

7-01

ORDINANCE NO. \_\_ OF 2014

PITTSTON TOWNSHIP  
LUZERNE COUNTY, PENNSYLVANIA  
AN ORDINANCE AMENDING  
THE ZONING ORDINANCE OF PITTSTON TOWNSHIP

WHEREAS, the Pittston Township Board of Supervisors desires to amend the Zoning Ordinance of Pittston Township (adopted in 2013) pursuant to Section 404 of Article 14 of the Ordinance;

WHEREAS, the Pittston Township Board of Supervisors desires to amend the Zoning Ordinance of Pittston Township to add another zoning district classification for Planned Residential Developments (PRD) as provided for in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

WHEREAS, the Pittston Township Board of Supervisors desires to add the Planned Residential Development (PRD) district classification to the Zoning Ordinance of Pittston Township as the Township's prior Zoning Ordinance (enacted in 1995) included a PRD district classification and the Quail Hill residential development was zoned as a PRD district and it remains a PRD district as depicted on the Township's official Zoning Map.

WHEREAS, the Pittston Township Board of Supervisors' amendment of the Zoning Ordinance of Pittston Township to include a Planned Residential Development (PRD) district classification will correct the discrepancy that currently exists between the Zoning Ordinance and the official Township Zoning Map.

NOW, THEREFORE, it is hereby Ordained and Enacted by the Board of Supervisors of Pittston Township as follows:

1. The Table of Contents of the Zoning Ordinance of Pittston Township shall be amended to include the following language to be inserted after the references under "Article 15 - Zoning Hearing Board" beginning on page 1-6:

ARTICLE 16 - PLANNED RESIDENTIAL DEVELOPMENTS

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2. Article 4, Section 401 titled Official Zoning Map shall be amended to replace the previous language with the following language:

Pittston Township is hereby divided into nine (9) zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

3. Article 4, Section 404 titled Classes of Zoning Districts shall be amended to replace the previous language with the following language:

For the purpose of this Ordinance, Pittston Township is hereby divided into nine (9) Zoning Districts as designated below:

- R-1 SINGLE FAMILY RESIDENCE DISTRICT
- R-2 TWO FAMILY RESIDENCE DISTRICT
- C-1 CONSERVATION DISTRICT
- B-1 COMMUNITY BUSINESS DISTRICT
- B-2 HIGHWAY BUSINESSES DISTRICT
- I-1 INDUSTRIAL DISTRICT
- I-2 INDUSTRIAL FLEXIBLE DISTRICT
- I-3 INDUSTRIAL DEVELOPMENT DISTRICT
- PRD – PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

Article 16 titled "Planned Residential Developments" shall be inserted after Article 15 titled "Zoning Hearing Board" and shall include the following language:

ARTICLE 16

PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 1601 PURPOSE

The purpose of this district, as stated in the Pennsylvania Municipalities Planning Code, Act 247 as amended, is to achieve the following:

- A. To insure that the provisions of the Pittston Township Zoning Ordinance, which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the Ordinance.
- B. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- C. To provide greater opportunities for better housing and recreation for all who are or may become residents of the Township.
- D. To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may insure the benefits of those who need housing.
- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, flood plains, groundwater, wooded areas, and areas of unusual attractiveness in the natural environment
- F. In aid of the purpose stated within this Section, to provide a procedure which can regulate the type, design and layout of a residential development to the particular site and particular demand for housing existing at the time of development in a manner consistent with the preservation of property values within existing residential areas. To assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

SECTION 1602 REGULATORY AUTHORITY:

The authority to approve or disapprove applications and plans for a planned residential development shall be vested with the Pittston Township Board of Supervisors with the Pittston Township Planning Commission acting in an advisory capacity to review and to provide comment to the Board of Supervisors.

**SECTION 1603 USE REGULATIONS:**

The principal permitted uses shall include:

- A. Single-family Detached Dwellings
- B. Two-family Dwellings
- C. Townhouses
- D. Accessory Uses: Customary accessory uses and buildings to the above shall be permitted in accordance with the applicable provisions of this Ordinance.
- E. Special Exception Uses: Home Occupaton

**SECTION 1604 DENSITY REGULATIONS**

The density of a Planned Residential Development, based upon the existing residential zoning district in which the Planned Residential Development is proposed to be established, shall not exceed the minimum lot area per dwelling unit as provided for in the Township's Zoning Ordinance, along with the corresponding maximum lot coverage requirements and required Common Open Space requirements as set forth in Section 1605 of this Ordinance.

**SECTION 1605 DIMENSIONAL REGULATIONS**

All planned residential developments shall be subject to the following:

- A. Minimum Lot Area: A planned residential development shall have an area of not less than ten (10) acres.
- B. Distance Between Buildings: No buildings or structure, including porches, decks or balconies shall be less than thirty (30') feet to any other building or structure.
- C. Setback Requirements: The minimum front, side and rear setbacks for a Planned Residential Development shall each be not less than fifty (50) feet to the property lines of adjoining properties. A planting strip of not less than twenty (20) feet in width shall be along all property lines at the periphery of the development where necessary to preserve the privacy of neighboring residents.

Land adjacent to a pond, stream, wetlands, or watercourse shall remain as permanent open space for a distance of not less than one hundred (100') feet from the water's edge, unless superseded by more restrictive standards.

- D. Common Open Space: Not less than twenty (20%) percent of the total area of a Planned Residential Development, excluding streets and off-street parking areas, shall be designated, designed and devoted to common open space for the use and enjoyment of the residents therein.

#### SECTION 1606 DEVELOPMENT REGULATIONS

A Planned Residential Development shall be subject to the following standards and regulations:

- A. Requirements For Improvements and Design: All improvements, including but not limited to, streets, curbing, sidewalks, storm water detention facilities, drainage facilities, water supply facilities, sewage disposal, street lighting, tree lawns, etc., unless otherwise exempted, shall be designed and constructed in conformance with the standards and requirements as so provided under Exhibit A of this Ordinance
- B. Sewage Disposal: Disposal of sanitary sewage shall be by means of centralized sewers and shall conform to the design standards as so provided under Exhibit A of this Ordinance with any proposed sewage collection system and/or treatment facility requiring DER approval as a prerequisite and/or condition to tentative approval of a development plan.
- C. Water Supply: The water supply may be an on-site or off-site system. If the water is to be provided by means other than private wells, owned and maintained by individual owners of lots within the planned residential development, evidence shall be provided that the planned residential development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or

agreement to serve the planned residential development in question shall be required. Whichever form is appropriate, shall be considered as acceptable evidence.

**SECTION 1607 LOCATION/MANAGEMENT OF COMMON OPEN SPACE**

Common open space within a planned residential development shall be designed as a Contiguous area which shall be easily accessible to the residents. A planned residential development must insure that the common open space shall remain as such and be properly maintained by the landowner's compliance with one of the following:

- A. Dedicate such land to public use, providing the Township will accept such dedication.
- B. Retain ownership and responsibility for maintenance of such land.
- C. Provide for and establish an organization for the ownership and maintenance of such land, which includes provisions that such organization shall not be dissolved nor shall it dispose of such land, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate such land to the Township.

The Township shall utilize the appropriate procedures and remedies, as set forth in Article 7 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, should an organization established to own and maintain common open space fail to do so in a reasonable order and conditioned in accordance with the development plan.

**SECTION 1608 PHASING OF DEVELOPMENT**

A planned residential development may be constructed in phases subject to the following:

- A. The application for tentative approval shall cover the entire area to be developed with a schedule delineating all proposed phases, as well as the dates by which applications for final approval of each phase shall be filed. Such schedule shall be updated annually by the applicant on or before the anniversary date of the approval of the development plan, until all phases are completed and granted final approval by the Township Board of Supervisors. Any modification in the aforesaid schedule shall be

subject to approval of the Township Board of Supervisors in its discretion.

- B. Not less than fifteen (15%) percent of the total number of dwelling units to be constructed shall be included in the first phase.
- C. The second and any subsequent phases shall be completed in accordance with the tentatively approved plan, with each phase containing not less than fifteen (15%) of the total number of dwelling units.
- D. The Township Board of Supervisors may impose further conditions upon the filing of any phase of a development plan, as it may deem necessary to assure the orderly development of the plan and/or to protect the public health, safety and welfare.

**SECTION 1609 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF PLAN**

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following:

- A. Provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space, except as otherwise provided herein; and the intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.
- B. All provisions of the development plan shall run in favor of the residents of the planned residential development, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan

shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

C. All those provisions of the development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants of easements relating to the service or equipment of a public utility, subject to the following conditions"

- (1) No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or in equity, as provided in this Section.
- (2) No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Township Board of Supervisors, after a review by the Planning Commission, following a public hearing pursuant to public notice, called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or public interest, and is not granted solely to confer a special benefit upon any person.

D. Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Section.

## SECTION 1610 APPLICATION FOR TENTATIVE APPROVAL

The application for approval, tentative and final, of a planned residential development as provided for by this Ordinance, shall be in lieu of all other procedures or approvals otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Township, except where specifically indicated. The procedures herein described for approval or disapproval of a development plan for a planned residential development and the continuing administration thereof are established in the public interests in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property. An application for tentative approval shall be consistent with the following:

### A. Informal Consultation:

The landowner, Township Board of Supervisors, and Planning Commission may consult informally at a public meeting or work session concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Township Board of Supervisors or of the Planning Commission shall be binding upon the Township Board of Supervisors or Planning Commission as a whole. The Informal consultation is intended to allow the landowner and Township officials to exchange comments and discuss issues which may be of particular significance to the site.

### B. Application and Fee:

An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer. An application fee of two hundred and fifty (\$250.00) dollars, plus seventy-five (\$75.00) dollars per housing unit, based upon total number of proposed housing units, shall be paid upon filing the required application.

**C. Relationship to Planning, Zoning and Subdivision:**

All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Township Board of Supervisors with prior review by the Planning Commission.

**D. Required Documentation:**

The application for tentative approval shall include documentation illustrating compliance with all of the standards for a planned residential development and, where necessary, the Township shall order such documentation to aid them in their review.

An original and ten (10) copies of the application shall be submitted along with ten (10) copies of each of the following:

1. Any required study and/or report, prepared as an Impact Analysis, which may be required at the discretion of the Township Board of Supervisors. A determination of the need for any such study and/or report may be made at the time of the informal consultation or during the public hearing for consideration of tentative approval of the development plan.
2. The development plan for the entire site, which shall include conformance to the requirements of Section 1604, Section 1606 and Section 1606 of this Ordinance, along with the information and documentation noted herein:
  - a. The location, size and topography of the site and the legal nature of the landowner's interest in the land proposed to be developed.
  - b. The density of land use to be allocated to parts and/or phrases of the site to be developed.
  - c. The location and size of common open space and the form of organization proposed to own and maintain the common open space.
  - d. The use and height, bulk and location of buildings and other structures.
  - e. The means and feasibility of proposals for the disposition of sanitary waste and storm water.
  - f. The substance of covenants, grants or easement or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
  - g. Provisions for parking of vehicles and the location and width of proposed streets and any other form of public right-of-ways, excluding common open space.

- h. The required modifications in the Township land use regulations as contained within the Townships Zoning Ordinance and Luzerne County Subdivision and Land Development Ordinance, otherwise applicable to the subject property.
- i. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
- j. In the case of development plans, which call for development over a period of years, a schedule showing the proposed timetable within which applications for final approval of all phases of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- k. A plan map at a scale of not greater than one (1") inch equals fifty (50') feet, with contours for each two (2') feet change in elevation. A location map shall also be provided at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.

E. Statement of Landowner:

The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and consistent with the Comprehensive Plan of the Pittston Township, including any subject amendments to said Plan.

F. Application and Approval Procedures in Lieu of Others:

The application for tentative and final approval of a development plan for a planned residential development prescribed herein shall be in lieu of all other procedures and approvals required by the Zoning Ordinance of the Township and Luzerne County Subdivision and Land Development Ordinance of the Township, unless otherwise expressly stated.

G. Referrals and Review of Plan:

The application for tentative approval shall be filed with the Zoning Officer, who shall be authorized to accept such applications under the Zoning Ordinance. Copies of the application and tentative plan shall be referred to the agencies and officials identified herein:

The Township Zoning Officer.

The Township Engineer and/or Planning Consultant.

The Township Solicitor.

The Township Sewage Enforcement Officer.

The Luzerne County Conservation District.

The Municipal Sanitary Authority.

The Pennsylvania Department of Transportation, the Luzerne County Road and Bridge Department and/or the Pittston Township Board of Supervisors, if the proposed development fronts upon or is to have access to a road under their jurisdiction.

The Pennsylvania Department of Environmental Resources.

The applicant shall be responsible to insure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

**SECTION 1611 PUBLIC HEARINGS**

Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Township Board of Supervisors in the manner prescribed in the Ordinance for the enactment of an amendment to the Zoning Ordinance.

The chairman or in his absence, the acting chairman, of the Township Board of Supervisors, may administer oaths and compel the attendants of witnesses. All testimony by witnesses shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be provided by the Township Board of Supervisors whenever such records are requested by any party to the proceedings, with the cost of making and transcribing such a record shall be paid by those parties wishing to obtain such copies. All exhibits accepted as evidence shall be properly identified and the reason for any exclusion shall be clearly noted in the record.

The Township Board of Supervisors may continue the public hearing as required provided that in any event, the public hearing or hearings shall be concluded within sixty (60) days following the date of the first public hearing.

**SECTION 1612 FINDINGS**

The Township Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, shall by official written communication to the landowner, either:

- A. Grant tentative approval to the development plan as submitted.
- B. Grant tentative approval subject to specified conditions not included in the development plan as submitted.
- C. Deny the tentative approval to the development plan.

Failure to act within the prescribed time period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, notify said Board of his refusal to accept all said conditions, in which case the Township Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Township Board of Supervisors of his refusal to accept all said conditions within thirty (30) days after receiving a copy of the official written communication of the Township Board of Supervisors, tentative approval of the development plan, with all said conditions, shall stand as granted. The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the denial, and said communication shall set forth particulars in what respect the development plan would or would not be in the public interest including but not limited to findings of facts and conclusions based upon the following:

- A. Those respects in which the development plan is or is not consistent with the Comprehensive Plan, including any amendments thereto, for the development of the Township.
- B. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.

- C. The purpose, locations and amount of common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- D. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services, (including but not limited to sewage, water and storm water runoff) provide adequate control for vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- E. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood or area of the Township in which it is proposed to be established.
- F. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

In the event a development plan is granted tentative approval, with or without conditions, the Township Board of Supervisors may set forth in the official written communication, the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part or phase thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than ninety (90) days. In the case of development plans which extend over a period of years, the time between applications for final approval of each part of the plan shall not be less than one (1) year.

#### SECTION 1613 STATUS OF PLAN AFTER TENTATIVE APPROVAL

The official written communication provided for in this Article shall be certified by the Township Secretary and filed in his/her office; a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed as an amendment to the Zoning Map, effective and so noted upon the Zoning Map upon final approval.

Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any zoning permit. A development plan, which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor

violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending the application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.

In the event that a development plan is given tentative approval and thereafter, but prior to the final approval, the landowner shall elect to abandon said development plan and shall so notify the Township Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development for which final approval has not been given shall be subject to those Township land use ordinances otherwise applicable thereto. The same shall be noted on the Zoning Map and in the records of the Township Secretary.

#### SECTION 1614 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer for review by the Township Planning Commission and subject to approval by the Township Board of Supervisors within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing shall not be required.

The application shall include all drawings, specifications for required improvements, covenants, easements, a financial guarantee and all other such requirements as specified under Section 1610 (D) of this Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communication of tentative approval, the Township Board of Supervisors shall, within forty-five (45) days of such filing, grant such development plan final approval.

In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more said variations are objectionable and not in the public interest

In the event of such refusal the landowner may either:

- A. Refile his application for final approval without the variations to which the Township Board of Supervisors deemed objectionable and not in the public interest.
- B. File a written request with the Township Board of Supervisors that it hold a public hearing on his/her application for final approval.

If the landowner wishes to take either of such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he/she shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made in writing by the landowner. The hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the public hearing, the Township Board of Supervisors shall, by official written communication, either grant final approval to the development plan or deny final approval.

The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain findings required for an application for tentative approval as set forth in this Article.

A development plan, or any part thereof, which has been given final approval, shall be so signed and certified without delay by the Township Board of Supervisors. Said development plan shall be filed of record forthwith in the Office of the Recorder of Deeds of Luzerne County before any development shall take place in accordance therewith.

Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto.

Pending completion in accordance with the time provisions as provided for under Section 508 of Act 247, as amended, said planned residential development or part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat the landowner shall record the plat within ninety (90) days from the date of approval.

In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or section thereof that have been finally approved, and shall so notify the Township Board of Supervisors in writing, or in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions as provided for under Section 508 (4)(ii), (iii) and (iv) of Act 247, as amended, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is resubdivided and is reclassified by enactment of an amendment to the Township Zoning Ordinance in the manner prescribed for such amendments by this Ordinance.

#### SECTION 1615 FINANCIAL SECURITY PRIOR TO FINAL APPROVAL

Prior to final approval the landowner shall post a financial security to guarantee completion of all required improvements. A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Article shall include:

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

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

#### SECTION 1616 AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required financial security shall be based upon a written estimated cost of completion of required improvements, submitted by the

landowner or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Board of Supervisors, upon the recommendation of the Township Engineer, may for good cause shown, refuse to accept the landowner's estimated cost. In cases where the Township and the landowner or applicant are unable to agree on an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually accepted by the Township and the landowner or applicant. The estimate certified by the third party engineer, being presumed fair and reasonable shall be deemed the final estimate. In the event that the third party engineer is chosen, the cost of his services shall be paid equally by the Township and the landowner or applicant.

#### SECTION 1617 FINANCIAL SECURITY FOR MAINTENANCE OF IMPROVEMENTS

1617.1 Where Pittston Township accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

1617.2 Said financial security shall be of the same type as otherwise required in Section 1615 of this Ordinance with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

#### SECTION 1618 ENGINEERING AND CONSULTING FEES

The landowner shall be responsible for payment of all engineering fees which the Township may incur as related to the inspection of plans and field inspections during any phase of construction of improvements. The landowner shall be required to fully reimburse the Township for said engineering fees. The landowner shall also be required to fully reimburse the Township for any engineering and/or other consulting fees which the Township may incur for the review of any required studies and/or reports within the context of an "IMPACT ANALYSIS" as so defined in Article 2 of this Ordinance. Upon notification by the Township of such costs, the landowner shall provide a certified check or money order to the Township to fully reimburse the Township for said engineering fees. An approved plan shall not be signed by the Planning Commission nor shall any permits related to the development of the site be issued until all fees are paid in full.

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**SECTION 1619 LEGAL PROCEEDINGS AND ENFORCEMENT REMEDIES**

Any person, partnership or corporation, who or which has violated the provisions of this Article, shall be prosecuted in accordance with Section 712.1 and Section 712.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1620

DIMENSIONAL REGULATIONS

FOR

PLANNED RESIDENTIAL DEVELOPMENTS

TABLE 1

MINIMUM AVERAGE LAND AREA PER DWELLING UNIT  
(SQUARE FEET)

<u>RESIDENTIAL TYPE</u>	<u>R-1</u>	<u>R-2</u>
Detached Single Family	10,000	6,000
Two Family	6,000	6,000
Multifamily	7,000	10,000
Townhouse	7,000	10,000
<u>COMMON OPEN SPACE</u>	20%	20%
<u>MAXIMUM LAND COVERAGE</u>	25%	30%
<u>MAXIMUM BUILDING HEIGHT</u> (stories)	2.5	2.5

Two (2) steps are required to calculate the net residential area per dwelling unit. Subtract the amount of land to be utilized for street right-of-ways, off-street parking from the total gross acreage of the site. Divide the remaining acreage by the total number of dwelling units.

Land coverage shall include all structures, buildings, off-street parking areas and any recreational facilities within the site.

## EXHIBIT A

### MINIMUM PUBLIC IMPROVEMENTS REQUIRED FOR A PRD

The following public improvements provide minimum design and specification requirements for Article 16 (Planned Residential Developments) of the Pittston Township Zoning Ordinance. It shall be further noted that minimum design and specification provided herein are specifically limited to site improvements within an approved Planned Residential Development in accordance with Article 16 (Planned Residential Developments) of the Pittston Township Zoning Ordinance.

#### SECTION 400

##### MONUMENTS AND MARKERS

###### 401 Type

Monuments shall be of concrete or stone with a minimum size of four (4) inches by four (4) inches by thirty-six (36) inches, and shall be marked on top with a one-half inch round brass pin, or a drilled hole. Markers shall consist of iron pipes or iron or steel bars at least twenty-four (24) inches long, and not less than three-quarters (3/4) of an inch in diameter.

###### 402 Placement

Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision.

Markers shall be set:

- a. At the beginning and ending of all curves along street property lines;
- b. At all points where lot lines intersect curves, either front or rear;
- c. At all angles in property lines or lots;
- d. At all other lot corners.

**403 Replacement**

Any monuments or markers that are removed shall be replaced by a competent engineer at the expense of the person removing them.

**SECTION 410**

**STREET IMPROVEMENTS**

**411 Minimum Paving Requirements**

Streets (and alleys where provided) shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivided, and approved by the Township Board of Supervisors. As a minimum, the street pavements shall be in accordance with Table I below:

Table 1  
REQUIRED PAVEMENT CONSTRUCTION

Type of Street	Surface Type	Required Pavement Construction	
		Type	Base Course Thickness (Inches)
Arterial	A	C	10+ sub-base if required
Collector	B	C	6
Minor	B	C	6
Alleys	B	C	8

- A. The pavement structure for an Arterial Street or Highway shall be governed by the most recent edition of Penn DOT publication No. 242, Roadway Management Manual, including any subsequent revisions or amendments. All applicable construction and design standards of Penn DOT, as contained within Section 400, of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.
- B. Two and one-half (2-1/2) inch ID-2 surface course in accordance with construction and design standards of Penn DOT, as contained within Section 400, of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto shall apply.

- C. The base for all streets, unless otherwise specified shall contain a minimum of six (6") inches of stone subbase placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone subbase material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with Penn DOT Specifications as contained in the applicable sections of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto.

#### 412 Other Improvements

The Board of Supervisors may require a higher type of pavement than specified in Table I, or improvements in addition to those set forth in the Table, where it deems such to be necessary because of prospective traffic safety of pedestrians in connection with sidewalks, or in order to conform to conditions prevailing in the neighborhood, in which latter case the neighborhood standard shall generally apply. Cross-walks may be required when deemed necessary by the Board of Supervisors.

- a. Subsurface Drainage. Prior to placing the street surface, adequate sub-surface drainage, for the streets and all sub-surface utilities as acceptable to the Board of Supervisors shall be provided or installed by the Developer. The size of the storm drainage structures shall be computed by using "Talbot's Formula" for runoff.
- b. Slopes. Slopes of banks measured perpendicular to the center line of the street shall not exceed three (3) to one (1) for fills, and two (2) to one (1) for cuts.

In all respects in which standards for required improvements are not set forth herein or specified by the Board of Supervisors hereunder, the applicable standard requirements of the Pennsylvania State Department of Highways shall govern, and all work shall be performed in the manner prescribed in the standard specifications for road construction of said Department for type of construction under consideration.

## SECTION 420

### SEWERS

A PRD shall be served with a sewage system (either centralized or on-lot) which meet or exceed the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Resources. All proposed subdivisions and/or land developments shall require the preparation and submission of an appropriate Sewage Planning Module to DER in accordance with Pennsylvania Code Title 25.

## SECTION 430

### WATER

The developer shall provide the subdivision with a complete water main supply system which shall be connected to a municipal water supply, or with a community water supply system approved by the Township Engineer and the Pennsylvania State Department of Health with satisfactory provision for the maintenance thereof.

The plans for the installation of the mains of a water supply system shall be prepared by the developer with the cooperation of the applicable Water Utility Company and approved by the Township Engineer. Upon the completion of the water supply installation, one copy each of the plans for such system as built be filed with the Township Board of Supervisors.

## SECTION 440

### STORM DRAINAGE

An adequate storm sewer system consisting of inlets and other underground drainage structures with approved outlets shall be constructed where the run-off of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Outlets shall be approved by the owners of the properties affected and by the Board of Supervisors.

## SECTION 450

### CURB AND GUTTER

The curb and gutter shall be constructed of a bituminous paving material, Portland Cement Concrete or stone shall be one of the following three types as shall be determined by the Township Engineer:

- a. Plain Cement Concrete. Type A, Section 7.15, 1960 Pennsylvania Department of Highways Specifications, using a mix of 1:2-1/4:3.
- b. Stone Curb. Type A, Section 7.20. 1960 Pennsylvania Department of Highways Specifications, 6" wide by 22" high x 6' long.
- c. Rolled Bituminous Curb.

## SECTION 460

### SIDEWALKS

Sidewalks shall be installed and shall have a minimum width of four (4) feet, except that sidewalks serving apartment houses or proposed commercial areas shall be wider if deemed necessary by the Board of Supervisors. Sidewalks may be of the following three types:

- a. Concrete, 4" thickness, 1:2-1/4:3 placed on 4" cinder, or crushed stone.
- b. ID-2 Bituminous material, Section 5.9 of the 1960 Pennsylvania Department of Highways Specifications, 2" in thickness placed on 4" of cinder, or crushed stone.
- c. Cut Flag Stone, 2" in thickness placed on 4" of cinder, or crushed stone.

## SECTION 470

### STREET LIGHTS AND FIRE HYDRANTS

Street lights may be required when considered reasonably by the Board of Supervisors. Fire hydrants shall be required wherever there is a water supply system and shall be spaced to provide a hydrant within 500 feet of any property line.

**SECTION 480**

**FILLING PLANS AND PROFILES**

Upon the completion of the improvements in a PRD, "as built" plans and profiles of the same as constructed shall be filed with the Township Board of Supervisors.

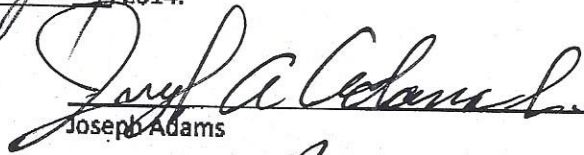
**SECTION 490**

**INSTALLATION OF IMPROVEMENTS**

Required Improvements shall be installed by the developer, under the supervision of the Township Engineer.

4. If any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.
5. All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.
6. This Ordinance shall become effective as of the date of its approval and adoption as provided by law.


ENACTED and ORDAINED BY THE PITSTON TOWNSHIP BOARD OF SUPERVISORS, THIS \_\_\_\_\_  
DAY OF 9<sup>th</sup> Day of July, 2014.

  
\_\_\_\_\_  
Joseph Adams

  
\_\_\_\_\_  
Steve Rinaldi

  
\_\_\_\_\_  
Barbara Attardo

ATTEST:

  
\_\_\_\_\_  
Township Secretary