All such plantings shall be located on the site in a manner that will not interfere with ingress and egress points of the lot and adjoining properties.

ILLUSTRATION 6-4

**TYPICAL CROSS SECTION --
MINOR STREET WITH CURBS, PLANTING AREA AND SIDEWALKS
(Refer to Tables 6-2 and 6-3)
Not to Scale**



ARTICLE 7

MOBILE HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS

701 APPLICATION

701.1 Applications for proposed development of mobile home parks proposed for sale or long-term lease exceeding twelve (12) months of mobile home lots or spaces shall meet all requirements and standards for a major, single-family residential subdivision, as set forth in this Ordinance.

701.2 Applications for proposed development of mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month lease period or rental basis only, shall meet the design standards and required improvements set forth in this Article 7. They shall also be subject to any Mobile Home Park Operation and Maintenance Ordinance enacted by the Borough.

702 GENERAL STANDARDS AND REQUIREMENTS

702.1 All mobile home parks shall have a total land area of not less than ten (10) acres.

702.2 The site of any proposed mobile home park shall not be located within or upon a one hundred (100) year frequency floodplain as defined by this Ordinance and the Federal Flood Insurance Program.

702.3 The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

702.4 The site of any proposed mobile home park shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

702.5 All mobile home parks shall be located on well-drained land; the average natural slope of the area of the site intended for development shall not exceed fifteen percent (15%).

702.6 Any proposed mobile home park shall have direct access to public streets or roads.

703 SUBMISSION OF APPLICATION AND COMPLIANCE

703.1 All provisions of Article 3 of this Ordinance shall apply with respect to plan processing procedures. Fees shall be charged in accordance with the approved fee schedule.

703.2 The plans of the proposed mobile home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in Article 4 this Ordinance.

704 DESIGN STANDARDS

704.1 General

All plans for proposed new mobile home parks or expansion of existing mobile home parks shall meet the Design Standards and Specifications contained in Article 6 of this Ordinance.

704.2 Lot Size

Each mobile home lot shall have a minimum area of eight thousand (8,000) square feet of total lot area exclusive of easements or rights-of-way.

704.3 Density

The total number of lots in any mobile home park shall not exceed an average density of four (4) lots per acre of the total parcel area.

704.4 Site Drainage Requirements

- A. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as set forth in §606.18, 606.19, and 613 of this Ordinance.
- B. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection and the Borough Council.

704.5 Soil and Ground Cover Requirements

- A. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. Park grounds shall be maintained free of vegetation growth that is poisonous or that may harbor rodents, insects, or other pests harmful to residents.

704.6 Park Areas for Non-Residential Uses

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and only for the management and maintenance of the park.

704.7 Required Setbacks, Buffer Strips and Screening

- A. All mobile homes shall be located at least fifty feet (50') from any park property boundary line abutting upon a public street or highway and at least forty feet (40') from other park property boundary lines.
- B. There shall be a minimum distance of twenty feet (20') between an individual mobile home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures.
- C. All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the

park and adjacent uses. These plantings shall provide an effective screen to a height of five feet (5') at the time of planting and an effective screen to a height of eight feet (8') within five (5) years. These buffer strips shall be properly maintained at all times to provide an effective screen up to eight feet (8') from ground level.

704.8 Streets

All streets within proposed mobile home parks shall conform to the requirements for streets as set forth in §606 of this Ordinance. Right-of-way width shall be a minimum of fifty feet (50').

All streets or roads providing access from the public highway system into and/or through a proposed mobile home park shall conform to the requirements for streets as set forth in §606 of this Ordinance.

704.9 Lot Frontage

Mobile home sites and parking spaces shall have direct access to, and frontage on, the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

704.10 Illumination

All illumination of mobile home park street systems shall be done in conformance with the Lighting and Glare requirements as set forth in §814 of the Moscow Borough Zoning Ordinance.

704.11 Off Street Parking

Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade not greater than eight (8%) and shall be paved in a manner, and with materials, approved by the Borough Engineer.

704.12 Walks

- A. General Requirements. All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes and the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
- B. Common Walk System. Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of five feet (5').
- C. Individual Walks. All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet (2').

704.13 Recreational Areas

A recreational area, consisting of ten percent (10%) of the total area of the park shall be maintained within the park for the use of all park residents. This area shall be of suitable configuration and free of hazards to permit recreational use. Fifty percent (50%) of this area shall be designed, equipped and properly maintained for active recreational use of the park residents.

704.14 Landscaping and Outdoor Living Requirements

- A. Private Area. Private outdoor living and service space shall be provided for each mobile home. It shall be walled, fenced, or planted as necessary to assure reasonable privacy and shall be partially paved for garden furniture. The minimum area shall be not less than three hundred (300) square feet with a least dimension of fifteen feet (15'). The paved area shall be not less than one hundred (100) square feet with a least dimension of ten feet (10').
- B. Screen Planting. Screen plantings shall be provided adequate to screen objectionable views effectively within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties.
- C. Other Planting. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

704.15 Sewer and Water Systems

All mobile home lots in proposed mobile home parks shall be provided with connection to an adequate supply of potable water and a connection to a centralized sewer system designed and constructed as required in §611 and §612 of this Ordinance.

In those cases where a community subsurface sewage disposal system is proposed, a replacement area shall be provided for the subsurface sewage disposal field that has been properly tested and meets current state and Borough standards for subsurface sewage disposal.

704.16 Underground Utilities

All mobile home lots in proposed mobile home parks shall be provided with underground utility services. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

704.17 Mobile Home Foundation

Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The foundation shall be either a solid perimeter of masonry or piers both below frost or a slab properly constructed of poured concrete.

704.18 Central Fuel System

Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

705 EXCEPTIONS

705.1 Mobile Home Sales

None of the provisions of this Ordinance shall be applicable to the business of mobile home sales, provided that the mobile home on such lots shall not be occupied.

705.2 Storage of Recreational Vehicles

None of the provisions of this ordinance shall be applicable to the storage or garaging within a building or structure of recreational vehicles. Parking and storage of Recreational Vehicles are subject to the requirements of Recreational Vehicle Parking set forth in §1007 of the Moscow Borough Zoning Ordinance.

705.3 Construction Project

None of the provisions of this Ordinance shall be applicable to a mobile home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such mobile home is removed from said site within thirty (30) days after the completion of such project.

ARTICLE 8

CAMPGROUND STANDARDS AND REQUIRED IMPROVEMENTS

801 APPLICATION

The design standards and required improvements set forth in this Article will be applied by the Borough in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum twelve (12) month lease or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds providing camp sites proposed for sale or lease exceeding a twelve (12) month period shall meet all standards and requirements of a major, single-family residential subdivision.

802 GENERAL STANDARDS AND REQUIREMENTS

802.1 All campground subdivisions or developments shall have a total land area of not less than twenty-five (25) acres.

802.2 All campgrounds shall be located on moderately well or better drained land; the average natural slope of the area to be improved for camp sites shall not exceed twelve percent (12%).

802.3 The location and layout of the proposed campground shall be consistent with the Borough Comprehensive Plan.

802.4 No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined one hundred (100) year floodplain area.

802.5 The proposed campground shall have direct access to an existing public street or road.

802.6 The area improved for camping sites shall not exceed fifty percent (50%) of the total gross area of the tract being developed as a campground.

802.7 No camping site may be occupied as a permanent residence. Camping sites are for the exclusive use of transient persons as defined by this Ordinance.

803 SUBMISSION, APPLICATION AND COMPLIANCE

803.1 All applicable provisions of Article 3 shall apply with respect to submission, application and approval, and fees shall be in accordance with the Borough fee schedule.

803.2 The design of the campground shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of Environmental Protection before the plan will be considered for final approval by the Borough Council.

804 DESIGN STANDARDS

- 804.1 Each camping site shall have a minimum area of two thousand four hundred (2,400) square feet exclusive of street rights-of-way and walkways.
- 804.2 The maximum gross density of development in the area improved for campsites shall not exceed fourteen (14) sites per acre.
- 804.3 To the greatest extent possible, existing trees and shrubbery shall be retained by the campground developer.
- 804.4 No individual campsite may be located closer than one hundred feet (100') to any exterior property line of the campground or public road right-of-way. The land between the campsites shall have sufficient existing or planted trees and/or shrubbery to screen the campground from the adjacent lands and to serve as a buffer.
- 804.5 Electric service shall be provided to at least fifty percent (50%) of the campsites. Such electric service shall be installed underground.
- 804.6 At least fifty percent (50%) of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.
- 804.7 All campsites that are not provided with a connection to a centralized sewage system shall be located within five hundred feet (500') of a bathhouse/toilet facility that shall be equipped with showers, toilets, urinals and lavatories in accordance with Department of Environmental Protection regulations.
- 804.8 All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six inches (6") of compacted crushed stone, bank run gravel or shale.
- 804.9 All campsites designed for tenting may be provided with on-site parking spaces in accordance with Section 804.8 or may have a common parking area not over five hundred feet (500') from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least two hundred (200) square feet, exclusive of any aisle.
- 804.10 The centralized water and centralized sewage system shall be designed in accordance with the requirements of the Department of Environmental Protection and approved by the Department and in accordance with the standards of §611 and §612 of this Ordinance.
- 804.11 The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.
- 804.12 Streets within the campground shall conform to the following:

- A. All campground streets shall conform to the requirements for Minor Street Base Course as set forth in Table 6-3, treated with a Double Surface Oil Treatment.
 - B. One-way streets shall have a minimum right-of-way width of twenty feet (20') and shall be improved with a travelway not less than twelve feet (12') in width.
 - C. Two-way streets shall have a minimum right-of-way width of thirty feet (30') and shall be improved with a travelway not less than eighteen feet (18') in width.
 - D. The minimum center-line radius of any interior campground street shall be not less than fifty (50) feet.
 - E. The maximum grade of any campground street shall not exceed twelve percent (12%).
 - F. Drainage facilities shall be designed and constructed in accordance with the standards of the Moscow Borough Storm Water Management Ordinance.
 - G. No campground street may be offered for dedication to Moscow Borough. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground.
- 804.13 At least five percent (5%) (but not less than one-half acre) of the area improved for campsites shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to, swimming pools, playgrounds, play fields, ball fields, courts, community buildings and similar facilities. The Commission and the Borough Council will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities before granting approval.
- 804.14 The access road(s) serving the campground shall be designed and constructed in accordance with the standards set forth for Minor Streets in Table 6-2 and Table 6-3 of this Ordinance.
- 804.15 There shall be provided in each campground such other improvements as the Borough Council may require and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection, adequate park lighting system, and maintenance of all areas.

ARTICLE 9

ADMINISTRATION

901 AMENDMENTS

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Municipalities Planning Code as amended.

902 MODIFICATIONS

902.1 The Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

902.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance involved, and the minimum modification necessary.

902.3 The request for modification may be referred to the Planning Commission for advisory comments.

902.4 The Borough Council shall keep a written record of all action on all requests for modifications.

902.5 In authorizing a modification, the Borough Council shall record its actions and the grounds for authorizing the modification in its minutes. A statement showing the date that such modification was authorized shall be affixed to the final plan.

902.6 If the Borough Council denies the request, the applicant shall be notified in writing of the reasons for denial.

903 RE-CONSIDERATION

903.1 Any developer aggrieved by a finding, decision, or recommendation of the Borough Council may request and receive opportunity to appear before the Borough Council, present additional relevant information, and request reconsideration of the original finding, decision, or recommendation.

903.2 Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) days in advance of the meeting at which reconsideration is desired.

904 APPEALS

Any landowner, applicant, or other aggrieved party questioning the validity of this Ordinance or any part hereof, including procedural matters, or any decision made hereunder may undertake an appeal in accordance with the procedures set forth in Articles IX and X-A of the MPC, Act 247 as amended.

905 RECORDS

The Borough Council shall keep a record of the findings, decisions, and recommendations relative to all subdivision plans filed with it for review and/or approval. Such records shall be open to the public.

906 PENALTIES

In addition to all those who may by law have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Borough Council to enforce this Ordinance.

907 ENFORCEMENT REMEDIES

Any person, firm, or corporation who or that has violated or permitted the violation of any of the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five-hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof.

No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation until the fifth day following the date of the determination of a violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Subdivision and Land Development Ordinance shall be paid over to the Municipality.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

908 PREVENTIVE REMEDIES

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

The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property that has been developed or that has

resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

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

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

909 VALIDITY

Should any section, subsection, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

910 CONFLICT WITH OTHER REGULATIONS

Wherever there is a difference between minimum standards or dimensions specified and those contained in any zoning ordinance or other official regulation hereafter, the highest standard shall apply; provided, however, that the zoning regulations governing lot size and setbacks shall prevail in any event.

ARTICLE 10

ENACTMENT

1001 REPEAL OF PREVIOUS ORDINANCE

The Moscow Borough Subdivision and Land Development Ordinance enacted August 3, 1981, as amended, is hereby repealed in total. The repeal shall in no manner be construed as a waiver, release, or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done that would have constituted a violation of the Moscow Borough Subdivision and Land Development Ordinance of 1981, or its applicable predecessor ordinances.

1002 ADOPTION

The public hearing for this Ordinance was held on January 19, 2010.

This Moscow Borough Subdivision and Land Development Ordinance is hereby ORDAINED and ENACTED by vote of the Borough Council of Moscow Borough, Lackawanna County, Pennsylvania, at a duly convened meeting of the Borough Council held this **19th** day of **January, 2010**, to become effective immediately.

MAYOR

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH SECRETARY