

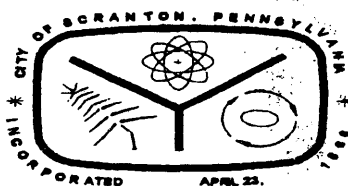
City of Scranton

Lackawanna County,
Pennsylvania



FILE OF COUNCIL # 13,1996

EFFECTIVE APRIL 1, 1996



\$15.00

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1996

AN ORDINANCE
(AS AMENDED)

AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF THE SUBDIVISION OF LOTS AND THE DEVELOPMENT OF LAND; THE APPROVAL OF PLANS, PLOTS, OR RELOTS OF LAND LAID OUT IN BUILDING LOTS; STANDARDS FOR THE DESIGN OF STREETS, LOTS, EASEMENTS, BLOCKS AND OTHER IMPROVEMENTS; CERTAIN MINIMUM IMPROVEMENTS AND CONSTRUCTION STANDARDS ON ALL STREETS AND REQUIRED DEDICATIONS; THE ADMINISTRATION OF THIS ORDINANCE BY THE CITY OF SCRANTON PLANNING COMMISSION; AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the City of Scranton and the City Planning Commission are desirous of enacting a new Subdivision and Land Development Ordinance for the City of Scranton; and

WHEREAS, the City Planning Commission in cooperation with its consultant, Urban Research and Development Corporation, has held various public meetings in conjunction with the preparation of the Subdivision and Land Development Ordinance; and

WHEREAS, the City Planning Commission has completed the drafting of the new Subdivision and Land Development Ordinance, a copy of which is attached hereto and made a part hereof, marked as Exhibit "A", (as amended); and

WHEREAS, the City Planning Commission has recommended that the Subdivision and Land Development Ordinance be forwarded to the Governing Body for its approval and adoption.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON, that the City of Scranton Subdivision and Land Development Ordinance of 1996 is hereby adopted.

Introduced in Council on above date
and referred to Committee on JANUARY 3, 1996

COMMUNITY DEVELOPMENT

City Clerk

Scranton, Pa. MARCH 27, 1996
Committee on Community Development
reports favorably on
ordinance.

FIFTH ORDER:
JAN. 31, 1996

CERTIFIED COPY
Frank J. Naughton City Clerk

SECTION-1. All other City Ordinances or parts thereof that were adopted prior to this Ordinance and are clearly in conflict with this Ordinance, including the pre-existing City of Scranton Subdivision Ordinance, File of Council No. 47, 1966, as amended, are hereby repealed.

SECTION-2. This Ordinance shall be known and may be cited as "The City of Scranton Subdivision and Land Development Ordinance" of 1996.

SECTION-3. If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof.

SECTION-4. This Ordinance will take effect immediately upon passage.

SECTION-5. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, known as the "Pennsylvania Municipalities Planning Code" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MARCH 27, 1996

receiving the affirmative votes of Council Persons

WALSH, BARRETT, HAZZOURI, NOONE & POCIUS

Negative - NONE

John J. Parsons

President

Approved *April 1* 19 *96*

James P. Connors May

Certified Copy
Frank J. Naughton City Cl-

4-1-96

*D. King, City Planner
CECA
City Eng. Bureau
File City Appraisal
R. November, Carter.*

MAR 26 1996

DEPT. OF
CITY CLERK

Introduced in Council on above date
and referred to Committee on JANUARY 3, 1995

FINANCE

Frank J. Naylor

Scranton, Pa. MARCH 13, 1996
Committee on Finance reports favorably
on the within ordinance.

*With Order
March 21, 1996*

FILE OF COUNCIL NO. 13

1996

AN ORDINANCE
(AS AMENDED)

PROVIDING FOR THE ESTABLISHMENT OF FEES RELATED TO THE REVIEW OF PLANS FOR SUBDIVISIONS AND/OR LAND DEVELOPMENTS TO BE CONSIDERED BY THE CITY OF SCRANTON PURSUANT TO "THE CITY OF SCRANTON SUBDIVISION AND LAND DEVELOPMENT ORDINANCE" OF 1996.

WHEREAS, the City of Scranton incurs costs in its review of subdivision and development plans; and

WHEREAS, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, known as the "Pennsylvania Municipalities Planning Code" provides for the charging of reasonable and necessary review fees; and

WHEREAS, "The City of Scranton Subdivision and Land Development Ordinance" of 1996 requires a written schedule of fees be established.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Scranton that:

A. Applications for review of any and all subdivisions and land developments shall be accompanied by the fee established by this Ordinance.

B. If said fee is less than the actual cost of review to the City of

CERTIFIED COPY

Frank J. Naylor City Clerk

Scranton, applicant shall pay any excess cost prior to the release of any plan for recording of the issuance of any building permit.

C. If said fee is greater than the actual cost of review to the City of Scranton, the City will refund any excess monies to the applicant upon a final account of costs.

D. The cost of review shall include an administrative fee which shall cover the costs associated with the processing of the application by City of Scranton personnel other than the technical reviewers employed by the City.

E. Reviews will primarily be conducted by the City Engineer, City Planner, Fire Chief and their staffs. In instances deemed necessary by the City Engineer, other City of Scranton staff may be required to review the plans. When a conflict exists with City personnel, or when a skill not possessed by City personnel, or when a skill not possessed by City personnel is required to properly review a plan, a professional with the necessary review skills shall be hired pursuant to the City's normal selection process to complete the review.

F. The schedule of fees required at the time of submission of any subdivision or land development application are as follows:

PLAN TYPE	ADMINISTRATIVE FEE	REVIEW FEE ESCROW
Lot Line Adjustment	\$50.00	None
Minor Subdivision	\$100.00	\$100.00
Major Subdivision	\$150.00	\$200.00 + \$20.00/lot
Land Development	\$200.00	\$200.00 + \$0.10/sq.foot*

* \$3,000.00 shall be the maximum amount required to be escrowed initially by any applicant. If 75% or more of the original amount is used by the City then the full amount as computed from the above table shall be deposited unless a determination is made by the City that a lesser amount will be required to complete the review.

G. The fee charged to the applicant in addition to the Administrative Fee shall equal the hourly rate, including any and all fringe benefits, multiplied by the exact number of hours spent reviewing the plan by City Staff and/or the amount billed to the City of Scranton by any outside Professionals.

H. Annually, the Business Administrator shall determine the hourly rate to be charged by the City for each staff member involved in reviewing plans.

I. Each staff member shall keep a written record of the time spent reviewing particular plans and submit timely to the Ordinance Administrator a copy thereof for billing purposes.

J. A written invoice detailing each reviewer's hours shall be made available to the applicant when funds are drawn from the escrow and at the completion of the review.

K. Disputes over the amount of any review fee herein shall be settled pursuant to Sections 503 and 510 of Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, known as the "The Pennsylvania Municipalities Planning Code".

L. The fees herein are related only to the review of Subdivision and Land Development Plans and are not in lieu of any other fee or cost associated with the development of land in the City of Scranton including but not limited to, the Inspection fee pursuant to Section 804.B.4 of "The City of Scranton Subdivision and Land Development Ordinance" of 1996, any Building Permit fee or Sewer

connection fee.

M. A Special City Account shall be created to accept and disburse the fees generated by this Ordinance.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall take effect simultaneously with the effective date of "The City of Scranton Subdivision and Land Development Ordinance of 1996".

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MARCH 13, 1996

receiving the affirmative votes of Council Persons

WALSH, HAZZOURI, NOONE & POCIUS

Negative - NONE, (MR. BARRETT - ABSENT)

President

Approved

Certified Copy

City C

3/22 1996

James P. Connors

Frank J. Haggerty

3.22.96

John J. Pocius

UNDERSTANDING THE SUBDIVISION AND LAND DEVELOPMENT PROCESS

This "Understanding the Subdivision and Land Development Process" section is provided for general informational purposes, and is **not** part of any City Ordinance or Resolution.

Generally, every activity which involves the division of land into two or more parcels, or changes in lot lines or the development of one or more new principal non-residential buildings requires approval under the City **Subdivision and Land Development Ordinance (SALDO)**.

Creation of a new land use, changes in the use of buildings, construction or enlargement of structures, and alteration of natural features in preparation for development also require approval under the City **Zoning Ordinance**. Both the SALDO process and the Zoning process are controlled by State law - the **Pennsylvania Municipalities Planning Code**.

Careful pre-planning by an applicant is essential to ensure that the development process occurs in fashion that is as timely and as cost-efficient to the applicant as possible. The City only controls portions of the development process - many other aspects are controlled by **Federal, State and County** agencies and regulations. To avoid delays and to save expenses in the long-run, an applicant should hire a well-qualified professional who is very experienced in completing all of the development approval processes.

To avoid delays, an applicant shall work with his/her professionals to determine all of the Federal, State and City permits and approvals that may be needed - as soon as possible. By starting the City, State and Federal approval processes as early as possible, an applicant has the best chance of receiving needed approvals in time for the desired construction season. Likewise, an applicant should assume that there will be unexpected costs in the approval process - such as costs resulting from State and Federal agencies requiring additional information. If any areas are suspected of being "wetlands", then a qualified wetland consultant should be brought into the process as early as possible to study the site.

It is essential to ensure that **submissions** to the City, the Conservation District and State and Federal agencies and all other agencies are **totally complete** to avoid delays. It is important to confirm that you have the latest and most-up-to-date list of submission requirements and to confirm that you are providing the correct review fees to each agency.

It usually is desirable to seek an informal meeting with applicable City staffpersons early in the process to gain their input and advice. In addition, **sketch plan reviews** by the City of proposed subdivisions and land developments are usually very beneficial to identify issues early in the process - before the applicant has completed detailed engineering. This **sketch plan review often avoids the need for expensive re-engineering of plans and the resulting delays in approval**.

In Scranton, proposed subdivisions and land developments are primarily reviewed by the City Planning Commission, the City Engineer, the City Planning Staff and the Zoning Officer. The plans are also usually reviewed by the County Planning Commission and the County Conservation District. Unlike many other communities where planning commissions are purely advisory, in Scranton the City Planning Commission has the final authority to approve subdivisions and land developments.

In addition, once a development plan is approved but before the plan is recorded, in most cases the City will require that the developer provide **financial security**. This security is intended to ensure that the required improvements are correctly installed. For example, the security often covers the cost of installing streets, curbs, water lines and sewer lines. Often, to lower the amount of security that is required, a large development is divided into phases.

FILE OF CITY COUNCIL NO. ____

1996

TITLE AND ENACTMENT

CITY OF SCRANTON

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. **TITLE** An Ordinance providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on all streets and required dedications; the administration of this Ordinance by the City of Scranton Planning Commission and the City of Scranton City Council; and penalties for the violation of this Ordinance.
2. **SHORT TITLE** This Ordinance shall be known and may be cited as "The City of Scranton Subdivision and Land Development Ordinance" of 1996.
3. **SEVERABILITY** If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.
4. **REPEALER** All other City ordinances or parts thereof that were adopted prior to this Ordinance and are clearly in conflict with this Ordinance, including the pre-existing City of Scranton Subdivision and Land Development Ordinance, as amended, are hereby repealed.
5. **ENACTMENT AND EFFECTIVE DATE** Under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", the City Council of the City of Scranton hereby enacts and ordains into an Ordinance the attached document this date of _____, 1996. This Ordinance shall become effective 5 days after being approved.

Date of City Council Hearing _____, 1996.

City Council, City of Scranton

President

Mayor

Attest, City Clerk

ARTICLE I

GENERAL PROVISIONS

101. **PURPOSE.** The purpose of these regulations is to create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

Assisting in the orderly and efficient integration of subdivisions; Ensuring conformance of subdivision plans with the public improvements plans of the City; Ensuring sites suitable for building purposes and human habitation; Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; Securing equitable handling of all subdivision plans by providing uniform procedures and standards; Improving land records by establishing standards for surveys and plans; Safeguarding the interests of the public, the homeowner, the subdivider and all municipalities; Preserving natural and historic features; Serving all other purposes authorized for a Subdivision and Land Development Ordinance by the PA. Municipalities Planning Code; and Carrying out the goals and objectives of the Comprehensive Plan.

102. **APPLICABILITY.**

- 102.A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be laid out, constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision or land development, except in accordance with this Ordinance.

- 102.B. A lot or parcel that was not a legal lot of record prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot unless and until:

1. the subdivision of the lot and/or the approval of the land development as applicable has been granted Final Plan approval and any subdivision has been recorded, and
2. either of the following occurs:
 - a. the City has been assured by means of adequate financial security as provided in Section 801 of this Ordinance to guarantee that the improvements will subsequently be installed, or
 - b. the required improvements in connection with the subdivision or land development are entirely completed in advance, as provided in Section 801.

- 102.C. **Landowner.** No subdivision or land development shall be submitted to the City for review except by the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Article II, which includes equitable owner).

103. **PA. PLANNING CODE AMENDMENTS.** The provisions of this Ordinance that only repeat, summarize or reference provisions of the PA. Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the PA. Municipalities Planning Code at the date such amendments become effective as State law.

104. **LAND DEVELOPMENT REQUIREMENTS.** See Section 502 regarding the requirements for a "land development."
105. **EXEMPTIONS.**
- 105.A. **Agriculture.** The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres which does not involve any new street or access easement or non-agricultural building shall be exempted from the regulations of this Ordinance.
- 105.B. **Revisions to City Regulations After Approval of a Development.**
1. From the time an application for approval of a plan, whether preliminary or final, has been approved or approved subject to conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan 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 5 years from such approval.
 2. If final plan approval is preceded by preliminary plan approval, the 5 year period shall be counted from the date of the preliminary plan approval.
106. **INTERPRETATION.**
- 106.A. **Differing Provisions.** Where two or more provisions of this Ordinance apply to the same situation, or where a provision of this Ordinance regulates the same matter as another City Ordinance or a Federal or State statute or regulation, then more restrictive requirement shall apply, regardless of its source, unless specified to the contrary.
- 106.B. **Illustrations.** The illustrations in this Ordinance are provided only for general illustrative purposes, and are not part of the regulations of this Ordinance.
107. **MODIFICATIONS AND EXCEPTIONS.**
- 107.A. An applicant seeking a modification or exception to this Ordinance shall submit to the City Planner request in writing that states: a) the specific Ordinance section(s) involved and b) the reasons for the request. The Planning Commission may in writing grant a waiver or modifications to the specific requirements of this Ordinance.
- 107.B. The applicant must prove that the request will meet one or more of the following conditions:
1. avoid an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property, or
 2. avoid an unreasonable or unnecessary requirement that would not serve any valid public purpose, or
 3. allow an alternative standard that is clearly proven by the applicant to provide equal or better results, or
 4. allow a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted, or
 5. remove a requirement that is not applicable, such as because of the small size of the proposed subdivision or land development.

108. **FEES.**

- 108.A. City Council has established a written schedule of fees for all applications and other matters pertaining to this Ordinance. Such fee requirements for subdivisions and land developments may be amended, revised or superseded by written ordinance or resolution of City Council.
- 108.B. The applicant is also required to pay any review fees required by the County Planning Commission and the County Conservation District, and any other applicable agencies.
- 108.C. Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- 108.D. If the expenses of the City for reviews of a subdivision or land development exceed the total fees that have been paid or placed in escrow by an applicant, such excess expenses shall be paid by the applicant prior to release of the Final Plans by the City for recording.

109. **REVISIONS, ALTERNATE PLANS AND RESUBDIVISIONS.**

- 109.A. **Alternate Plans.** Only one plan concerning any one area of land shall be before the City for review at any one moment in time, unless the Planning Commission specifically permits simultaneous review of alternative plans. When an alternative plan is permitted, a new submission fee shall be required, unless the Planning Commission determines that the alternative plan is not significantly different from the earlier submission.

109.B. **Revisions and Resubdivisions.**

- 1. Revised Plans. Until a submission is approved or rejected by the Planning Commission, the Applicant may withdraw the submission and submit a Revised Plan following the submission and review procedures which apply to that Plan. For any submittal of a revision of a previously submitted plan, the City may require the applicant to submit additional fees if needed based upon the City's expenditures on the review up to that time.
 - a. If the Planning Commission determines that a revised plan for a subdivision or land development that is being reviewed constitutes a significant change from the previous submittal, then the Planning Commission may at a regular meeting determine that the revised plan shall be considered a new submittal, and the 90 day maximum time period for City approval shall re-start after the first regular Planning Commission meeting after such revised submittal.
- 2. A revision or resubdivision of a Final Plan approved by the Planning Commission shall be considered as a new subdivision and shall comply with all of the regulations of this Ordinance. For changes only involving lot line adjustments or minor corrections, see the simpler provisions of Article VII.

- 110. **CITY RECORDS.** The City shall maintain records of the decisions of the Planning Commission regarding all subdivision and land development plans. Such records shall be available to the public for review.

111. **AMENDMENTS.**

- 111.A. The regulations set forth in this Ordinance may, from time to time, be amended by City Council, following the procedures of the PA. Municipalities Planning Code, as amended, including a City Council public hearing.
- 111.B. Reviews. The City staff shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the Planning Commission for recommendations at least 30 days prior to the date set for the City Council public hearing. Also, the City staff shall submit any proposed amendment to the County Planning Commission at least 30 days before the public hearing on such amendments.
- 111.C. Public Notice. The City staff shall publish the proposed amendment in a newspaper of general circulation, within the requirements of the PA. Municipalities Planning Code. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary. If the full text is not published, then a copy shall be supplied to a newspaper of general circulation and a copy shall be filed in the County Law Library.
- 111.D. Changes. In the event substantial changes are made in the proposed amendment after the hearing, then before voting upon enactment, City Council shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation a summary of the changes.
112. **APPEALS TO COURTS.** Decisions of the Planning Commission may be appealed in accordance with the PA. Municipalities Planning Code, as amended.
113. **ENFORCEMENT.**
- 113.A. **Inspections.** The Mayor shall authorize one or more persons, which may include the Zoning Officer and the City Engineer and his/her representatives, to enforce the provisions of this Ordinance and the accompanying design standards and improvement specifications. Any action under this Ordinance is subject to on-site inspection by the City or its authorized representatives to ensure compliance with this Ordinance, other City Ordinances and the approved plans.
- 113.B. **Remedies.** Any action inconsistent with the provisions of this Ordinance shall be subject to a cease and desist order and other appropriate measures by the Mayor and City Council or their authorized representatives. The enforcement provisions of the PA. Municipalities Planning Code, as amended, shall apply.
114. **PENALTIES.**
- 114.A. Any person, partnership or corporation who or which has violated any provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City or their authorized representatives, pay fines and fees as authorized by the PA. Municipalities Planning Code. These violations shall include, but not be limited to, actions listed under Section 102 "Applicability" without following the applicable procedures of this Ordinance.
- 114.B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
115. **SUBDIVISION BUREAU.** There is hereby created a "Subdivision Bureau" of City of Scranton staff-persons who shall serve as a committee responsible for the technical review of subdivision and land development plans. Such Bureau shall be under the direction of the City Engineer and shall include the Chief City Planner. The Bureau shall also include such other

City staff-persons as deemed appropriate by the City Engineer, such as but not limited to: a Code Enforcement Officer, the Superintendent of Building Inspection, the Assistant City Planner and the Zoning Officer.

116. **LIABILITY.** Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, solicitor, employee, consultant or agency of the City, shall constitute a representation, guarantee or warranty of any kind by the City or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any City body, consultant, official or employee for any damage that may result pursuant thereto.
117. **PROFESSIONAL CERTIFICATION.** All plans shall comply with applicable State Professional Certification laws, including but not limited to certification laws for professional engineers, surveyors and landscape architects. All preliminary and final plans and any required stormwater calculations for a subdivision or land development shall be certified, signed and stamped by a Registered Professional Engineer. All subdivisions of land shall be certified, signed and stamped by a Registered Surveyor.

ARTICLE II

DEFINITIONS

201. GENERAL INTERPRETATION.

- 201.A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as listed in Section 202 of this Ordinance.
- 201.B. **If a word is not defined by this Ordinance, but is defined by the Zoning Ordinance as amended, the Zoning Ordinance definition shall apply. If a word is not defined by this Ordinance, but is defined by the City Stormwater Ordinance, then the Stormwater Ordinance shall apply.**
- 201.C. The word "includes" shall mean to specifically include an item but not necessarily limited to such items.
- 201.D. Any word or term not defined in this Ordinance or the Zoning Ordinance or the Stormwater Ordinance shall have a meaning of standard usage as determined by the Plans Administrator, within the context of the word's use within the applicable section of this Ordinance.

202. DEFINITIONS. 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:

Applicant. A landowner or developer who has filed an application for a subdivision or land development, including his/her heirs, successors and assignees.

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

Cartway. The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking.

City. The City of Scranton, Lackawanna County, Pennsylvania. Unless otherwise stated, this shall mean City Council and their authorized agents.

City Council. The City Council of the City of Scranton.

Commission. The Planning Commission of the City of Scranton.

Days. Calendar days.

DEP. The Pennsylvania Department of Environmental Protection, and its successor agencies.

Detention Basin or Pond. A natural or manmade area in which stormwater is temporarily detained and from which said water is slowly released at a rate compatible with sound stormwater and soil management practices as approved by the City and the County Conservation District.

Developer (Subdivider). Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land, as well as sewage disposal systems and water supply systems.

Disturbance. Any activity involving the clearing, excavation, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

Diversion. A channel with or without a supporting ridge on the lower side constructed to intercept and divert surface runoff.

Drainage. The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention/alleviation of flooding.

Easement. A grant by the property owner to the public, a corporation, a person, group of persons, or another tract of land of a use of land for specified purposes.

Engineer, City. The registered professional engineer designated by City Council and/or the Mayor to perform all duties required of the City Engineer within the provisions of this Ordinance.

Engineer, Professional. A person licensed to practice as a professional engineer in the Commonwealth of Pennsylvania.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion and Sedimentation Control Plan. A plan which fully indicates necessary land treatment measures, including a schedule for the timing of their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be in accordance with the Lackawanna County Soil Conservation Service reviews.

Excavation or Cut. An act by which soil or soils are cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing Grade. The vertical location of the existing ground surface prior to cutting or filling.

Finished Grade. The final elevation of the ground surface conforming to the proposed design.

Freeboard. A margin of safety, expressed in feet above the 100 year flood elevation.

Governing Body. The Mayor and City Council of the City of Scranton. In the event of lack of approval by the Mayor, a super majority of the members of City Council shall constitute the Governing Body, for the purposes of this Ordinance.

Grade. The elevation of ground or paving.

Grading. Any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

Ground Floor. The first floor of a building other than a cellar or basement.

Groundwater Recharge. The process of stormwater entering into the ground to replenish the underground water table.

Improvement Agreement. An agreement in a form and manner acceptable to City requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

Land Development. The improvement of 1 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

1. A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
2. The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.)

For the purposes of this Ordinance, the following shall specifically not be considered a "land development": the conversion of an existing building to create a maximum of 3 new dwelling units.

Landowner. The owner of a legal or equitable interest in land, including the holder of a formal 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 right of the landowner), or other person having a proprietary interest in land.

Lot. A contiguous area of land within defined lot lines that is a distinct and legally recorded separate parcel of land according to the official records of the County Recorder of Deeds.

Lot Line Adjustment. The revision or deletion of one or more lot lines in such a way that all of the following are true:

1. no additional lots will be created beyond what was previously approved,
2. no additional street segments or significant changes in alignment are proposed other than what was previously approved,
3. no additional new nonconformities will be created under the City Zoning Ordinance, and
4. no new land development will occur other than a land development that was previously approved or buildings to support "crop farming."

Lot, Reverse Frontage. A lot that abuts a public street on one side of the lot, but has vehicular access only from a public street on the opposite side of the lot.

Lowest Floor. Lowest floor of the enclosed area, including basement.

Maintenance Agreement. An agreement in a form and manner acceptable to City Council requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain time period, as specified in Section 807 of this Ordinance.

Maintenance Guarantee. Financial security which is acceptable to the City to secure the responsibilities of the developer as stated in the Maintenance Agreement. See Section 807.

Major or Minor Subdivision. See Subdivision, Major and Subdivision, Minor.

Mobile Home Space. An area of land in a mobile home park improved with the utilities and other improvements needed for the placement of a single mobile home, with the land leased or rented by the park owner to the occupants of the mobile home.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended, or its successor legislation.

Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling.

Obstruction. Any structure, materials, fill or activity that would impede, retard or change natural or approved stormwater flows.

One Hundred Year Flood. A flood that, on the average, is likely to occur every 100 years, (such as that has a 1 percent chance of occurring each year, although the flood may occur in any year).

Open Space. The area of a lot unoccupied by principal or accessory structures, streets, driveways, parking areas; but may include areas occupied by walkways, picnic pavilions, play equipment and other areas occupied by noncommercial outdoor recreation facilities.

Open Space, Common. The definition in the City Zoning Ordinance shall apply.

Open Space, Public. Common open space owned by a government agency or the City for public recreation.

Ordinance, This. The City of Scranton Subdivision & Land Development Ordinance, as amended, and any provisions thereof, enacted by City Council.

Parcel. A tract, lot, or area of land.

Parking. Outdoor areas or specially designed buildings or garages used for the storage of vehicles. Unless otherwise stated, shall mean off-street parking.

Pathway. A pedestrian accessway which is not adjacent to a street or access drive and conforms with this Ordinance.

PennDOT. The Pennsylvania Department of Transportation.

Performance Guarantee. Financial security which is acceptable to City Council to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Plan. A map of a land development or subdivision and accompanying notations.

1. **Sketch Plan.** An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
2. **Preliminary Plan.** A complete plan identified with the title "Preliminary Plan" accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
3. **Final Plan.** A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements.

Planning Commission. See "Commission."

Plans Administrator. The City staff-person charged by the Mayor with the primary responsibility to administer the procedures of this Ordinance. Such staff-person shall be the Planning Director of the City of Scranton until and unless the Mayor may designate an alternative staff-person. See also "City Engineer."

Public Meeting, Regular Planning Commission. Shall mean a regular meeting of the Planning Commission at which the Commission is authorized to conduct official action and which has been scheduled based upon an annual meeting schedule (as may be adjusted by the Chairperson) and which is not a workshop meeting or the official public meeting on an ordinance amendment.

Public Notice. As defined by the PA. Municipalities Planning Code. (As of 1993, this included the following definition: "Notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

Regulatory Flood Elevation. The 100-Year Flood elevation plus a freeboard safety factor of 1 1/2 feet.

Retention Basin or Pond. A natural or man-made area in which stormwater is retained on a long-term basis.

Sedimentation. The deposition of solid material, both mineral and organic, that was in suspension and that has been transported from its site of origin by any means of erosion.

Sedimentation Basin. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials, to prevent these materials from entering a creek, river, stream or lake.

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from users in compliance with regulations of PA. DER and the City.

1. Central Sewage Service. Service by a sewage disposal system which collects, treats and disposes sewage from more than 1 dwelling, principal use or lot.
 - a. Public Sewage Service. Central sewage service with the mains and the treatment facility owned by a municipality, a public authority or the County.
 - b. Private Central Sewage Service. Central sewage service that does not meet the definition of "public sewage service."
2. On-Lot Sewage System. A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only 1 dwelling unit, principal use or lot.

Sidewalk. A pedestrian accessway which is adjacent to a street or access drive and conforms to the regulations of this Ordinance.

Site Alteration. Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

Soil Conservation District. The Lackawanna County Conservation District.

Soil Survey. The latest version of the official Soil Survey of Lackawanna County, published by the U.S. Soil Conservation Service, or its successor reference.

Start of Construction. Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvements was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

State. The government of the Commonwealth of Pennsylvania and its relevant subparts.

State Planning Code. See "Municipalities Planning Code."

Stormwater Detention. The holding or slowing down of stormwater runoff to avoid increased rates of runoff during peak periods.

Street. A public or private thoroughfare which affords the principal means of access to abutting property or that is an expressway, but not including an alley or a driveway.

Street Classification. See the Official Street Classification Map, which was adopted as part of the City Zoning Ordinance. This Map classifies streets as Expressway, Arterial, Collector or Local Streets.

Street, Cul-de-sac. A type of street which is terminated at one end by a permitted turn-around and which intersects another street at the other end.

Street, Marginal Access. A type of local street which is parallel and adjacent to collector or arterial streets and provides access to abutting properties.

Subdivider. See "Developer."

Subdivision. As defined by the PA. Municipalities Planning Code, as amended. (As of 1993, this definition was as follows:

1. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
2. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings is not a subdivision.)

Subdivision Bureau. See Section 115 of this Ordinance.

Subdivision, Major. Any subdivision of land which does not qualify as a "minor subdivision."

Subdivision, Minor. A proposal involving land, other than a land development, which is either:

1. a "lot line adjustment" or
2. a subdivision:
 - a. that results in only 1 new additional residential lots, or only 1 new additional clearly agricultural lots of more than 10 acres each, in addition to the one pre-existing "parent" lot and
 - b. which does not involve an extension or new segment of a street (other than what was previously approved) and
 - c. which has not involved the final subdivision approval of 4 or more new lots from the same parent tract since January 1, 1973.

Subdivision Ordinance. The City of Scranton Subdivision and Land Development Ordinance, as amended.

Substantially Completed. In the judgment of the City Engineer at least 90 percent (based upon the cost of the required improvements for which financial security was posted) 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.

Temporary Protection. Stabilization of erosive sediment-producing materials.

Tract. One or more abutting or adjacent lots proposed to be subdivided or developed following an overall coordinated plan.

USGS. United States Geological Survey, or its successor agency.

Watercourse. Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.

Water, Central System or Service. Service by a water system which transmit water from a common source to more than 1 dwelling, principal use or lot.

- A. Water, Public System or Service. Central water service that is owned and/or operated by a Municipal Authority or a PA. PUC regulated water company and that serves more than 50 dwelling units or principal uses.

Water, On-Lot System or Service. Service by a water system which transmits water from a source on the lot to only 1 dwelling, principal use or lot.

ARTICLE III

OVERVIEW OF GENERAL PROCEDURES

301. **PURPOSE.** This Article summarizes the general procedures for the submission and review of proposed subdivisions and land developments. This Article is only a general explanation and is not binding on the City or an Applicant. See the actual provisions of the other Articles of this Ordinance. Two flowcharts are included at the end of this Article to show the general process for Major and Minor Subdivisions.

302. **GENERAL PROCEDURE FOR SUBDIVISIONS AND LAND DEVELOPMENTS.**

302.A. **Review and Approval Stages.** Three types of plan submissions are established: Sketch, Preliminary, and Final, as outlined below.

Stage	Article of this Ordinance	Type of Proposed Subdivision or Land Development*		
		Land Development	Major Subdivision	Minor Subdivision or Lot Line Adjustment
Sketch Plan	IV	Recommended	Recommended	Recommended
Preliminary Plan	V	Varies ****	Required	Not Required
Final Plan***	VI	Required	Required	Required**
Guarantee of Improvements Installation	VIII	Required	Required	Required
Recording of Final Plan	IX	Varies	Required	Required

* See definitions of "Land Development" and other terms in Article II.

See Article VII for Minor Subdivision Final Plan submission and review requirements. See Section 704.C. for submission requirements for a lot line adjustment.

*** At their option, the Planning Commission may grant combined Preliminary/Final Plan approval if the preliminary plan submission meets the requirements of a final plan submission and if the Planning Commission determines that there are no outstanding matters.

**** See Section 502, which does not require a preliminary plan for many types of land developments.

302.B. **Sketch Plan.** While a Sketch Plan is not required, it is strongly recommended that it be filed to allow the Applicant to consult early and informally with the Planning Commission before preparing a Preliminary Plan. This will often avoid expensive redesign and delay to the applicant.

302.C. **Preliminary Plan.** Preliminary plans are required to be submitted for any major subdivision and for certain land developments, as described above.

302.D. Final Plan. After approval of the Preliminary Plan of a major subdivision or certain land developments, the Applicant files a Final Plan. A Final Plan must be approved prior to recording of the plans by the County and prior to the sale of any lots or the construction of any buildings (see Article IX).

302.E. Guarantee of Improvements Installation. Where improvements are required by this Ordinance, in most cases, the City will require that the Applicant enter into a development agreement including the posting of financial security sufficient to guarantee the costs of any improvements which may be required. See Article VIII.

303. **GENERAL PLAN SUBMISSION PROCEDURES.**

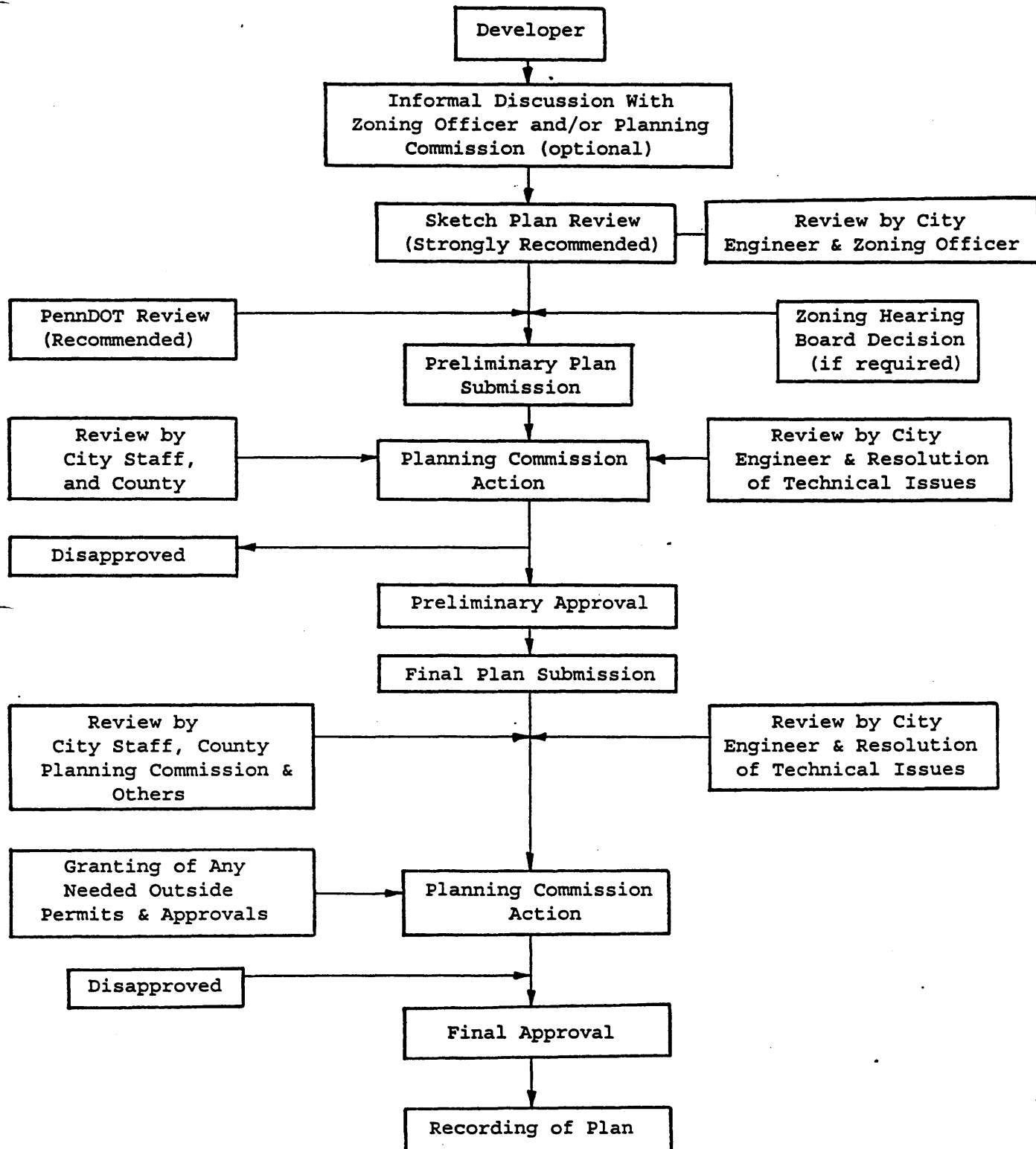
303.A. Submission. All required plans and information are required to be submitted to the appropriate City Staff.

303.B. Completeness. The Planning Commission shall have the authority to reject or table an application that the Commission determines is significantly incomplete.

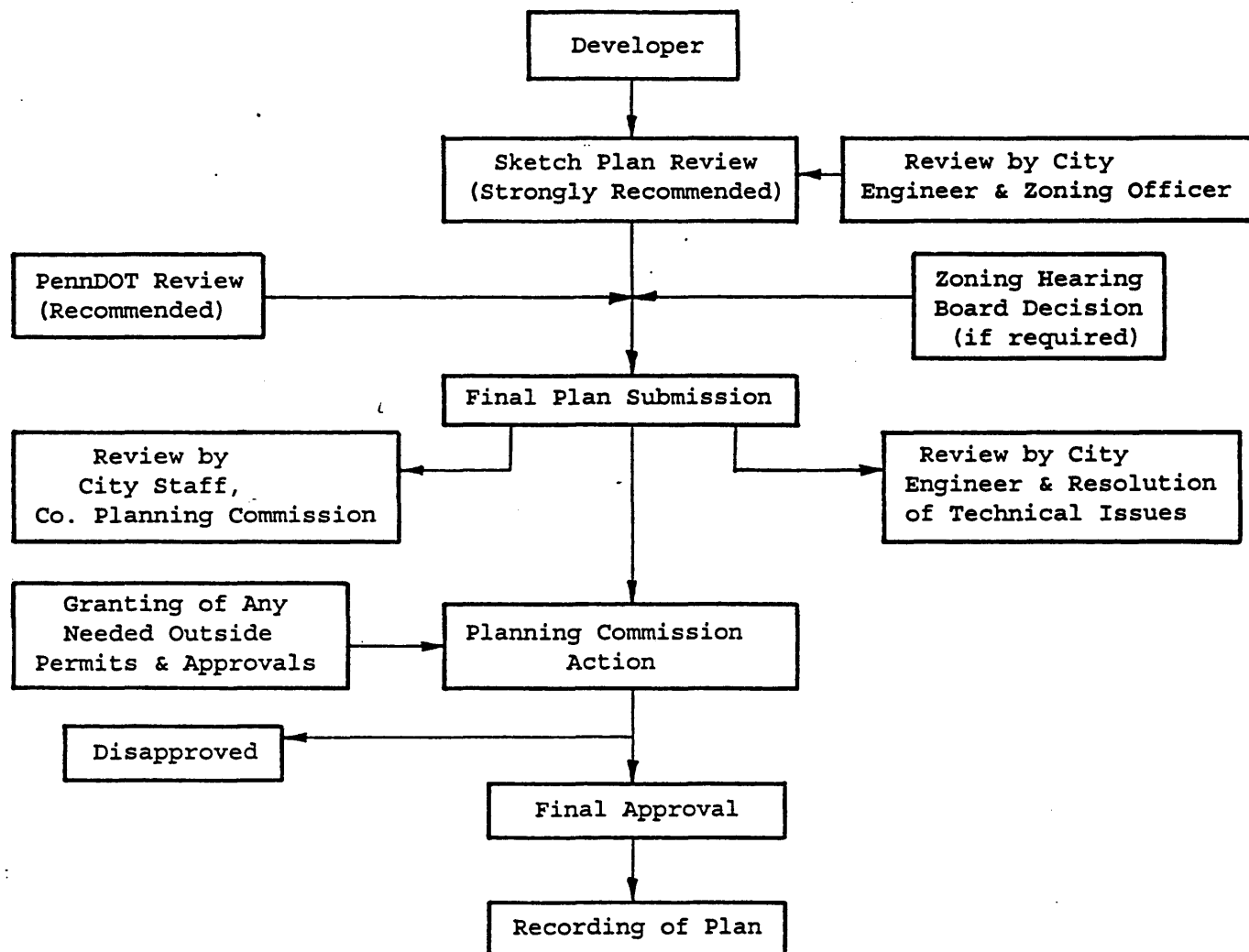
303.C. Attendance at Meetings. See Section 502.E.

303.D. Action by the Commission. The Planning Commission is required to act upon a preliminary or final plan within 90 days after the first regular meeting of the Planning Commission that follows an acceptable submission by the applicant, unless the applicant grants a time extension.

GENERALIZED PROCESS FOR A MAJOR SUBDIVISION OR LAND DEVELOPMENT



GENERALIZED PROCESS FOR A MINOR SUBDIVISION OR LOT LINE ADJUSTMENT



ARTICLE IV
SKETCH PLAN

401. **PRE-PLAN CONSULTATION.** Prior to submitting a Sketch Plan, applicants for larger developments are encouraged to informally discuss their proposal with the Zoning Officer and/or other appropriate City Staff.

402. **SKETCH PLAN SUBMISSION REQUIREMENTS.** Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning City Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.** When submitted, Sketch Plans shall include the following information:

- A. **Submission Requirement.** If submitted, 8 print copies of the Sketch Plan and the accompanying application should be submitted to the City Staff at least 7 days prior to a regular Planning Commission meeting.
- B. **Drawing Requirements.** A Sketch Plan shall be drafted to approximate scale (scales of less than 1 inch = 100 feet are to be avoided, scales of 1 inch = 50 feet are encouraged) and is recommended to include the following as applicable:
 - 1. Approximate boundary line of the development.
 - 2. Approximate locations of significant physical features (such as areas of steep slopes, quarries, creeks and major drainage channels).
 - 3. Proposed lot and street layout with approximate areas of lots (such as "2 acres").
 - 4. Site data including:
 - a. Approximate acreage of the entire tract
 - b. Number of lots and types of dwelling units (if residential)
 - c. Zoning District and major applicable lot area and setback requirements
 - 5. Approximate north point and scale and a tentative name of the project (may be the developer's name).
 - 6. Approximate proposed locations of any non-residential buildings (if known) and statement of the general proposed types of any non-residential uses.
 - 7. A map showing the general location of the project in relation to nearby streets (may be a photocopy of USGS or City base map or a commercial map).
 - 8. Approximate location of any area within the 100-Year floodplain (from Federal Insurance Administration map).
 - 9. General provisions for stormwater management, such as tentative approximate locations of any storm water detention basins and any major stormwater drainage channels.

10. Note stating the general methods of providing water and sewer service (such as "public water and public sewage service involving extension of existing lines along Smith Street").
11. Names of any adjacent non-residential uses and any zoning district boundaries in the area.
12. Name and address of person responsible for the preparation of the plan and the date of completion of the plans and any subsequent revision dates.
13. Approximate general locations of any possible wetlands (may be "hydric soil" locations from the County Soil Survey).
14. Statement of the proposed uses of the land (if known).
15. Areas of existing woods, with approximate locations of any individual trees with a trunk diameter at 4.5 feet above the surrounding ground level noted.

403. **SKETCH PLAN REVIEW PROCEDURES.**

- A. No official action shall be taken on a sketch plan. The City shall not be bound by comments made or not made as part of a sketch plan review.
- B. The City shall distribute copies of the sketch plan to the City Engineer, the relevant City staffperson and the Planning Commission for advisory reviews.

ARTICLE IV

SKETCH PLAN

401. **PRE-PLAN CONSULTATION.** Prior to submitting a Sketch Plan, applicants for larger developments are encouraged to informally discuss their proposal with the Zoning Officer and/or other appropriate City Staff.

402. **SKETCH PLAN SUBMISSION REQUIREMENTS.** Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning City Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.** When submitted, Sketch Plans shall include the following information:

- A. **Submission Requirement.** If submitted, 8 print copies of the Sketch Plan and the accompanying application should be submitted to the City Staff at least 7 days prior to a regular Planning Commission meeting.
- B. **Drawing Requirements.** A Sketch Plan shall be drafted to approximate scale (scales of less than 1 inch = 100 feet are to be avoided, scales of 1 inch = 50 feet are encouraged) and is recommended to include the following as applicable:
 - 1. Approximate boundary line of the development.
 - 2. Approximate locations of significant physical features (such as areas of steep slopes, quarries, creeks and major drainage channels).
 - 3. Proposed lot and street layout with approximate areas of lots (such as "2 acres").
 - 4. Site data including:
 - a. Approximate acreage of the entire tract
 - b. Number of lots and types of dwelling units (if residential)
 - c. Zoning District and major applicable lot area and setback requirements
 - 5. Approximate north point and scale and a tentative name of the project (may be the developer's name).
 - 6. Approximate proposed locations of any non-residential buildings (if known) and statement of the general proposed types of any non-residential uses.
 - 7. A map showing the general location of the project in relation to nearby streets (may be a photocopy of USGS or City base map or a commercial map).
 - 8. Approximate location of any area within the 100-Year floodplain (from Federal Insurance Administration map).
 - 9. General provisions for stormwater management, such as tentative approximate locations of any storm water detention basins and any major stormwater drainage channels.

10. Note stating the general methods of providing water and sewer service (such as "public water and public sewage service involving extension of existing lines along Smith Street").
11. Names of any adjacent non-residential uses and any zoning district boundaries in the area.
12. Name and address of person responsible for the preparation of the plan and the date of completion of the plans and any subsequent revision dates.
13. Approximate general locations of any possible wetlands (may be "hydric soil" locations from the County Soil Survey).
14. Statement of the proposed uses of the land (if known).
15. Areas of existing woods, with approximate locations of any individual trees with a trunk diameter at 4.5 feet above the surrounding ground level noted.

403. SKETCH PLAN REVIEW PROCEDURES.

- A. No official action shall be taken on a sketch plan. The City shall not be bound by comments made or not made as part of a sketch plan review.
- B. The City shall distribute copies of the sketch plan to the City Engineer, the relevant City staffperson and the Planning Commission for advisory reviews.

ARTICLE V

PRELIMINARY PLAN

501. **PURPOSE.** A Preliminary Plan is intended to establish the overall development scheme to minimize the need for revisions of Final Plans.

502. **SUBMISSION AND REVIEW PROCEDURE.**

502.A. **Preliminary Plan Submission Required.**

1. A Preliminary Plan Submission for a Major Subdivision or Land Development (except as provided in part A.2. below) meeting all of the requirements of this Article shall be filed by the Applicant and reviewed in accordance with the provisions of this Article.
2. A Preliminary Plan Submission is not required for:
 - a. a "Minor Subdivision" (as defined in Article II) or
 - b. a submission that only involves a "Lot Line Adjustment" (as defined in Article II) or minor adjustments to a previously approved plan as specified in Section 704 or
 - c. a "Land Development" that involves only 1 new principal building (other than a shopping center) or
 - d. the conversion of an existing building to result in a maximum of 3 dwelling units (which by itself is not regulated by this Ordinance).

502.B. **Required Submission.**

1. The Applicant shall file with the Staff at least 14 calendar days prior to a regular Planning Commission meeting (not including a workshop meeting): a) the required fees, and b) the information and plans required under Section 503.
2. The Staff shall forward applicable plans to the following agencies to seek their comments prior to Preliminary Plan Approval:
 - a. the appropriate City staff (including 1 complete "file" copy of all materials submitted by the applicant),
 - b. the City Planning Commission (including copies of the Application Form, at least 1 copy of the Preliminary Plan Checklist, at least one copy of the complete Preliminary Plan submittal, additional copies of the Preliminary Plan submittal and/or layout plans, and at least 1 copy of the Supporting Documents), with such information provided prior to or at the first regularly scheduled Planning Commission meeting after a proper submission.
3. Applicant's Distribution. The applicant is fully responsible for the following:
 - a. City Fire Chief (layout plan and hydrant and water system information),
 - b. City Engineer, with the plans provided the same day as the plans are submitted to the Plans Administrator,
 - c. Contacting the appropriate utility companies, as appropriate, including the water supplier and the Scranton Area Sewage Authority,

- d. Encouraged to seek at least an informal review by PennDOT of any proposed access onto a State road, and providing PennDOT with sufficient information for such a review,
 - e. Determining whether any permits or approvals are needed from any agency outside of the City, including PA. DEP (including any obstruction to a waterway) and the Army Corps of Engineers (including determining whether any "wetland" will be disturbed),
 - f. Providing a copy of the sedimentation and erosion control plans to the County Conservation District, together with their required review fees, if any earth disturbance is proposed, unless the applicant states in writing in a signed letter to the City that earth disturbance will not occur until approval of the Final Plan (in which case the erosion control plan may be submitted at Final Plan stage),
 - g. Adjacent Municipalities. If any portion of a major subdivision or land development: 1) is proposed within 200 feet of the boundary of another municipality or 2) would clearly have a regional impact upon another municipality as determined by the Planning Commission, then the applicant shall provide a copy of the layout plan to that municipality for an advisory review.
 - h. Providing a copy of the plans to the County Planning Commission, together with all applicable fees.
- 4. Each Preliminary Plan and supporting documents should seek to incorporate any revisions recommended by the Planning Commission, the City Engineer and other appropriate City Officials during any Sketch Plan review.
 - 5. Revisions. A list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted.

502.C.

Determination of Completeness of the Submission.

- 1. If the City Engineer determines that a submission is significantly incomplete, the City Engineer shall have the authority: a) within 14 days after a submission to return the submission to the applicant or b) to recommend action by the Planning Commission as provided in subsection "2." below.
 - a. If the submission is returned, the submission shall have been considered to have never been officially accepted for action by the City.
- 2. Regardless of whether the City Engineer did not return a submission under subsection "1." above, the Commission shall have authority, at its first regularly scheduled meeting after the Submission is filed in a timely fashion, to determine that a submission is significantly incomplete and to do one of the following:
 - a. Not officially accept the Submission, indicating deficiencies in writing, and return the fee (minus the costs of any City review) to the Applicant.
 - b. Officially accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person by a specific deadline.
 - c. Table the official acceptance of the submission until the next Planning Commission meeting after the applicant has met all of the submittal requirements within the required time period prior to the meeting. The 90 day time limit for action shall not begin until the plan is accepted as complete.

- d. Reject the application for just cause, such as the submission being significantly incomplete.
3. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.
4. Zoning Variances.
 - a. An application under the Subdivision and Land Development Ordinance shall not be considered to be a complete submission for the purposes of the 90 day time limit if one or more zoning variances will be required for the subdivision or land development to legally occur as submitted, until such time as the needed zoning variances have been granted. However, the Planning Commission may review the plans before the variance(s) are issued.
 - b. A subdivision or land development review shall not be delayed because of a court appeal of a zoning variance that was granted by the Board to the developer. Instead, satisfactory resolution of such appeal may be made a condition for approval under this Ordinance. If a developer appeals a zoning variance that was not granted to him/her, then subsection "4.a." above shall still apply.

502.D. Review by the Subdivision Bureau.

1. See determination of completeness in Section 502.C.
2. The Subdivision Bureau (including the City Engineer) should review the engineering considerations of the Preliminary Plan and prepare report(s) to the Commission. Policy matters that should be dealt with directly by the Planning Commission should be listed separately from technical engineering considerations.
3. The Applicant and/or his/her engineer shall make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings. The City Engineer may require the applicant or his/her engineer to meet with the City Engineer for this purpose.
4. See provisions regarding fees in Section 108.

502.E. Review by Commission.

1. The applicant or an authorized representative and the preparer of the plans are expected to attend Planning Commission meeting(s) where his/her submission will be reviewed - especially for a major subdivision. If the Commission has insufficient information to render a decision as a result of such non-attendance, such attendance may result in disapproval of the submission.
2. The Planning Commission shall:
 - a. Review all applicable reports received from any official reviewing agencies;
 - b. Determine whether the Preliminary Plan Submission meets the requirements of this Ordinance and other applicable ordinances.

502.F. Decision by the Planning Commission.

1. The Planning Commission shall approve or reject the Preliminary Plan Submission within the time limits required by the PA. Municipalities Planning Code.

(As of 1996, this law requires:

- a. The Planning Commission to act not later than 90 days following the date of the first regular meeting of the Commission held after it has been properly filed for review; but in no case shall the Commission's decision be made later than 120 days following the date the submission was duly submitted, unless the Applicant grants a written extension of time; and
 - b. that no subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County.)
2. The decision of the Planning Commission shall be in writing and shall be communicated to the Applicant personally or by mail at his/her last known address not later than 15 days following the decision.
 3. Approval of the Preliminary Plan Submission shall constitute conditional approval of the subdivision or land development as to the character and intensity, but shall not: a) constitute approval of the Final Plan or b) authorize the sale of lots or construction of buildings.
 4. If the Preliminary Plan Submission is disapproved, the decision shall: specify defects found in the Submission, describe requirements which have not been met and cite the provisions of the statute or ordinance relied upon in each case.
 5. At the discretion of the Planning Commission, the Commission may grant combined preliminary/final plan approval if: a) the preliminary plan submission also meets all of the requirements of a final plan submission and b) the Commission determines that there are no significant outstanding matters regarding the plan.
 6. Acceptance of Conditions. Any conditions on the approval shall be mailed or otherwise provided in writing to the applicant or his/her official representative. If the applicant provides notice to the City that he/she rejects one or more conditions within 30 days after the Planning Commission action, then the submission shall be considered to have been rejected. The applicant is requested to provide notice in writing that the conditions have been accepted. However, if the applicant does not respond regarding the conditions or otherwise file an official appeal within 30 days after the Planning Commission action, then all of the conditions shall automatically be considered to have been accepted by the applicant.

502.G. Final Plan Submission Deadline.

1. An applicant shall file a Final Plan within 5 years from the date of the approval of the Preliminary Plan by the Planning Commission, unless a written extension is granted by the Planning Commission in advance.
2. Failure to comply with this requirement shall render the Preliminary Plan null and void, and a new Preliminary Plan submission and approval shall be required.

502.H. Development in Stages. See Section 602.H.

503. PRELIMINARY PLAN REQUIREMENTS AND CHECKLIST. (See Section 502.A. regarding when a preliminary plan is required.)

503.A. All of the following information and materials listed in this section are required as part of all preliminary plans for any land development and any major subdivision. **This list of requirements shall serve both:**

- 1. to establish the requirements, and**
- 2. as a checklist for the applicant and the City to use to ensure completeness of submissions.**

The applicant shall submit completed photocopies of this section as part of the application.

503.B. The required information listed in this Section may be combined or separated onto different sheets, provided that all information is clearly readable.

Section 503.C. City of Scranton
PRELIMINARY PLAN FOR MAJOR SUBDIVISION OR LAND DEVELOPMENT **
CHECKLIST AND LIST OF SUBMITTAL REQUIREMENTS

Applicant's Name: _____

Applicant's Address: _____

Applicant's Daytime Phone No.: _____

Applicant's Signature: _____ Date: _____

- * Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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A. GENERAL SUBMISSION ITEMS: (Note- the City may require the submission of additional numbers of copies)

- | | | |
|-------|-------|--|
| _____ | _____ | 1. City application/review fee(s)/escrow |
| _____ | _____ | 2. Delivered by the applicant to the Plans Administrator: |
| | | 1 copy of the Completed Application (see Appendix A) |
| | | 1 copy of the Preliminary Plan Checklist (using the photocopies of the pages in this Section) |
| | | 4 print copies of the complete Preliminary Plans |
| | | 7 additional print copies of only the Layout Plans |
| | | 1 set of Supportive Documents |
| | | (See Section 504 concerning one set with original signatures and seals) |
| _____ | _____ | 3. Delivered by the applicant to the Fire Bureau - 1 set of all information concerning layout, fire hydrants and water service |
| _____ | _____ | 4. Delivered by the applicant to the City Engineer - 1 copy of all materials delivered to the Plans Administrator |
| _____ | _____ | 5. Dated receipt showing that the applicant has provided a copy of plan to the County Planning Commission together with any review fees required by the County |

B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented.

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48"). All copies of plans should be folded to approximately 9"x12" size in such a manner that the title of the sheet faces out, except exceptionally large and thick sets of plans may be rolled. |
| _____ | _____ | 2. Plans drawn to scale of 1 inch = 50 feet or other scale preapproved by the City Engineer or Plans Administrator. |
| _____ | _____ | 3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds. |
| _____ | _____ | 4. Differentiation between existing and proposed features |

** See Section 502.A. concerning which types of land developments are not required to submit a preliminary plan.

- * Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| _____ | _____ | 5. Boundary line of the tract, shown as a heavy boundary line. |
| _____ | _____ | 6. If layout plans involve 2 or more sheets, a map of the layout of the entire project at an appropriate scale on one sheet, and a key map showing how the sheets connect. |
| _____ | _____ | 7. If the tract(s) crosses a municipal boundary, a map showing both the portions in City of Scranton and the other municipality, in sufficient detail for the City to determine how the parts will interrelate. |
| _____ | _____ | 8. All sheets numbered and listed on one page. |
| _____ | _____ | 9. Words "Preliminary Plan" and sheet title (such as "Layout Plan") on each sheet |

C. GENERAL INFORMATION:

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Name of project on each sheet |
| _____ | _____ | 2. Name of landowner and developer (with addresses) |
| _____ | _____ | 3. Names and addresses of last know owners of abutting lots |
| _____ | _____ | 4. Intersecting lot lines of adjacent lots, and approximate locations of any existing or approved: buildings, streets, common open spaces, detention basins or drainage channels within 200 feet of the boundaries of the proposed project |
| _____ | _____ | 5. Notarized Owners Statement - see Appendix B |
| _____ | _____ | 6. Surveyor and plan preparer's statement and seal (See Appendix B) |
| _____ | _____ | 7. Approval/review signature blocks for: City Planning Commission, City Engineer and County Planning Commission (see Appendix B) |
| _____ | _____ | 8. Location map (such as USGS or City Base Map) showing the boundaries of the project in relation to major streets and any municipal boundaries. |
| _____ | _____ | 9. North arrow, graphic scale, written scale |
| _____ | _____ | 10. Date of plan and all subsequent revision dates (especially noting if is revision of a previously approved plan) with space for noting future revision dates and general type of revisions |
| _____ | _____ | 11. Tax map number and block and lot for the tract being subdivided |
| _____ | _____ | 12. A statement on the plan of proposed principal uses that are intended for each lot |

D. NATURAL FEATURES:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Existing contour lines shown at the same scale as the layout plan, as follows: |
| | | a. shall be based on a field survey or photogrametric procedure that was completed at a scale of 1"= 100' or larger. Contours shall be based upon U.S.G.S. datum, with an established bench mark. |
| | | b. The contour interval shall be sufficient to determine compliance with City ordinances. An interval of 2 feet for slopes of less than 15% and 5 feet for slopes of 15% or greater is generally recommended. |

* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| | | c. Note- Contours are not required to be shown within areas that are clearly not intended to be altered as a result of this proposed subdivision or land development, unless needed to determine adequacy of stormwater management |
| _____ | _____ | 2. Identification of any slopes of 15 to 25%, & greater than 25% |
| _____ | _____ | 3. Watercourses (with any name), natural springs, lakes and wetlands. |
| | | a. An applicant is <u>not</u> required to have completed all Federal and State wetland permit applications prior to Preliminary Plan approval. However, wetland delineations shall have been accomplished by a qualified professional. |
| _____ | _____ | 4. Location of any areas within the 100 year floodplain (with differentiation between floodway and floodfringe if available from official Federal floodplain maps) |
| _____ | _____ | 5. Rock outcrops, stone fields or mine stripping areas |
| _____ | _____ | 6. Soil types (see County Soil Survey) |
| _____ | _____ | 7. Areas of woods, and any individual trees outside of woods of over 4 inch trunk diameter measured at a height of 4.5 feet above the surrounding average ground level |
| _____ | _____ | a. Above woods/trees to be preserved and/or removed |
| _____ | _____ | b. Areas to be temporarily fenced off to protect woods/trees to be preserved, if any |
| | | E. <u>MAN-MADE FEATURES:</u> (with existing features graphically differentiated from proposed features) |
| _____ | _____ | 1. Existing and proposed lot lines |
| | | a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced. |
| | | b. The boundaries of any residual tract which is 10 acres or more may be determined by deed (Any residual lot of less than 10 acres shall fully comply with this Ordinance). |
| _____ | _____ | 2. Location of existing and proposed monuments |
| _____ | _____ | 3. Sufficient measurements of all lots, streets, rights-of-way, easements, homeowner association areas or public areas to accurately and completely reproduce each and every course on the ground. |
| _____ | _____ | 4. Identification of buildings on the tract estimated to be 80 years or older that could be adversely impacted by the project, with description |
| _____ | _____ | 5. Locations of existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (with statements concerning which easements and rights-of-ways are proposed for public dedication) |
| _____ | _____ | 6. Existing and proposed (if known) or typical building locations |
| _____ | _____ | 7. Locations of any overhead electric high-voltage transmission lines |

* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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8. Proposed linear feet of new streets, any proposed functional classification of any new street (such as "collector street" or "local street")

For utility lines - See "Utility Plan" below.

F. ZONING REQUIREMENTS:

1. Applicable zoning district and required minimum lot area
2. Minimum setback requirements shown on each lot
3. Area and location of any proposed common or public open space
4. If any common open space proposed: method of ownership and entity proposed to be responsible for maintenance
5. Statement of type of water and sewer service proposed (such as "public water and public sewer")
6. Required and proposed building coverage and impervious coverage (may be stated as "typical proposed" for single family detached or twin homes)
7. Proposed off-street parking spaces and evidence that the parking requirements of the Zoning Ordinance will be met

G. PROPOSED LAYOUT:

1. Total acreage of site and total proposed number of lots and dwelling units
2. Identification number for each lot (and for each building if more than 1 principal building per lot)
3. Lot width (at minimum building setback line) and lot area for each lot
4. Dimensions of each lot line in feet
5. Existing and proposed rights-of-way, cartway widths and locations of existing and proposed streets, including noting widths of streets within 200 feet of boundaries of tract
6. Any improvements to existing streets proposed by the applicant, such as any acceleration/ deceleration lanes, traffic signal, street realignment or widening of abutting streets
7. Proposed and existing street curbing
8. Proposed and existing sidewalks (place NA in Not Submitted column if not proposed), with any proposed handicapped ramps at intersections
9. Names of existing streets and initial proposed names of new streets
10. Designation which streets are proposed to be dedicated to the City or to remain private.
11. Sight distance triangles meeting City requirements (See also sight distance information under "Supporting Information" heading)
12. Street centerline information, including bearings and distances

* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| _____ | _____ | 13. Horizontal curve data including radius, tangent, or length and delta, cord bearing and distance. Such information may be listed in a table, using reference numbers on a plan, provided that sufficient information is provided along each course (such as radius and arc length) such that each course can be reproduced in the field. |
| _____ | _____ | 14. Right-of-way and curb lines with horizontal curve radii at intersections |
| _____ | _____ | 15. Beginning and end of proposed street construction |

H. UTILITY PLAN:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. If on-lot water is proposed, locations of proposed wells, with required separation distance shown from septic drain fields, and with dimensions from lotlines |
| _____ | _____ | 2. If on-lot septic service is proposed, location of proposed system, with locations of approved perc tests and soil probes, and evidence that such system would meet PA. DEP-required separation distances |
| _____ | _____ | 3. If <u>central sewage service</u> is proposed: |
| _____ | _____ | a. proposed contour lines on same sheet as utility layout (see under "Natural Features" above) |
| _____ | _____ | b. location and size of mains and laterals from the mains to the street right-of-way, with main locations corresponding to stations on the profiles (when the profiles are submitted) |
| _____ | _____ | c. proposed lotlines and any proposed easements or rights-of-ways needed for the utilities |
| _____ | _____ | d. location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines |
| _____ | _____ | e. locations of manholes, with invert elevation of flow line and grade at top of each manhole |
| _____ | _____ | 4. If <u>central water service</u> is proposed: |
| _____ | _____ | a. location and size of existing and proposed waterlines |
| _____ | _____ | b. existing and proposed fire hydrant locations |
| _____ | _____ | c. distance noted that water lines will have to be extended to reach existing lines (if not already abutting the tract) |
| _____ | _____ | d. proposed contour lines on same sheet as utility layout |
| _____ | _____ | 5. Any existing and proposed underground natural gas, electrical, telephone, cable TV or other utility lines, with any easements shown that will affect development |
| _____ | _____ | 6. List of contacts for all underground utilities in the area, with phone numbers stated on the grading plans (as required by State Act 172) |

I. GRADING AND STORMWATER MANAGEMENT PLAN:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Existing and proposed storm drainage facilities or structures, including detention basins (with capacity), swales, pipes (with sizes), culverts and inlets |
|-------|-------|---|

* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| _____ | _____ | 2. Capacity, depth, dimensions and locations of detention basins |
| _____ | _____ | 3. Pre-development and post-development watershed areas for each detention basin or major drainage channel or point of concentration |
| _____ | _____ | 4. Locations of any proposed or existing stormwater easements |
| _____ | _____ | 5. Intended design year standards for culverts, bridge structures and/or other stormwater facilities |
| _____ | _____ | 6. Schematic location of all underground utilities |
| _____ | _____ | 7. Entity responsible to maintain/ own any detention basin |
| _____ | _____ | 8. Existing and <u>proposed contour lines for each lot</u> (see under "Natural Features" above) |

J. FOR USES OTHER THAN SINGLE FAMILY DETACHED OR TWIN DWELLINGS:

- | | | |
|-------|-------|--|
| _____ | _____ | 1. For townhouses or apartments, evidence that the project meets the density requirements of the Zoning Ordinance |
| _____ | _____ | 2. Evidence that the project will meet the off-street parking requirements of the Zoning Ordinance |
| _____ | _____ | 3. Arrangement of off-street parking spaces, parking aisles, off-street loading areas and extent of areas to be covered by gravel or asphalt |
| _____ | _____ | 4. For townhouses, any proposed methods to ensure privacy between outdoor semi-private areas (such as fences or walls or plantings between rear yards) |
| _____ | _____ | 5. Illustrative sketches of exteriors of proposed principal buildings other than single family detached houses (encouraged but not required) |
| _____ | _____ | 6. Location of any proposed outdoor storage areas |
| _____ | _____ | 7. Note stating total square feet of paved area, including gravel areas |
| _____ | _____ | 8. Number, sign area, height and location of proposed signs (required applications for signs may be submitted separately) |
| _____ | _____ | 9. Major types, heights and locations of outdoor lighting |

K. LANDSCAPE PLAN:

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Locations of treelines and existing forested areas |
| _____ | _____ | 2. Any proposed evergreen screening, buffer yards or earth berming (if required by Zoning Ordinance) |
| _____ | _____ | 3. Areas of existing mature woods that are proposed to be protected and preserved or removed |

L. EROSION AND SEDIMENTATION PLAN: The following shall be required as part of the Preliminary Plan submission unless the applicant provides a written and signed statement that earth will not be disturbed until after Final Plan approval.

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Drawings showing locations and types of proposed measures, complying with the regulations and standards of the County Conservation District and PA. DEP. |
| _____ | _____ | 2. Narrative describing proposed soil erosion and sedimentation control methods. |

- * Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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_____	_____	M.	<u>PLAN-PROFILE INFORMATION:</u> All plan-profile information listed in Section 603 shall be required as part of the Preliminary Plan submission <u>unless</u> the applicant states in a signed written statement that construction of improvements will not occur until after Final Plan Approval
_____	_____	N.	<u>CONSTRUCTION DETAILS:</u> All construction detail information listed in Section 603 shall be required as part of the Preliminary Plan submission <u>unless</u> the applicant states in a signed written statement that construction of improvements will not occur until after Final Plan Approval
_____	_____	O.	<u>SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:</u>
_____	_____	1.	Residual Lands Sketch. If the submitted plans do not include all undeveloped or underdeveloped adjacent or abutting lands owned by the same landowner or under control of the same developer (or closely related corporations), then a sketch shall be submitted at an appropriate approximate scale, on one sheet, covering all such land holdings together with a sketch of a reasonable future potential street system. Such sketch shall demonstrate that the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect the potential development of residual lands.
_____	_____	2.	Sewage Module. If applicable, 2 copies of the PA. DEP Sewage Planning Module application and supportive information as completed by the applicant, together with evidence that the application has been forwarded to the proper review agencies (these agency reviews are not required to be fully completed prior to preliminary plan approval)
_____	_____	3.	Central Water. If central water service is proposed by an existing water company or authority, the applicant shall provide a letter from such water company or authority which states that the company or authority expects to be able to adequately serve the development, that the proposed water system is generally acceptable and that references standard conditions or specifications required by the company or authority for the provision of services.
_____	_____	4.	Public Sewage. If service is proposed by a sewage authority, the developer shall submit a copy of a letter from the authority which states that the authority can adequately serve the subdivision, that the proposed sanitary sewage system is generally acceptable and that references standard conditions or specifications required by the authority for connection to the system.

- * Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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SUBMITTED SUBMITTED*

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| _____ | _____ | 5. Nonpublic Sewage. If service is proposed by a central sewage system that is not publicly-owned, the developer shall provide sufficient information to show that the proposed system would be feasible, within PA. DEP regulations and maintained and operated through an acceptable system. |
| _____ | _____ | 6. Access to State Roads. If access is proposed to a State highway, and the appropriate Highway Occupancy Permit(s) have not yet been issued for the use(s):
a) copy of any information submitted to PennDOT and any correspondence from PennDOT regarding the proposed access to State roads (this requirement applies throughout the entire approval process), and
b) evidence that the proposed access will meet PennDOT sight distance requirements. |
| _____ | _____ | 7. Floodplain. If the project would include any area within the 100 year floodplain or any watercourse, a statement from the Zoning Officer indicating that the proposed subdivision or land development would be in compliance with the Floodplain regulations of the City. |
| _____ | _____ | 8. A statement describing the nature of the landowner's and the developer's involvement in the proposed development, and the names of the primary partners or chief officers of any corporate developer. |
| _____ | _____ | 9. List of any Modifications or Waivers requested to this Ordinance |
| _____ | _____ | 10. Copies of the decisions of any zoning variances that are relevant to the proposal. |
| _____ | _____ | 11. The following shall be required to be submitted as part of the preliminary plan submission <u>unless</u> the applicant provides a signed written statement that no construction of improvements will occur until after the final plan is approved.
a. Storm Drainage Calculations. All calculations relating to facilities appearing on the Grading and Storm Drainage Plan and the Erosion and Sedimentation Plan shall be submitted for review by the City Engineer. (see Section 1008). |

504. CERTIFICATION: ORIGINAL SIGNATURE AND SEALS.

- A. All certification shall comply with the State professional licensing laws. All subdivisions of land shall be certified and stamped by a Registered Land Surveyor.
- B. At least 1 set of copies of all plans and engineering reports provided to the City shall bear original signature(s) and original seal(s) on each page, which should be prominently marked on the front sheet as the "Official City File Copy."

ARTICLE VI

FINAL PLAN

601. APPLICABILITY. This Article lists the requirements for final plans for a major subdivision or any land development. See the requirements of Article VII for a project that only involves: a) a minor subdivision, b) a lot line adjustment or c) minor corrections or minor revisions to a previously approved plan as specified in Section 704.

602. SUBMISSION AND REVIEW PROCEDURE.

602.A. Final Plan Submission Required.

1. A Final Plan Submission for each major subdivision or land development must be filed by the Applicant and reviewed in accordance with the provisions of this Article VI.
2. A Final Plan shall only be submitted after a Preliminary Plan has been approved by the Planning Commission, if a Preliminary Plan is required.

602.B. Final Plan Submission Deadline.

1. An applicant shall file a Final Plan Submission within 5 years from the date of the approval of the Preliminary Plan by the Planning Commission.
2. Failure to comply with this requirement shall render the Preliminary Plan Submission null and void, and a new Preliminary Plan Submission must be filed.

602.C. Filing and Distribution.

1. The Applicant shall file with the City Staff at least 14 calendar days prior to a regular Planning Commission meeting (not including workshop meetings) all of the required plans, information and fees listed in Section 603 of this Ordinance.
2. The City Staff shall forward applicable plans to the following agencies to seek their comments prior to Final Plan Approval:
 - a. the appropriate City staff (including 1 official "file" copy of all materials submitted by the applicant),
 - b. the City Planning Commission (including copies of the Application Form, at least 1 copy of the Preliminary Plan Checklist, several copies of the Preliminary Plan and at least 1 copy of the Supporting Documents), with such information provided at or before the next regularly scheduled meeting of the Commission.
3. Applicant's Distribution. It is the applicant's responsibility to:
 - a. City Engineer, provided the same day as the submittal is made to the Plans Administrator,
 - b. City Fire Chief (layout plan and hydrant and water system information, unless such information was already approved at the preliminary plan level and is not proposed to change from such plan),

- c. make agreements with the appropriate utility companies, including but not limited to the Scranton Area Sewage Authority and the water supplier,
 - d. provide information to PennDOT that is required for any needed permit for access to or work within a State road right-of-way,
 - e. provide information to PA. DEP or other agencies for any permits that might be required,
 - f. submit a copy of the soil erosion and sedimentation plan to the County Conservation District, and pay their required review fees, if earth disturbance is proposed, and if such erosion control plan was not approved at the preliminary plan level, and
 - g. provide a copy of the plans to the County Planning Commission.
- 4. The filing of the Final Plan shall conform with the approved Preliminary Plan and any conditions and changes recommended by the City during the Preliminary Plan review.
 - 5. Revisions. A list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted.

602.D. Determination of Completeness by Commission.

- 1. If the City Engineer determines that a submission is significantly incomplete, the City Engineer shall have the authority: a) within 14 days after a submission to return the submission to the applicant or b) to recommend action by the Planning Commission as provided in subsection "2." below.
 - a. If the submission is returned, the submission shall have been considered to have never been officially accepted for action by the City.
- 2. Regardless of whether the City Engineer did not return a submission under subsection "1." above, the Commission shall have authority, at its first regularly scheduled meeting after the Submission is filed in a timely fashion, to determine that a submission is significantly incomplete and to do one of the following:
 - a. Not officially accept the Submission, indicating deficiencies in writing, and return the fee (minus the costs of any City review) to the Applicant.
 - b. Officially accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person by a specific deadline.
 - c. Table the official acceptance of the submission until the next Planning Commission meeting after the applicant has met all of the submittal requirements within the required time period prior to the meeting. The 90 day time limit for action shall not begin until the plan is accepted as complete.
 - d. Reject the application for just cause, such as the submission being significantly incomplete.
- 3. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.

4. If the Commission determines that a Final Plan Submission, as filed, departs substantially from the approved Preliminary Plan, the Commission may classify the submission as a Revised Preliminary Plan (with the applicable review fees required) and process the application as such.

602.E. Review by the Subdivision Bureau.

1. See determination of completeness in Section 502.C.
2. The Subdivision Bureau (including the City Engineer) should review the engineering considerations of the submission and prepare report(s) to the Commission.
3. Policy matters that should be dealt with directly by the Planning Commission should be listed separately from technical engineering considerations.
4. The Applicant and/or his/her plan preparer shall make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings. The City Engineer may require the applicant or his/her plan preparer to meet with the City Engineer for this purpose.

602.F. Review by Commission.

1. The applicant and the preparer of the plans are expected to attend Planning Commission meeting(s) where his/her submission will be reviewed. If the Commission has insufficient information to render a decision as a result of such non-attendance, such attendance may result in disapproval of the submission.
2. The Planning Commission shall:
 - a. Review applicable reports received from official review agencies,
 - b. Determine whether the Final Plan Submission meets the requirements of this Ordinance and other applicable ordinances.

602.G. Decision by the Planning Commission. The Planning Commission shall:

1. Approve, conditionally approve or reject the Final Plan Submission within the time required by the PA. Municipalities Planning Code.
(As of 1994, State law generally requires:
 - a) the Planning Commission to act not later than 90 days following the date of the first regular meeting of the Commission held after it has been properly filed; but in no case shall the Planning Commission's decision be made later than 120 days following the date the submission was duly submitted, unless the Applicant grants a written extension of time; and
 - b) that no subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission.)
2. Notice to Applicant. The decision of the Planning Commission shall be in writing and shall be communicated to the Applicant personally or mailed to him/her at his/her last known address not later than 15 days following the decision.

3. Dedications.

- a. The approval of the Final Plan by the Planning Commission shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space, or area, unless the such acceptance is specified at such time.
 - b. Any such acceptance of dedication shall only occur after formal action of the City at such time.
 - c. As part of an improvements agreement, if the City Council elects to accept lands offered for dedication, the submission shall be accompanied by duly executed instruments of conveyance to the City. Such instruments shall state that the title thereof is free and unencumbered.
4. Disapproval. When a Final Plan Submission is disapproved, the decision shall specify defects found in the Submission, shall describe requirements which have not been met, and shall cite the provisions of ordinance section(s) relied upon.
5. Conditions. The Planning Commission may attach reasonable conditions to an approval to ensure the carrying out of the Comprehensive Plan, this Ordinance, other City Ordinances and State laws and regulations, and to protect the public health and safety.
6. Acceptance of Conditions. Any conditions on the approval shall be mailed or otherwise provided in writing to the applicant or his/her official representative. If the applicant provides notice to the City that he/she rejects one or more conditions within 30 days after the Planning Commission action, then the submission shall be considered to have been rejected. The applicant is requested to provide notice in writing that the conditions have been accepted. However, if the applicant does not respond regarding the conditions or otherwise file an official appeal within 30 days after the Planning Commission action, then all of the conditions shall automatically be considered to have been accepted by the applicant.

602.H. Development in Stages.

1. If requested by the Applicant, the Planning Commission may permit the undertaking of the required improvements and the preparation of the Final Plan to be completed in a series of sections or stages, each covering a portion of the proposed subdivision or land development as shown on the Preliminary Plan.
2. If Final Plans are to be filed in sections or stages, each section or stage shall provide sufficient access, utilities and amenities to allow the development to properly function if future stages are not built.
3. The boundaries of phases and the timing of related improvements shall be subject to the approval of the Planning Commission.

603. FINAL PLAN REQUIREMENTS.

- 603.A. All of the information and materials listed in this section are required as part of all final plans for: 1) a major subdivision or 2) a land development. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the City to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.
- 603.B. The required information listed in this Section may be combined or separated onto different sheets, provided that the plans will be clearly readable.

Final Plan Page 6-6

* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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- a. The applicant may be granted Final Plan approval conditioned upon receipt of all required Federal and State wetland permits.
- b. See the "supporting documentation" portion of this section regarding wetland studies.
8. For uses other than single family detached and twin dwelling:
 - a. Number, sign area, height and location of proposed signs (required applications for signs may be submitted separately)
 - b. Major types, heights and locations of outdoor lighting
9. Required profiles shown at a scale of 1"=50' horizontal and 1"=5' vertical, or other scale preapproved by the City Engineer or City Staff.
10. A line drawing of any proposed new or extended streets at a scale of 1 inch = 800, to allow the City to trace the street onto City Maps.

B. UTILITIES

1. If centralized sewage service is proposed:
 - a. proposed contour lines on same sheet as utility layout
 - b. proposed lotlines and any proposed easements or rights-of-ways needed for the utilities
 - c. location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines
 - d. type, size, length and grade of sewer lines
2. If centralized water service is proposed:
 - a. location and size of existing and proposed waterlines
 - b. existing and proposed fire hydrant locations, with such locations being subject to approval by the Scranton Fire Bureau
 - c. distance noted that water lines will have to be extended to reach existing lines (if not already abutting the tract)

C. GRADING AND STORMWATER MANAGEMENT PLAN:

1. Locations of existing and proposed storm drainage facilities or structures, including detention basins (with capacity), swales, pipes (with sizes), culverts and inlets
2. Capacity, depth, dimensions and locations of detention basins
3. Watershed areas for each drainage structure or swale (for pre and post development) or point of concentration
4. Locations of any proposed or existing stormwater easements
5. Intended design year standards for culverts, bridge structures and/or other stormwater facilities
6. Schematic location of all underground utilities
7. See also requirements of Section 1008

- * Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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D. EROSION AND SEDIMENTATION PLAN: (Unless approved at preliminary plan stage and will be unchanged)

1. Drawings showing locations and types of proposed measures, complying with the regulations and standards of the County Conservation District and PA. DEP.
2. Narrative describing proposed soil erosion and sedimentation control methods.

E. ROAD PLAN-PROFILES: (With profile drawings on same sheet as plan drawings)

1. Required profiles shown at a scale of 1"=50' horizontal and 1"=5' vertical, or other scale pre-approved by the City Engineer or City staff.
2. Profile of existing and proposed ground surface along centerline of street.
3. Proposed centerline grade with percent on tangents and elevations at 50 feet intervals.
4. All vertical curve data including length, elevations and minimum sight distance as required by Article X.
5. Cross sections at 50 feet intervals if required by City Engineer

F. WATER MAIN, SANITARY SEWER AND STORM DRAIN PLAN-PROFILES: (With profile drawings on same sheet as plan drawings)

1. Profile of proposed ground surface with elevations at top of manholes or inlets
2. Profile of water main, storm sewer and sanitary sewer lines, corresponding to stations
3. All line crossings of other utilities.
4. Invert elevations along flow lines

G. LANDSCAPE PLAN

1. General types, sizes and locations of any required street trees (see Section 1018), paved area landscaping (see City Zoning Ordinance) and any other major proposed landscaping.
2. Any proposed fencing (including height and type) and/or landscaping around stormwater basins (see Section 1008)

H. ADDITIONAL FINAL PLAN REQUIREMENTS:

1. Protective covenants shall be placed on the land providing for:
 - a. clear sight triangle easements (see Sections 1004.H. and 1012.D.)
 - b. all needed utility, drainage, maintenance, pedestrian, open space or other easements.

- * Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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2. Required Plan Notations. The following wording shall be required to be placed on any final subdivision or land development plan, as applicable:

- a. If access will be provided onto a State highway and a required PennDOT Highway Occupancy Permit has not been granted then the following or closely similar wording shall be stated:

"NOTICE - A PennDOT Highway Occupancy Permit for Lot No(s). ___ is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted. Access to the state highway shall be only as authorized by a PennDOT Highway Occupancy Permit. No Building Permits, Zoning Permits or Certificates of Occupancy shall be issued for said lot until such time as a PennDOT Highway Occupancy Permit has been secured and filed with the City. City shall not be held liable for damages to persons or property arising out of issuance or denial of a Highway Occupancy Permit by the PA. Department of Transportation, pursuant to Section 508 of the PA. Municipalities Planning Code."

- b. If on-lot utilities: "Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection."

- c. If applicable, notations stating that the property owner is responsible for maintenance of drainage swales.

3. Street Lighting

- a. Existing street lighting

- b. Any proposed street lighting (or notation stating none is proposed), including types of poles, spacing of poles and intensity of lamps

I. CONSTRUCTION DETAILS: (following any applicable City improvement standards).

1. Typical cross-section and specifications for street construction as required by Section 1004.
2. Drainage swale cross-section and materials.
3. Pipe bedding details.
4. Storm drainage structures details, including cross-sectional drawings, any detention basin outfall structure and spillway
5. Sanitary sewer structures.
6. Curb and sidewalk details.
7. Street tree details.
8. Erosion and sedimentation details.
9. Centralized water details.
10. Detailed plan and cross-sectional drawings for detention or retention basins.

J. SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:

Supporting written and data reports submitted at the time of the preliminary plan are not required to be resubmitted unless they need to be revised to reflect changes between the preliminary and the final plans.

* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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_____	_____	1. A copy of any "Supporting Documentation and Additional Information" that was required for the Preliminary Plan and that needed to be <u>adjusted</u> or <u>revised</u> to reflect changes between the Preliminary and the Final Plan.
_____	_____	2. If the subdivision or land development was not required to submit a preliminary plan, a copy of any supporting information listed in Section 503 that is applicable to this project.
_____	_____	3. List of Modifications or Waivers requested to this Ordinance that are needed but have not yet been granted
_____	_____	4. Deed Restrictions. All private deed restrictions, homeowner or condominium association agreements or covenants already imposed or to be imposed as a condition to sale that may affect improvements or common facilities in the subdivision or land development plan. Any homeowner or condominium association agreement regarding maintenance of utilities and common facilities may be subject to review by the City Solicitor and acceptance by the Planning Commission.
_____	_____	5. Nondedicated Streets Agreement. For any street not offered for dedication, an agreement stating who is responsible for the improvement and maintenance of such streets. The developer shall be responsible for such maintenance until the condominium or homeowners association is established and operational.
_____	_____	6. Open Space Agreement. For any common open space, a formal contract providing for the maintenance of open space and the method of management, together with all offers of dedication and covenants governing the reservation and maintenance of undedicated open space. This agreement is subject to the review of the City Solicitor and acceptance by the Planning Commission.
_____	_____	7. Storm Drainage Calculations. All calculations relating to facilities appearing on the Grading and Storm Drainage Plan and the Erosion and Sedimentation Plan shall be submitted for review by the City Engineer. (see Section 1008).
_____	_____	8. Development Schedule. A statement indicating the approximate date when major phases of construction can be expected to begin and be completed.
_____	_____	9. PennDOT Reviews. If a PennDOT highway occupancy permit is required and has not yet been granted, the applicant shall submit to the City a copy of the application to PennDOT for any needed occupancy permit to have access onto a State highway, and shall also submit any review comments received from PennDOT within 7 days of receiving such comments. If a needed permit is not issued prior to Final Approval, such permit shall automatically be a condition of Final Plan approval.

- * Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| _____ | _____ | 10. | Water Certification. If water service is proposed by means other than by private individual wells owned by the owner of each lot, the applicant shall present evidence to the City that the service will be provided by a certified public utility, a bona fide cooperative association of property owners or by a municipal corporation, authority or utility, as permitted by the City. |
| | | a. | This evidence shall include a copy of 1 or more of the following, as appropriate: a) the "Certificate of Public Convenience" from the PA. Public Utility Commission, b) a copy of an application submitted for such certificate or a cooperative agreement or c) a commitment or agreement to serve the area in question. |
| _____ | _____ | 11. | If applicable, copy of the wetland study, and qualifications of person who prepared the study. |
| _____ | _____ | 12. | For industrial operations or industrial storage: A written description of the proposed use in sufficient detail to indicate a) any noise, glare, smoke and fumes nuisances, b) to allow a general determination of possible fire, explosive, toxic, genetic, public health or other hazards and c) to estimate the amount, direction and times of any tractor-trailer truck traffic that is expected. |

K. MATERIALS REQUIRED PRIOR TO RECORDING: The following are not required at the time of final plan submission, but are required prior to recording of the final plan and prior to the construction of any buildings.

- | | | | |
|-------|-------|----|--|
| _____ | _____ | 1. | Utilities Agreements and Permits. |
| | | a. | All signed agreements or contracts with utility companies, water companies or authorities or sewage companies or authorities for the provision of services to the project. |
| _____ | _____ | b. | Approval letters from all appropriate Federal and State agencies of any private central water supply system or private central sewage disposal system. |
| _____ | _____ | c. | Approved PA. DEP Sewage Planning Module, if applicable |
| _____ | _____ | d. | PA. DEP Water Quality Management Permit, if applicable |
| _____ | _____ | 2. | See "Record Plan" requirements in Section 902. |

604. CERTIFICATION: ORIGINAL SIGNATURE AND SEALS.

- A. All certification shall comply with the State professional licensing laws. All subdivisions of land shall be certified and stamped by a Registered Land Surveyor, as required by State law.
- B. At least 1 set of copies of plans provided to the City shall bear original signatures and original seals, which should be marked as "Official City File Copy."

ARTICLE VII

MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

701. PURPOSE. This Article provides simplified procedures for submitting and reviewing minor subdivisions, land developments involving only a single non-residential building and lot line adjustments.

702. SUBMISSION AND REVIEW PROCEDURE. The following submission and review process shall apply for Minor Subdivisions, Lot line adjustments, annexations, land developments involving only a single non-residential building and what the City determines to be minor revisions of approved plans.

702.A. Final Plan Submission Required. A Minor Subdivision or Lot Line Adjustment is not required to submit a Preliminary Plan, but shall be required to submit a Final Plan meeting the provisions of this Article VII.

702.B. Required Submission.

1. The Applicant shall file to the Staff at least 14 days prior to a scheduled Planning Commission regular meeting the required fee(s) and required number of copies of required plans and materials (see Section 703). The Applicant shall also deliver one of the complete copies of the submittal to the City Engineer on the same day as the submittal is made to the Plans Administrator.
2. If a State road is involved, the Applicant shall forward the required information to PennDOT and apply for a highway occupancy permit. If such permit is not granted prior to Final Plan approval, then it shall automatically be a condition of Final Plan approval, and the plans shall not be recorded until it is granted.
3. Each Final Plan filed for minor subdivisions shall provide the information required by Section 703. Plans for Lot line adjustments shall provide the information required by Section 704.
4. The applicant shall provide a copy of the plans for review to the County Planning Commission. A soil erosion and sedimentation control plan shall be provided to the County Conservation District if earth disturbance is involved.

702.C. Initial Actions by the Staff.

1. The Staff shall review the Submission items filed against a checklist for completeness and shall report such review to the Commission at its next regularly scheduled meeting.
2. The Staff shall retain in the Commission's files one copy of all materials submitted by the Applicant.
3. The Staff shall forward to the Commission at or before the next regularly scheduled meeting of the Commission: a) at least 1 copy of the Application Form, b) at least 1 copy of the Final Plan Checklist, c) several copies of the Final Plan and d) at least 1 copy of the

Supporting Documents.

4. If the City Engineer determines that a submission is significantly incomplete, the City Engineer shall have the authority: a) within 14 days after a submission to return the submission to the applicant or b) to recommend action by the Planning Commission as provided in the subsection below.
 - a. If the submission is returned, the submission shall have been considered to have never been officially accepted for action by the City.

702.D. Determination of Completeness by Commission.

1. Regardless of whether the City Engineer did not return a submission under the above subsection, the Commission shall have authority, at its first regularly scheduled meeting after the Submission is filed in a timely fashion, to determine that a submission is significantly incomplete and therefore to refuse to review the submission further and to do one of the following:
 - a. Not accept the Submission, indicating the deficiencies, and return the fee (minus the costs of any City review) to the Applicant.
 - b. Accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person within a certain number of days from the date of such acceptance.
 - c. Table the acceptance of the submission until the next Planning Commission meeting where the applicant has met all of the submittal requirements, and has filed such materials within the required time period prior to the meeting. The 90 day time limit for action shall not begin until such acceptance.
 - d. Reject the submission for just cause, such as the submission being significantly incomplete.
2. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.
3. Zoning Variances. An application under the Subdivision and Land Development Ordinance shall not be considered to be complete if one or more zoning variances will be required for the subdivision or land development to legally occur as submitted, until such time as the needed zoning variances have been granted.

702.E. Review by Subdivision Bureau. The Subdivision Bureau (including the City Engineer) should review the engineering considerations in the Plan and prepare report(s) on such considerations to the Commission.

702.F. Decision by the Planning Commission.

1. The applicant and the preparer of the plans are expected to attend Planning Commission meeting(s) where his/her submission will be reviewed. If the Commission has insufficient information to render a decision as a result of such non-attendance, such attendance may result in disapproval of the submission.

2. The Planning Commission shall accomplish the following within the time limitations of the PA. Municipalities Planning Code (unless the applicant grants a written time extension).
 - a. Review all applicable reports received from the appropriate review agencies and officers;
 - b. Determine whether the Final Plan Submission meets the requirements of this Ordinance and other applicable ordinances;
 - c. Review the Final Plan Submission and recommend any needed revisions so that the Submission will conform to this Ordinance and other applicable ordinances; and
 - d. approve, conditionally approve or reject the Final Plan Submission within the time required by the PA. Municipalities Planning Code.

(As of 1994, that law generally requires the Planning Commission to act not later than 90 days following the date of the first regular meeting of the Commission held after it has been duly filed for review; but in no case shall the Planning Commission' decision be made later than 120 days following the date the Submission was accepted as being filed for review, unless the Applicant grants a written extension of time.)

3. If a Final Plan Submission is disapproved, the decision shall specify defects found in the Submission, shall describe requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon in each case.

702.G. Review by the County Planning Commission. No subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until 30 days have passed from the date the application was forwarded to the County Planning Commission.

702.H. Actions After Decision by the Planning Commission.

1. The decision of the Planning Commission shall be in writing and shall be communicated to the Applicant personally or mailed to him/her at the last known address not later than 15 days following the decision.
2.
 - a. The approval of the Final Plan by the Planning Commission shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space or area, unless such acceptance is specifically made at such time.
 - b. Any such acceptance of dedication shall be specifically stated along with the signatures required for approval.
 - c. If the Planning Commission elects to accept lands offered for dedication, the Submission shall be accompanied by duly executed instruments of conveyance to the City. Such instruments shall state that the title thereof is free and unencumbered.
3. Acceptance of Conditions. Any conditions on the approval shall be mailed or otherwise provided in writing to the applicant or his/her official representative. If the applicant provides notice to the City that he/she rejects one or more conditions within 30 days after the Planning Commission action, then the submission shall be considered to have been rejected. The applicant is requested to provide notice in writing that the conditions have been accepted. However, if the applicant does not respond concerning the conditions

or otherwise file an official appeal within 30 days after the Planning Commission action, then all of the conditions shall automatically be considered to have been accepted by the applicant.

703. MINOR SUBDIVISION FINAL PLAN REQUIREMENTS. All of the following information and materials listed in this section are required as part of all minor subdivision submissions, other than lot line adjustments or submittals under Section 704. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the City to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.

Section 703
City of Scranton
MINOR SUBDIVISION FINAL PLAN CHECKLIST
AND LIST OF SUBMITTAL REQUIREMENTS

Applicant's Name: _____

Applicant's Address: _____

Applicant's Daytime Phone No.: _____

Applicant's Signature: _____ Date: _____

- * Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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A. GENERAL SUBMISSION ITEMS: (the City staff may require the submission of additional numbers of copies)

- | | | |
|-------|-------|--|
| _____ | _____ | 1. City application fee/ review fee(s)/escrow |
| _____ | _____ | 2. The applicant has submitted the following to the Plans Administrator:
1 copy of the completed Application (see Appendix A)
1 copy of the Minor Subdivision Plan Checklist (using the photocopies of the pages in is Section)
5 copies of the complete Final Plan
7 additional print copies of only the Layout Plans
1 set of Supportive Documents required by this Section |
| _____ | _____ | 3. 1 set of all information concerning layout, fire hydrants and water service for review by the Fire Bureau |
| _____ | _____ | 4. The applicant has submitted to the following to the City Engineer: one copy of all materials submitted to the Plans Administrator |
| _____ | _____ | 5. Dated receipt showing that the applicant has provided a copy of plan to the County Planning Commission together with any review fees required by the County |

B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented.

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48"). Sheets should be folded to approximately 9"x12" size, in such a manner that the title of the sheet faces out. |
| _____ | _____ | 2. Plans drawn at a scale of 1 inch equals 50 feet or other scale pre-approved by the City Engineer or City Staff |
| _____ | _____ | 3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds. |
| _____ | _____ | 4. Differentiation between existing and proposed features |
| _____ | _____ | 5. Boundary line of the tract, shown as a heavy boundary line |

C. GENERAL INFORMATION:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Name and location of project (such as the "Smith Subdivision No. 2") |
| _____ | _____ | 2. Name of landowner and developer (with addresses) |

- * Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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| _____ | _____ | 3. Names and addresses of abutting property owners, with abutting lot lines |
| _____ | _____ | 4. Notarized Owners Statement of Intent (see Appendix B) |
| _____ | _____ | 5. Name, address, signature, and seal of the plan surveyor and plan preparer. (See Appendix B) |
| _____ | _____ | 6. Approval/review signature blocks for:
(See Appendix B) the City Engineer, City Planning Commission and County Planning Commission staff |
| _____ | _____ | 7. Location map showing the location of the project in relation to major streets and any municipal boundaries |
| _____ | _____ | 8. North arrow, graphic scale, written scale |
| _____ | _____ | 9. Date of plan and all subsequent revision dates (especially noting if is revision of a previously approved plan) |
| _____ | _____ | 10. Deed Book volume and page number from County records |
| _____ | _____ | 11. Tax map, block and lot number for the tract being subdivided |

D. NATURAL FEATURES:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Contour lines shall be: |
| | | a. based on a field survey or photogrametric procedure at an interval of 2 feet (or other interval pre-approved by the City Engineer or City Staff) at a scale of 1"=100' or larger; |
| | | b. Note- Contours are not required to be shown within areas of lots of 10 acres or more that are clearly not intended to be altered as a result of this proposed subdivision, unless needed for stormwater management |
| _____ | _____ | 2. Identification of any slopes of 15 to 25 percent, and greater than 25 percent |
| _____ | _____ | 3. Areas within any hydric soils (see County Soil Survey), with a notation that there are none if that is the case |
| _____ | _____ | 4. Watercourses (with any name), natural springs, lakes and wetlands. Detailed delineations with courses and distances of wetlands are not required if there is clearly no alteration, buildings, earthmoving, driveways or septic systems proposed within 200 feet of any area that could be reasonably suspected of being wetlands; however, such areas suspected of being wetlands shall be shown on the plans |
| _____ | _____ | 5. Areas of existing mature woods, with areas noted that are proposed to be preserved or removed |

E. MAN-MADE FEATURES:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Existing and proposed lot lines |
| | | a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced. |
| | | b. The boundaries of any residual tract which is greater than 10 acres may be determined by deed. |
| _____ | _____ | 2. Location of existing and proposed monuments |

- * Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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_____	_____	3. Sufficient measurements of all lots, streets, rights-of-way, easements and public areas to accurately and completely reproduce each and every course on the ground.
_____	_____	4. Buildings estimated to be 80 years or older that are proposed to be adversely impacted by the subdivision, with name and description
_____	_____	5. Sewer lines, storm water facilities, water lines, bridges and culverts
_____	_____	6. Existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (stating which easements and rights-of-ways proposed for dedication to the municipality)
_____	_____	7. Proposed (if known) and existing non-residential building locations and land uses
_____	_____	8. If on-lot water is proposed, locations of proposed wells, with required separation distance shown from septic drain fields, and with dimensions from lotlines
_____	_____	9. If on-lot septic service is proposed, location of proposed system, with locations of approved perc tests and soil probes, and evidence that such system would meet PA. DEP-required separation distances
F. <u>ZONING REQUIREMENTS:</u>		
_____	_____	1. Applicable zoning district and minimum lot area
_____	_____	2. Minimum setback requirements shown for each lot
G. <u>PROPOSED LAYOUT:</u>		
_____	_____	1. Total acreage of site and total proposed number of lots
_____	_____	2. Identification number for each lot
_____	_____	3. Lot width (at minimum building setback line) and lot area for each lot
H. <u>ADDITIONAL INFORMATION:</u> The Planning Commission may require the submission of any additional information that would be required for the Final Plan of a major subdivision under Section 603, if needed to determine compliance with this Ordinance.		
_____	_____	1. Residual Lands Sketch. If the submitted plans do not include all undeveloped or underdeveloped adjacent or abutting lands owned by the same or landowner or under control of the same developer (or closely related corporations), then a sketch shall be submitted at an appropriate scale, on one sheet, covering all such land holdings together with a sketch of a reasonable future road system to demonstrate that the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect the potential development of residual lands.
_____	_____	2. Copy of the PA. DEP Sewage Planning Module application, if applicable, as completed by the applicant, with evidence that the application has been forwarded to the proper review agencies for comments
_____	_____	3. Copy of existing deed of property

704. LOT LINE ADJUSTMENTS, ANNEXATIONS AND MINOR REVISIONS OF APPROVED PLANS.

- A. The reduced submission requirements listed in this section shall apply, together with the procedural requirements of Section 702, if either of the following apply:
- 1) the proposal will meet the definition of a "lot line adjustment" and/or
 - 2) in the determination of the City Planning Director, which may be based upon the advice of the City Engineer, the proposal will involve revisions to a previously approved plan and those revisions only involve changes in the supporting documentation or engineering details or to correct erroneous data or minor omissions concerning a plan previously granted final plan approval.
- B. The following list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the City to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application. The required information listed in this Section may be combined or separated onto different sheets, provided that the plans will be clearly readable.

Section 704.C.
City of Scranton.
LOT LINE ADJUSTMENTS, ANNEXATIONS AND
MINOR REVISIONS OF APPROVED PLANS.
CHECKLIST AND LIST OF SUBMITTAL REQUIREMENTS.

Applicant's Name: _____

Applicant's Address: _____

Applicant's Daytime Phone No.: _____

Applicant's Signature: _____ Date: _____

- * Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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SUBMITTED SUBMITTED*

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| _____ | _____ | 1. City application/review fee(s)/escrow |
| _____ | _____ | 2. 1 copy of the Completed Application (see Appendix A)
and 1 copy of this Checklist (using the photocopies of the pages in this Section) |
| _____ | _____ | 3. 7 print copies of the complete Final Plans |
| _____ | _____ | 4. Dated receipt showing that the applicant has provided a copy to the County
Planning Commission, together with any review fees required by the County. |
| _____ | _____ | 5. Submitted by the applicant to the City Engineer: 1 copy of all materials submitted
to the Plans Administrator |
| _____ | _____ | 6. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or
36"x48") |
| _____ | _____ | 7. Plans drawn at a scale of 1 inch equals 50 feet or other standard scale. |
| _____ | _____ | 8. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes
and seconds. |
| _____ | _____ | 9. Differentiation between existing and proposed features |
| _____ | _____ | 10. Boundary line of the tract, shown as a heavy line |
| _____ | _____ | 11. Words "Final Plan" and name of project on each sheet |
| _____ | _____ | 12. Notarized Owners Statement - see Appendix B |
| _____ | _____ | 13. Plan preparer's statement - see Appendix B |
| _____ | _____ | 14. Approval/review signature blocks for: City Planning Commission and County
Planning Commission (see Appendix B) |
| _____ | _____ | 15. Location map showing the location of the project in relation to major streets and
any municipal boundaries |
| _____ | _____ | 16. North arrow, graphic scale, written scale |
| _____ | _____ | 17. Date of plan and all subsequent revision dates and submission dates (especially
noting if is revision of a previously approved plan) with space for future revision
dates |
| _____ | _____ | 18. Existing and proposed lot lines and street rights-of-ways |
| _____ | _____ | 19. Existing building locations and type of land uses |
| _____ | _____ | 20. Applicable zoning district and required minimum lot area |
| _____ | _____ | 21. Minimum setback requirements shown for each lot |
| _____ | _____ | 22. Note stating type of water and sewer service proposed (such as "public water and
public sewage service") |
| _____ | _____ | 23. Dimensions of each lot, including lot width in feet (at minimum building setback line)
and lot area |
| _____ | _____ | 24. List of any Modifications or Waivers requested to this Ordinance |

704.C. Additional Information. The Planning Commission may require that a plan under this section include the submission of specific additional information that would be required if the plan would be a final minor subdivision plan, if such specific information is necessary to determine compliance with this ordinance.

704.D. An annexation under this section shall be made part of the same lot with the same deed.

705. CERTIFICATION. See Section 504.

706. RECORDING PLANS. See Article IX.

ARTICLE VIII

IMPROVEMENTS GUARANTEES

801. GUARANTEE OF IMPROVEMENTS INSTALLATION REQUIRED.

801.A. Before approving any subdivision or land development plan for recording, the Planning Commission shall require that the City be assured by means of proper Financial Security that the improvements required by this Ordinance will be installed in strict accordance with the standards and specifications of this Ordinance, except:

1. if a developer chooses to install all required improvements prior to construction of any building, in place of using performance guarantees, in which case, the City shall as deemed necessary require the developer to provide adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).

801.B. Purpose of Security. The security required by this Article shall stand as security for compliance with all City ordinances, other laws, covenants, stipulations, conditions and resolutions applicable to the subdivision or land development for which it is filed.

801.C. In any case, no construction of buildings or sales of any individual lot or condominium unit within a subdivision or land development shall take place unless:

1. there is on file, with the City, current duly executed and approved financial security, or
2. all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and any street lights have been completed and accepted by the Governing Body.

802. IMPROVEMENTS TO BE PROVIDED BY THE APPLICANT.

802.A. The applicant for a subdivision, or the future purchaser of the entire subdivision shall have the primary responsibility to ensure installation of all improvements required by this Ordinance, unless the Planning Commission specifically approves certain improvements being made the responsibility of future purchasers of individual lots.

802.B. The City Engineer or other City designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, through use of an escrow account.

803. DEVELOPMENT AGREEMENT.

803.A. Development Agreement.

1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the Final Plan shall be required to enter into a legally binding Development Agreement with the City prior to recording of the Final Plan, unless: a) the applicant agrees to meet Section 801 concerning the construction of all improvements prior to the construction of any buildings or the sale of any lots or homesites, or b) the Governing Body determines that a Development Agreement is not necessary.

2. The Development Agreement shall guarantee the installation of said improvements in strict accordance with all City requirements.
3. See Section 801.A. concerning financial security.

803.B. Terms of Development Agreement. The Development Agreement shall be acceptable in legal form to the City Solicitor and shall be acceptable in content to the Governing Body. The City may require that a Development Agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development, and provisions to allow proper inspection by the City Engineer.
3. The provision of a Performance Guarantee for completion of required improvements in compliance with Section 804, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the Performance Guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the City from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the City prior to such work.
5. Provisions requiring that the applicant and/or other responsible entities ensure that erosion, sedimentation and stormwater management plans are complied with.
6. Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
7. See Section 902 concerning the requirement for a "RECORD" plan.
8. Provisions for the developer to re-imburse the City for all reasonable engineering costs directly related to the review, construction and inspection of the proposed development and to the review and preparation of the development agreements.
9. Provisions concerning any violations of the Development Agreement.
10. Any other lawful terms which the Governing Body may require to carry out the provisions of this Ordinance.
11. Signatures. The development agreement shall be signed by all responsible landowners and/or developers.

803.C. Ownership of Land and Guarantee.

1. A certificate of ownership in the form of Appendix B shall be executed in the exact name in which title is held. If the developer(s) of a subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute this affidavit, along with a security agreement.

2. **Change in Ownership or Developer.** Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require prior approval by the Governing Body. Any such conveyance shall automatically require that the new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

803.D. Utility Agreements. If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

804. **PERFORMANCE GUARANTEE.** The Performance Guarantee for completion of required improvements shall meet the following requirements:

804.A. Security.

1. The Guarantee shall be secured by any of the following:
 - a. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
 - b. A restrictive or escrow account in a Federal or State chartered lending institution, or
 - c. Such other financial security approved by the City (which approval shall not be unreasonably withheld), but not including a second or third mortgage on unimproved lands.
2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within the date fixed in the Development Schedule for the completion of such improvements. It is the responsibility of the developer to ensure that such security remains in effect during the entire time period of construction of improvements. The City Staff may withhold or suspend the issuance of permits if such security lapses.
3. Such financial security shall be posted with an approved institution or entity authorized to conduct such business within Pennsylvania.
 - a. The Mayor may require that evidence be provided that such institution or entity has adequate and sufficiently secure assets to cover the security.
 - b. The City shall be the authorized signatory on any account in which the escrow funds are held.

804.B. Amount.

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer in the official development schedule (see Section 803).
2. The cost of the improvements shall be established by an estimate prepared by a PA. Registered Professional Engineer, which shall be reviewed by the City Engineer, within the arbitration process permitted by the PA. Municipalities Planning Code.

3. Inflation. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
4. Inspection Fees. The amount of financial security may also be required to include an additional 5 percent of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs. In any case, the applicant shall compensate the City for all actual costs to the City of the inspections and related engineering, based upon established hourly rates that include compensation for employee benefits. If such costs are higher than the 5 percent security, the applicant shall also fund the difference. If such costs are lower than the 5 percent security, then the remaining funds shall be released by the City.

804.C. Multi-Year or Multi-Stage Development. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plans by phases/stages of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole. Such phasing may also be approved through a Development Agreement.

805. APPROVAL OF IMPROVEMENTS.

805.A. In General. As the work of installing the required improvements proceeds, the party posting the financial security may from time-to-time request the City to authorize the release of portions of the financial security related to the work that has been completed.

805.B. Notice by Developer of Work on Improvements.

1. The developer or his/her representative shall provide a minimum of 3 days notice to the City Engineer's Office (or other inspection official designated by the Mayor) prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
2. When an improvement has been completed, the developer shall notify the City and request release of related financial security in writing to City Council by certified or registered mail. The developer shall send a copy of letter to the City Engineer at the same time.

805.C. Engineer's Report.

1. Within 30 days of the receipt of such request, the City Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the Mayor and mail a copy of such report by certified or registered mail to the developer or his/her representative at his/her last known address.
2. This report shall be based on site inspections and shall recommend approval or rejection of the improvements, either in whole or in part.
3. The City Engineer shall state if any of the improvements related to the developer's request for release of funds have not been satisfactorily completed as approved.

805.D. Decision by the Governing Body.

1. After receiving the Engineer's Report (but not later than 45 days after the receipt of the request), the Mayor shall review the City Engineer's report and shall authorize the release of funds estimated by the City Engineer to fairly represent the value of the improvements satisfactorily completed.
2. The City shall be deemed to have approved the release of funds as requested if the City fails to act within 45 days of receipt of the developer's request.
3. Until final release (completion of all improvements), the City may require that a maximum of 10 percent of the cost of each completed improvement be retained.
4. The City Engineer shall notify the developer in writing by certified or registered mail of the decision.

805.E. Completion of Unapproved Improvements. The developer shall satisfactorily complete any required improvements that the City determines are not satisfactory or complete. Upon completion, the applicant may request approval in conformance with the procedures specified in this Section 805.

805.F. Final Release.

1. When the developer has satisfactorily completed all of the required improvements, the developer shall request Final Release in conformance with the procedures specified in this Section 805. See time limitations and procedures in Section 510 of the PA. Municipalities Planning Code.
2. Such Final Release shall include all moneys retained under Section 805.D.3.

805.G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the City or the City Engineer.

805.H. Certificates of Occupancy and Completion of Improvements.

1. A temporary or final certificate of occupancy shall not be issued and a structure shall not be occupied unless all principal buildings have access to a clearly permanently passable street with at least a complete paving base course and any required curbing installed.
2. In addition to part "H.1." above, no final certificate of occupancy shall be issued until the structure is completed as approved with service by all required utilities and with all access onto a street completed to required standards, if applicable.

806. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

806.A. Enforcement of Security.

1. 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, or in the event of the bankruptcy of the owner or developer, the City is hereby granted the power to elect to enforce any security posted under this ordinance by appropriate legal and equitable remedies.

a. This may include taking all actions necessary to obtain moneys under said security, including but not limited to seizure of undeveloped lots, seizure of escrow funds, revocation of building permits and prosecution under this Ordinance.

2. Rate of Construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.

806.B. Completion by City. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the City may at its option install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

806.C. Proceeds for Installation of Improvements. The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security and closely related administrative expenses.

807. MAINTENANCE GUARANTEE.

807.A. Maintenance Guarantee Required. All applicants proposing any subdivision or land development which provides for the public dedication of improvements required by this Ordinance shall be required to provide a legally binding Maintenance Guarantee to the City prior to acceptance of dedication of the improvements by the City. In most cases, this Guarantee will be part of the Security Agreement.

807.B. Terms of Maintenance Guarantee. The Maintenance Guarantee shall be acceptable in legal form to the City Solicitor and in content to the Governing Body, and shall include all of the following:

1. that the Applicant make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by the Governing Body if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the City,
2. that the Applicant maintain at his/her own cost all improvements stipulated in the Maintenance Agreement, including a maximum period of 18 months after the date of dedication, unless a lesser period is specified otherwise,
3. that the applicant post financial security to secure structural integrity of and proper functioning of such required improvements in accordance with the design and specifications as depicted on the final plan, for a maximum period of 18 months after the date of dedication, and
4. that the developer plow snow and maintain all streets until such time as the City may accept such streets.

807.C. Public Utilities and Authorities. If water mains and/or sanitary sewer lines and related facilities are to be installed under the jurisdiction and under the rules and regulations of a public utility or municipal authority, 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. This amount of financial security shall not also be required by the City if it is required by such utility or authority.

- 807.D. Type of Security. The Maintenance Guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- 807.E. Security. The financial security shall be payable to and enforceable by the City of Scranton.
- 807.F. Amount. The amount of the Maintenance Guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by the City, but shall not exceed 15 percent of the actual cost of installation of such improvements.
- 807.G. Release. After a maximum of 18 months from the date of completion of said improvements, the City shall release the Maintenance Guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the City.

ARTICLE IX

RECORDING OF FINAL PLAN

901. RECORDING OF FINAL PLAN.

901.A. Deadline.

1. The Applicant is responsible to ensure that the Final Plan as approved by the Planning Commission is recorded in the Office of the Recorder of Deeds of the County within 90 days of such final approval.
 - a. If the Final Plan approval included official conditions that must be met prior to recording, then the plan shall be recorded within 90 days following the compliance with such conditions, up to a maximum total of 1 year following the final plan approval.
2. In any case, specific extensions of these time periods may be granted in writing by the Planning Commission.
3. The Applicant shall mail or deliver a receipt of the recording to the City Engineer.
4. No plan shall be recorded unless it bears the signatures of the Chairperson of the Planning Commission and the City Engineer, at a minimum.

901.B. At its option, the City may voluntarily agree in advance to record a Final Plan, in which case the applicant shall compensate the City for such costs.

901.C. The Final Plan shall not be recorded unless the Plan is signed by the City Engineer. The City Engineer shall not sign such Plan unless the applicant proves that they have met all required conditions that the City Engineer determines would impact the recorded Final Plan.

902. **RECORD PLAN.** The applicant shall provide to the City 1 mylar and 1 paper clear and legible copies of the Record Plan, in addition to providing whatever type of copies are required by the County. The City copies shall be made after recording, and shall be exact copies of those portions of the approved Final Plan that the City requires to be recorded. Such Record Plan, at a minimum, shall include all of the following:

- A. street right-of-ways,
- B. any common open spaces or dedicated parkland,
- C. easements, and any covenants that the City required to be placed on the Final Plan,
- D. lot lines and lot dimensions,
- E. water lines, sanitary and storm sewer lines and stormwater drainage facilities,
- F. the required signatures of City officials and the County Planning Commission staff and
- G. notations stating whether the streets, any common open space and other proposed improvements are to be offered or not offered for dedication to the City.

903. **EFFECT OF RECORDING.** Every street, park, or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time it may be offered and officially accepted for dedication to the City, or is duly condemned.

904. POST-CONSTRUCTION PLANS.

904.A. After completion of construction of each defined phase of a subdivision or land development, the developer shall provide a mylar and a paper copy of all of the subdivision and land development plans showing the improvements as actually constructed. The developer shall provide a signed and dated notarized statement stating that the post-construction plans are accurate, which shall be based upon on-site supervision by the developer and/or his/her employee, engineer and/or contractor(s). If the developer is unsure whether any aspects of the construction occurred as shown on the Post-Construction Plans, such aspects should be stated.

- 1. Applicants are strongly encouraged to continue to have the preparer of the plans involved throughout the construction process, including periodic inspections of the construction, and to have the plans preparer note any changes he/she is aware of.**

ARTICLE X

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

1001. MINIMUM REQUIREMENTS.

1001.A. The design standards and improvements required in this Article are the minimum requirements for approval of a subdivision or land development. Additional or higher type improvements may be required in specific cases as a condition of approval where the Planning Commission determines such improvements are clearly necessary to protect the public health and safety.

1001.B. The Planning Commission may require reasonable appropriate deed restrictions on land within a subdivision or land development, with the restrictions stated in each applicable deed and noted on every recorded plan, if needed to ensure compliance with City, State and Federal laws and regulations and to protect the public health and safety.

1002. REQUIRED IMPROVEMENTS. This Article sets forth the design and construction standards for required improvements, regardless of whether the improvement will be dedicated to the City.

1003. OVERALL REQUIREMENTS.

1003.A. Land shall be suitable for the purpose for which it is to be subdivided or developed.

1003.B. Hazardous Conditions. Subdivisions or land developments subject to hazardous conditions (such as open quarries, hazardous or toxic site pollution, unconsolidated fill, floods, excessive erosion or unsafe water supply) shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards, in the determination of the Planning Commission, to the best of their knowledge. However, the City accepts no responsibility to identify hazards or to guarantee their resolution.

1003.C. Zoning. All aspects of a proposed subdivision or land development shall conform to the City Zoning Ordinance and all other City Ordinances and specifications.

1003.D. Nearby Development. A subdivision or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods to help develop the area harmoniously and to help prevent conflicts with neighboring uses.

1003.F. Safety. No subdivision or land development shall occur in such a way that would significantly threaten the public health and safety, including hazards of toxic substances, traffic hazards, explosive hazards and fire hazards.

1004. STREETS.

1004.A. Access to Streets. See Section 801.A. of the City Zoning Ordinance.

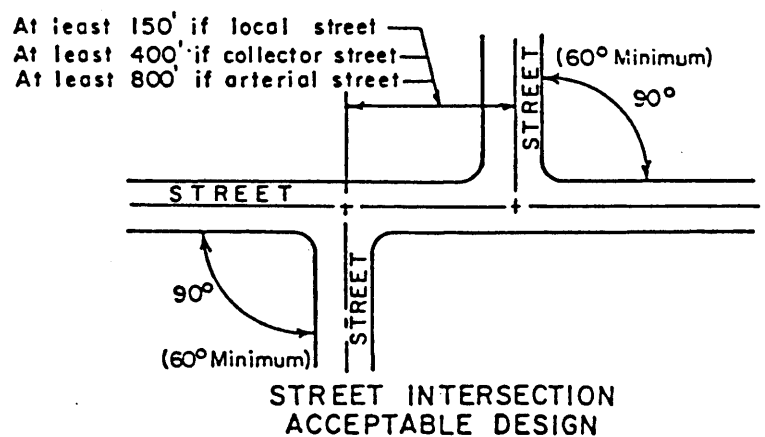
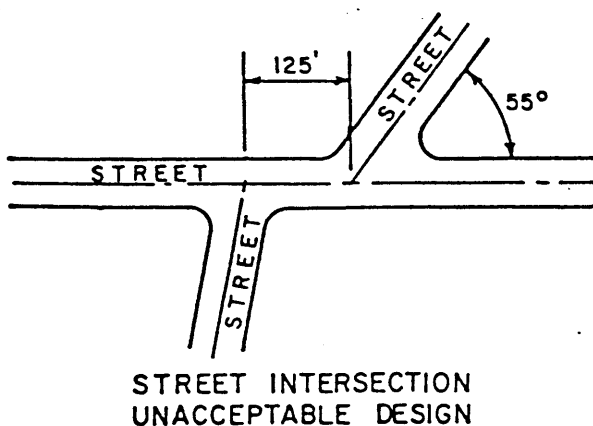
1004.B. Streets and Topography. Proposed streets shall be adjusted to the contour of the land to produce usable lots. See the street slope requirements of Section 1004.F.

1004.C. Street Continuations.

1. **Stub Streets.** Where deemed necessary by the Planning Commission for efficient movement of traffic, a subdivision or land development shall include the extension of a proposed street with right-of-way to the boundary line of the tract to provide for an eventual extension into the adjacent tract for efficient circulation of traffic throughout the area.
2. **Widening.** Where a subdivision or land development abuts or contains an existing street of inadequate cartway or right-of-way width, additional right-of-way and/or cartway width shall be required where determined by the Planning Commission to be necessary, up to the widths stated in Table 10.1, "Design Standards for Streets."

1004.D. Intersections.

1. The centerlines of streets shall intersect at right angles except where the Planning Commission determine that a right angle intersection is not feasible. In such case, the intersection shall be at as nearly a right angle as possible, with an absolute minimum angle of 75 degrees.
2. **Alignment of Street Intersections.**
 - a. No more than two streets shall intersect at one point.
 - b. Where a proposed street or business driveway intersects an existing cross street, such proposed street or business driveway shall be aligned with any street intersecting on the other side of the cross street, unless the Planning Commission or PennDOT determine that such alignment is not reasonable or feasible.
 - c. If a proposed street cannot intersect at the same point as a street intersecting on the other side of the cross street, then the proposed street shall be offset by the following minimum distances from the nearest intersection of streets:
 - 1) 150 feet along a local street,
 - 2) 300 feet along a collector street, and
 - 3) 800 feet along an arterial street.
 - 4) **Measurement.** The minimum distances of this subsection shall be measured between the points where the centerlines of the right-of-ways of the intersecting streets intersect with the centerline of the cross street.

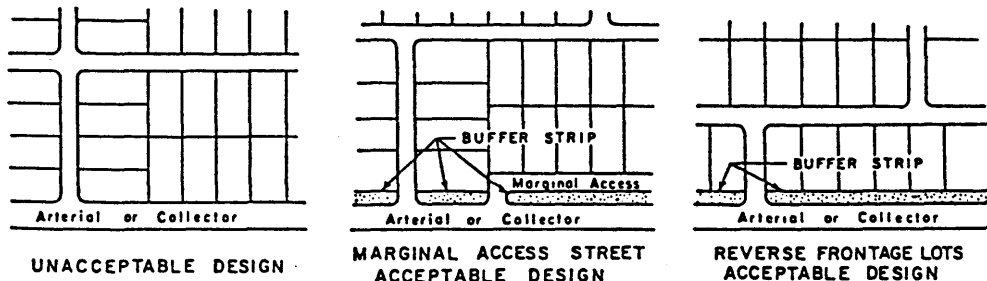


3. At street intersections, lot lines shall be rounded by arcs with the radii listed below. For arterial streets, the Planning Commission may require a larger radius than stated below, if recommended by the City Engineer.

<u>Type of Street</u>	<u>Minimum Radius of Arc at Intersection of Cartway Edge or Curb Line (in feet)</u>	<u>Minimum Radius of Arc at Intersection of Right-of-Way (in feet)</u>
Arterial	40	30
Collector	35	25
Local	25	15

1004.E. **Arterial Street Frontage.** Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Planning Commission shall require one or more of the following methods of layout and site design if it determines one or more of these methods will be reasonable, feasible and necessary to avoid increased traffic congestion and improve traffic safety. The Commission's decision to use one or more of the following methods shall consider any recommendations of: the City Engineer, PennDOT and any professional traffic studies that have been submitted.

1. the use of a marginal access or "frontage" street or access only onto side or interior streets, to collect traffic from numerous driveways and direct it to a select few number of entrances to the arterial street, and/or
2. the minimization of the number and length of driveway cuts or street intersections onto an arterial street, which may include requiring the use of shared driveways between adjacent uses or lots, and/or driveways providing cross-connections between abutting business lots and/or
3. the restriction of ingress and egress involving left-hand turns onto or off of the arterial street, and/or
4. prohibiting driveways of individual dwellings from directly entering onto an arterial street.
5. Where individual driveways are permitted to access onto an arterial street, each driveway shall have adequate turn-around space for vehicles provided within the lot so that vehicles do not back onto the street.



1004.F. **Street Design Standards.**

1. Minimum street design standards shall be as shown in Table 10.1., unless PennDOT establishes a more restrictive requirement for a State road.

TABLE 10.1 - DESIGN STANDARDS FOR STREETS
(All Dimensions in Feet Unless Specified)

DESIGN SPECIFICATIONS	TYPE OF STREET:		
	Arterial	Collector	Local
Right-of-Way Width *****	60 to 80	50 to 60	50
Cartway Width	As determined by PennDOT to be necessary	30 to 36 *****	26 to 32 *****
Minimum Sight Distance*	475	300	200
Minimum Tangent between Reverse Curves **	200	100	100
Minimum Centerline Radii for Hori- zontal Curves	400***	300	150
Maximum Grade****	6%	8%	10%

- * Horizontal sight distances shall be measured from a point 3.5 feet above the road surface to a point 6 inches above the road surface, and shall be based upon standards of the American Association of State Highway and Transportation Officials (AASHTO).
- ** All tangents shall be measured along the street centerline.
- *** Larger radii may be required as determined to be needed by the City Engineer or PennDOT.
- **** Minimum grades for all streets and alleys shall be 0.5 percent.
- ***** The Planning Commission shall determine the appropriate width within the ranges provided in this table based upon: the width of connecting streets, the need for on-street parking, the amount of traffic expected over the long-run once any street extensions are completed and recommendations of the City Staff. Generally, local streets in most cases are intended to have a minimum cartway width of 30 feet, except:
- a) Cul-de-sac streets that ultimately will serve fewer than 20 dwelling units shall be permitted to have a minimum cartway width of 26 feet.
 - b) If single family detached residential lots of 20,000 square feet or more will be located on both sides of a local street, then that street may have a minimum cartway width of 20 feet, provided that 4 feet wide shoulders of approved construction are provided on each side of the street.
2. Horizontal curves shall connect street lines that are deflected in excess of 2 degrees.
 3. Vertical curves shall be used at changes of grade exceeding 1 percent. The length of the vertical curve shall be determined by the required sight distance specified in Table 10.1.
 4. All approaches to an intersection of 2 or more streets shall have a levelling area not greater than 5 percent grade for a distance of 25 feet, measured from the nearest right-of-way line of the intersecting street.
 5. The minimum grade of any street gutter shall be 0.75 percent.
 6. For a proposed subdivision or land development, an alley having a right-of-way of 20 feet or less shall only be used for secondary vehicle access. However, an alley may be used for primary vehicle access for buildings that existed prior to the adoption of this Ordinance, even if such existing buildings are subdivided onto separate lots. An alley

serving one-way traffic shall have a minimum cartway width of 10 feet and a minimum right-of-way width of 16 feet. An alley serving two-way traffic shall have a minimum cartway width of 16 feet and a minimum right-of-way width of 22 feet.

1004.G. Easements. See Section 1011.

1004.H. Sight Distance. See Section 803 of the City Zoning Ordinance.

1004.I. Cul-de-Sac Streets.

1. Cul-de-sac streets shall be permitted with a maximum length of 1,000 feet. Cul-de-sac streets shall be provided with a turn-around with a minimum paved cartway radius of 40 feet to the face of the outside curb, except:
 - a. The 40 feet minimum paved cartway radius may be reduced to 35 feet if and when the applicant proves that such street would meet PennDOT requirements for liquid fuels reimbursement, considering any changes in PennDOT standards that may occur after the adoption of this Ordinance.
2. The circular right-of-way of the cul-de-sac shall maintain a minimum 10 feet width between the edge of paving and the edge of the legal street right-of-way. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 25 feet.
3. The Planning Commission may permit acceptable alternative turn-around designs, including a turn-arounds of acceptable radii incorporated into a parking court or a landscaped island (with an acceptable system for maintenance) within a cul-de-sac.
4. No street shall dead-end without an approved turn-around at the end of the street. Temporary stub streets shall be required to include a temporary cul-de-sac if the stub would be longer than 150 feet or serve more than 3 dwellings or lots.
5. The maximum cross slope on the circular part of a cul-de-sac shall be 8 percent.
6. A cul-de-sac street, or a combination of cul-de-sac streets connected so as to effectively form a system with only one point of entry, shall serve a total maximum of 20 dwelling units.

1004.J. Maintenance. As a condition for Final Plan approval, the developer must enter into a legally binding agreement which shall state who is to be responsible for the improvement and maintenance of any street not offered for dedication. If an association of lot owners is to be made responsible, such association must be legally organized prior to plan approval by an agreement approved by the City.

1004.K. Street Design and Construction Standards.

1. Streets shall be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer that meet applicable City standards. See width and slope requirements in Section 1004.F.
 - a. All new and extended streets shall be constructed of the following materials, except as provided in subsection "3." below, or unless the City adopts differing standards

by resolution or ordinance:

- 1) 6 inches compacted aggregate base course
- 2) 1.5 inches compacted ID-2 binder course
- 3) 1 inch compacted ID-2 wearing course

- b. In any case, any street intended to be dedicated to the City shall meet the minimum standards of the PA. Department of Transportation that apply for City eligibility to receive State liquid fuels reimbursement for such street.

2. Right-of-Way Grading.

- a. The entire right-of-way shall be graded to the approved cross-section. All trees, stumps and other material deemed unsuitable by the City Engineer shall be removed. The excavation shall be backfilled and suitably compacted to the satisfaction of the City Engineer.
- b. The finished street surface shall be crowned in conformance with the City specifications.

3. Alternative Street Specifications. An applicant may, if recommended by the City Engineer and approved by the Planning Commission, use an alternative road bed design that is specifically recommended for that type of street by a current official publication of PennDOT. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above.

4. Grading Beyond Right-of-Way.

- a. The subdivider or developer may be required to grade beyond the right-of-way line in order to provide continuous slope from the right-of-way line to the proposed elevation of the abutting property.
- b. Such grading beyond the right-of-way shall maintain the original conditions of slope and contours except where storm water runoff designs dictate or warrant improvement or alteration of the original slope and contours.
- c. Approved plans, either preliminary or final, showing proposed grading, shall be a covenant running with the land, unless altered by written permission from the Planning Commission in conjunction with the County Conservation District.
- d. In areas of earth excavation or earth fill, such grading shall be done to a maximum slope of 3 feet horizontal to 1 feet vertical.

5. Drainage of Streets.

- a. Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets.
- b. Proper design and construction in accordance with those requirements may require the use of curb and gutter or paved drainage swales to prevent erosion. Drainage facilities shall be designed in accordance with requirements of Section 1008.
- c. The minimum diameter of any cross drainage or culvert pipe shall be 15 inches.
- d. Open pipe ends must be fitted with concrete end walls or wing walls or prefabricated end sections and with protective safety gratings.
- e. No open pipes shall be allowed to end within the City street right-of-way, except in cases where new driveways must cross existing deep road side swales adjacent to existing City streets. In the case of these exemptions to the standard, the pipe

shall be located as far off the edge of pavement as possible (at least 20 feet from the street centerline).

- f. Energy dissipators shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- g. Bridges and culverts shall be designed to support expected loads in accordance with applicable Federal and/or State standards, to accommodate expected stormwater flows, and to be constructed to adequate width in accordance with PennDOT standards. The applicant shall apply for and obtain a DER permit when required.
- h. Consideration shall be given for sub-grade drainage of those soils subject to frost heave. Design of the road bed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Planning Commission may require that such drainage facilities be provided. The design of such subgrade drainage facilities shall be subject to the review and approval of the City Engineer.
- i. Erosion Control. See Section 1020.
- j. Storm Water Drainage. See Section 1008.
- k. A set of approved design plans shall be maintained on file at the site during construction, as record drawings.

1004.L. Private Streets. Any private street or accessway that will eventually serve traffic from 4 or more residential lots or 3 or more industrial, commercial and/or institutional lots shall be designed and constructed to City construction standards, including the provision of a street right-of-way.

1004.M. Required Traffic Improvements.

- 1. Purpose - In recognition of the authority and limitations provided by Article V-A and Sections 503(2)(ii) and 503(3) of the PA. Municipalities Planning Code, this Section is primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe.
- 2. Process. This sub-section "M." shall be carried out through determinations of the Planning Commission, after considering any recommendations of the City Engineer, the applicant, the applicant's professional representatives, any comments from PennDOT that may be provided regarding a State road and any professional traffic studies that may have been submitted.
- 3. On-Site/ Abutting Traffic Improvements. If, in the determination of the Planning Commission, there is a reasonable relationship between the need for an "on-site improvement" of a street and the traffic created by a proposed subdivision or land development, the applicant for such subdivision or land development shall be required to complete the needed improvement or fund his/her fair share of the cost of such traffic improvement and to dedicate sufficient street right-of-way for needed improvements.
 - a. Widening of Abutting Roads. Where an existing abutting public street is of inadequate width, an applicant for any land development or major subdivision shall be required to widen the cartway of abutting streets to City standards to result in a minimum paved cartway width of 14 feet on each side of the centerline.

1. The applicant shall only be responsible for improvements from the centerline of the street right-of-way inward towards the project's lot lines, unless the Planning Commission determines that improvements on the other side of the centerline are essential for public safety.
 2. A lesser width may be permitted where the Planning Commission determines that such would be appropriate and/or would save mature trees.
 3. A wider width may be required by the Planning Commission where needed along a collector or arterial street.
- b. Such improvements and right-of-way shall be required unless the Planning Commission determines:
- 1) that there is not a reasonable relationship between the improvements and the traffic created by the the proposed development, or
 - 2) that widening or right-of-way or other improvements are not needed or that a lesser improvement is sufficient or
 - 3) that PennDOT specifically refuses in writing to allow such improvement to a State road in the foreseeable future, in which case the City may still require that abutting right-of-way be dedicated to the City or reserved for future dedication if needed in the future.
- c. Any improvement to a State street shall meet all PennDOT standards.
4. Types of Required Traffic Improvements.
- a. The following shall be the definition of "on-site improvement," (unless this definition is amended by State law): "all street improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for the ingress or egress to the applicant's property."
 - b. On-site improvements may include, but are not limited to, a new or upgraded traffic signal, land dedication to improve an abutting intersection, realignment of an abutting curve in a road or the widening of the abutting cartway and right-of-way.
 - c. The City shall not require an applicant to fund or complete a road improvement that is an "off-site improvement", unless the Planning Commission determines that such improvement is clearly essential for the physical safety of the occupants/residents of the proposed development (such as for emergency vehicle access).
5. Funding. In place of completing a required street improvement as a condition of final approval, an applicant may enter into a legally binding development agreement with the City for the applicant to fund the improvement, or his/her fair share of such improvement, as determined by the Planning Commission.
6. Accounting. Any such funds may be placed in escrow until such time as sufficient funds are available for a more comprehensive improvement, with interest being used towards the cost of the improvement. Any such funds received under this sub-section shall be accounted for separately.

7. **Staging.** Any completion or funding of a required road improvement may occur in stages in relationship to the stages of the development, if so stated in a legally binding development agreement and/or as a condition of final plan approval.

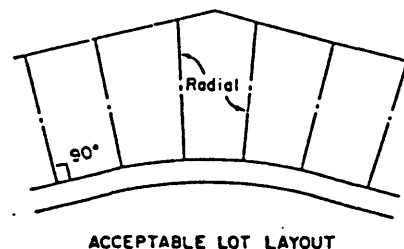
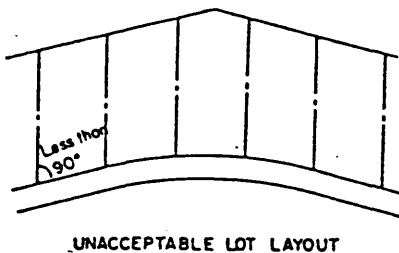
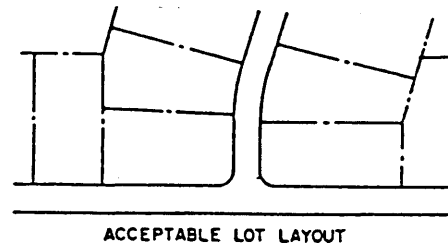
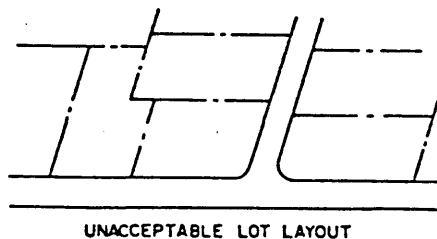
1004.N. **Flood-Prone Areas and Streets.** The finished elevation of proposed streets shall not be more than 1 foot below the 100 Year flood elevation, except for a perpendicular crossing of a street that may be approved by the City Engineer if the applicant proves that such depth of floodwaters would not prevent vehicular access to principal buildings. The 100 Year flood elevation shall be shown on street profiles where such flood may impact such street. Sufficient inlets and other drainage measures shall be provided to control such flooding.

1005. **BLOCKS.** Residential blocks shall not exceed 1,500 feet in length, unless specifically permitted by the Planning Commission.

1006. **LOTS.**

1006.A. The average depth-to-width ratio of a lot shall generally not be greater than 3 to 1, unless otherwise permitted by the Planning Commission.

1006.B. Side lot lines shall abut and be approximately at right angles to straight streets and on radial lines to curved streets, unless otherwise permitted by the Planning Commission. Pointed or very irregularly shaped lots shall be avoided. (See figures below)

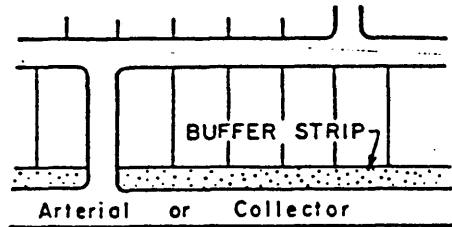


1006.C. Lots shall conform to the applicable minimum lot sizes, lot widths, setback and all other requirements as set forth in the City Zoning Ordinance.

1006.D. **Street Frontage.** All lots shall meet the street frontage requirements of Section 801.A. of the City Zoning Ordinance.

1006.E. **Double Frontage Lots.** If a residential lot has street frontage along both the front lot line and rear lot lines, then each lot shall include a 15 feet deep planting strip along one of the streets, with vehicle access across this strip clearly prohibited by notes on any approved plan (see Figure below).

1. In addition to the street trees required by Section 1018 of this Ordinance, this planting strip shall include evergreen plantings meeting the requirements of Section 803 of the City Zoning Ordinance. Such evergreens are not required to create a complete visual screen, but instead shall be spaced to result in a screening of approximately 50 percent within 4 years. Any fencing in the rear of such lots shall be placed on the inside side of such plantings.
2. This planting strip is intended to be placed along the street that the Planning Commission determines will eventually serve the most through-traffic (for example, if a lot abuts a collector and a local street, the planting strip shall be placed along the collector street and the lot shall only have vehicular access onto the local street).



REVERSE FRONTAGE LOTS

- 1006.F. If the remnants of land (other than rights-of-way) exist after subdividing, they shall be incorporated in existing or proposed lots. No lot shall be created that would abut a minor arterial street that would not be suitable for a use permitted in that Zoning District.

1007. MONUMENTS AND LOT PINS.

1007.A. Monuments.

1. Location. Permanent reference monuments shall be located at each intersection of rights-of-ways of street(s) constructed by the Developer, at the beginning and ending of all street curves, and at exterior corners of the subdivision or land development, unless an alternate arrangement is approved by the City Engineer that still permits a surveyor to stake out accurately any building lot shown on the Record Plan.
2. Type. Reference monuments shall be constructed of steel reinforced portland cement concrete or to other materials pre-approved by the City Engineer, and should have a minimum size of 4 by 4 inches at the ground level and shall have the top be flush or slightly above the grade level.

- 1007.B. Lot Pins. All lot corner markers shall be permanently located and shall be at least a 3/4 inch metal pin or pipe with a minimum length of 20 inches, located in the ground to existing grade, or other type of lot pin approved by the City Engineer.

1008. STORM WATER MANAGEMENT.

1008.A. General Provisions.

1. Act 167 Ordinances. See the provisions of the City "Stormwater Management Ordinance" for the Lackawanna River Watershed. This stormwater ordinance, as amended, is included by reference in this Ordinance, and shall be referenced herein by the term "the Act 167 Ordinance." Where necessary for public safety, the Planning Commission may require adjustments to such Act 167 Plan provisions, within

the limitations of the approved Act 167 Plan.

2. **Consistency With Act 167.** The provisions of this Section 1008 shall apply except where a specific provision of a City-adopted Act 167 Ordinance supercedes this Ordinance under a specific provision of the PA. Stormwater Management Act, such as regarding release rates. In case of any differences between an Act 167 Ordinance and this Section where the Act 167 Ordinance does not supercede, then the more restrictive requirement shall apply.
3. **Velocity Control Measures.** The Planning Commission, based upon the recommendations of the City Engineer, may require specific sizes or types of stormwater velocity control measures based upon both the need to control the velocity and upon long-term maintenance concerns.
4. Storm water runoff from any subdivision or land development (including during construction and earthmoving) shall not occur at a peak rate (measured in cubic feet per second) that is greater after development than occurred prior to development.
5. Runoff shall be controlled from a site using appropriate means of detention of water on the site and/or other approved types of storm water management, within the requirements of this Ordinance.
6. Runoff that is detained shall be held and released at a pre-determined controlled rate by appropriately installed devices. The release shall be in the same manner as the natural or predevelopment means of discharge from a site (such as point discharge or sheet flow).
7. Storm water runoff shall not be increased or redirected in such a way that it results in hazards to persons or property or interferes with the normal movement of vehicles.
8. All storm water management methods are subject to approval by the City Engineer, including all outlet locations.
9. All lots shall be laid out and graded to prevent cross lot drainage, to provide positive drainage away from proposed building locations and any primary or alternate septic system locations. Storm water shall also not be redirected towards buildings or on-lot septic systems off of the site.
10. All storm water management plans shall take into account and provide for existing flow from upstream areas within the entire watershed.
11. The existing points of natural drainage discharge onto adjacent property shall not be altered to increase flows nor shall the concentration of water runoff be increased because of development without the written approval of all affected landowners.
12. No storm water runoff or watercourse shall be diverted in a way that overloads existing drainage systems, or creates flooding or the need for additional drainage structures on other private properties or public lands, without City approval of provisions to be made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.

13. An adequate storm sewer system consisting of inlets and underground drainage pipes with approved outlets shall be constructed where the runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, as determined by the Planning Commission, based upon the recommendation of the City Engineer, based upon the expected velocity and depth of the stormwater flows and the proximity of dwellings.
14. **Sequence of Construction.** No substantial grading shall occur and no building permits shall be issued for any building unless any detention basin, siltation basin or improved major swale approved to handle the resulting runoff is in place. Any detention basin shall be seeded and stabilized and have an installed outlet structure prior to the construction of any streets or buildings within that drainage basin.
15. **Phasing of Stormwater Improvements.**
 - a. The phasing of a development shall ensure that all stormwater facilities needed to manage runoff from a phase are in place and functioning adequately prior to and after the construction of buildings in that phase. This shall, for example, include the extension of the main outfall line. This may require the use of temporary structures, which shall be shown on submitted plans. If the development occurs in phases, the entire system shall be shown as part of the preliminary plan submission.
 - b. When subdivisions or land developments are submitted to the City for approval in sections, a complete general storm sewer design for the proposed subdivision or land development shall be submitted at the preliminary plan level. The proposed design must take into account the entire tract and the watershed.
 - c. A development shall be required to include the construction of stormwater controls in areas of future phases of a development prior to construction of earlier phases if the City Engineer determines that is necessary to make sure that the system will work after the completion of each phase. This shall, for example, include the extension of the main outfall line.
16. **For downstream properties, the applicant shall study areas where the development could have significant impact, considering the size of drainage areas and the amount of runoff from the development.**
17. Drainage structures that are located on State highway rights-of- way shall be found to be acceptable to PennDOT, and PennDOT approval shall be a condition of any final approval of the City.

1008.B. Calculations of Stormwater Runoff. The methods described in the Act 167 Ordinance(s) shall apply.

1. The storm water calculations shall include the following:
 - a. Information required for Preliminary and Final Plans within Articles V, VI and VII of this Ordinance,
 - b. Pre- and post-development drainage maps showing existing and proposed grades and including any off-site tributary area,
 - c. Pre- and post-development runoff calculations,

- d. Detention basin design calculations (as applicable),
 - e. Pipe and swale sizing calculations,
 - f. Such information as the City Engineer determines is needed to determine compliance with this Ordinance, including, but not limited to, slopes, proposed elevations, typical cross sections and details.
2. Storm water calculations shall be submitted in a clear and legible manner for any lot or tract that would result in an increase of 10,000 square feet or greater of total impervious cover.
 3. The stormwater calculations shall follow a method preapproved by and acceptable to the City Engineer. The following methods are recommended:
 - a. Rational Method. See description in Appendix D.
 - b. Soil Cover Complex Method. See U.S. Soil Conservation Service Technical Release No. 55 "Urban Hydrology for Small Watersheds."
 4. Where crop farming or disturbed earth exists on the site prior to development, meadow in good condition shall be used as the starting base for the calculation.

1008.C. Design Submission and Design Storms. The following shall apply unless superseded by PennDOT standards within PennDOT's jurisdiction.

1. Within the 100-year floodplain, any storm water management structures and systems shall be designed to handle a 100-year storm. A 24 hour Type II storm shall be used if using the soil complex method.
2. The storm water management plan shall show that a 100-year, 24-hour storm can be safely conveyed without jeopardizing any principal building on or adjacent to of the site.
3. All plans showing the proposed storm drainage construction must be accompanied by a complete design stamped and signed by a Pa. Registered Engineer or Pa. Registered Landscape Architect.
4. At a minimum, the applicant shall prove to the satisfaction of the City Engineer that no increase in peak storm water discharge will leave the tract during earthmoving, construction or after development than occurred prior to any of these activities, under the following conditions and storm frequencies (considered individually), unless any more restrictive requirements of an applicable official Stormwater Management Plan approved by DER and the County pursuant to State Act 167 of 1978, as amended:
 - a. 5-year storm,
 - b. 10-year storm, and
 - c. 25-year storm.
 - d. If using the SCS calculation method, a 24 hour Type II storm shall be used in the calculations required by this subsection.
 - e. In addition, the City Engineer may require that the above requirement also apply to a 2-year storm, if there are critical stormwater conditions in the area.
5. Storm sewer piping, roadside swales and inlet systems shall be designed for a 25-year storm. A 24 hour Type II rainfall shall be used if using the soil complex method. The openings of culverts and under bridges shall be designed for a 50-year, 24 hour type II

rainfall (except within the 100 year floodplain). Bridges shall be designed with 1 foot of freeboard.

1008.D. Methods of Detention and Flow Delay. The following methods of detention or flow-delay devices may be found to be acceptable by the City Engineer:

1. Wet or dry ponds and detention basins
2. Roof storage and increased roof roughness
3. Parking lot detention
4. Infiltration trenches
5. Porous pavements, grassed channels and vegetated strips
6. Cisterns, underground reservoirs or covered ponds
7. Increasing the roughness coefficients on the development's surface area
8. Decreasing the percentage of impervious area
9. Promoting groundwater recharge
10. Routing flow over lawns in swales within stormwater easements
11. Detention storage within the storm sewer
12. Another method that may be approved by the City Engineer.

1008.E. Detention Basins Standards. For the purpose of this Section, a retention basin shall be required to meet the same standards as a detention basin.

1. Perforated risers, staggered orifices, V notch weirs, or other outlet structures as approved by the City Engineer, may be required for outlet control.
2. Emergency Spillways. All detention basins shall be designed with an emergency spillway.
 - a. The emergency spillway shall be able to pass the 100 year post-development peak discharge at a height of 0.75 feet.
 - b. The emergency spillway shall convey the 100-year storm at a maximum depth of 1 foot over spillway. The downstream slope of the spillway shall as a minimum extend to the toe of the berm embankment. The edge of the basin grading shall be within the subject property.
 - c. All detention basin outflow structures shall be designed with trash racks over the outflows.
 - d. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground. If the emergency spillway cannot be constructed on undisturbed ground, it shall be constructed of suitable material adequately compacted in accordance with specifications preapproved by the City Engineer.
 - e. Emergency spillways shall be constructed of reinforced concrete, mortared in place rip-rap or concrete rubble. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion.
3. The emergency spillway and the outfall of the detention basin shall be lined with mortared rip rap and shall meet requirements of PennDOT Publication 408, or its successor.

4. The minimum top width of a detention basin berm shall be 5 feet, unless the City Engineer determines that a differing width is needed for maintenance and structural purposes.
5. In order to provide proper drainage, a minimum grade of 1.5 percent, directed toward the outlet structure, shall be maintained across the basic floor. A lesser grade may be permissible provided that a concrete low flow channel is provided.
6. Slopes of Basin. The maximum inside and outside slope of earth detention basin embankments shall be 3 horizontal to 1 vertical.
7. Outfall. Where no existing point of concentration exists, the outfall from a detention basin shall not discharge closer than 10 feet from the adjoining property line, unless permission is given, in writing, by said adjacent property owner.
8. Basins not having direct access to a public street shall have a 15 foot wide, usable access easement to a public street for the purpose of maintenance.
9. For the purpose of this Section, a retention basin shall be required to meet the same standards as a detention basin.
10. Landscaped Screening of Detention Basins.
 - a. A detention basin with a basin depth of greater than 30 inches shall be screened from view of existing dwellings, a residential zoning district or a public street, unless the basin would meet all of the following conditions:
 - 1) it would have an average slope of less than 4 to 1 on the inside of the berm of the basin,
 - 2) either: a) both the inside and outside of the basin would be planted in grass and intended to be mowed or planted in other attractive vegetative ground cover or b) would be designed to closely resemble a natural pond, and
 - 3) the basin would not be surrounded by a primarily metal fence.
 - b. The required screening shall primarily include evergreen trees and shrubs of sufficient number to provide an approximately 50 percent year-round visual screen of 5 feet minimum height approximately 4 years after planting. This landscaping shall not be required along an area where natural vegetation will be maintained that will completely fulfill this purpose.
 - c. Thorny and prickly shrubs (that are also attractive) are encouraged to be used around detention basins to discourage entry by children.
11. Areas of stormwater basins that are visible from streets and dwellings shall be attractively maintained.
12. All outflow structures from storage facilities shall be equipped with a regulatory device that will permit modification to regulate the amount of out-flow.
 - a. Entrances to stormwater pipes, including outflow pipes in detention basins, shall have childproof grates or similar devices.

13. **Antiseep Collars.** Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the detention basin berms. Antiseep collars shall not be required on basins designed to have a depth of water of less than 3 feet. The antiseep collars and their connections to the pipe barrel shall be watertight. The antiseep collars shall extend a minimum of 2 feet beyond the outside of the principal pipe barrel. The maximum spacing between collars shall be 10 times the minimum projection of the collar measured perpendicular to the pipe.
14. **Fencing of Basins.**
 - a. The City may require an applicant to surround a detention basin with galvanized vinyl clad chain link metal fencing or an alternative type of fence acceptable to the City if any of the conditions are present:
 - 1) The maximum depth of water in the basin after a 25 year storm is greater than 30 inches, and/or
 - 2) The basin is intended to hold water for periods of longer than 3 hours after the rainfall subsides, and/or
 - 3) The basin is to be dedicated to the City and the Planning Commission request fencing.
 - 4) The earthen inside slopes of the detention basin will be steeper than 4 horizontal to 1 vertical.
 - b. Fencing of a detention basin under the above subsection shall not be required if the nearest residential district, school, day care center, existing residence or recreation facility is at least 1,500 feet away in walking distance from the basin.
15. **Multiple Basins.** The use of multiple detention basins should be investigated over the use of one larger storage facility.
16. **An outflow control structure shall be provided at the outlet of all detention basins.** This structure shall be constructed of metal or concrete and shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the structure. The crest elevation shall be set at a minimum of 12 inches below the emergency spillway.
17. **Retention Basins.** Aeration devices may be required, dependent upon the quality of the influent and detention time.

1008.F. Construction Standards.

1. **Standards.** Construction and materials of storm drainage and control facilities (including pipes) and erosion control facilities shall be in accordance with the approved plans and any accompanying specifications. The construction details and standards of the following publications, or their successor publications, in their most recent revision shall be used:
 - a. PennDOT, Form 408, Specifications.
 - b. PennDOT, RC Series, Roadway Construction Standards.
 - c. In cases where the above documents conflict with City specifications, the City's specifications shall supercede, except in areas of PennDOT jurisdiction.
2. **Pipe Materials.** All pipe materials shall meet PennDOT standards.

3. A set of approved design plans shall be maintained on file at the site during construction, as record drawings.
4. Rooftop Storage. If a roof is to be used for detention, a condition of such use shall be that the applicant submit appropriate calculations and a signed statement from a Registered Architect or Registered Engineer that the structure will be able to support the roof loadings. This statement shall be required prior to issuance of the building permit.
5. Parking Lot Storage. A maximum of 30 percent of paved parking lot maybe found acceptable as a storm water detention but not retention facility. Ponding shall be arranged so that pedestrians may cross the parking lot relatively dryly. There shall be a maximum designed depth of 6 inches, and the pavement shall be designed to withstand the effects of ponded water. The area used for the storage shall be the least used portions of the parking.

1008.G. Drainage Pipe, Culvert and Catch Basin Design.

1. Open pipe ends must be fitted with rip-rap and/or energy dissipators if deemed appropriate by the City Engineer.
2. Drainage pipes shall have a minimum slope of 0.5 percent and drainage swales and gutters 2.0 percent. As a minimum, the tops of all pipes should be at the same elevation when changing pipe sizes.
3. Manholes or inlets shall be used at all changes in horizontal alignment, at changes of vertical grade and at all pipe intersections. No run of pipe shall exceed 400 feet in length, without appropriate measures to allow cleanout. Trash racks shall be placed on all stormwater entrance structures.
4. Grating. Appropriate safety grates shall be attached to all catch basins, storm water inlets, pipe openings and other storm water receiving structures, as needed, to ensure that maximum openings do not exceed 25 square inches. Along streets and pedestrian areas, bicycle safe grates shall be used as needed.
5. Storm Sewer Outfall. Storm sewer outfalls shall be designed, with respect to the elevation of the invert or other features, that when the receiving watercourse is within a 25 year storm, the storm sewer will continue to drain the area it is designed to serve.
6. To minimize sheet flow of storm water across lots located on the lower side of 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 approved locations.
7. Inlet spacing shall be designed such that in a 25 year storm, one traffic lane of at least 10 feet in width shall be free from stormwater.
8. Driveway Crossings of Drainageways. See Section 1012.F.

1008.H. Storm Water Easements.

1. Where Required. Where a subdivision or development is traversed by a watercourse, drainageway, channel or stream that the City Engineer determines is subject to significant

stormwater flows, there shall be provided a drainage easement established along the following:

- a. the 100-year floodway, where that is defined;
 - b. where a 100-year floodway is not defined, the 100-year floodplain;
 - c. where a 100-year floodplain is not defined, a width shall be used that includes a minimum of 5 feet on each side of the center of the waterway.
2. The drainage easements required by the above subsection are intended to preserve the unimpeded flow of natural drainage and to provide for future possible widening, deepening, relocating, improving or protecting of such drainage facilities.
 3. If a major man-made drainage channel would pass within close proximity to homes and possibly threaten the safety of persons, the Planning Commission, based upon the advice of the City Engineer, may require such certain lengths of such channel to be placed within appropriate underground pipes.
 4. Structures that could obstruct stormwater flow shall be prohibited within storm water easements. Also, areas where storm water easements have or will be granted shall not be obstructed during or after construction.
 5. Stormwater easements shall grant the City the right at its option to enter the easement to accomplish maintenance and channel improvement work, although the City assumes no responsibility to accomplish such work.
 6. It shall be the responsibility of the applicant to obtain all storm water easements on, over or through other properties that are needed to carry out the proposed storm management plan.
 7. See also the easement requirements in Section 1011 of this Ordinance.

1008.I. Surface Waters. All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition and alignment, without any blocking, impeding or redirecting of the watercourse, unless such alteration is pre-approved by the City Engineer. The applicant shall be responsible to obtain all necessary DER permits (see Chapter 105 of Title 25 of the State regulations).

1008.J. Ownership and Maintenance of Stormwater Facilities. A system for the ownership and maintenance responsibilities of all temporary and permanent storm water facilities and erosion and sedimentation control facilities that is satisfactory to the Planning Commission shall be established prior to Final Plan approval including:

1. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.
2. Establishment of suitable easements for access to all facilities for maintenance.
3. The City may, at the complete discretion of the City Council, decide not to accept an offer by the applicant for City ownership of storm water facilities.

4. Storm water facilities shall be designed to require minimal maintenance. Low-maintenance vegetation is encouraged.
5. All storm drainage facilities shall be properly maintained by the party designated as responsible on the final subdivision plan, unless the Planning Commission agrees to accept a change in the party responsible or the party owning the facility.
6. Should a facility not be maintained in proper working order, the City Council, may after due notice to the responsible party, arrange for the needed maintenance to be accomplished with all such expenses charged to the responsible party. These expenses shall be collectible as municipal claims are now collected by law.
7. The City Engineer and Code Enforcement Staff shall have the right to enter private property to inspect storm drainage facilities. Reasonable effort should be made to contact the property owner prior to any such inspection.

1008.K. Joint Storm Drainage Facilities.

1. Storm water management facilities may be planned and constructed in coordination by two or more developments, provided that all other parts of this Section are complied with.
2. The City may require a development to contribute its fair share of the costs of a comprehensive regional or subregional storm water system in place of requiring an on-site detention basin.

1008.L. Storm Sewers. The construction of new storm sewers or the connection into acceptable existing storm sewers shall be required or allowed by the Planning Commission if the Planning Commission determines on the basis of the recommendation of the City Engineer that this is the most feasible and reasonable option.

1009. SANITARY SEWAGE DISPOSAL SYSTEMS.

1009.A. In General.

1. All subdivisions and land developments shall be served with an approved and adequate sewage disposal system (either on-lot or public) that will meet State and City regulations.
2. Public Sewage Connections. Any principal building or use within a subdivision or land development that generates wastewater and that in the determination of the Planning Commission, based upon the advice of any applicable authority and the City Engineer, could reasonably connect into a public sewage system shall be required to connect into that system. The applicant shall be responsible to pay such reasonable capital expenses that are necessary for such connection.

1009.B. Central Sewage Service.

1. If a municipality, authority or public utility is to provide the central sewage service, such agency shall have the authority to approve or reject the proposed sewage collection system for just cause.
2. Non-Public Sewage Service. If central sewage service is proposed through a system that is not owned by a municipality or authority, the Planning Commission shall have the

authority to permit or not permit such service to meet the sewage requirements of this Section based upon:

- a. whether public sewage service is expected to be available within 5 years of the date of preliminary plan approval, and could be efficiently and properly connected into the public system at such time,
- b. whether the proposed system would be consistent with the City's official Sewage Facilities Plan and
- c. whether the system would include an appropriate permanent system for professional operation and maintenance.

1009.C. On-Lot Sewage Disposal System. If connection to an approved central sewage system is not required at the time of occupancy, then each lot shall be required to be served by an on-lot sewage disposal system that will meet all applicable State regulations. Each such proposed location shall be tested and approved by City Sewage Enforcement Officer, prior to approval of the Final Plan.

1010. **WATER SUPPLY SYSTEMS AND FIRE HYDRANTS.**

1010.A. In General.

1. All subdivisions and land developments shall be served with an adequate on-lot or central water supply system that will meet DER and City requirements.
2. Connections to Central Water Systems. The Planning Commission shall require all lots and principal uses within a subdivision or land development to be connected to an existing public or PUC-regulated central water system, unless the applicant proves to the satisfaction of Planning Commission that such connection would not be feasible, cost-effective and reasonable.

1010.B. Central Water Supply System.

1. Water Supplier Approval. Proposed extensions of central water systems shall meet all applicable procedures, reviews and requirements of any appropriate municipal authority or water company. Such extension shall be approved by such agency prior to Final Plan approval, although specific detailed service agreements are not required to be signed until prior to recording.
2. Non-Public Supplier. Service by a new central water system that is not owned by an existing PUC-regulated water company, public authority or municipality shall only be permitted if the system is found to be acceptable in capacity, pressure, design and construction by the Planning Commission, based upon review of the City Engineer. The Planning Commission may deny permission for a subdivision or land development to be served by a new central water system if such system cannot guarantee sufficient water pressure and capacity and would not include a suitable process for long-term operation and maintenance.

1010.C. On-Lot Water System (Wells). When a subdivision or land development is not required to connect to a central water system, acceptable locations for on-lot water systems shall be shown on plans and shall be constructed in accordance with regulations of DER.

1010.D. Fire Hydrants and Fire Flow.

1. All subdivisions and land developments that will be served by central water service shall provide fire hydrants as needed with appropriate water pressure so that all dwelling units and principal buildings are within 600 feet of an active fire hydrant.
2. If requested by the City Engineer or Planning Commission, the applicant shall provide proof of adequate available "fire flow" of water for firefighting. Such information shall be subject to review of the City Engineer, Planning Director and Fire Bureau.

1011. WASTE DUMPSTERS, UTILITIES AND UTILITY EASEMENTS.

1011.A. Utilities. All electric power, telephone and natural gas service lines within a new subdivision or land development shall: 1) be placed underground except where the Planning Commission determines it is not feasible, and 2) be installed in accordance with the current standards of the utility serving the subdivision or land development.

1011.B. Dumpsters. All apartment developments shall include conveniently located refuse collection facilities for the residents. All uses within nonresidential land developments and subdivisions shall include appropriate refuse collection facilities. All bulk refuse collection dumpsters shall be screened on 3 of 4 sides by walls or evergreen landscaping from view of existing dwellings, adjacent undeveloped residentially zoned lots and public streets.

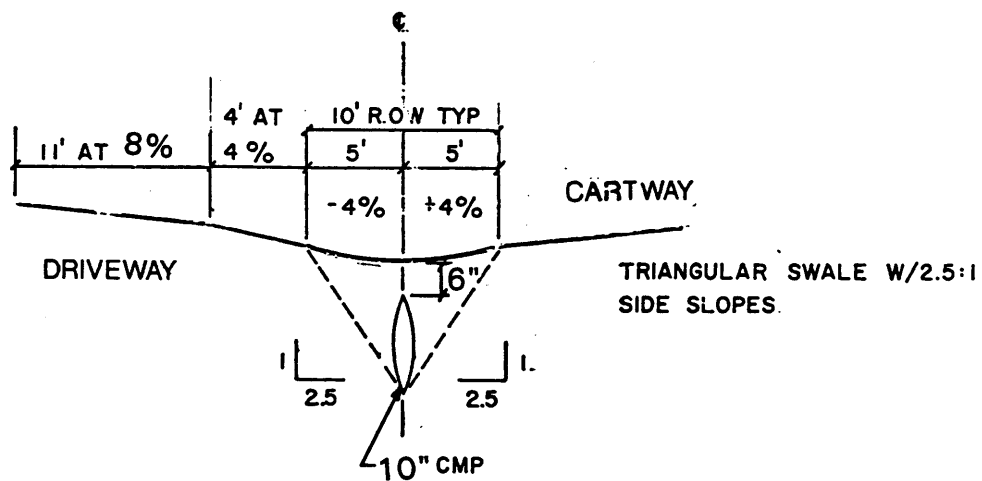
1011.C. Easements. Easements shall be provided as follows:

1. Drainage, sanitary sewage and central water easements shall be provided as determined to be needed by the City and as indicated on the plans.
2. Locations. Where determined to be necessary and reasonable by the City Engineer, all lots shall include a drainage and utility easement around the perimeter of each lot, including adjacent to the street right-of-way. However, such easements shall not be required where buildings (such as townhouses) are to be attached at a lotline.
3. Width. The minimum width of an easement shall be 10 feet, except that the City Engineer may require wider easements where necessary, especially where an easement is unlikely to be provided on the abutting side of the abutting lot.
4. See also drainage easement provisions in Section 1008 of this Ordinance.
5. Additional width of easements shall be provided for additional utilities if required by the water or sanitary sewage supplier or the City Engineer. The easement widths along side lot lines may be reduced if the Zoning Ordinance allows a principal building setback that is more narrow than the width of the easement that would otherwise be required.
6. Separation. Minimum separation distances between utility lines shall be as required by the applicable utility or as deemed by the City Engineer.
7. Pipelines. If any activity is proposed within the right-of-way of an underground fuel or gas pipeline, the applicant shall provide written evidence from the operator of such pipeline that such activity is acceptable under their safety standards and the terms of that right-of-way.

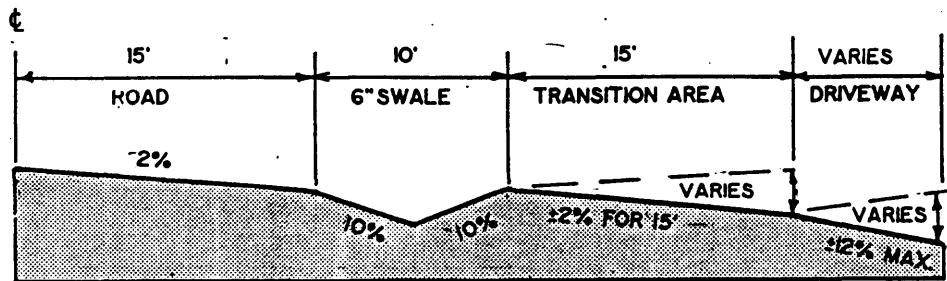
8. Easements shall be placed along lot lines or street rights-of-ways, to the maximum extent possible, as opposed to the center of a lot.

1012. **ACCESS DRIVES AND DRIVEWAYS.**

- 1012.A. **Construction Standards for Private Streets.** See Section 1004.
- 1012.B. **State Roads.** A State Highway Occupancy Permit is required for all access onto or work within the right-of-way of a State road.
- 1012.C. **Separation Distances.** See Article VIII of the City Zoning Ordinance.
- 1012.D. **Sight Distance.** See Section 803 of the City Zoning Ordinance.
- 1012.E. **Driveway Slopes.** Grades of access drives or driveways shall not exceed 12% for any horizontal distance longer than 25 feet, except a driveway or access drive shall have a maximum slope of 5 percent for the first 20 feet from and within the legal right-of-way of an intersecting street.
- 1012.F. **Drainage.** The developer shall make adequate provisions to maintain uninterrupted parallel drainage along a street where intersected by an access drive or driveway. Access drives and aisles within parking lots shall be graded and drained to keep the primary travel lane free of stormwater. The following typical details shall be used as applicable for residential driveway entrances along streets, unless differing standards are pre-approved by the City Engineer or required by PennDOT. The first detail involves a typical condition where the City Engineer requires a drain pipe, and the second detail involves a typical condition where a drain pipe is not required.



TYPICAL DRIVEWAY SECTION WITH DRAIN PIPE (No Scale)



NOTE DRIVEWAYS FOR INDIVIDUAL LOTS SHALL CONFORM TO THE SPECIFICATIONS OF THIS TYPICAL DRIVEWAY SECTION
 CL OF DRIVEWAYS SHALL BE LOCATED AT LEAST 75' FROM
 CL OF ROAD INTERSECTION.

TYPICAL DRIVEWAY SECTION WITHOUT DRAIN PIPE (No Scale)

1012.G. **Emergency Access.** Driveways shall be designed to be accessible to emergency vehicles. Driveways shall have a 10 feet minimum horizontal clearance, a 12 feet minimum vertical clearance and be designed to support the weight of a loaded fire engine pumper truck.

1013. **OFF-STREET PARKING AND LOADING.** See Article VI of the City Zoning Ordinance.

1014. **SIDEWALKS, PATHWAYS AND DRIVEWAY APRONS.**

1014.A. Sidewalks built to City specifications shall be required, unless the applicant proves to the satisfaction of the Planning Commission that they would not be necessary for safe pedestrian movement. See the separate City ordinance regarding sidewalk and curb standards.

1. In any case, sidewalks shall not be required along single family detached dwelling lots of greater than 20,000 square feet in lot area, unless the Planning Commission determines that a situation exists that is exceptionally hazardous to pedestrians and/or within close proximity to a public school.

1014.B. **Pathway or Bikeway.** If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Planning Commission may require that a major subdivision or land development include the construction of a pathway or bikeway. Such bikeway or pathway shall have a minimum width of 5 feet and shall be paved to City standards. It may be required to be placed within a street right-of-way in place of a sidewalk, or may be placed elsewhere on a lot within an easement or other right-of-way.

1014.C. **Location and Width of Sidewalks.**

1. Sidewalks, where required or provided, shall be located within the street right-of-way.
2. Any required sidewalks shall have a minimum width of: a) 5 feet along arterial streets and b) 4 feet along collector or local streets.

1014.D. **Handicapped Access.** All sidewalks and curbs at the intersection of 2 or more public streets shall include a sloped curb cut suitable for use by wheelchairs.

1014.E. **Maintenance.** Each property-owner shall ensure that sidewalks that are within the right-of-way immediately adjacent to his/her property are properly maintained, repaired, and reasonably clear of snow and ice.

1015. **STREET LIGHTING.**

1015.A. Street lights shall be placed along streets within and abutting a proposed subdivision or land development where the Planning Commission deems them necessary, after considering any recommendations of the City Engineer, to provide safe traffic or pedestrian circulation. If required, street lights should be provided at street intersections, curves in streets and the more isolated areas of a development. The City may limit the number and intensity of street lights as appropriate if the City would be responsible for paying for the electricity for the lighting.

1015.B. Such lights shall meet lamp and wiring standards established by the applicable electric company. Pole types shall be acceptable to the City.

1016. **STREET NAMES.** Street names are subject to the approval of the Planning Commission, and shall continue the name of any street with the same or similar alignment, and not duplicate or be closely similar to the name of another street within the City or the same ambulance service district. Unless otherwise approved by the Planning Commission, East-west streets shall be named "Streets" and north-south streets shall be named "Avenues," except that streets with a maximum length of 1,000 feet should be named "Place" or "Lane" and curving streets should be named "Circle" or "Drive."

1017. **REGULATORY SIGNS.** The developer shall supply and install needed traffic regulatory signs and street name identification signs on new or extended streets. All traffic regulatory signs shall meet current standards of PennDOT. All signs shall meet requirements of the City.

1018. **STREET TREES, TREE PRESERVATION AND BUFFER YARDS.**

1018.A. **Street Trees.**

1. Street trees are required to be planted within all land developments and major subdivisions, except: a) along a single family detached residential lot with a lot area of greater than 2 acres or b) where the Planning Commission determines that existing healthy trees proposed to be preserved will serve generally the same function.

a. The Planning Commission may approve other species of trees than those listed below if the applicant proves to the satisfaction of the Planning Commission that the trees would be sturdy, attractive and resistant to disease and road salt.

b. A tree required by this Ordinance shall be of one of the following species. This list shall not regulate types of trees that are not required to be planted by this Ordinance.

Deciduous:

Acer buergerianum - Trident Maple

Acer campestre - Hedge Maple

Acer ginnala - Amur Maple

Acer rubrum - American Red Maple

Acer tartaricum - Tartarian Maple

Amelanchier arborea - Shadblos Serviceberry

Amelanchier X grandiflora (many cultivars) - Serviceberry

Amelanchier lavis - Alleghany Serviceberry

Carpinus betulus - European Hornbeam

Carpinus caroliniana - American Hornbeam

Cornus mas - Cornelian Dogwood
 Celtis jessoensis - Jesso Hackberry
 Celtis laevigata - Hackberry
 Celtis occidentalis - Common Hackberry
 Corylus columa - Turkish Filbert
 Crataegus curg-galli "Inermis" - Thornless Hawthorn
 Eucommia ulmoides - Hardy Rubber Tree
 Fraxinus americana - White Ash
 Fraxinus pennsylvanica (seedless variety) - Green Ash
 Ginkgo biloba - Maiden Hair Tree (male only)
 Koelreuteria paniculata - Golden Rain Tree
 Liquidambar styraciflua - Sweet Gum
 Liriodendron tulipifera - Tulip Poplar
 Metasequoia glyptostroboides - Dawn Redwood
 Nyssa sylvatica - Black Gum
 Macchia amurensis - Amur maackia
 Malus floribunda - Japanese Flowering Crabapple
 Malus cultivars that are disease resistant - Adams, Baskatong, Bob White, Evelyn,
 Liset, Madonna, Ormiston Roy, Professor Spengel, Red Jewel, Sentinel,
 Sugar Tyme, Strawberry Parfait, Donald Wyman, Centurion - Crabapple
 Malus sieboldii X Zumi Calocarpa - Zumi Crabapple
 Ostrya virginiana - Hophornbeam
 Phellodendron amurense - Amur Corktree
 Prunus sargentii - Sargent Cherry
 Pyrus calleryana (not Bradford) - Callery Pear Selections
 Quercus - All varieties of Oak
 Prunus Accodlade - Flowering Cherry
 Prunus sargentii - Sargent Cherry
 Prunus serrulata varieties - Japanese Flowering Cherry
 Prunus yedoensis - Yoshino Cherry
 Sophora japonica - Japanese Pagoda Tree
 Sorbus alnifolia - Mountain Ash
 Sorbus amurensis - Amur Mountain Ash
 Syringa reticulata - Japanese Lilac Tree
 Taxodium distichum - Bald Cypress
 Tilia cordata - Little Leaf Linden
 Tilia X euchlora (ungrafted only) - Crimean Linden
 Tilia petiolaris - Pendant Silver Linden
 Tilia tomentosa - Silver Linden
 Ulmus parvifolia - Chinese Lacebark Elm
 Zelkova serrata - Japanese Zelkova

- c. Evergreens. The City may permit the following types of evergreen trees to be substituted for deciduous street trees if needed to buffer a residential area from a high-traffic road and if such trees are located to avoid sight distance hazards:

Cedrus atlantica - Atlas Cedar
 Chamaecyparis obtusa - Hinoki Cedar
 Chamaecyparis pisifera - Hinoki False Cypress
 Chamaecyparis thyoides - Atlantic White Cedar
 Cupressocyparis leylandii - Leyland Cypress
 Ilex opaca - American Holly

Picea abies - Norway Spruce
Picea omorika - Serbian Spruce
Picea orientalis - Oriental Spruce
Picea pungens - Colorado Spruce
Pinus bungeana - Lace Bark Pine
Pinus densiflora - Japanese Red Pine
Pinus nigra - Austrian Pine
Pinus strobus - Eastern White Pine
Pseudotsuga menziesii - Douglas Fir
Pseudotsuga taxifolia - Douglas Fir
Sciadopitys verticillat - Japanese Umbrella Pine
Taxus sp. - Yew varieties
Thuja occidentalis cv. *Nigra*, *Emerald* or *Techy* - Dark Green Arborvitae
Tsuga canadensis - Canada Hemlock
Tsuga caroliniana - Carolina Hemlock

- d. **Prohibited Trees.** The following trees shall not be planted within the street right-of-way and shall not be used to meet any City requirement. Such trees may be planted by a property-owner on private property if such tree is in addition to City requirements.

Acer negundo - Box elder
Acer saccharinum - Silver maple
Ailanthus altissima - Tree of heaven
Catalpa speciosa - Catalpa
Elaeagnus spp. - Russian olive
Ginkgo - female only
Maclura pumifera - Osage orange
Morus spp. - Mulberry
Populus spp. - Poplar
Salix spp. - Willow
Ulmus americana - American elm
Ulmus pumila - Siberian elm

- e. **Waiver for Medical Reasons.** The Plans Administrator shall waive requirements to plant street trees and/or permit street trees to be removed if the existing or intended resident of a dwelling provides a signed letter from a medical doctor stating that the trees would be harmful to a resident because of a valid medical condition (such as serious allergies).

2. **Quality of Trees.**

- a. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated.
- b. Trees which have died or have become diseased or pest-ridden within 18 months from the time of planting shall be replaced by the developer.

3. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches.

4. **Planting and Maintenance.**

- a. Trees shall be planted in conformance with good landscaping practices.

- b. Trees adjacent to or within parking areas shall be properly protected from damage by vehicles through raised curbs, raised earth, similar devices and/or sufficient setback.
 - c. Required trees shall be properly maintained and shall not be removed by the developer without being replaced by another tree that meets the requirements of this section.
5. Required Number and Spacing of Street Trees.
- a. Within and abutting all land developments and major subdivisions, along any street or any access drive serving more than one commercial, industrial or institutional principal use, an average of 1 street tree shall be required for every 60 feet of distance along the street right-of-way line on each affected side of the street or such access drive.
 - b. Spacing. The trees required under this Section shall be spaced throughout the development along the street, but are not required to be planted at exact intervals and may be clustered following an approved plan. Trees shall be located so that they do not restrict sight distance at driveway and street intersections.
6. Location of Street Trees. The trunks of required street trees shall be planted within a street right-of-way but at a minimum of: a) 2 feet from any established curb line or b) 5 feet from the cartway if there will be no curbing.
7. Other Requirements. The street trees required under this Section shall be in addition to any trees required under other City regulations.

1018.B. Protection of Existing Trees During Construction.

- 1. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not intentionally or accidentally injured or effectively destroyed, including root compaction by equipment and materials, mechanical damage or change in grade level. The area to be protected should at a minimum include the outer limits of land areas ("the dripline") under the branches of trees.
 - a. Such area around trees to be preserved shall be separated from all construction, storage and vehicle areas by a substantial temporary fence with a minimum 4 feet height. Such fence may include snow fencing or wood planks or strong wires or ropes attached to metal posts, or a similar secure method. Such fence shall be removed only after completion of the work. Trees that are to be removed may also be used as a temporary buffer to protect trees to be preserved.

1018.C. Buffer Yards. See the requirements for buffer yards in the City Zoning Ordinance, as amended.

1019. CURBS.

- 1019.A. Curbs shall be provided along both sides of all public and private streets, unless the applicant proves to the satisfaction of the Planning Commission that curbs would not be necessary, based upon review by the City Engineer. In no case shall curbs be required along single family detached lots of greater than 1 acre unless the Planning Commission determines that curbs are essential for stormwater management, based upon a recommendation of the City Engineer.
- 1019.B. If curbs are not provided, appropriate stabilized drainage channels designed to handle a 25 year storm shall be required along all streets, within the street right-of-way, or drainage easements.

1019.C. All required curbs shall meet specifications stated in the separate City ordinance concerning sidewalks and curbs. New bituminous curbing shall not be permitted as part of a new subdivision.

1. Gutter design shall be subject to the approval of the City Engineer based upon standard engineering practices.

1020. EROSION CONTROL AND GRADING.

1020.A. Ground Cover and Top Soil. After completion of construction on a lot, all exposed ground surfaces that are not paved and that are not covered by approved gravel areas or decorative stones or similar material shall be covered by a minimum of 4 inches of topsoil and an attractive non-poisonous vegetative ground cover that will prevent soil erosion and the raising of dust.

1020.B. Erosion Control.

1. Any earth disturbance should be controlled by proper measures to prevent soil erosion and sedimentation, following DER regulations and standards of the County Conservation District.
 - a. Compliance with a submitted soil erosion control plan shall be an automatic condition of any approval or permit under this Ordinance.
 - b. City permits may be suspended if earth disturbance does not comply with such approved plan.
2. Both the owner of the property at the time of any earth disturbance and the person(s)/company accomplishing the work shall be responsible to ensure that adequate erosion control measures are used.

1021. **FLOOD-PRONE AREAS.** See Section 516 of the City Zoning Ordinance, as amended. See also Section 1004.N. of this Ordinance.

ARTICLE XI
MOBILE HOME PARK DESIGN
STANDARDS AND REQUIRED IMPROVEMENTS

1101. APPLICABILITY.

- A. The requirements in this Article shall apply to a Mobile Home Park as defined by the City Zoning Ordinance, which primarily involves the lease of individual home sites.
- B. Mobile home parks proposed to be developed for sale of lots shall be designed in accordance with all requirements set forth for single family dwelling residential development.
- C. Every proposed mobile home park shall be submitted, reviewed, approved and recorded as a land development, at a minimum.
- D. Terms. The terms "mobile home" and "manufactured home" shall have the same meaning.

1102. EXEMPTIONS. The following shall not be considered to be a mobile/ manufactured home park, but instead shall be ruled by the applicable sections of this Ordinance and the Zoning Ordinance:

- A. Mobile/manufactured home sales as a principal use, other than sales of mobile homes intended to be placed on the same property as the sales;
- B. The storage or garaging of mobile homes not being used for living or sleeping purposes within a building or structure;
- C. A single mobile home used as a residence on a lot with no other dwellings; or
- D. A mobile home that is used only as a field office or work or tool house during a construction project, and not for residential purposes.

1103. OTHER REQUIREMENTS OF THIS ORDINANCE. All provisions of this Ordinance shall apply to a mobile/ manufactured home park, except provisions of this Article that specifically differ from or conflict with such provisions. A mobile home park in most cases will be considered a "land development" and be required to submit plans and be approved under the provisions of Articles V and VI.

1104. GENERAL STANDARDS AND REQUIREMENTS.

- A. See the mobile/manufactured home park provisions and the individual mobile/manufactured home provisions of Section 402 of the City Zoning Ordinance.
- B. If the mobile/manufactured home park has an average density of higher than 1 dwelling unit per acre, all dwelling units shall be served by both central water and central sewer service.
- C. All mobile/manufactured homes sites within a mobile/manufactured home park shall be located on land with an average natural slope of less than 15 percent.
- D. The mobile/manufactured home park shall have paved access to a paved public street.

- E. The mobile/manufactured home park shall have adequate access by emergency vehicles and shall include fire hydrants and a water tank to provide adequate water pressure.
- F. All mobile/manufactured home parks of more than 20 dwelling units shall include a responsible resident manager.

1105. DESIGN STANDARDS.

A. Access.

- 1. Access to individual mobile home spaces shall be from interior parking courts, access drives, or private streets and shall not be from public streets exterior to the development. Streets within the development providing access to 20 or more dwellings shall have a paved cartway width of at least 26 feet, and other streets shall have a paved cartway width of at least 22 feet.
- 2. All streets within the Mobile Home Park shall be private and be maintained as part of the Mobile Home Park. All construction of streets that serve a minimum of 20 dwelling units shall conform to the construction requirements for streets contained in Section 1004. All construction of access drives and driveways shall meet the requirements of Section 1012.

B. Parking.

- 1. Every mobile home space shall be provided with a minimum of 2 paved off-street parking spaces. In addition, an average of 0.5 off-street parking spaces per dwelling unit shall be provided in convenient locations for visitor parking. Parking courts are encouraged to be used for off-street parking.
- 2. An appropriate area shall be set aside for the parking of recreational vehicles of residents.

C. Other Design Standards and Improvements.

- 1. Every mobile home space shall be graded to provide a level, stable and well-drained stand for the mobile home.
- 2. Every space shall be provided with underground electric, telephone and T.V. Cable (if available) connections.
- 3. All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction, and if above ground shall adequately be screened with landscaping or a screen wall compatible with the home.
- 4. An average of 1 deciduous street tree shall be provided for each 50 feet of frontage along a private street. These trees shall meet the requirements of Article X of this Ordinance.

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