

## **CHAPTER 26**

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## CHAPTER 26

### **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

#### **Part 1**

#### **General Provisions**

**§101. Title.** This Ordinance shall be known and cited as the “Borough of White Haven Subdivision and Land Development Ordinance.”

**§102. Authority.** The Governing Body is empowered to regulate subdivisions and land developments within its municipal limits as provided for under the Pennsylvania Municipalities Planning Code, Act 247, as amended. The Borough Council of White Haven shall retain and exercise the authority for the approval or disapproval of all subdivisions and land developments as set forth in this Ordinance. The White Haven Planning Commission shall act in an official advisory capacity to the Borough Council for the review and recommendation of the approval or disapproval of all subdivisions and land developments set forth in this Ordinance.

**§103. Objectives.** Through the adoption, administration and enforcement of this Ordinance, the Borough of White Haven purposes to create conditions favorable to promote the health, safety, and general welfare with regulations aimed at achieving the following objectives:

(a) To guide the future growth and development of the Borough in accordance with the Comprehensive Plan.

(b) To provide a standard set of minimum regulations to guide subdividers, developers, architects, landscapers, architects, land planners, surveyors and engineers in the design and development of subdivisions and land developments.

(c) To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(d) To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(e) To insure that public facilities are available and will have a sufficient capacity to serve a proposed subdivision of land development.

(f) To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to insure proper legal descriptions and monumenting of proposed subdivisions and land developments.

(g) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(h) To provide the most beneficial relationship between the uses of land and buildings with the circulation of traffic throughout the Borough, with particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movement appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(i) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance.

(j) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.

(k) To protect and regulate land in critical areas which may be unsuitable for development.

#### **§104. Application of the Ordinance.**

(a) No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the Subdivision and Land Development Ordinance regulations adopted herein.

(b) No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:

(1) The preliminary plans and final plans have been approved by the Governing Body;

(2) The final plan, as approved, is filed with the Luzerne County Recorder of Deeds;

(3) All required improvements as set forth in the grant of approval have been constructed or until the applicant posts a form of financial security, acceptable to the Governing Body, which guarantees that all required improvements shall be subsequently constructed within a defined period of time.

**§105. Status of Pending Subdivision and Land Development Applications.** From the time an application for approval of a subdivision of land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, no change or amendment to this Ordinance, the Zoning Officer, or any other applicable ordinance, 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 all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations.

**§106. Status of Approved Subdivision or Land Applications.**

(a) When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall be applied to adversely affect 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. If final approval is preceded by preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

(b) Where the applicant 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 Governing Body, no change of 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.

**§107. Phased Development Exceeding Five Years.** In the case of preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which application 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 Governing Body in its discretion. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Governing Body in its discretion. 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 protections afforded by substantially completing the improvements depicted upon the final plat within five years, as contained in Section 106, shall apply and for any section or sections,

beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section. Failure of landowner to adhere to the aforesaid schedule of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

**§108. Resubdivision of Land.** A re-subdivision of plan of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

**§109. Interpretation.** In the interpretation and application, the provisions of the Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

**§110. Modification of Required Standards.**

(a) If any provision of this Ordinance is shown by the applicant or his engineer or land surveyor to be unreasonable of application due to peculiar conditions pertaining to the land or site and where strict compliance with any requirement of this Ordinance would cause practical difficulty or undue hardship not of his making, or when alternative standard can be demonstrated to provide equal or better results, the Governing Body may grant a modification to the literal requirements of such provision, provided that such modification is the minimum modification required to grant relief. Granting such modification shall not be contrary to be the public interest and the intent of this Ordinance shall be observed.

(b) Any request for a modification shall be submitted in writing and shall accompany and be deemed part of the Plan, Preliminary or Final.

(c) All proposals for modification of provisions or requirements of this Ordinance shall be first reviewed by the Planning Commission which shall provide a record of their action within the minutes of their meeting.

**§111. Fees.**

(a) **Municipal Fees.** The Governing Body shall establish by resolution, a fee schedule for subdivision and land development applications.

(b) **County Fees.** The applicant shall also be required to submit all required fees for review and comment by the Luzerne County Planning Commission.



(c) Filing Date and Payment of Fees. A completed application and plans for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed.

**§112. General Enforcement.** The Governing Body may appoint an individual or utilize additional professional services to insure proper enforcement of the provisions of this Ordinance and accompanying design standards and improvement specifications. Any action inconsistent with the provisions of this Ordinance shall be subject to a cease and desist and other appropriate measures deemed applicable by the Governing Body.

**§113. Administrative Functions.** The Governing Body shall designate an individual as "Administrator" who shall act as the agent for the Borough who shall accept subdivision and land development plans and applications for and on behalf of the Governing Body.

**§114. Violations and Penalties.** Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced or be imposed, levied or payable until the date of the determination of a violation to the District Justice. 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 District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues, shall constitute a separate violation.

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 within this Section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence action for enforcement pursuant to this Section.

In addition to other remedies, the municipality may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds to 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 which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following applicants:

(a) The owner of record at the time of such violation.

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

(c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether the current owner has actual or constructive knowledge of the violation.

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

**§115. Amendment Procedure.** The regulations set forth in this Ordinance may, from time to time, be amended by the Borough Council. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

(a) A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.

(b) In the case of an amendment other than that prepared by the Planning Commission, the Governing Body shall submit such amendment to the Planning Commission and to the Luzerne county Planning Commission not less than thirty days prior to the public hearing.

(c) The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.

(d) Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Luzerne County Law Library.

(e) Within thirty days following the adoption of an amendment to this Ordinance, the governing Body shall forward a certified copy of the amendment to the Luzerne County Planning Commission.

**§116. Appeals to Court.** Decisions rendered by the Governing Body may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**§117. Conflict with Other Ordinances.** All Ordinance, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed, including the "Subdivisions and Land development Ordinance of October 22, 1973" and any amendments thereto.

**§118. Severability.** The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Borough Council of White Haven that this Ordinance would have been adopted has such unconstitutional, illegal or invalid part not been included.

## **Part 2**

### **Definitions**

#### **§201. General Interpretation.**

(a) When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise, or unless the context clearly indicates otherwise.

(1) Abut – Next to or adjacent to, and includes the words, “directly across from streets, natural features, and rights-of-way.

(2) Acre – 43,560 square feet.

(3) Adjacent – A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words “directly across from streets, natural features, and rights-of-way.

(4) Administrator – The person designated by the Governing Body who is authorized to accept and receive subdivisions and land development plans and applications for and on behalf of the Governing Body.

(5) Alley – a public or private right-of way affording secondary means of access to abutting property.

(6) Applicant – A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

(7) Base Flood Elevation – The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-year Flood, as projected and delineated upon the most recent official Flood insurance Rate Map, published by the Federal Insurance Administration.

(8) Block – a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

(9) Building Setback Line – The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property.

(10) Catch Basin – An inlet designated to intercept and redirect surface storm water.

(11) Clear Sight Triangle – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

(12) Condominium – A building or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

(13) Construction Plans – The maps or drawings accompanying a subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the governing Body.

(14) Covenant – A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

(15) Critical Area – An area with one or more of the following characteristics; (1) slopes in excess of twenty percent; (2) flood plain and/or wetlands; soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion or highly acidic; (5) land incapable of meeting percolation requirements.

(16) Culvert – A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

(17) Developer – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or caused to be made a subdivision of land or a land development.

(18) Development Plan – The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase “development plan” shall mean the written and graphic materials referred to in this definition.

(19) Drainage

(A) Surface water runoff;

(B) The removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

(20) Drainage Easement – An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course other drainage facility.

(21) Easement – A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

(22) Engineer – A registered professional engineer licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

(23) Final Approval – Last official action of the Governing Body granting approval of a subdivision or land development which has been granted preliminary approval, after all conditions and requirements have been met, including as applicable, the installation of all required improvements or the posting of all required improvements or the posting of an improvement bond to guarantee the installation of such.

(24) Flood Hazard Boundary Map – The most recent map, as published by the Federal Insurance Administration, which delineates the boundaries of the Floodway and Flood Fringe of a 100-Year Flood Plain.

(25) Flood Insurance Rate Maps – The most recent map, as published by the Federal Insurance Administration, which delineates areas of special flood hazards, base flood elevations and applicable risk premium zones of a 100-Year Flood Plain.

(26) Highway Occupancy Permit – A permit, issued by the Pennsylvania Department of Transportation, which authorizes access from a parcel of land onto a street or highway which is under the jurisdiction of the Pennsylvania Department of Transportation.

(27) Homeowners Association – A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

(28) Impact Analysis - A study to determine the effect of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment and other factors directly, indirectly or potentially affected.

(29) Improvement Bond – Financial security which may be accepted by the municipality in lieu of a requirement that certain improvements be completed by a developer before a plat is approved; including a letter of irrevocable credit, a cash deposit, an escrow agreement or other similar collateral or surety agreements as approved by the Governing Body upon the advise of their solicitor.

(30) Improvements – Man-made physical additions, alterations and/or changes which become part of, placed upon, or are affixed to real estate.

(31) Land Development – The improvement of one lot or tow or more contiguous lots, tracts or parcels of land for any purpose involving:

(A) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(B) The division of 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.

(C) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units, shall be deemed as a land development if the units are intended to be a condominium.

(32) Land Development (Major) – A land development which does not qualify or classify as a minor land development.

(33) Land Development (Minor) – a development of a parcel of land which contains not more than three (3) detached single family residential structures, whether developed initially or cumulatively.

(34) Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

(35) Land Surveyor – A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

(36) Lot – A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

(37) Lot Area – The total area within the lots lines of a lot, excluding any street rights-of-way.

(38) Lot Corner – a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

(39) Lot Coverage – that portion of the lot that is covered by buildings and structures.

(40) Lot Depth – The distance measured from the front lot line to the rear lot line.

(41) Lot Frontage – The length of the front lot line measured at the street right-of-way line.

(42) Lot Interior – A lot other than a corner lot.

(43) Lot Line – a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

(44) Lot Line (Front) – The lot line separating a lot from a street right-of-way.

(45) Lot Line (Rear) – the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot.

(46) Lot Line (Side) – Any lot line other than a front or rear lot line.

(47) Lot (Minimum Area of) – The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular loading zone.

(48) Lot (Through) – A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

(49) Lot Width – the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

(50) Multiphase Development – A development project that is to be constructed in stages, each stage being capable of existing independently of the others.



(51) Natural Drainage Flow – The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

(52) Nonconforming Lot – A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(53) Nonconforming Structure or Building – A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(54) Nonconforming Use – A use or activity which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(55) Official Soil Map – Soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

(56) Official Soils Interpretation – The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Luzerne County as provided by the Luzerne County Conservation District.

(57) Plan or Plat – The map or plan of a subdivision or land development:

(A) Preliminary Plan. The preliminary drawings and any accompanying data, which accurately shows the proposed layout of lots, streets and other information as required by this Ordinance, with all such material being properly indicated in title as “Preliminary Plan.”

(B) Final Plan. A complete and exact plan prepared for official recording with the Luzerne County Recorder of Deeds, as required by this Ordinance with said plan being properly indicated in title as “Final Plan.”

(58) Rational Formula (Stormwater Runoff) – The method used in calculating storm water runoff:  $Q = CIA$ , in which “Q” is the storm flow in cubic feet per second, “C” is a coefficient indicating the degree of imperviousness of the drainage area, “I” is the intensity of rainfall in inches per hour for the particular frequency of the storm used, and “A” is the drainage area in acres

*[See Chapter 25 Stormwater Ordinance]*

(59) Resubdivision – A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved therein for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

(60) Retaining Wall – A structure constructed to hold back or support an earthen bank.

(61) Sanitary Sewer – Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

(62) Septic System – An underground system with a septic tank used for the decomposition of domestic wastes, in which bacteria in the wastes decompose the organic matter, and the sludge settles to the bottom. The effluent flows through drains into the ground. Sludge is pumped out at regular intervals.

(63) Sewage Disposal System (On-Lot) – A structure designed to biochemically treat sewage within the boundaries of an individual lot.

(64) Site – A plot or parcel of land or combination of contiguous lots or parcels of land.

(65) Soil Erosion and Sedimentation Control Plan – A plan that indicates necessary land treatment measures, as approved by the Luzerne county Conservation District, designed to effectively minimize soil erosion and sedimentation.

(66) Subdivision – The division or redividing 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, or lease, of partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(A) Subdivision (Major). Any subdivision which does not qualify or classify as a minor subdivision.

(B) Subdivision (Minor). A subdivision of a parcel of land into not more than ten (10) lots, which has access, direct or indirect, onto an existing public street, not involving the extension thereof, the extension of municipal facilities, the creation of any public improvements and not adversely affecting the remainder of the parcel of adjoining property.

(67) Substantially Completed – The point at which, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

(68) Water Table – The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

(69) Wetlands – A transitional area of land between terrestrial and aquatic ecological systems where the water table is usually at or near the surface of land that is normally covered with shallow water.

**Part 3**  
**Procedural Requirements**

**§301. Review and Approval Process.** The submission and review process for subdivision and land development applications shall be in accordance with the following:

(a) Major Subdivision shall require the submission and approval of a preliminary plan and a final plan.

(b) Minor Subdivision shall require the submission and approval of only a final plan.

(c) Land Development shall require the submission and approval of a preliminary plan and a final plan.

**§302. Submission of Plans and Applications.** The applicant shall provide the following information to the Administrator not less than twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission:

(a) Twenty (20) copies of the plan (preliminary or final);

(b) Twenty (20) copies of construction plans (if applicable);

(c) A completed subdivision application and two copies of the same;

(d) A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental resources and two copies of the same.

**§303. Distribution of Plans.**

(a) The administrator shall provide the Planning Commission with five (5) copies of the plan (preliminary or final), five (5) copies of construction plans, a copy of the application, and a copy of the Planning Module.

(b) The administrator shall provide the Governing Body with seven (7) copies of the plan (preliminary or final), seven (7) copies of construction drawings, a copy of the application, and a copy of the Planning Module.

(c) The administrator shall provide a copy of the plan (preliminary or final), a copy of the application, and a copy of construction plans and the Planning Module, as applicable, to the following agencies and officials for review and comment as applicable:

(1) The Luzerne County Planning Commission

(2) The Municipal Zoning Officer

- (3) The Municipal Engineer
- (4) The Pennsylvania Department of Environmental Resources.
- (5) The Borough Solicitor
- (6) The Municipal Sewage Enforcement Officer
- (7) The Municipal Planner

**§304. County Planning Commission Review.** The Borough Council shall not approve any subdivision plans or application until a report is received from the Luzerne County Planning Commission or until the expiration of thirty (30) days from the date said plans were forwarded to the Luzerne County Planning Commission. The applicant shall pay the review fee required by the Luzerne County Planning Commission.

**§305. Public Hearing.** The Borough Council may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

**§306. Installation or Guarantee of Required Improvements.** Prior to approving any final plan for recording, the Governing Body shall require the following of the applicant:

(a) the installation of all required improvements in accordance with the design standards and specifications of this Ordinance.

OR

(b) provision of a form of financial security, acceptable by the Governing Body, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance.

**§307. Procedural Methods in rendering Decisions.**

(a) The Governing Body shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed.

Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the date on which the plan was properly submitted.

(b) The Borough Council shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

(c) When an application and plan (preliminary or final) is not approved as submitted, the Governing Body decision shall specify the defects found in such and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(d) As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Borough Council to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

### **§308. Recording of Final Plan.**

(a) The applicant shall record the final plan as approved by the Governing Body in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval, unless an extension has been granted in writing by the Borough Council. Failure by the applicant to record the final plan within the ninety (90) days, or approved extension of time period, will result in the Borough Council's approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.

(b) A final plan shall not be submitted for recording within the Recorder of Deeds' Office unless it bears the signature of the Governing Body's Chairman and Secretary and bears appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission.

(c) Within fourteen (14) days from the date on which the final plan is recorded, the applicant shall furnish to the Administrator a copy of a certificate of receipt attesting to the recording of the final plan in the Recorder of Deeds' Office.

**§309. Phasing Major Subdivision Plans.** Prior to granting final approval of a major subdivision plan, the Governing Body may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. The Governing Body may require that the improvement bond be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required improvement bond principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining section until such sections, subject to any conditions imposed by the Governing Body shall be granted concurrently with final approval of the plan.

**Part 4**  
**Preliminary Plan**

**§401. Initial Review.** The Planning Commission shall review the Preliminary Plan to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be invalid. The Planning Commission shall notify the applicant in writing as to the nature and type of additional information which the applicant must submit.

**§402. Review by Luzerne County Planning Commission.** The Planning Commission may submit their recommendations on a Preliminary Plan to the Governing Body prior to the receipt of reports, comments or recommendations from those agencies and officials as outlined in Section 304 of this Ordinance. The Governing Body shall not approve a Preliminary plan until a report is received from the Luzerne County Planning Commission or until the expiration of thirty (30) days from the date it was forwarded to the Luzerne County Planning Commission.

**§403. Planning Commission Review and Recommendation.** The Planning Commission shall review the Preliminary Plan and consider all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. This Planning Commission shall render its recommendations to the Governing Body in conformance with Section 307 of this Ordinance. The following constitutes the types of action the Planning Commission will take:

(a) The Planning Commission may recommend disapproval of the Preliminary Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

(b) The Planning Commission may recommend conditional approval of the Preliminary Plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon. The additional information or changes shall be required prior to further Preliminary Plan consideration or the submission of the Final Plan.

(c) The Planning Commission may recommend approval of the Preliminary Plan. Such recommendation of approval shall constitute recommended approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. Later approval by the Governing Body binds the applicant to the general design and layout of the subdivision or land development as depicted upon the Preliminary Plan and permits the applicant to proceed with final detailed design of improvements, to arrange for an improvement bond to cover installation of improvements and to prepare the Final Plan. The Governing Body's approval of the Preliminary Plan does not authorize the sale of lots, property, or the recording of the Preliminary Plan.

**§404. Review and Approval/Disapproval of Plan.** The Borough Council shall consider all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. The Borough Council shall render a decision in conformance with Section 307 of this Ordinance. The following constitutes the type of action the Governing Body may take:

(a) The Governing Body may disapprove the Preliminary Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

(b) The Governing Body may conditionally approve the Preliminary Plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of the Ordinance which were relied upon. The additional information or changes shall be required prior to further Preliminary Plan consideration or the submission of the Final Plan. In granting preliminary approval, the Governing Body shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the governing Body of his refusal to accept all of said conditions in writing. In such cases, the Governing Body's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Governing Body of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.

(c) The Governing Body may approve the Preliminary Plan. Such approval shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for a form of financial security to cover installation of improvements and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property or the recording of the Preliminary Plan. The Governing Body shall render a decision in conformance with Section 307 of this Ordinance.

**§405. Preliminary Plan Drafting Standards.**

(a) The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than one (1) inch equals fifty (50) feet.

(b) The original drawing, and all submitted prints thereof shall be made on a sheet size twenty-two (22) inches by thirty-six (36) inches or twenty four (24) inches by thirty-six (36) inches.



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

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

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

**§406. Preliminary Plan Existing Conditions.** The Preliminary plan shall be noted as "Major Subdivision-Preliminary Plan" and contain the following information:

(a) Name and address of record owner, including certification of ownership which carries a Notarial Seal.

(b) Name and address of applicant if different from owner.

(c) Name of proposed subdivision or land development.

(d) Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or accuracy of the plan and its conformance to the provisions of this Ordinance.

(e) North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised from each revision.

(f) Total tract boundaries of the property being subdivided, showing bearings and distances, and total size of the property, expressed in acreage and square feet.

(g) The names of all adjoining landowners, including block and lot numbers from the Luzerne county assessor's Office.

(h) All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

(i) All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad, water courses and other significant man-made or natural features within the proposed subdivision or land development and within one hundred (100) feet from the boundaries of the proposed subdivision or land development.

(j) All existing buildings or structures within the boundaries of the proposed subdivision or land development.

(k) The zoning district or districts within which the proposed subdivision or land development is located.

(l) Existing contour lines at vertical intervals of two (2) feet.

(m) The location width and purpose of existing easements and utility right-of-ways within one hundred (100) feet of the proposed subdivision or land development.

(n) A location map 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 municipality.

**§407. Preliminary Plans Proposed Development.** The Preliminary Plans shall contain and include the following information:

(a) Lot layout and related features which shall indicate and provide:

(1) the total number of lots, with identification numbers, proposed for the site;

(2) the dimensions and area of all lots, expressed in either square feet or acres;

(3) the building setbacks for all lots along each street, or in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building;

(4) proposed open space, parks, playgrounds, or recreational facilities with any governing conditions thereof;

(5) watercourses, lakes, wetlands, forested areas, and 100-year flood plains;

(6) copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;

(7) proposed contour lines at vertical intervals of two (2) feet of the entire site;

(8) location, width and purpose of proposed easements and utility right-of-way;

(9) location of wells, if applicable and/or permitted under Ordinance Number 2. of 1989, titled "AN ORDINANCE REQUIREING PRIOR

APPROVAL FROM THE WHITE HAVEN MUNICIPAL AUTHORITY  
BEFORE INSTALLATION OF A PRIVATE WELL.”

(b) Street and right-of-way layout which shall indicate and/or provide:

(1) the location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;

(2) the location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use, the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;

(3) suggested street names and location of street signs;

(4) the beginning and end point of proposed street construction;

(5) location, width, and purpose of proposed easement and utility right-of-way;

(6) the location of street lighting;

(7) the location of sidewalks.

(c) Sewage disposal which shall indicate and/or provide the following:

(1) when the subdivision or land development is to be served by a central sewage disposal system:

(A) the layout, size and material of sanitary sewers within the site;

(B) a letter from the local public agency or sanitary authority that states said agency or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service

OR

if the sewage is to be discharged into a privately owned and operated sewage treatment facility, the preliminary plan will indicate the location of such and all other pertinent features.

(C) location of manholes with invert elevation of flow line and grade at the top of each manhole;

(D) location of laterals.

(2) when the subdivision or land development is to be serviced by individual on-lot sewage disposal system:

(A) proposed location or typical location of dwelling;

(B) proposed location of wells, if applicable;

(C) location or percolation test holes and soil test pits;

(D) proposed location of subsurface disposal field;

(E) location and extent of various soil types within the site with D.E.R. definitions for each.

(d) Subdivisions or land developments to be serviced by a centralized water system shall indicate and/or provide the following:

(1) if to be served by an existing water company or authority, licensed as such by the Public Utility Commission, a letter of commitment from the same indicating said company or authority can adequately serve the proposed subdivision or land development including any conditions required for the provision of service; if to be served by a bona fide home owner's association, a cooperative agreement, which outlines the proposed provision of service and responsibility for maintenance of the system.

(2) location and size of all waterlines;

(3) location of fire hydrants.

(e) Storm drainage shall indicate and/or provide:

a. the location, size and material of all storm drainage facilities;

(2) watershed areas for each drainage facility or swale.

**§408. Additional Material Submitted with Preliminary Plan.** The following material and information shall be submitted with the Preliminary Plan:

(a) Proof of ownership;

(b) Preliminary Plan Application form and required fee;

(c) The required fee for Luzerne County Planning Commission review;

(d) Application for a highway occupancy permit, if applicable, as required by the Pennsylvania Department of Transportation;

(e) Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction and/or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts;

(f) Application to the Luzerne County Conservation District for approval of appropriate Soil Erosion and Sedimentation Control Plan, if applicable.

(g) Five (5) copies of a Planning Module for Land Development as required by the Pennsylvania Department of Environmental Resources;

(h) Sewage Enforcement Officer's report or findings regarding percolation test data as required by the Pennsylvania Department of environmental Resources;

(i) Estimated costs by item for required improvements.

**Part 5**  
**Final Plan**

**§501. Submission and Review Procedure.**

(a) The Planning Commission shall review the Final Plan to determine its completeness including, but not limited to, conformance with the standards and data as set forth in part 4 and any changes or modifications required by the Governing Body as a condition granting approval of the Preliminary Plan.

(b) The applicant shall submit the Final Plan within One (1) year from the date of the approval of the Preliminary Plan by the Governing Body, unless an extension in writing has been approved by the Governing Body. Failure to comply with the one (1) year time requirement shall render the preliminary Plan and any accompanying approval as null and void, thus requiring a new submission for the Preliminary Plan.

**§502. Planning Commission Review and Recommendation.** The Planning Commission shall review the final Plan and any official reports, comments or recommendations as provided in Section 303(c) of this Ordinance and shall render its recommendation to the Governing Body in writing. The following constitutes the types of action the Planning Commission may take:

(a) The Planning Commission may recommend disapproval of the Final plan, in which case it shall specify the defects found in the application and plan, describing the requirements which have not been met. In each case it shall cite the provisions of the Ordinance Relied upon.

(b) The Planning Commission may recommend conditional approval of the final Plan, in which case it shall specify all additional information or required changes, describing the requirements that have not been met, citing in each case the provisions of this Ordinance which were relied upon. This additional information or changes shall be required prior to further consideration of the Final Plan or filing the Final Plan with the Luzerne County Recorder of Deeds.

(c) The Planning Commission may recommend the approval of the Final Plan as submitted.

**§503. Review and Approval/Disapproval of Plan.** The Governing Body shall consider the recommendation of the planning Commission and all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. The Governing Body shall render a decision in conformance with Section 307 of this Ordinance. The following constitutes the types of action the Governing Body may take:

(a) The Governing Body may disapprove the Final Plan, in which case it shall specify the defects found in the application and Plan, describing the requirements which have not been met and in each case citing the provisions of this Ordinance relied upon.

(b) The Governing Body may conditionally approve the Final Plan, in which case it shall specify all additional information or required changes, describing the requirements that have not been met, citing in each case, the provisions of this Ordinance which were relied upon. Such additional information or required changes shall be required prior to further consideration of the Final Plan or filing the Final Plan with the Luzerne County Recorder of Deeds' Office. In granting conditional approval of the Final Plan, the Governing Body shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Governing Body of his refusal to accept all said conditions in writing. In such cases, the Governing Body's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Governing Body of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accept by the applicant.

(c) The governing Body may approve the final Plan as submitted. Such approval by the Governing Body shall allow the applicant to file said final Plan with the Luzerne County Recorder of Deeds Office.

**§504. Final Plan Drafting Standards.** The Final Plan of a proposed subdivision or land development shall be in accordance with the standards as set forth in Section 405 of this Ordinance.

**§505. Final Plan Requirements.** The Final Plan shall include all additional information and changes required by the Governing Body in granting approval of the Preliminary Plan and all the following:

(a) Drawings and/or plans shall be titled "Final Plan – Major Subdivision or Major Land Development."

(b) An accurate field boundary survey of the entire site which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.

(c) The location and material of all permanent monuments and lot markers.

(d) Written certification by the responsible land surveyor, which attests to the accuracy of the survey and compliance with the applicable provisions of this Ordinance.

(e) A three (3) inch by five (5) inch blocked space shall be provided on the final Plan for the signature of the president and/or chairman of the Governing Body and the municipal secretary indicating approval and date of the same.

(f) The latest source of title to the property as shown by deed, page number and book of the Luzerne County Recorder of Deeds Office.

(g) The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.

(h) All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.

(i) The proposed building setback line or the proposed placement of each building shall be shown, and where corner lots are involved, the setbacks on both streets shall be shown.

**§506. Additional Material Submitted with Final Plan.** The following material and information shall be submitted with the Final Plan:

(a) Certification of ownership, acknowledgement of Plan and offer of dedication signed by the owner of the property and notarized.

(b) Final application form and required fee.

(c) If applicable, a copy of the Highway Occupancy permit, as required by the Pennsylvania Department of Transportation or a notation upon the Plan that no development or improvement to the site of parcels thereunder shall be undertaken until a Highway Occupancy Permit is secured.

(d) Copies of final deed restrictions, those existing and those to be included upon recording, if any.

(e) All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.

(f) Written certification, as applicable, from the appropriate public utility company, authority or agency that adequate service for the provision of sewage disposal, water and electrical service will be provided to the proposed subdivision and/or land development.

(g) Certification from the Pennsylvania Department of Environmental resources approving the appropriate Planning Module for land Development and accompanying data.

(h) Appropriate Soil Erosion and Sedimentation Control Plan as approved by the Luzerne County Conservation District.

(i) Final construction plans of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of



all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems.

(j) If the streets are not offered for dedication for public use, the applicant shall submit and record with the plan a copy of the agreement made and executed on behalf of the applicant, including his heirs or assigns, subject to review and approval by the Municipal Solicitor, establishing the condition under which the streets may be later offered for dedication. Said conditions shall include, although not limited to, that the subject streets shall conform to the Municipality's design specifications at such time of the offer of dedication is made or that the owners of the lots within the subject subdivision shall include with their offer of dedication sufficient funds, as estimated by the Municipal Engineer, to provide the needed improvements required for conformance to the Municipality's design specifications at the time of such dedication.

(k) An agreement for any streets not offered for dedication, stating who shall be responsible for the improvements and maintenance of such streets. If a homeowners association is deemed to be responsible, such association must be legally organized prior to approval of the Final Plan.

(l) An improvement bond for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

(m) A financial security, if required by the Governing Body for the maintenance of improvements.

(n) The cost for all consulting fees, incurred by the Municipality for the review of the application, plan and related information, including but not limited to, on-site inspections to insure compliance with the proposed development and required improvements.

**Part 6**  
**Minor Subdivision/Land Development**

**§601. Only Final Plan Required.** The classification of a proposed subdivision as a Minor Subdivision shall only require the submission, review and approval of a Final Plan. A land development classified as a Minor Land Development shall only require the submission, review and approval of a Final Plan.

**§602. Submission Procedure.** The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with section 302 of this Ordinance.

**§603. Distribution of Plan.** The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 303 of this Ordinance.

**§604. Drafting Standards for Minor Plans.**

(a) The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale of not greater than one (1) inch equals fifty (50) feet.

(b) The original drawing, and all submitted prints thereof shall be made on a sheet size of twenty-two (22) inches by thirty-six (36) inches or twenty-four (24) inches by thirty-six (36) inches.

**§605. Requirements for Minor Plans.** The Final Plan shall be noted as "Minor Subdivision - Final Plan" or "Minor Land Development – Final Plan" and contain the following information:

(a) Name and address of record owner, including certification of ownership which carries a Notarial Seal.

(b) Name and address of the applicant, if different from the owner.

(d) Name of proposed subdivision or land development.

(e) Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan for an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.

(f) North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

(g) Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.

(h) The total number of proposed lots, within a subdivision, with identification numbers for each for a land development, the location of buildings upon the lot with identification numbers for each.

(i) The dimensions and area of all lots, expressed in either square feet or acres.

(j) The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.

(k) The Zoning District or Districts in which the property is located.

(l) The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.

(m) The distance of all existing structures to lots lines, front rear and side which will result upon approval of the plan.

(n) The names of all adjoining property owners, including block and lot number from the Luzerne County Assessors Office.

(o) All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names or right-of-way widths.

(p) All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements of right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, water courses and other significant man-made or natural features located within the boundaries of the proposed subdivision or land development.

(q) Existing contours, and if applicable, proposed contours at vertical intervals of five (5) feet.

(r) Location and extent of various soil types within the site D.E.R. definitions for each (this requirement applies only to lots or developments to be serviced by individual on-lot sewage disposal systems).

(s) Appropriate D.E.R. Planning Module, and approval of the same, for lots to be serviced by on-lot sewage disposal systems.

(t) All easements, existing and/or proposed, including their location, dimensions and purpose.

**§606. Information to be submitted with Plan.** The following information, as applicable, shall be submitted with the Final Plan of Minor Subdivision or Minor Land Development.

(a) Proof of ownership.

(b) Application for Minor Subdivision Plan or Minor Land Development Plan, and the required fee.

(c) Required fee for Luzerne County Planning Commission review.

(d) A Highway Occupancy Permit, as required by the Pennsylvania Department of Transportation or a notation upon the Plan that no development or improvement to the site or parcels thereunder shall be undertaken until a Highway Occupancy.

(e) A letter of commitment from an existing water company or authority, indicating the same can and shall adequately serve the proposed subdivision or land development, including any conditions for the provisions of service.

(f) A letter of commitment from an existing local public agency or authority, responsible for conveyance and/or treatment of sanitary sewage, indicating the same can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

(g) The Sewage Enforcement Officer's report and findings regarding percolation testing of the site for suitability of the site for any proposed on-lot sewage system as required by D.E.R.

(h) Copies of deed restrictions, those existing, and those to be included upon recording of plan.

(i) Copies of description of easements, existing easements of record and any additional ones to be included upon recording of plan.

(j) The cost of all reasonable and necessary consulting fees incurred by the Municipality for the review of the application, plans and related information, including but not limited to, on-site inspections of the property to insure compliance with the proposed development and required improvements.

(k) An appropriate Soil Erosion and Sedimentation Control Plan, approved by the Luzerne County Conservation District.

(l) Five (5) completed copies of the appropriate Planning Module for Land Development, as required by D.E.R.

(m) Any other information as requested by the Borough Council.

**§607. Recording of Plan.** The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 309 of this Ordinance.

**Part 7**  
**Assurances for Completion of Improvements**

**§701. Installation or Guarantee of Improvements.** No plan shall be granted final approval until the applicant either:

(a) Installs all improvements as required by this Ordinance in accordance with the applicable design standards, with written verification from the Municipal Engineer that said improvements are complete and in conformance with the applicable design standards.

(b) Posts a form of financial security, acceptable to the Governing Body, which shall be of a sufficient amount to fully cover the costs of all required improvements in accordance with the applicable design standards.

**§702. Types of Financial Guarantee.**

(a) A financial guarantee which shall be deemed as acceptable financial security for the purposes of this Ordinance shall include:

(1) An unconditional letter of credit

(2) A restrictive escrow account

(b) 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.

**§703. Review by Municipal Solicitor.** The financial guarantee shall be submitted to the Municipal Solicitor for his review fourteen (14) days prior to the meeting at which the plan will be submitted for final approval.

**§704. Amount of Financial Security.** The amount of financial security to be posted for the completion of required improvements shall be equal to 110 percent of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required improvements, submitted by the developer of 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 Governing Body, upon the recommendation of the Municipal Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the municipality and the developer or applicant are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually selected by the municipality and the developer 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 a third party engineer is chosen, the cost of his services shall be paid equally by the municipality and the developer or applicant.

**§705. Required Time Period for Completion.**

(a) The financial security shall provide for, and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final plan for the completion of such improvements.

(b) If the applicant in posting the financial security requires more than one (1) year from date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent of each one-year period beyond the anniversary date from posting of the financial security or to an amount not exceeding one hundred-ten (110%) percent of the cost of completing the required improvements as reestablished on or before the expiration of the preceding one-year period by using the same procedure as provided for in Section 704 of this Ordinance.

**§706. Phasing of Developments.** In the case where development is projected over a period of years, the Governing Body may authorize the submission of final plats by sections or phases of development subject to such requirements in future section or phases of development as it finds essential for the protection of any finally approved section of the development.

**§707. Release of Portions of Financial Security.**

(a) As the work of installing the required improvements proceeds, the party may request the Governing Body to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.

(b) Any such request shall be in writing addressed to the Governing Body with the Governing Body having forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify in writing to the Governing Body that such portion of the required improvements has been completed in accordance with the approved plan.

(c) Upon such certification the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer as fairly representing the value of the completed improvements. Failure of the governing Body to act within the said forty-five day period shall be deemed an approval of the release of the funds requested.

**§708. Financial Security for Maintenance of Dedicated Improvements.**

(a) Where the Governing Body accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure the structural integrity of said improvements in accordance with the design and specification as shown on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

(b) Said financial security shall be of the same type as otherwise required in Section 702 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.

**§709. Financial Security for Improvements under Jurisdiction of a Public Utility of Municipal Authority.** If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Ordinance.

**§710. Issuance of Permits when Financial Security has been posted.**

(a) If financial security has been provided in lieu of the completion of improvements required as a condition for final plan approval as set forth in this Article, the Municipality shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as shown on the final plan upon actual completion of the improvements shown on the approved final plan.

(b) If a financial security has been provided, occupancy permits for any building or buildings shall not be withheld following the improvement of the streets providing access to and from existing streets or public roads to such building or buildings to a permanently passable condition, as well as the completion of all other improvements as shown on the approved final plan, either upon the lots or lots beyond the lots or lots in question, if such improvements are deemed necessary for the reasonable use of or occupancy of the building or buildings.

**§711. Completion of Required Improvements.**

(a) When the applicant has completed all of the necessary and required improvements, the applicant shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer.



(b) The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all the aforesaid improvements. The Municipal Engineer shall thereupon file a report, in writing, with the Governing Body, and shall promptly mail a copy of the same to the developer. The reports by the Municipal Engineer shall be made and mailed within thirty (30) days from the aforesaid authorization from the Governing Body.

(c) The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof be rejected, said report shall contain a statement of the reasons for such rejection.

(d) The Governing Body shall notify the developer, in writing, within fifteen (15) days of receipt of the Municipal Engineer's report, by certified or registered mail of the action of the Governing Body with relation thereto.

(e) If the Governing Body or the Municipal Engineer fails to comply with the time limitation provisions contained therein, all improvements will be deemed to have been approved, and the applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

**§712. Responsibility of Applicant upon Disapproval of Improvements.** If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 711, shall be followed.

**§713. Applicant's Right to Contest Action.** Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Governing Body or Municipal Engineer.

**§714. Remedies to Effect Completion of Improvements.**

(a) In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Governing Body can enforce any corporate bond or other security by appropriate legal and equitable remedies.

(b) If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the cost necessary to complete the remainder of the improvements.

(c) All of the proceeds, whether resulting from the security or from any legal or equitable action, or from both, brought against the applicant shall be used solely for

the installation of the improvements covered by such security, and not for any other municipal purpose.

**§715. Reimbursement of Consulting Fees.** The Governing Body may utilize consulting services to insure that a proposed subdivision or land development shall comply with the provisions of this Ordinance and any conditions included in granting approval of a proposed subdivision or land development, be it preliminary or final. The applicant shall fully reimburse the Municipality for all reasonable and necessary consulting costs incurred by the Municipality for the review of an application and plans of any subdivision or land development and for the inspection of required improvement, as applicable. The reimbursement of consulting fees shall be contained within the Municipality's fee schedule per Section 111(a) of this Ordinance. Consulting fees shall not exceed the rate or cost charged by the consultant to the Municipality when such fees are not reimbursed or otherwise imposed upon the applicant.

*[See also Chapter 8 Fees, Part 1 Reimbursement of Attorney's Fees]*

**§716. Procedure for Disputes over Consulting Fees.**

(a) An applicant may contest the amount to be reimbursed to the municipality for consulting fees. The applicant shall notify the Municipality, within then (10) working days of the billing date, as to which consulting expenses are disputed as being unreasonable and/or unnecessary.

(b) In such cases, the governing Body shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to applicant's written request to contest certain consulting expenses.

(c) If, within twenty (20) days from the date of billing, the Municipality and the applicant cannot agree on the amount of consulting expenses which are reasonable and necessary, then the applicant and Municipality shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(d) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(e) In the event that the municipality and applicant cannot agree upon a professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who shall be neither the municipal engineer nor any professional engineer who has been retained by,

or performed services for, the municipality or the applicant within the preceding five (5) years.

(f) The fee of the appointed professional engineer for determining the reasonable and necessary consulting expenses shall be paid by the applicant if the amount of the payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the municipality shall pay the fee of the professional engineer. If neither of the aforementioned cases apply, the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

**Part 8**  
**Design Standards and Required Improvements**

**§801. Application.**

(a) The design standards and requirements as outlined in this Part shall be utilized by the Planning Commission and the Governing Body in evaluating the plans for all proposed subdivisions and land developments.

(b) Any request to modify the design standards and requirements of this Part shall be in accordance with Section 109 of this Ordinance.

**§802. General Standards.** All proposed subdivision and land developments shall be in conformance and compliance with the following:

- (a) All applicable statutory provisions;
- (b) All governing rules and regulations of the Pennsylvania Department of Environmental Resources;
- (c) The applicable regulations of the Pennsylvania Department of Transportation when a subdivision or land development abuts a state highway;
- (d) Any applicable engineering standards and regulations of the municipality;

**§803. Site Suitability for Development.**

(a) The land for any proposed subdivision or land development shall be suited for the purpose of its intended use.

(b) Land which is classified as critical area land may be deemed unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. Approval to subdivide or develop such land may be withheld unless adequate measures and provisions are formulated by the applicant to safely overcome such constraints.

**§804. Monuments and Markers.** The applicant shall place permanent reference monuments and markers by a Registered Land Surveyor.

(a) Monuments and markers shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

(b) Monuments shall consist of a minimum size of six (6") inches by six (6") inches by thirty-six (36") inches in length. Concrete monuments shall be marked on top

with a brass dowel, iron rod, or other durable material securely imbedded. Stone or precast monuments shall be marked on the top with a proper inscription and/or drill hole. All monuments shall be set flush with the ground and secured in such a manner so they will not be removed by frost.

(c) Monuments shall only be required for major subdivisions or major land developments and shall be set in accordance to the following:

(1) One at each single angle of the perimeter of the property at all major subdivisions and land developments.

(2) One at the beginning and end of all curves along street rights-of-way lines along one side or street.

(3) A minimum of one at each street intersection along the street right-of-way line.

(d) Markers shall consist of either:

(1) Copperweld survey marker.

(2) Water pipe fitted with a lightweight noncorrosive plastic monument marker.

(3) Reinforcing rods with a lightweight noncorrosive plastic monument marker.

(e) Markers normally shall be flush with the surrounding grade.

(f) Markers shall be set as follows:

(1) At all points where lot lines intersect street right-of-way lines, except for monument locations.

(2) At all other lot corners.

(3) At all points where lot lines intersect curves.

(4) At all angles in property line of lots.

**§805. Residential Blocks.** For blocks, the following standards shall apply:

(a) Maximum length not to exceed 1,200 feet;

(b) Be of sufficient width to permit two (2) tiers of lots.

Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

#### **§806. Residential Lots.**

(a) All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths and yard requirements as set forth in the Zoning Ordinance.

(b) Each lot or area platted for residential use shall be accessible from an existing or proposed street.

(c) The lot depth shall not be greater than three (3) times its width.

(d) Side lines of lots shall be at right angles to straight streets and on radial lines on curved streets. Pointed or very irregular shaped lots shall be avoided.

(e) In the case of lots utilizing an on-site sewage disposal system, there shall be sufficient area for the disposal field in accordance with department of Environmental Resources regulations.

(f) Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.

(g) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

#### **§807. Streets – General Requirements.**

(a) Any proposed subdivision or land development shall have frontage upon or access to an existing State, County or municipal road.

(b) Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.

(c) Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.

(d) Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.

(e) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.

(g) All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

**§808. Street Names.** The applicant shall provide names for all streets on or before final plan approval. The applicant shall not utilize the name of any existing street in the municipality except that a street when planned as a continuation of an existing street shall bear the same name.

**§809. Street Lighting.** The installation of street lights shall be required at all street intersections and at other locations as deemed appropriate by the Governing Body.

**§810. Street Signs.** Street signs, which provide the legal name of each street, shall be erected at the intersection of each street within a subdivision or land development. The size, color and construction materials of said signs shall be subject to approval by the Governing Body.

**§811. Traffic Control Signs.** Traffic control signs, designed to regulate the speed of traffic or to convey any other pertinent traffic or physical characteristic of the road to motorists shall be installed at appropriate locations by the applicant as determined by the Governing Body.

**§812. Construction of Streets and Dead-End Streets.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provisions of utilities, and when such continuation is in accordance with the municipality's Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

**§813. Dead-End Streets (Permanent).** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Governing Body for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Governing Body may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with Section 818 of this Ordinance. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of Section 818 of this Ordinance.

**§814. Access to Arterial Streets.** Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Governing Body may require that access to such street be limited by one of the following methods:

(a) The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street.

(b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

(c) A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

**§815. Intersection.**

(a) Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.

(b) Multiple intersections involving the junction of more than two streets shall be prohibited.

(c) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street.

(d) Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance as contained in section 817 of this Ordinance.

(e) The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

**§816. Design Standards for Residential Streets.** Street shall be constructed and improved to the grades and dimensions shown upon plans, profiles and cross-sections as submitted by the developer and approved by the Governing Body.

(a) In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, fire protection, snow removal, sanitation and road maintenance equipment and to coordinate



streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards contained in Section 816(c) shall apply.

(b) The classification of any street, when not identified within the Comprehensive Plan, shall be determined by the Governing Body by utilizing applicable definitions of this Ordinance.

(c) The minimum pavement structure shall be in accordance with the following:

(1) Local Street. Except where otherwise specified, the base course shall consist of six (6) inches of subbase, constructed in accordance with the specifications as set forth in Section 350, the Pennsylvania Department of Transportation Specification 408, 1987 edition or as amended.

Construction of the two and one-half (2.50) inch surface shall comply with the specifications as set forth in Section 441 Bituminous Wearing Course ID-2, of the Pennsylvania Departments of Transportation Specifications 408, 1987 edition or as amended. Construction shall provide for two courses of pavement structure; the first course being one and one-half (1.5) inches of ID-2 Binder Course.

(2) Collector Street. Except where otherwise specified, the base course shall consist of six (6) inches of subbase, constructed in accordance to the specifications as set forth in Section 350, in the Pennsylvania Department of Transportation Specification 408, 1987 edition or as amended.

Construction of the four (4) inch bituminous course shall comply with the specifications as set forth in Section 420 and Section 421, Bituminous Wearing Course and shall consist of one and one-half (1.5) inches of ID-2 Wearing Course on two and one-half (2.5) of ID-2 Binder course.

(3) Arterial Streets. For design of pavements for arterial streets or highways, the developer shall consult with and be governed by the Pennsylvania Department of Transportation publication No. 343, Roadway Management Manual. The governing Body shall hold sole responsibility for the classification of streets as related to the above referenced paving standards.

#### **§817. Horizontal Visibility.**

(a) When street centerlines are deflected more than five (5) degrees within five hundred feet, connection shall be made by horizontal curves.

(b) Streets shall be so laid out that there will be unobstructed sight distances along centerlines thereof measured from a point five (5) feet above the proposed grade line, to permit horizontal visibility as follows:

(1) Arterial Street – six hundred (600) feet.

(2) Collector Street – three hundred (300) feet.

(3) Local Street – two hundred (200) feet.

(c) A minimum tangent of one hundred (100) feet shall be required between curves on all classifications of streets.

(d) The centerline grades shall not exceed the following:

(1) Arterial Street – six (6%) percent.

(2) Collector Street – eight (8%) percent.

(3) Local Street – twelve (12%) percent.

Given the steep terrain and topography within certain areas of the Borough, Local Street having grades in excess of twelve (12%) percent may be considered by the governing Body in accordance with Section 10 of this Ordinance.

(e) Vertical curves shall be used at changes of grade exceeding one (1%) percent. Vertical curves shall be designed to produce the following minimum sight distances:

(1) Arterial Street – five hundred (500) feet.

(2) Collector Street – three hundred (300) feet.

(3) Local Street – one hundred fifty (150) feet.

(f) Clear sight triangles shall be provided at all street intersections. With such triangles no object greater than two and one half (2 ½) feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established from a distance of:

(1) Fifty (50) feet from the point of intersection of centerlines of two streets where both are local streets.

(2) Seventy-five (75) feet from the point of intersection of the centerlines of two streets where one or both is a collector street.

(3) One hundred (100) feet from the point of intersection of the centerlines of two streets where one or both is a collector street.

#### **§818. Cul-de-sac Streets.**

(a) Cul-de-sac streets permanently designed as such, shall not exceed 500 feet in length and shall furnish access to not more than twenty (20) dwelling units.

(b) Cul-de-sac street permanently designed as such, shall terminate in a circular right-of-way with a minimum diameter of 100 feet overall and 80 feet of diameter to the outer edge of pavement or curb line.

**§819. Bridges and Stream Crossings.** Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current Penn DOT Standard and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental resources, shall be provided by developer, if applicable.

#### **§820. Sidewalks.**

(a) Sidewalks shall be required in all developments of multifamily and/or single family attached. In other subdivision or land developments, sidewalks or pedestrian interior walkways may also be required by the Governing Body. All walkways shall be a minimum of four (4') feet in width.

(b) Sidewalks, where required or provided, shall be located within the street right-of-way line not closer than three feet from the curb line. A grass planting strip shall be planted between the curb and sidewalk.

(c) Sidewalks in single family residential where required or provided shall have a minimum width of four (4') feet.

(d) Sidewalks shall be constructed of Portland Cement Concrete at least (4") inches thick, underlaid by compacted gravel or crushed stone.

**§821. Curbs and Gutters.** Curbs and gutters may be required by the Governing Body dependent upon the individual characteristics of the site. Minimum construction standards are as follows:

(a) Straight curbs of Portland Cement Concrete shall be twenty-four (24") inches in depth, six (6") inches wide at the top, and eight (8") inches wide at the bottom, and shall have an exposed face between six (6") inches and eight (8") inches.

(b) Expansion joints shall be provided at least every thirty (30') feet. Each expansion joint shall contain one-half (½") inch premolded bituminous expansion joint material. Contraction joints shall be provided at least every ten (10') feet.

(c) Gutter requirements shall be in conformance with good engineering practices and subject to the approval of the Governing Body.

(d) Portland cement concrete used in the construction of curbs and gutters shall meet the minimum 3000 PSI 28-day strength test according to ASTM Standards, air entrained.

#### **§822. Driveway Entrances.**

(a) Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be made. The minimum diameter of a culvert pipe shall be fifteen (15) inches.

(b) Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of the entrance, with the material compatible to the abutting cartway.

#### **§823. Erosion and Sedimentation Control.**

(a) All earth moving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. A Soil Erosion and Sedimentation Control Plan shall be required for any subdivision or land development which includes any of the following:

(1) Changing the contour of the site.

(2) Any portion of the site which has a slope of 9 percent or greater.

(3) The site has a watercourse located upon it and/or there is a watercourse within 100 feet of the site's boundary.

(b) No changes shall be made in the contour of the land; no grading, excavating, removal, or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until a plan setting forth erosion and sedimentation control measures for the site has been developed and approved by Luzerne County Soil and Water Conservation District.

(c) The soil erosion and sedimentation control plan and measures used to control erosion and sedimentation shall meet the standards and specifications set forth in the Pennsylvania Department of Environmental Resources Soil Erosion and Sedimentation Control Manual and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources.

(d) All erosion and sedimentation control plans shall be submitted with the final plan.

(e) Where the earth moving activity affects twenty-five (25) acres or more, the soil erosion and sedimentation control plan must be submitted to the County Conservation District, together with an application for an earth moving permit. An earth

moving permit must be granted by the Pennsylvania Department of Environmental Resources prior to preliminary approval of a subdivision or land development.

**§824. Water Supply Facilities.** All subdivisions and land development shall be served with an adequate water supply system capable of providing domestic potable water and fire protection.

**§825. Centralized Water System.**

(a) All subdivisions and land developments shall utilize an approved public distribution system for water supply when such a system is accessible to the site or is within one-eighth (1/8) mile to the site and connection to such is feasible.

(b) The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the applicable public water company or authority and submitted with the Preliminary Plan.

(c) When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.

(d) All suppliers of water to any proposed subdivision or land development shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission. One copy of all correspondence, supporting documentation, applications for permits, and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and the Pennsylvania Public utility Commission authorizing such services shall be forwarded upon receipt to the Governing Body as a part of the public record.

**§826. On-Lot Water System.** Where it is not feasible to connect a proposed subdivision or land development to a centralized water system, on-lot systems may be permitted subject to their construction in accordance with applicable criteria as set forth by the Pennsylvania Department of Environmental Resources.

**§827. Sewage Disposal Facilities.** All subdivisions and land developments 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.

**§828. Centralized Sewers.**

(a) All subdivisions and land developments shall be served by a centralized sewage disposal system, when existing soils conditions and other environmental features are unsatisfactory for on-lot sewage or when an existing centralized sewage system is

within one-eighth ( $1/8$ ) of a mile from the proposed subdivision or land development and connection to such is feasible.

(b) All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official municipality sewage plan, and be approved by the appropriate agencies prior to Final Plan approval.

(c) All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus additional flow as may be projected to be generated by adjacent properties.

(d) All individual lateral connections shall be installed to the curb right-of-way line at the time of initial installation of the system.

(e) All systems classified as Sewage Services, as defined by Chapter 71 of the Pennsylvania Department of Environmental Resources Regulations shall be designed and constructed in accordance with regulations and requirements set forth in the "Sewage Manual" prepared by the Bureau of Water Quality Management of the Department of Environmental Resources.

#### **§829. On-Lot Sewage Disposal System.**

(a) On-lot sewage systems, both individual and community sewage systems, shall be designed and constructed in accordance with Pennsylvania Department of Environmental Resources requirements under Title 25, Rules and Regulations Part 1, Sub-part C, Chapter 73, and any amendments thereto.

(b) Prior to approval of Preliminary Plan, the Municipal Sewage Enforcement Officer shall submit a report to the Governing Body regarding the site and soils investigation and analysis.

(c) All systems utilizing subsurface disposal of sewage effluent (Community Sewage Systems as defined by Chapter 73 of the Pennsylvania Department of Environmental Resources Regulations) shall be designed and constructed in accordance with requirements of the aforesaid Chapter 73. A registered professional engineer employed by the applicant shall provide written certification that the existing or proposed facility has adequate capacity to satisfactorily treat the total project sewage flow.

(d) A sewage permit must be approved and issued by the Municipal Sewage Enforcement Officer prior to the start of any construction of development upon any lot within an approved subdivision or land development.

#### **§830. Storm Water Drainage.**

(a) The Storm Water Drainage Plan for any major subdivision or major land development shall meet the Department of Environmental resources requirements for an

Erosion and Sedimentation Control Plan. The Plan shall comply with the Stormwater Management Plan adopted by Luzerne County.

(b) A site drainage plan for a proposed subdivision or land development shall illustrate the following information:

(1) Mapping of the watershed area or areas in which the proposed subdivision or land development is located.

b. Calculations of runoff for all points of runoff concentration.

c. Complete drainage systems and easements for the subdivision.

(4) Pre-development and post-development peak flows.

(c) Storm drainage facilities required by this Ordinance shall be designed to provide protection from storms with a frequency of ten (10) Years and the Rational Formula, as defined in Part 2, shall be utilized in calculating storm runoff. The Municipality reserves the right to require the developer to construct stormwater detention facilities, if discharges from the development would increase peak discharges on receiving drainage courses.

(d) All lots shall be laid out and graded to prevent cross lot drainage away from proposed building areas. Natural drainage courses shall be maintained.

(e) The drainage easements may be incorporated into lots or established separately and apart therefrom. 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 parallel ditches or swales or curbing on the lower side which shall discharge only at drainage easements.

(f) The existing points of natural drainage discharge onto adjacent property shall not be altered nor shall the rate of water runoff be increase because of development without the written approval.

(g) 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 structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.

(h) Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being developed, but also the runoff that will occur from the property at a higher elevation in the same watershed.

(i) Where a subdivision or land development is traversed by a watercourse, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpaired flow of natural drainage. Such drainage easement shall be at least one-hundred (100') feet from any recognized high water mark of any water course or body of water.

(j) Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Governing Body.

(k) All streets shall be so designed to provide for the discharge of surface water from their right-of-way. The slope of the crown on proposed streets shall be one-quarter (1/4) inch per foot away from the centerline.

(l) All proposed surface drainage structures shall be indicated on the Preliminary Plan. Drainage plans shall include all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.

(m) Whenever storm sewers are required by the Governing Body, such storm sewer systems shall be separate from the sanitary sewer system. Storm sewer facilities shall be provided where the Governing Body determines that surface drainage facilities are inadequate to prevent excessive erosion and lots or road maintenance problems.

(n) Drainage easements shall be provided as follows:

(1) Drainage easements shall be provided adjacent to street rights-of-way, streams, side property lines and rear property lines as required by the Governing Body.

(2) Drainage easements shall be minimum width of:

(A) ten (10') feet adjacent to a street right-of-way plus the width of any required pipe or other necessary improvements;

(B) fifteen (15') feet when following side and rear lot lines. Such easements shall to the fullest extent possible, either immediately adjoin or be centered on such lot lines; or

(C) one-hundred (100') feet from any recognized high-water mark of any water course or body of water.

**§831. Utilities.** All utilities including but not limited to gas, electric power, telephone, shall be underground and shown on the preliminary plan of any subdivision or land development.



### **§832. Nonresidential Subdivision and Land Development.**

(a) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision or land development with respect to such land shall make such provision as the Governing Body requires.

(b) A nonresidential subdivision or land development shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plan approval may proceed simultaneously at the discretion of the Governing Body. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the Governing Body and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

(c) Standards. In addition to the requirements and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Governing Body that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed;

(1) Proposed industrial parcels shall be suitable in the types of industrial or commercial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon

(3) Special requirements may be imposed by the municipality with respect to street, curb, gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the municipality with respect to the installation of public utilities, including water, sewer, and storm water drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(6) Streets carrying nonresidential traffic, especially truck traffic, shall normally be extended to the boundaries of adjacent existing or potential residential areas.

**§833. Table of Design Standards.** Table I of this provides the required design standards for streets and sidewalks.

**§834. Table of Required Improvements.** Table II of this Ordinance provides the schedule of required improvements.

TABLE I

DESIGN STANDARDS FOR STREETS AND SIDEWALKS\*

<u>DESIGN SPECIFICATIONS</u>	<u>ARTERIAL</u>	<u>COLLECTOR</u>	<u>LOCAL</u>	<u>ALLEY</u>
Right-of-Way Width	80	60	50	20
Cartway Width	28	24	22	12
Minimum Sight Distance	600	300	200	50
Minimum Centerline Radii for Horizontal Curves	400	200	150	NA
Maximum Grade (%)	6%	8%	12%	12%
Shoulder Width	10	8	6	2
Sidewalk Width	NA	4	4	NA

\* All dimensions in feet unless specified otherwise.

TABLE II

SCHEDULE OF REQUIRED IMPROVEMENTS

<u>IMPROVEMENT</u>	<u>SINGLE-FAMILY</u>	<u>MULTIFAMILY</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
Streets	X	X	X	X
Curbs	A	A	A	A
Gutters	A	A	A	A
Sidewalks	A	X	X	A
Street Signs	X	X	X	X
Street Lights	X	X	X	X
Off-Street Parking	X	X	X	X
Off-Street Loading	NA	NA	X	X
Central Water	X	X	X	X
Fire Hydrants	X	X	X	X
Central Sewers	X	X	X	X
Storm Water	X	X	X	X
Sewers	A	A	A	A
Underground Utilities*	B	X	X	X

\* Electric, Telephone & Cable T.V.

X – Denotes Type of Improvements that are Required

A – Denotes Type of Improvements which may be Required Based upon Individual Site Characteristics.

B – Denotes Waiver of Underground Utilities contingent upon Approval of Utility Company

**Part 9**  
**Fee Schedule for Subdivision and Land Development Applications**

**§901. Major Subdivision.** \$450.00 plus \$10.00 for each lot or dwelling in the subject plan.

**§902. Minor Subdivision.** \$250.00 per subdivision.

**§903. Land Development.** \$250.00 per land development plan.

**§904. Additional Fees.** In addition to the filing fees set forth above, the applicant, subdivider and agent shall individually or jointly be responsible for paying all review and inspection fees incurred by the Borough. These fees include:

(a) The cost of the Solicitor, Borough Engineer and Land Use Planner to perform the following services:

- Review of plan
- Site Inspection
- Preparation of cost estimates for required improvements
- Inspection of required improvements during the course of construction and installation of said improvements
- Final inspection of the subdivision and/or land development and the required improvements contained therein
- Review and draft Development Agreements, Stormwater Maintenance and Monitoring Agreements, etc.

(b) Review and inspection fees will be charged by the Borough at the current hourly rate being billed to the Solicitor, Borough Engineer and Land Use Planner at the time of the review or inspection.

(c) The review and inspection fees will be billed by the Borough monthly and the developer(s), subdivider(s), or their agent(s) shall be required to pay those bills within thirty (30) days from the date they are billed.

(d) Subdivision and/or land development approval will not be granted until all fees have been paid.