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MAYOR MICHAEL A. LOMBARDO, IN PLACE

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**"A N O R D I N A N C E"**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**City of Pittston, PA**

**SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE**

**CITY OF PITTSTON**

**LUZERNE COUNTY**

**COMMONWEALTH OF PENNSYLVANIA**

**MARCH 1999**

## SUBDIVISION & LAND DEVELOPMENT ORDINANCE

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## **ARTICLE I**

### **Title, Purpose, Interpretation, Severability, Authority, Jurisdiction, Repealer**

#### **§101 Short Title**

This chapter shall be known and may be cited as the "City of Pittston Subdivision and Land Development Ordinance".

#### **§ 102 Purpose**

This Ordinance has been adopted for the following purpose:

- A. To assure sites suitable for building purposes and human habitation.
- B. To create conditions favorable to the health, safety, and general welfare of the citizens of the City of Pittston.
- C. To regulate certain subdivision and land development activities within the city by providing for a uniform method for the submission of sketch plans, preliminary and final plans.
- D. To coordinate proposed streets with existing streets or other proposed streets, parks, or other features of the city.
- E. To provide adequate easements or rights-of-way for drainage and utilities.
- F. To make adequate provisions for curbs, gutters, storm and sanitary drainage facilities, walkways and other required public facilities.
- G. To protect the social and economic stability of the city, and conserve the value of land and buildings in the city.
- H. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
- I. To provide adequate open spaces for traffic, recreation, light and air for the proper distribution of the city.

#### **§ 103. Interpretation**

The provisions of this Ordinance shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this Ordinance, the provision of such statute, ordinance, or regulation shall prevail.

#### **§104. Severability**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

### **§105. Authority**

From and after the effective date hereof, the City Council shall have the authority to regulate subdivision and land development within the City of Pittston.

### **§106. Jurisdiction**

The City Council shall have the jurisdiction of subdivision and land development within the city limits. In order to aid the City Council in its consideration of subdivisions and land developments, the City Council hereby decrees that the Planning Commission of the City of Pittston shall serve the following functions:

- A. All plans, whether major or minor, upon submission to the duly authorized representative of the city shall be referred to the Planning Commission for review.
- B. The Planning Commission shall make recommendations to the City Council concerning approval, disapproval, modification, and/or conditions for approval of such plans.
- C. The Planning Commission shall make recommendations to the City Council concerning the interpretation of the granting of modifications to provisions and standards of this Ordinance.

### **§ 107. Amendments**

This Ordinance may be amended, modified, and/or revised from time to time as prescribed by local and state laws.

### **§ 108. Repealer**

It is the purpose and intent of this Ordinance to supersede all previous ordinances of the City of Pittston related to and regarding subdivisions and land developments. Any such ordinances are hereby repealed.

## **ARTICLE II Definitions and Inclusions**

### **§201. Inclusions**

It is not intended that this glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in carrying out the duties by appropriate officers.

### **§202. Definitions**

As used in the Ordinance, words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense, words used in the masculine gender include

the feminine and neuter. The word "person" includes individual, corporation, partnership, unincorporated association, and partnership. The word "structure" includes the meaning of "building" and each shall be construed as if followed by the phrase "or part thereof".

**ACCELERATED EROSION** - the removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

**APPLICANT** - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plan, for the approval of a development plan.

**BLOCK** - A tract of land bounded entirely by streets; by streets and a watercourse; by streets and a railroad; by streets and the corporate boundaries of the City; by streets and public land or other park or recreation area; or any combination of the above.

**BUFFER AREA** - A strip of land, a mound or berm planted and maintained in shrubs, bushes, trees, grass or other ground cover material and within which no structure or building shall be authorized except a wall or fence which meets city requirements as contained in the Zoning Ordinance.

**BUILDING** - Any structure for which a building permit is required by the City of Pittston Building Code, i.e., any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals or property of any kind.

**BUILDING SETBACK LINE** - An established line within a property defining the minimum required distance between any building to be erected and the adjacent right-of-way line of the street on which it fronts, to provide the front yard specified by the City of Pittston Zoning Ordinance.

**CARTWAY** - The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**COMPREHENSIVE PLAN** - The long-range Comprehensive Plan for the City, prepared in accordance with the Pennsylvania Municipalities Planning Code.

**CONDOMINIUM** - A form of ownership of real property, as defined in the PA Uniform Condominium act of 1980, which includes an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure.

**DENSITY** - A measure of the intensity of use of a parcel of land. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net site acres. The term "net density" shall mean the maximum number of permitted dwelling units of a single type or in combination of dwelling unit types where permitted, for any net site area.

**DETENTION BASIN**- A structure designed to retard surface water runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

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

**DEVELOPMENT AGREEMENT** - A written contract between a subdivider or developer and the landowner, on one hand, and the City on the other, specifying the conditions of final approval by the City.

**DRAINAGE** - See "storm drainage facility," "swale" and "watercourse".

**DRIVEWAY** - A private means of vehicle access from a public or private street to a single lot; provided, however, that 2 contiguous lots may share a common driveway where the applicable requirements of this Ordinance and the City Zoning Ordinance are complied with on each lot.

**EARTHMOVING ACTIVITY** - Activity resulting in the movement of earth or stripping of vegetative cover from the earth.

**EASEMENT** - A permanent right granted for limited use of private land, normally for a public purpose. The owner of the property shall have the right to make any other use of the land, which is not inconsistent with the rights of the grantee. (E.g., utility, drainage, and public access easements.)

**ENGINEER** - A professional engineer, licensed and registered as such by standards established by the Commonwealth of Pennsylvania.

**FILL** - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or the material used to make a fill.

**GUARANTEE, MAINTENANCE** - Any security that may be required of a developer by the City after final acceptance by the City for improvements installed by the developer. Such security may include, but is not limited to, Federal or Commonwealth lending institution irrevocable letter of credit or restrictive or escrow account.

**GUARANTEE, PERFORMANCE** - Any security that may be required of a developer by the City in lieu of a requirement that certain improvements be made before the City approves the developer's subdivision plan or land development plan. Such security may include, but is not limited to, those instruments cited above as acceptable for maintenance guarantees.



IMPERVIOUS SURFACE - material which is impenetrable and unable to absorb water, including but not limited to buildings structures, and paved areas (driveways, parking lots, etc.).

IMPROVEMENTS - Building, for public or quasi-public use, streets, curbs, gutters, streetlights, and signs, water mains, hydrants, sanitary sewer mains including laterals to the street right-of-way line, storm drainage lines, storm water management structures, walkways, recreational facilities, open space improvements, shade trees, buffer or screen plantings, and all other additions to the tract that are required by ordinance or necessary to result in a complete subdivision or land development in the fullest sense of the term.

IMPROVEMENTS, PUBLIC - Improvements, including but not limited to those contained in the definition of "Improvements", that are intended for dedication to the City, either in fee or by easement.

LAND DEVELOPMENT - Any of the following activities:

(1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

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

(b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or perspective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with section 503(1.1) of the Municipal Planning Code.

LAND DISTURBANCE - Any activity which causes land to be exposed to the danger of erosion, including clearing, grading, filling, plowing, or any other earthmoving, as defined.

LANDOWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANE, ACCELERATION OR DECELERATION - A lane of a cartway intended for use by vehicles entering, leaving, or crossing a lane of forward travel without interrupting the flow of traffic.

MONUMENT - A tapered, permanent survey reference point of stone or concrete having a round top 4 inches on each side with a length of 24 inches.

PLAN

A. AS BUILT -A corrected final plan, showing dimensions and location of all streets and other improvements as actually constructed.

- B. FINAL -An exact and complete site design and layout plan and improvements construction plan prepared by a registered engineer, to be recorded upon approval.
- C. IMPROVEMENTS CONSTRUCTION - A component of the preliminary and final plan, prepared by a registered engineer, showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required, including a horizontal plan, profiles, and cross-sections.
- D. PRELIMINARY - A site design and layout plan and improvements construction plan prepared by a registered engineer, in less detail than a final plan and prepared for consideration prior to submission of a final plan.
- E. RECORDED - A final plan, with accompanying documents as required by this Ordinance, which has been recorded by the applicant in the Office of the Recorder of Deeds of the County of Luzerne.
- F. SITE DESIGN AND LAYOUT - A component of the preliminary and final plan, prepared by a registered engineer, showing: property lines, existing and proposed streets, lots, buildings, public areas, drainage facilities, easements, and other details pertinent to the proposal.
- G. SKETCH - A plan submitted for review and discussion prior to application for preliminary plan approval, including whatever information the applicant deems useful; for example, a graphic plan, not necessarily to scale, showing approximate tract boundaries and a general layout of lots, buildings, and streets.

PLAN OF RECORD - the copy of the final plan which contains the required original endorsements and which is recorded with the County of Luzerne Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of the City of Pittston.

RESUBDIVISION - A change in map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETENTION BASIN - A reservoir, formed from soil or other material, which is designed to detain temporarily a certain amount of stormwater from a catchment area and which also may be designed to permanently retain additional stormwater runoff from the catchment area. Retention basins also may receive fresh water from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, alley, or crosswalk, or for any other public or private purpose.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

## SEWAGE FACILITIES

- A. INDIVIDUAL SYSTEM - The disposal of sewage by use of cesspools, septic tanks, or other safe and healthful means, approved by the City of Pittston Enforcement Officer, and generally within the confines of the lot on which the use is located.
- B. COMMUNITY SYSTEM - A sanitary sewage system, privately built and operated, in which sewage is carried from individual dischargers by a system of pipes to one or more common treatment and disposal facilities. Treatment and disposal may occur either on-site or off-site, and shall be approved by the Pennsylvania Department of Environmental Resources.
- C. PUBLIC SYSTEM - A system for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly-operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

**SHALLOW BEDROCK** - Areas where existing public records or field surveys indicate bedrock at depths of four (4) feet or less below natural grade.

**SITE AREA** - All land area within the site as defined in the deed or deeds. Actual area shall be from a survey rather than from a deed description. "Site area" shall not include any previously dedicated public right-of-way.

**SITE PLAN** - A plan meeting the requirements of this chapter for land developments or as required by the City of Pittston Zoning Ordinance.

**SLOPE** - The face of an embankment, fill or cut section or any ground whose surface makes an angle with the plane of the horizon. "Slope" is expressed as a percentage, based upon the vertical difference in feet per one hundred (100) feet of horizontal distance.

**STEEP SLOPES** - Areas where the average slope exceeds fifteen percent (15%) and which, because of this slope are subject to high rates of stormwater runoff and, therefore, erosion.

**STORMWATER** - Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

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

**STREET** - A right-of-way intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. ARTERIAL - A street serving a large volume of comparatively high speed and long distance traffic, including all roads classified as main and secondary highways by the

Pennsylvania Department of Transportation.

1. Principal - An arterial serving the heaviest volumes of traffic in the City, providing the highest degree of vehicular mobility, and involving controls on access.
  2. Minor - An arterial serving high volumes of traffic, providing a high degree of mobility, and involving some controls on access.
- B. COLLECTOR - A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the City to major streets and/or a street used for access to non-residential properties, i.e., commercial, industrial, professional, etc.
1. Major - A collector serving moderate levels of traffic within the City, providing a mix of access and mobility, and linking neighborhoods.
  2. Minor - A collector serving lower amounts of traffic, providing relatively more access than mobility, and serving as a major road through identifiable neighborhoods.
- C. CUL-DE-SAC STREET -A local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.
- D. LOCAL STREET -A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- E. PRIVATE STREET -A local street, serving only abutting lots, that is not offered or required to be offered for dedication.
- F. SERVICE STREET (ALLEY) -A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- G. SINGLE-ACCESS STREET -A local street, including but not limited to, a cul-de-sac or loop design, which has only one point of intersection with an existing township or State road or with a proposed road having more than one access point.

STRUCTURE - Any man-made object having an ascertainable stationary location on land or water whether or not affixed to the land.

SUBDIVIDER - Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit (or agent authorized thereby) which undertakes the subdivision or development of land.

## SUBDIVISION -

**MAJOR SUBDIVISION** - A division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels, or other division of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or residential dwellings, shall be exempted.

**MINOR SUBDIVISION** - A subdivision or land development where the following conditions apply:

1. There are no new streets in the development;
2. The development does not require additional placement of any utilities, including but not limited to electric, gas, water, fire hydrants or other utilities; and
3. No other public improvements are necessary for the subdivision.

**SUBDIVISION OFFICER** - That official of the City designated to administer the provisions of this Ordinance.

**SURVEYOR** - A registered surveyor licensed in Pennsylvania.

**WATERCOURSE** - A permanent stream, intermittent stream, river, brook, creek or channel or a channel or ditch for water, whether natural or man-made.

## WATER SUPPLY

- A. **INDIVIDUAL SYSTEM** - A safe, healthful, and adequate supply of water to a single user from a private well located on the land of the user.
- B. **CENTER WATER SUPPLY SYSTEM** - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site. A central system can be further described as either of the following:
  1. **Public Water Supply System** - A system which is owned by a municipality, a public company, or a private company which serves more than a single community or subdivision and may be interconnected with other water supply systems.
  2. **Community Water Supply System** - A system which is owned by a municipality, a public company, or a private company and which serves a single community or subdivision and is not interconnected with any other water supply system.

**WAY or LANE** - A deeded or dedicated public or private right-of-way sometimes used as a secondary vehicular access to land or lot.

**ARTICLE III**  
**Procedures and Requirements**

**§301. General Requirements**

The City of Pittston requires the submission of the following for any subdivision and for any land development plan:

- A. Sketch plan (Optional). The purpose of this plan is to provide an opportunity for the applicant/developer and the City Planning Commission to review the intended subdivision or land development plan prior to the preparation of extensive engineering drawings and to allow for comments and recommended modifications prior to preparation of a preliminary plan. A sketch plan shall not constitute an official submission to the City.
- B. Preliminary plan. A preliminary map or plan of a subdivision or land development, including all required supplementary data, in lesser detail than the final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- C. Final Plan. A complete and exact map or plan of a subdivision or land development, including all required supplementary data, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
- D. Plan of record. The copy of the final plan which contains the required endorsements and which is recorded with the City of Pittston Recorder of Deeds.

**§ 302. Review Procedures**

- A. Procedures. The applicant/developer shall submit to the City Clerk's office thirteen (13) copies of the application for review of the preliminary subdivision plan or the preliminary land development plan. Upon receipt by the City Clerk's office, the entire application shall be carefully checked for completeness of submission and the correct number of copies. If the submission is complete in all respects, including the payment of all fees, the Zoning Officer shall issue a dated receipt for the preliminary plan to the applicant/developer, with copies of said receipt being forwarded immediately to the City Planning Commission. Immediately, or as soon thereafter as is possible, upon acceptance of the preliminary plan and any attachments thereto, the Zoning Officer shall forward copies of the preliminary plan to the following:
  - (1) The City Council; one (1) copy
  - (2) The City Planning Commission; five (5) copies.
  - (3) The City Engineer; one (1) copy.
  - (4) The City Planner; one (1) copy.
  - (5) The Fire Marshall; one (1) copy.
  - (6) The Wyoming Valley Municipal Water and Sewer Authority; one (1) copy.
  - (7) The City of Pittston staff; one (1) copy.
  - (8) The Luzerne County Planning Commission; two (2) copies.

B. Review.

- (1) Review by the City Engineer. The City Engineer shall review said plan, including all engineering considerations therein, and shall prepare a report addressed to the City Planning Commission and to the City Council with such findings.
- (2) Review by the City Planner. If the preliminary plan requires review by the City Planner in relation to the Comprehensive Plan of the City, the Zoning Officer or Chairman of the Planning Commission may direct that such a review and report be prepared and submitted to the Planning Commission.
- (3) Review by the City Planning Commission
  - (a) The City Planning Commission shall, at a regularly scheduled meeting, place the preliminary plan on its agenda for review or for subsequent review if additional review time is necessary. In the review and analysis of the preliminary plan, the Planning Commission may, at its option, refer special technical or legal questions to the City Solicitor, City Engineer or the City Planner for specific advice on such technical matters. The applicant/developer is required to attend any public meeting of the Planning Commission during which the preliminary plan is to be reviewed.
  - (b) The City Planning Commission shall prepare and submit in writing to the City Council its review and recommendations for the preliminary plan in consideration of the requirements of this chapter and any reports, engineering data, technical or legal information received. The review of the preliminary plan by the City of Pittston Planning Commission shall be attached to the report forwarded to the City Council.
- (4) Review and action by the City Council.
  - (a) Upon receipt of the preliminary plan report from the City Planning Commission, the City Council shall schedule the preliminary plan on the agenda of a regular meeting. The City Council shall render its decision and communicate this decision to the applicant/developer not later than that time required by the Pennsylvania Municipalities Planning Code, as may be amended from time to time.
  - (b) The City Council shall make all final decisions regarding approval, disapproval or conditional approval of any preliminary plan. In its evaluations, the City Council shall give consideration to this chapter and the City Planning Commission report, the City Engineer's report and any other pertinent data related thereto. The decision of the City Council shall be in writing and shall be delivered to the applicant/developer personally or by certified mail within fifteen (15) days of such decision.

- (c) If the preliminary plan is not approved, the denial shall set forth the specific reasons for disapproval and the manner in which the application can be corrected or modified to obtain the required approval. If the preliminary plan is approved or approved with conditions, the written approval shall notify the applicant/developer of any conditions of approval and that he may submit a final subdivision plan or final land development plan within one hundred eighty (180) days. Where the applicant's written concurrence is not received within the allotted time, the Council shall be deemed to have denied approval. Said final plan may be submitted in its entirety or in sections, provided that approved preliminary plans for which a final plan has not been received will become null and void three (3) years after the date of preliminary plan approval.
- C. Public hearing. The City Council may, at its discretion, schedule, advertise and hold a public hearing for any preliminary subdivision plan submitted under this chapter.
- D. Time extensions. In many complex major subdivision and land development plans, there is frequently a need to extend the ninety-day period prescribed by law for rendering a decision, particularly when a public hearing is deemed desirable and when technical changes to the plan are required. Such an extension may be agreed upon by the City and the applicant/developer, provided that such agreement is in writing and is approved by all parties.
- E. As required by the State Municipal Planning Code, all applications for approval of a plat, whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

**§ 303. Sketch plan.**

- A. Where a land development plan includes improvements or in the case of a major subdivision, the developer may submit a sketch plan for informal review. A minimum of five (5) paper copies of a sketch plan should be submitted to the Planning Commission in accordance with the provisions of this section.
- B. Such sketch plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the city.
- C. As far as may be practical on the basis of the sketch plan review and discussion, the city will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the design standards of these regulations and will discuss possible plan



modifications necessary to secure conformance. The subdivider will at this time be required to submit a preliminary plan for Commission review.

- D. Sketch plan contents. Sketch plans will contain the location of the property lines, existing and proposed rights-of-way, a general outline of the intended subdivision or Land Development Plan, existing physical features, and whatever other information the applicant deems useful.

**§ 304. Preliminary major subdivision and land development plan.**

- A. Submission requirements for major subdivision and land development plans. Each preliminary plan shall be labeled as such and show the following or be accompanied by such supplementary information:

- (1) The name and address of the applicant/developer and the name and address of the legal owner; the proposed legal name of the major subdivision or land development as it is to be recorded; and the name and address of the registered professional engineer, land surveyor or registered architect responsible for preparation of the plan.
- (2) Proof of ownership including a copy of the existing deed.
- (3) A location map (at a scale no greater than 1" = 2,000') or key map showing the location of the site or portion of the site to be subdivided or developed; all property lines, streets, roads and other subdivisions or land development within two thousand (2,000) feet of all boundaries of the site; zoning within such areas; and Tax Map parcel of lots to be subdivided.
- (4) A full data column which shall include the following: acreage of the site; acreage of the site by zoning district; front yard, side yard, rear yard, lot width and minimum lot area requirements and standards proposed; dwelling units by type permitted under zoning and proposed dwelling units by type; types of exterior materials to be used for construction or renovation of existing buildings; permitted density and proposed density by type of dwelling unit; combined overall dwelling unit density for the site; area for easements, streets and open space by type, i.e., public or private; proposed square footage or area of nonresidential uses; and required and proposed off-street parking and loading spaces for intended uses.
- (5) The proposed method of providing public or private water supply and sanitary sewage disposal methods, and written certification from the Municipal Authority showing satisfactory provision of the above at the time of submission of the final plan.
- (6) Existing physical or other features, including but not limited to the following:
  - (a) A physical survey of the parcel to be subdivided or developed, showing all courses in degrees, minutes and seconds; distances to hundredths of a foot; physical area; monuments; existing easements and rights-of-way. Total tract boundaries must be shown. Bearings must be shown at not less than nearest ten (10) seconds.

- (b) Contours of the entire tract at not less than two foot intervals based on United States Coast and Geodetic Survey datum.
  - (c) The location of, names and widths of streets, curbs and pavement, public or private; all property lines; and names of owners of tracts or parcels located within two hundred (200) feet of the site.
  - (d) Zoning Districts shall be delineated on the plan.
  - (e) All storm drainage, sanitary sewer, public water supply lines, and other utilities within four hundred (400) feet of the site, and ownership or maintenance responsibilities for the same.
  - (f) All existing buildings or outbuildings to remain or to be removed; tree stands, watercourses, ponds or water bodies; and the location of the one-hundred-year flood plain as determined under the provision of the City of Pittston Zoning Ordinance.
- (7) The preliminary plan sheets shall be drawn at a scale no greater than 1" = 50' so that the maximum sheet size should not exceed twenty four by thirty-six (24 x 36) inches. All sheets submitted shall be consecutively numbered and shall be of the same size, where possible. Appropriate sheets shall contain required signature blocks. All sheets shall show the scale, date prepared, North point, appropriate legends by symbols or words, any notes explaining features of the sheet or plan and appropriate blocks for revisions to each such sheet.
- (8) The proposed layout of the major subdivision or land development area, including, where appropriate for either, the following:
- (a) The layout of streets, including width of the streets, alleys and crosswalks, and soils data.
  - (b) The layout and proposed dimensions of lots.
  - (c) The arrangement of buildings, fire zones and parking/loading areas in commercial and multifamily developments, with all necessary dimensions.
  - (d) A plan for the surface drainage of the tract to be subdivided including all stormwater control facilities, and a stormwater drainage control report. A plan to control erosion during and after the construction period shall be required.
  - (e) Typical cross sections and center-line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
  - (f) Lots for which other than a residential use is intended.
  - (g) A plan of proposed planting, showing the locations of street trees and the landscape treatment for entrances, for areas of abutting property and required buffer strips.

- (h) For subdivisions, the total area, number of lots, lot area for each lot and length of proposed streets shall be noted on the plan, and each residential and nonresidential lot shall be numbered.
  - (I) Building setback lines, established by zoning or other ordinances.
  - (j) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, access or other reasons.
  - (k) Where the preliminary plan covers only a part of the applicant's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
  - (l) Details of proposed ingress and egress at points of intersection with existing township or state roads, including a notation on the plan showing the horizontal sight distance available at each such intersection for vehicles leaving the site.
  - (m) Proposed lighting at identified external intersections and interior lighting plans for internal parking areas.
  - (n) The open space requirements for all subdivisions and land developments are contained in the City of Pittston Zoning Ordinance, as amended, and such requirements shall be reflected on any preliminary plan submitted to the City.
- (9) Must submit a cost estimated by item of required improvements.
  - (10) Preliminary Plan Application fee and required fee for Luzerne County Planning Commission review.
  - (11) A copy of the application for a Highway Occupancy Permit, if applicable, as required by the Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department.
  - (12) Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts.
    - (a) Cross-sections for proposed streets and sidewalks shall be provided at intervals of fifty (50') feet and at intersections and the limits of work.
    - (b) Engineering design of proposed bridges or culverts shall be prepared in conformance with the latest Pennsylvania Department of Transportation design manuals.
    - (c) Engineering design of a proposed central sewage system and/or central water supply and distribution system shall be accompanied by all permit applications for all respective utilities.

- (12) Any offers of dedication of proposed improvements, signed by the owner of the property and properly notarized.
- (13) A Sewage Planning Module and all accompanying data as required by the Pennsylvania Department of Environmental Protection.
- (14) A copy of the Soil Erosion and Sedimentation Control Plan, application and related information as required by the Luzerne Soil Conservation District.
- (15) Stormwater management plans, including drawings of present and proposed contours, stormwater runoff data and facilities for stormwater drainage.
- (16) In case of delineation of wetlands, the wetland boundaries, as provided by the developer, must be verified by either the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection based upon a jurisdictional determination of said agencies.
- (17) An executed written agreement under which the applicant agrees to fully pay for any and all consulting fees resulting from the review of plans, applications and supporting information, data and/or reports or studies required by the City Council. In providing for such an agreement, the City Council, at its discretion, may require the applicant to establish an escrow account in a manner arranged for the City's withdrawal of funds for the payment of consulting fees incurred by the City.

**§ 305. Final major subdivision and land development plan.**

- A. Procedures. The review of final plans shall be identical to the procedures outlined in the preliminary plan review section, except as follows:
  - (1) Any changes, conditions or modifications noted at the time of approval of the preliminary plan shall be incorporated on the final plan.
  - (2) After review of the final plan and upon certification by the City Engineer that all changes required as a condition of the final plan approval have been made, the applicant/developer shall submit record plans as specified in Section 306 of this chapter.
  - (3) In accordance with the provisions of Section 509 of the Municipalities Planning Code, a final plan shall not be signed or recorded by the City Council until the city has received a corporate bond, performance bond or other security acceptable to the city in an amount equal to that as outlined by the Pennsylvania Municipalities Planning Code. The City Solicitor shall review and advise the Council as to the acceptability of such security. (See Article V §515).
- B. Submission requirements for major subdivision and land development plans. The final plan submission requirements shall be identical to the preliminary plan submission requirements outlined in Section 302, except that all data shall be in final form and the

following additional information shall be required:

- (1) Construction and improvement drawings in final detail for drainage; street construction; grading; landscaping; lighting, where required; erosion control; water supply and fire hydrants; sanitary sewers; and appurtenances. Plans, profiles and cross sections shall be included.
- (2) Evidence of approval of the stormwater management plan reviewed by the Luzerne Soil Conservation District, sedimentation and erosion control plans and the required permits, as received from the Pennsylvania Department of Environmental Protection, shall be submitted to the City before building permits will be issued. In the event there is any required change by the Department of Environmental Protection of said plans, the City Engineer shall be so notified in writing, and a complete resubmission of the final plan shall be required.
- (3) Open space maintenance agreements and agreements related to any nonprofit association shall be submitted to and approved by the City Solicitor as a condition of final plan approval.
- (4) Forms for petition or dedication, if any, may be obtained from the City Clerk's office.

**§ 306. Record plan.**

- A. The record plan shall be a clear and legible black-line print or original on white linen. Three (3) such linens and one (1) paper print, being an exact duplicate of the approved final plan, shall be submitted. The recorded plan shall show the following:
  - (1) The seals and signature of the professional who prepared and approved the plan.
  - (2) Corporate seals, where required.
  - (3) Notarized statement of the owner's intent.
  - (4) The City of Pittston's seal.
  - (5) Certification of ownership and desire to record the plan.
  - (6) The required signatures of City and City Planning Commission officials, including the City Engineer.
  - (7) Additional certifications as may be required for offers of dedication, guaranties and warranties.
  - (8) The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as Pennsylvania Departments of Transportation, and

Environmental Protection, Public Utility Commission, and other applicable federal, state, county or municipal agencies.

- (9) Any conditions imposed by the city: Such conditions include but are not limited to: Total acreage, zoning, Index of Support including notes or conditions any other information required by the city specific to the subdivision or land development.

- B. The record plan shall be filed in the office of the Recorder of Deeds, County of Luzerne, Pennsylvania, within ninety (90) days of final plan approval.

### **§ 307. Minor subdivision.**

A minor subdivision is defined in Section 202 of this chapter. Minor subdivisions require a simplified procedure and modified submission requirements. After the effective date of this chapter, only one (1) minor subdivision will be permitted over any period of time for any parcel within the city.

- A. Procedure.

- (1) No sketch plan submission is suggested for a minor subdivision, a final plan is the record plan for a minor subdivision. The preliminary minor subdivision plan is submitted, processed, reviewed and acted upon in the identical manner as a preliminary major subdivision plan, as outlined in Section 302 of this chapter.
- (2) Approval, conditional, approval or denial of approval by the City Council for any minor subdivision plan shall be identical to procedures outlined, in Section 302 for major subdivisions.
- (3) The final, and record, plan shall contain all changes, modifications, notations and agreements required by the City Council at the time of preliminary plan approval. In addition, the certifications and signatures required for recording shall be shown on the final plan. The final plan shall be processed in an identical manner as required in Section 305 for final land record plans.

- B. Submission requirements. Each minor subdivision plan, preliminary and final, shall contain the following:

- (1) The name and address of the owner and the registered professional engineer or surveyor responsible for the plan; a key map showing location and existing zoning.
- (2) A physical survey of the portion of the tract being subdivided, with coursed in degrees, minutes and second, and distances to hundredths of a foot and showing any easements, curblines or rights-of-way and the abutting street or road; two-foot contour intervals; and North point (show bearings to the nearest 10 seconds).
- (3) Existing building to remain or to be removed; tree stands, ponds, water bodies and, if applicable, the floodplain or flood hazard line; and soils data for the parcel.

- (4) The proposed division of land; building setback lines; acreage of the lot(s) and proposed easements for access, drainage or other purposes.
- (5) Proposed driveway locations, if any, and proposed new curblines.
- (6) Prior lots approved under minor subdivision procedures to the present date.

**§308. Fees.**

A fee shall be required for processing and reviewing any sketch plan, preliminary or final subdivision plan, including a minor subdivision plan. Fees are also required for processing and reviewing both preliminary and final land development plans. The fees shall be paid by the applicant/developer at the time of filing each such plan. The fee schedule for all plans submitted under this chapter shall be adopted by resolution of the City Council and may be amended from time to time.

**§ 309. As-built plan.**

Prior to the final release of any guaranty required by Section 603, the owner shall furnish to the city complete as-built drawings of all improvements constructed within any subdivision or land development, showing the precise locations and entails of all such improvements required by this chapter or as required by the City Council at the time of final plan approval. The City Engineer shall approve such as-built plans prior to acceptance by the City Council.

**ARTICLE IV  
Design Standards**

**§401. Purpose and applicability.**

- A. The purpose of this section is to establish and define the public improvements and design standards which will be required by the city in the review, approval and construction of any subdivision or land development.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- C. Whenever city or other applicable regulations impose more restrictive standards and requirements than those outlined herein, such other regulations shall control.
- D. Where literal compliance with the standards and requirements specified herein is clearly impractical, the City Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

**§ 402. General design standards.**

- A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created. In general, lot lines shall follow municipal or city boundary lines rather than cross them. Wherever possible, developers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- B. Land subject to flooding or other hazards to life, health or property and land deemed to be topographically unsuitable shall not be designed for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate existing erosion or flood hazards. Flood plains are defined on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. Such land within the subdivision or land development shall be set aside on the plan for uses not endangered by periodic or occasional inundation and shall not produce unsatisfactory living or occupancy conditions. Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding," and no building or streets shall be permitted in this area. Flood plains are subject to the provisions of Section 505.1 of the City of Pittston Zoning Ordinance.

**§ 403. Design criteria and requirements.**

- A. Utility easements.

All utilities, with the exception of on-site laterals, shall be located in public rights-of-way. Where it is not possible to locate in the public rights-of-way, utility easements shall be located adjacent to rear or side lot lines. These easements shall have the greater of a minimum widths of twelve (12) feet, or ten (10) feet plus the width of the required pipe or other improvement.

- B. Natural gas lines.

Natural gas lines shall be installed in compliance with the USAS Code B31.8, 1968, as amended.

- C. Sanitary sewage disposal.

The applicant shall provide shall provide one of two types of sanitary sewage disposal in compliance with the PA Water Quality Sewage Manual as listed below:

- (1) Public sanitary sewage system. Wyoming Valley Sanitary Authority.
- (2) Private sanitary sewage system. Treatment must be other than subsurface absorption or holding as approved by the Pennsylvania Department of Environmental Protection.

- D. Water supply.

The land development will be served by a public or private water supply. A letter from



the appropriate utility company indicating that service can be provided as shown on the submitted drawings.

**§ 404. Grading, drainage and erosion and sediment control.**

- A. For all subdivisions and land development proposals, a storm water management plan is required, showing all drainage within the watershed affecting the subject property, all existing and proposed drainage facilities, all grading proposed for the subject property and the erosion and sediment control procedures and facilities to be utilized.
- B. All land areas shall be graded to secure proper drainage away from buildings and to prevent the collection of storm water in pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical and adequate street, storm drain or natural watercourse. Developers must carry surface waters to the nearest practical storm drain or natural watercourse. The developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the City Engineer to prevent erosion, damage, siltation and to satisfactorily carry off surface waters. The proposed rate of storm water runoff from any subdivision or land development after full development shall not exceed the runoff prior to development.
- C. Storm water discharge shall be carried by conduit to prevent excessive surface flow on or across streets, sidewalks, drives, parking areas and any other paved surface or traveled way. Culverts or bridges shall be required at all stream crossings of any street or roadway, using design criteria for a fifty-year peak flow rate. Natural swales or open drains of any type may be used only where there is no danger to structures or abutting property.
- D. Identified natural watercourses (streams or creeks) which have continuous flow shall remain open and shall not be piped or covered unless required by the City Council as approved by the City Engineer.
- E. The storm water management plan for each subdivision and land development shall take into account and provide for upstream areas within the entire watershed in computing discharge quantities, sizing of pipes, inlets and other structures. The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Storm water management facilities designed to serve more than one (1) property or development in the same watershed are encouraged, in which case consultation with the City is required prior to design.
- F. The City Council may require, based upon the advise of the City Engineer, storm water retention devices, basins or other delayed-release devices or designs to contain excess storm discharge and to prevent downstream flow increases.
- G. Storm sewers (pipes or other structures) shall have a minimum grade of one-half percent ( $\frac{1}{2}\%$ ) and a minimum inside diameter of fifteen (15) inches or a cross-sectional area of one hundred seventy six (176) square inches. Roof drains or yard drains shall not connect

to any sanitary sewer and shall not discharge water directly over any sidewalk. Storm drainage facilities should be located within the paved areas of roadways. Where storm sewers discharge into existing drainage channels at an angle greater than thirty degrees (30°) with the downstream channel flow, the far side bank shall be stabilized by the use of riprap or masonry and/or concrete walls. The stabilization shall be designed to prevent erosion and frost heave under and behind the stabilizing media.

H. Storm sewer systems shall be constructed in accordance with the city specifications, which are approved by resolution of the City Council. If a particular design or device is not specifically approved within the city specifications, the City Engineer must review and approve the same.

I. Stormwater management plan

(1) General requirements. For all subdivisions and land development proposals, a stormwater management plan and report shall be submitted, containing but not limited to the following:

- (a) A suitable map of the total watershed (a United States Geological survey quadrangle map is sufficient) with predevelopment and post development areas outlined.
- (b) Suitable maps and drawings showing all existing and proposed drainage facilities affecting the subject property.
- (c) A plan of the proposed stormwater drainage system attributable to the subdivision or land development.
- (d) The design computations for the stormwater drainage systems, including storm-drain pipes and inlets, runoff control measures and culverts and drainage channels.
- (e) A plan of the grading of the subject subdivision or land development.
- (f) A plan of the erosion and sedimentation procedures to be utilized.

(2) Stormwater drainage plan. A complete plan of the stormwater drainage system, showing all pipes, swales, channels, structures and detention basins, shall be submitted as part of the stormwater management plan. The drainage areas into each inlet or structure must be delineated on the plan of the storm drainage system.

(3) Storm-drain pipes and inlets. All pipe and inlets shall meet material capacity and construction specifications as outlined in the latest revisions of the PennDot Publication 408 and the PennDot Design manual.

- (a) Design flow rate. The storm drain system shall be designed to carry a

twenty five-year peak flow rate. The design twenty five-year peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The twenty five-year flow rate shall be determined by the rational formula as follows:

$$Q = CIA$$

Where

Q = Peak runoff rate in cubic feet per second (cfs).

C = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

I = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

A = Drainage area in acres.

NOTE: Appropriate values for the runoff coefficient and rainfall intensity can be found in the Commonwealth of Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, Chapter 12.

- (b) Overflow system. An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm-drain pipe system is exceeded. The overflow system shall be of sufficient capacity to carry the difference between the hundred-year and the fifty-year peak flow rates.
- (4) Runoff control measures.
  - (a) Runoff control. The rate of stormwater runoff from any proposed subdivision or land development shall not exceed the rate of runoff prior to development. Where, in the judgment of the City Engineer, the quantity of stormwater runoff will cause detrimental downstream impact, quantity will be a consideration in the method of stormwater regulations. This standard shall be maintained for all storms, i.e., both high-frequency and low-frequency.
  - (b) Runoff control devices. The increased runoff which may result from subdivisions or land developments shall be controlled by permanent runoff control measures that will provide the required runoff control specified above. All runoff control devices will be evaluated for the effectiveness to maintain the above-mentioned standard for all storms with a return period of up to one hundred (100) years and reported at two year, ten year, twenty five year, fifty year and one hundred year storms.
  - (c) Detention basin versus other available methods. In many respects the detention basin is the most desirable technique for controlling the rate of

runoff from subdivisions and land developments. However, the use of other available runoff control is strongly encouraged. Runoff control measures other than detention basins include seepage or retention basins, pervious pavement and diversions. All pertinent detention basin design standards shall be applicable to seepage and retention basins.

- (d) Groundwater recharge. In general, all runoff control measures shall be designed to encourage groundwater recharge and shall be permitted only if suitable subsurface conditions are present. The on-site recharge of all stormwater runoff shall be required if the City Council determines that conditions so warrant.
- (e) Design of detention basins. All detention basins shall be designed as per the procedures developed by the United States Department of Agriculture, Soil Conservation Service, as outlined in its Technical Release No. 55, the Rational Method or any method acceptable by the City Engineer.
- (f) Basin design criteria. The following design criteria shall be used in the design of all detention basins in the city. The basins shall be designed to detain the quantity of water resulting from a one-hundred-year, twenty-four-hour storm (See the Soil Conservation Service Technical Release No. 55) and must be designed so the post-development runoff does not exceed the pre-development runoff for two year, ten year, twenty five year, fifty year and one hundred year storms. All flows in excess of the above-mentioned standard shall flow over an emergency spillway.
- (g) Maximum depth of detention basins. In general, the maximum depth of water in a detention basin shall not exceed five (5) feet.
- (h) Emergency spillway. Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, vegetated earth, concrete rubble or other approved material. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion. The emergency spillway shall be 6" above the 100 year storm water elevation. The capacity of the emergency spillway shall safely convey the 100 year storm assuming all other outlets are blocked and providing 6" of freeboard emergency spillways shall discharge to maintain the intended watercourse of the primary outlet.
- (I) Freeboard. Freeboard is the difference between the design flow elevations and the top of the settled detention basin embankment.
- (j) Slope of detention basin embankment. The maximum slope of earthen detention basin embankment shall be three to one (3:1). The top or toe of any slope shall be located a minimum of five (5) feet from any property line. Whenever possible, the side slopes and basin shape shall be

amenable to the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.

- (k) Width of berm. The minimum top width of detention basin berms shall be six (6) feet.
- (l) Slope of basin bottom. In order to ensure proper drainage of the detention basin, a minimum grade of two percent (2%) shall be maintained for all sheet flow. Minimum grade of one-half percent ( $\frac{1}{2}\%$ ) shall be maintained for all channel flow.
- (m) Energy dissipators. Energy dissipating devices (riprap, end sills, etc.) shall be placed at all basin outlets and design calculations shall be included in the storm water control report.
- (n) All detention basins will be surrounded with appropriate fencing. All fencing shall be at least six (6) feet in height, include a gate for maintenance, and shall be approved by the City Council.
- (o) Vegetative screening may be used in addition to the fencing. If shrubs are used, they shall be placed in a continuous line, so as to effectively grow together at maturity. If trees are used, they shall be of five (5) to six (6) feet in height, placed in a double, staggered row, ten (10) feet on center. No shrubs shall be placed on top or inside the basin. All screening shall allow for entrance at the gate for maintenance and be approved by the City Council.

J. A grading plan shall be required for all subdivisions and land development plans, which shall be in conformance with the following criteria or requirements:

- (1) Cuts. No excavation shall be made with a cut face steeper than three to one (3:1), horizontal to vertical, except under the condition in which the material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three (3) horizontal to one (1) vertical. A written statement to that effect is required from a licensed civil engineer having experience in soils engineering and shall be submitted to the City Planning Commission for review and approval. The statement shall affirm that the site has been inspected and that the deviation from the slope will not result in injury to persons or damage to property. Retaining walls will be required if a stable slope cannot be maintained. The toe of the slope or headwall of any cut must be located a minimum of five (5) feet from property lines. No excavation shall endanger adjoining properties. All plans and additional materials must be submitted to the Planning Commission for review.
- (2) Cuts in floodplains. Cut excavations are prohibited in a floodplain area as defined by the City of Pittston Zoning Ordinance.
- (3) Fills.

- [a] No fill shall be made which creates any exposed surface steeper in slope than three (3) horizontal to (1) vertical, except where the fill is located so that settlement, sliding or erosion will not result in property damage or be a hazard to adjoining property, streets or buildings. A written statement from a civil engineer licensed by the Commonwealth of Pennsylvania and having experience in soils engineering, certifying that he has inspected the site and that any proposed deviation from the slope specified above will not endanger any property or result in property damage, must be submitted to and approved by the City Planning Commission.
  - [b] The top of any fill or top of the slope of any fill shall be located five (5) feet from any property line.
- (4) Fill placement and compaction. All fill shall be placed mechanically and shall be free of any debris or organic material, roots and stumps. Fill shall be placed in consecutive, maximum eight inch layers and compressed or compacted mechanically with equipment weighing not less than ten (10) tons or with similar sheepsfoot roller or compactors having equivalent compression capability. The City may require, at the owner's expense, a test certifying the adequate compaction of fill materials as required above or in accordance with the requirements of the City Engineer if an on-site inspection was not performed at the time of placement of the fill.
  - (5) Fill in floodplain. If fill is used to raise the elevation of the site, the fill area shall extend out laterally for distance of at least fifteen (15) feet beyond the limits of the proposed structures. The City of Pittston Floodplain Ordinance (No. 1-1977) shall govern development in the floodplain. In any floodplain, as defined in the City of Pittston Zoning Ordinance, is prohibited.
  - (6) Large-scale removal of topsoil. Permanent removal of topsoil shall be prohibited in all subdivisions and land developments. The only exception to this prohibition shall be under circumstance where design of a large-scale development permits the removal of excess topsoil in locations of large parking areas or large buildings where the topsoil removed may be more appropriately used elsewhere on the site or on a nearby site. A special permit for such topsoil removal is required, as issued by the City Council.
- K. Erosion and sediment control. Prior to the commencement of any subdivision or land development, the following criteria shall be met:
- (1) No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time as a plan for minimizing soil erosion and sedimentation has been submitted to and approved by the City Council and review by the Luzerne Soil Conservation District, or there has been a written determination by the city that such plans are not necessary.

**§ 405. Streets.**

- A. Streets proposed in any major subdivision or land development shall be in accordance with the Comprehensive Plan and the Official Map of the City of Pittston.
- B. Streets shall be carefully related to topography so as to produce reasonable and minimum grades, satisfactory drainage and suitable building sites.
- C. Residential streets shall be so laid out as to discourage through traffic. However, the design of streets shall provide for continuation of existing or recorded streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
- D. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as culs-de-sac. Stub streets shall be designed with a temporary turnaround built to the standard required for culs-de-sac.
- E. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the city. The applicant/developer shall obtain, in writing, a statement from the postmaster of the nearest postal service area and a statement from an official of the nearest fire company that proposed street names do not conflict with existing street names.
- F. Private streets may be approved only if they are designed to meet city street standards for right-of-way, paving width, drainage, curbs and gutters.
- G. When street lines are deflected in excess of three degrees ( $3^{\circ}$ ), connection shall be made by horizontal curves. A long-radius curve shall be preferred in all cases to a series of curves and tangents.
- H. The approaches to any intersection shall follow a straight course for at least fifty (50) feet, as measured away from the intersecting lines of rights-of-way.
- I. Except on residential and local minor collector streets, a minimum tangent of one hundred (100) feet shall be required between curves.
- J. To ensure adequate vehicular sight distance, minimum center-line radius/radii for horizontal curves shall be as follows:
  - (1) Residential and local minor collector streets; one hundred fifty (150) feet.
  - (2) Major collector streets: three hundred (300) feet.
  - (3) Major arterial streets: five hundred (500) feet.

- K. Street right-of-way and pavement standards. The following design and construction requirements are subject to periodic review and approval by the City Council:

| Type of Street  | Minimum Right-of-Way Required | Minimum Cartway or Paving Width (feet) |
|-----------------|-------------------------------|--|
| Local           | 40                            | 30                                     |
| Minor collector | 50                            | 36                                     |
| Major collector | 80                            | 36 to 48                               |
| *Major arterial |                               | PennDot standard                       |

\*Major arterial will be determined on a case by case basis by City Council in accordance with PennDot standards.

### Minimum Pavement Thickness

| Street    | Sub-base (inches) | BCBC (inches) | Wearing Surface (inches)               |
|-----------|-------------------|---------------|--|
| Arterial* |                   |               |  |
| Collector | 8" of 2A modify   | 5             | 2 of bituminous surface course, ID-2*  |
| Local     | 8" of 2A modify   | 3½            | 1½ of bituminous surface course, ID-2* |

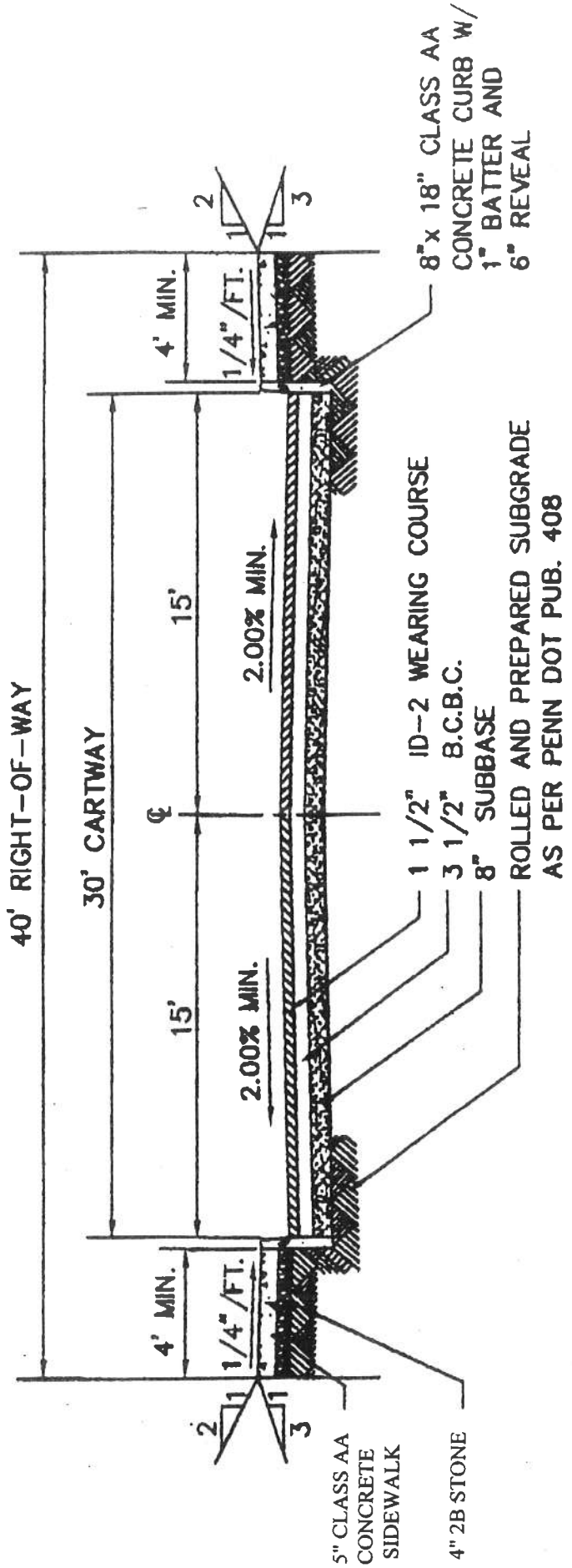
\*Determined on a case by case basis.

Note: A cross section of a local street is demonstrated in figure 1 on the following page

### Sidewalk Minimum Thickness

| Sidewalks          | Sub-base (inches)  | Surface (inches)       |
|--------------------|--------------------|------------------------|
| Concrete sidewalks | 4 of Asshto No. 57 | 5 of Class AA concrete |





# TYPICAL LOCAL ROAD CROSS-SECTION

NOT TO SCALE

Figure 1

- L. Additional rights-of-way and cartway widths may be required by the City Council in order to lessen traffic congestion; to secure safety from fire, panic and other dangers; to facilitate the adequate provision for transportation and other public requirements; and to promote the general welfare. Short extensions of existing streets with lesser rights-of-way and/or cartway widths than as prescribed above may be permitted, provided that no section of new right-of-way shall be less than forty (40) feet in width.
- M. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be dedicated or held for future dedication to conform to the standards set by the city.
- N. New half or partial streets are not permitted, except where satisfactory assurance for dedication of the remaining part of the street can be secured. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- O. Any applicant/developer who encroaches within the legal right-of-way of a state highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation Permit Office.
- P. Center-line street grades shall not be less than one percent (1%). The maximum street grades shall be as follows:
- (1) Local and minor collector streets: eight percent (8%) grade.
  - (2) Major collector and major arterial streets: six percent (6%) grade.
- Q. Where the grade of any street at the approach to an intersection exceeds six percent (6%), a leveling area of at least seventy-five (75) feet, measured from the edge of the pavement, shall be provided, having a grade of not greater than two percent (2%). Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed to provide the following minimum sight distances:
- (1) Local and minor collector streets: one hundred twenty-five (125) feet.
  - (2) Major collector and major arterial streets: one hundred fifty (150) feet or as per PennDot specifications, whichever is greater.
- R. For cul-de-sac streets, the following design shall be required:
- (1) A permanent or temporary cul-de-sac must be at least 250 feet in length measured from the last intersection and must have a least a 40 foot radius.
- S. Street intersections shall be designed to intersect at right angles. New street intersections involving more than two (2) streets shall be prohibited. The minimum center-line offset between streets intersecting another street is one hundred fifty (150) feet. The minimum curb radii at street intersections shall be twenty-five (25) feet and fifteen (15) feet at the property line.

- T. A minimum clear-sight triangle of seventy-five (75) feet as measured from the center-line intersections of two (2) streets shall be provided at all intersections. No physical obstruction, planting, berm or grade shall obscure vision above a height of two (2) feet in such triangle. Each leg of each triangle shall be increased by one (1) foot of each foot of right-of-way greater than fifty (50) for either intersecting street.
- U. Residential driveways shall be located not less than fifty (50) feet from the intersection of corner lots and shall, where appropriate, connect to the street of lowest potential traffic if located on a corner lot.
- V. Access to individual commercial and industrial parking areas and sites shall be controlled and shall be so located as to provide a minimum of one hundred fifty (150) feet between points of access.
- W. Bridges and culverts shall be designed to meet current PennDot specifications. They shall be constructed to the full width of the right-of-way or to an adequate dimension to accommodate special grade conditions. Approval of the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments, is required when the area drained upstream of the point under consideration exceeds and area of one-half ( $\frac{1}{2}$ ) square mile.
- X. Street construction standards.
- (1) All streets construction shall be in accordance with PennDot Publication 408 the maximum slope, except for extraordinary situations approved by City Council.
  - (2) Street cross sections for all streets shall be in accordance with the standards established by City Council or elsewhere herein. All details of cross-section, crowns, curb, pavement, subgrade and roadside ditches shall conform to the designated cross section. (State approval shall also be obtained where necessary).
  - (3) The subgrade shall be in accordance with PennDot Publication 408.
  - (4) Sub-base:
    - (a) Sub-base shall be prepared, placed, and compacted in accordance with PennDot Publication 408.
    - (b) Where conditions warrant, subsurface drainage systems shall be installed. Generally, this will mean that subsurface drainage must be installed in the high side of any cut unless approved otherwise.
  - (5) Base Course:
    - (a) An ID-2 Bituminous Concrete Base Course, properly placed and

compacted to a minimum thickness according to road classification. The material and installation to be in accordance with the Specifications of the Pennsylvania Department of Transportation, Publication 408.

The developer shall install said base before any excavation or construction of dwelling units or building units is undertaken.

(b) Wearing Course:

(1) Wearing Course:

[a] After placing the ID-2 Bituminous Concrete Base Course (3½"), the developer shall place ID-2 Wearing Surface Course material over the entire base or binder course, (including curbs) and properly compact to a minimum thickness of one and one half inches (1½").

[b] After the home and other construction is ninety percent (90%) complete, the developer shall place ID-2 Wearing Surface Course material over the entire wearing surface (including curbs) and properly compact to a minimum thickness of one inch (1").

**§ 406. Curbs, sidewalks, street signs and street lighting.**

- A. Curbs shall be provided for all existing and proposed streets. Along any existing street on which a subdivision or land development abuts, curbs shall be constructed, and the existing paved cartway shall be widened to the curb. The location of curbing along such existing street shall be determined by the width of the required cartway of the road as established by this chapter or by PennDot standards in the case of a state-maintained road. The specific type and design of curb shall be in accordance with the design standards as established by the City Engineer and Public Works Department.
- B. For commercial and industrial sites, curbs for internal access roads, drives and parking areas shall be required.
- C. Sidewalks shall be required on both sides of all proposed streets and on existing streets where they abut the subdivision.
- D. Sidewalks shall not exceed a grade of eight percent (8%). Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. Sidewalks shall be laterally pitched at a slope of not less than one-fourth (1/4) inch per foot to provide for adequate surface drainage. The grades and paving of sidewalks shall be continuous across driveways except in certain nonresidential and high density residential developments and in certain other cases where heavy traffic volume dictates special treatment.

- E. The minimum width of all sidewalks shall be four (4) feet. At corners and pedestrian street-crossing points, sidewalks shall be extended to the curbline with an adequate apron area for anticipated pedestrian traffic. The thickness and type of construction of all sidewalks shall be in accordance with the standards established by the City. Where sidewalks are required, a minimum four-foot-wide grass plot shall be required between the sidewalk and the back of the curb. If the provision of sidewalks requires the destruction or removal of valuable trees, consideration shall be given to the retention of such valuable trees. Where driveways cross sidewalks, a concrete apron shall be provided from the sidewalk to the back of the curb. Sidewalks shall be constructed of concrete at least five (5) inches thick, underlain by four (4) inches of crushed stone.
- F. Street signs, as approved by the City of Pittston, shall be required for all subdivision and land developments having existing or proposed streets. The developer shall erect, on metal poles, at every street intersection, a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- G. Lighting requirements.
- (1) Street lighting shall be required for all commercial and industrial land developments, for all multifamily residential areas and, at the discretion of the City Council, for all or portions of single family residential developments.
  - (2) In single-family residential subdivision, appropriate conduit and wiring shall be installed underground even though standards and lighting fixtures may not be required or constructed immediately. In lieu of conduit and wiring, a fee may be imposed by the City Council, at its sole discretion, when it is deemed impractical or unnecessary for such conduit and wiring to be installed at the time of the construction of the residential subdivision. Such a fee shall be initially established by the City Council by resolution. Such fee provisions may be changed from time to time by the City Council.
  - (3) Proposed intersections with any major collector or major arterial street shall have streetlights.
- H. Where required above, the owner shall install or cause to be installed, at the owner's expense, metal pole streetlights serviced by underground conduit in accordance with a plan to be prepared by the owner's engineer and approved by the City Engineer and the City Council. The equipment of metal poles may be waived in such instances as approved by the Council due to the existence of wooden poles already in place. The owner shall be responsible for all costs involved in lighting the streets from the date of first dwelling unit occupancy until such time as the streets are accepted by the City.

#### **§406 ADA Compliance**

All design standards shall be in conformance with ADA requirements.

### **Article V Required Improvements**

#### **§501. Street construction standards.**

- A. Streets must be surfaced to the grades and dimensions drawn on plans, profiles and cross-sections submitted by the developer and approved by the City Council.
- B. All streets intended to be dedicated for public use shall be paved to full cartway width, as shown on the final plan. In all cases, paving materials and workmanship shall conform to any and all city regulations and the specifications of PennDot Publication 408.
- C. Subsurface drainage and all utilities shall be installed prior to placing the street surface.
- D. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width.

#### **§502. Curbs and gutters.**

Curbs shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Curbs shall be concrete. Curbs and gutters are to be constructed within the right-of-way.

#### **§503. Sidewalks**

Sidewalks shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Sidewalks shall be located, if possible, within the street right-of-way line and shall be in accordance with Section 406 of this document.

#### **§504. Street name signs.**

The land development shall be provided with street name signs at all intersections. Such signs shall conform to city specifications and shall be installed by the developer.

#### **§505. Streetlights.**

- A. For the safety, convenience and attractiveness of the development, on-site or public streetlights shall be installed.
- B. Where electric service is supplied by underground methods and prior to the installation of streets, curbs, sidewalks and driveways, the subdivider shall provide and install conduits where necessary to accommodate the installation of a streetlight system. Installation and

locating of conduits will comply with the specifications of the appropriate public utility.

**§506. Traffic control signs.**

Lighting at all intersections from the terminus of the cul-de-sac and at any other intersection deemed necessary.

**§507. Sewage disposal.**

- A. Where a public sanitary sewer system is accessible to or plans approved by the city provide for the installation of such public sanitary sewer facilities within six (6) years, the developer shall provide the development with a complete sanitary sewer system ready to be connected into the existing or proposed sanitary sewer system.
- B. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the City Engineer and the Pennsylvania Department of Environmental Protection. Sewer line construction for dedication and city operation must be to city standards and reviewed by the City Engineer. A full-time inspection is required during all construction work. Review and inspection costs are the developer's responsibility. Storm sewers, roof drains, footer drains or sump pumps may not be connected to the sanitary sewer. The system must be constructed, inspected and offered for dedication to the city. Prior to the city assuming operation of the system, the city must accept ownership by resolution.

**§508. Storm sewers.**

An adequate storm sewer system, consisting of inlets and other underground drainage structures and approved outlets, shall be constructed where the runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. The system shall be designed by a registered professional engineer.

**§509. Water supply.**

The plan for the installation of a water supply system must be prepared for the development. Upon completion of the water supply system, a reproducible as-built plan of the system must be filed with the city.

**§ 510. Fire hydrants.**

Fire hydrants shall be installed in accordance with the local fire authority.

**§511. Erosion and sediment control.**

All Erosion and sediment control measures shall be designed to minimize impact. The erosion and sediment control plan must be reviewed by the Luzerne Soil Conservation District.

## **§512. Landscaping**

- A. To insure that principals of good landscaping and design are adhered to and implemented, each site plan submitted for approval shall provide for:
- (1) The preservation of desirable existing trees and shrubs;
  - (2) Where possible the preservasions of natural rock outcropping and natural topographic features;
  - (3) A variety of plant species to provide interest throughout the year with color and texture of foliage.
  - (4) Diversification of plant species to minimize damage due to insects and disease:
  - (5) Plants where are suitable for soil conditions of the area;
  - (6) proper plant size at the time of installation to insure successful planting.

B. Site maintenance.

All landscaping shown on site plans will be subject to approval by the appropriate authority. All landscaping, as approved on final site plans, shall be completed and, except on owner-occupied properties, maintained, including the replacement of dead plants by the applicant or his successors.

- (1) All landscape maintenance shall include provisions for fertilization, insect and disease control, mulching, weeding, watering, pruning, irrigation and other accepted practices as necessary to maintain the landscape in good repair.
- (2) The applicant shall provide the names, addresses and telephone numbers of organizations who will assume long term landscape maintenance responsibilities.

## **§ 513. Monuments and markers**

A. Monuments shall be of the following types:

- (1) Concrete- having a four-inch-by-four-inch cross-section and twenty-four (24) inches in length. A scored one-half-inch round brass pin shall be located in the top center.
- (2) Stone- Having a four-inch-by-four-inch cross-section and being twenty-four (24) inches in length with a drill hole in the top center.

B. Placement of Monuments.

Monuments shall be set at intersections of all lines forming angles in the boundary of the subdivision. The top of the monument shall be place so it is level with the surface of the surrounding ground.



C. Markers.

Markers shall consist of steel bars at least three-fourths (3/4) inches in diameter and at least fifteen (15) inches long. They shall be set at the beginning and ending of all curves along street property lines, where lot lines intersect curves, at all angles in property lines of lots and all corner lots.

**§ 514. ADA Compliance**

Compliance with the Americans With Disabilities Act will be required where appropriate.

**§ 515. Final Acceptance of Improvements.**

No plan shall be granted final approval until the applicant adheres to either of the following:

- a. Installation of all improvements as required by this Ordinance in accordance with the applicable design standards, with written verification from the City Engineer that all improvements are complete and in conformance with the applicable design standards.
- b. Posting of a form of financial security acceptable to the Planning Commission, which shall be of a sufficient amount to fully cover the costs of all required improvements in accordance with the applicable design standards.

Prior to the final acceptance of all required improvements, the applicant shall furnish, at his own expense, a Maintenance Bond in a sum equal to fifteen (15%) per cent of the full amount of the cost of the required improvements, guaranteeing the city against faulty workmanship and materials, and for maintaining the required improvements in good condition, including, but not limited to, settling, depressions, or sinkholes, for one (1) year from the date of final acceptance.

**ARTICLE VI**

**Construction and Acceptance of improvements**

**§ 601. Construction Required**

The applicant shall construct all streets, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas, and erosion and sediment control measures in conformance with the plan as approved.

**§ 602. Inspections**

- A. The construction or installation of all improvements shall at all times be subject to inspection by representatives of the City. If such inspections reveal that work is not in accordance with approved plans and specifications, that erosion or sediment controls are failing to prevent accelerated erosion or water-borne sediment from leaving the site of construction, the representative is empowered to require corrections to be made and/or the

suspension of subdivision approval, and to issue a cease and desist order which may include any or all of the following sanctions:

- (1) No lot in the subdivision shall be or placed under agreement of sale;
  - (2) All construction on any lots for which a building permit has been issued shall cease; and/or
  - (3) No further building permits for any lots shall be issued.
- B. The cease and desist order shall be terminated upon determination by the City Council that the said defects or deviations from plan requirements have been corrected.
- C. No underground pipes, structures, subgrades, or base course shall be covered until inspected and approved by the city. A minimum of seven (7) inspections by the designated representative shall be required. These inspections shall be made at the following intervals:
- (1) Upon completion of rough grading, but prior to placing top soil, installing permanent drainage or other site improvements, or establishing covers.
  - (2) Upon excavation, installation, and implementation of drainage structures, community sewage systems, or water supply systems.
  - (3) Upon excavation and completion of subgrade.
  - (4) Before placing sub-base
  - (5) Before binder course.
  - (6) Before wearing course.
  - (7) Final inspection.
- D. The developer shall notify the designated representative of the City at least three (3) days in advance of completion of any construction operations requiring an inspection.

**§ 603. Release from Performance Guarantee**

- A. When the developer has completed all of the necessary and appropriate improvements, he shall notify the Commission, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Engineer to inspect all of the improvements. The Engineer, shall file a report, in writing with the Commission and shall promptly mail a copy of the report to the developer by certified mail. The report shall be made and mailed within 30 days after inspection by the Engineer. This report shall be detailed and shall indicate approval or rejection of said improvements, either in part or in whole. If the improvements, or any portion thereof, shall not be

approved or shall be rejected by the Engineer, the report shall contain a statement of reasons for such nonapproval or rejection.

- B. The Commission shall notify the developer, in writing, by certified mail of the action of the Commission with regard to approval, nonapproval, or rejection of improvements.
- C. If any portion of the improvements shall not be approved or shall be rejected by the Commission, the developer shall proceed to complete those improvements and, upon completion, the same procedure of notification as outlined herein shall be followed.
- D. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and are accepted by the city. In addition, 10 percent of the performance guarantee shall be held back by the city until the developer has posted a maintenance guarantee as provide for in Section 606 and as-built plans are verified and accepted by the city.
- E. Partial releases of the performance guarantee during the period of construction shall be authorized as per section 603-F.
- F. As the work of installing the required improvements proceeds, the party posting the financial security may request the City Council to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the City Council and the Council shall have 45 days from receipt of such request within which to allow the City Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the City Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed. The Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Council his independent evaluation of the proper amount of partial releases. The Council may, prior to final release at the time of completion and certification by the City Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements as per Section 603D of this Ordinance.

#### **§ 604. As-Built Plans**

Within 30 days after completion and city approval of subdivision or land development improvements as shown on final plans, and before city acceptance of such improvements, the developer shall submit to the city a corrected copy of said plans showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer to be in accordance with actual construction.

#### **§ 605. Dedication and Acceptance of Public Improvements**

- A. Upon completion of any public improvements shown on an approved subdivision plan and within 90 days after approval of such public improvements as herein provided, the

developer shall submit a written offer of such public improvements for dedication to the city. This offer shall include a deed of dedication covering these public improvements together with satisfactory proof establishing the developer's clear title to the property. Such documents are to be filed with the City Secretary for review by the City Solicitor. Deeds of dedication for public improvements maybe accepted by resolution of the Counsel at a regular meeting. The Council may require that at least 50% of the lots in any approved subdivision or land development (or phase thereof, if final plan approval has been in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication. Should the streets, even though constructed according to the specifications of this Ordinance, deteriorate before the said 50 percent of the lots have certificates of occupancy issued, such streets shall be repaired in a manner acceptable to the Council before being accepted by the city.

- B. The Council may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities.

#### **§ 606. Maintenance Guarantee**

- A. Where the City Council accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee or of an easement), the Council shall require the posting of financial security to secure the structural integrity of the improvements and the function of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in Section 603 of this document, shall be for a term of 12 months from the date of the acceptance of dedication, and shall be in an amount equal to 15 percent of the actual costs of installation of the improvements so dedicated as determined by the City Engineer.
- B. Where maintenance of Storm water retention facilities or private streets is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Council shall require that maintenance responsibilities be set forth in perpetual covenants or deeds restrictions binding on the landowner's successors in interest, and may further require that an initial maintenance fund be established in a reasonable amount.

### **ARTICLE VII Administration**

#### **§ 701. Relief from unnecessary hardship**

- A. In any case in which an applicant demonstrates to the satisfaction of the City Council that strict application of any provisions of this Ordinance would be unreasonable and would cause unnecessary hardship as applied to the proposed subdivision or land development, the city Council may grant a modification of such provision so as to grant relief from the

unnecessary hardship. And such modification granted shall be the least modification necessary to grant relief from the unnecessary hardship and shall be applied so that substantial justice may be done and the public interest secured; provided, however, that such modification shall not be granted if it would have the effect of nullifying the intent and purpose of this Ordinance.

- B. In granting modifications, the City Council may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements so modified.

#### **§ 702. Records.**

- A. The City shall assign a subdivision application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The City shall keep a record of its findings, decisions, and recommendations relative to all plans filed with it for review.
- B. All such records shall be public records.

#### **§ 703. Fees and Costs**

- A. No application for preliminary or final approval shall be deemed to have been submitted until the fee and escrow deposit, as set forth below, shall have been paid.
- B. A subdivision or land development application fee(non-refundable) and an escrow deposit shall be submitted with any application for preliminary or final plan approval to cover the costs of plan review and processing. Amounts of the application fee and escrow deposit shall be fixed by the City Council by resolution. The escrowed funds shall be used to reimburse the City for actual expenditures incident to these processes, including but not limited to fees of the engineering consultant, and legal fees in excess of the fee for review of the City's standard forms. Any costs incurred by the City in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become part of the second deposit required in Section 703-C below.
- C. Following final plan approval and recording and the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction; materials or site testing; or maintenance costs (e.g., snow removal) prior to the acceptance of improvements by the City. Any costs incurred by the City in excess of the amount held in escrow shall be fully reimbursed by the applicant. Any unexpended balance in the escrow deposit following acceptance of dedication of improvements by the City shall be returned to the applicant. The amount of the escrow deposit shall be fixed by the City Council by resolution.

#### **§ 704. Penalties**

- A. Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract, or parcel of land who shall layout, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who sells or offers to sell, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or who erects any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding One thousand (\$1,000.00) Dollars per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the City. 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 of from the remedies herein provided.
- B. At the discretion of the City, misdemeanor prosecution for violation of this Ordinance may be converted to a civil penalty suit for the amounts set forth as fines herein above.

**§ 705. Appeals**

The procedures for securing review of any ordinance, decision or determination is set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 170 of December 21, 1988, P.L.170, as amended.

PASSED ON FIRST READING: June 16, 1999

PASSED ON SECOND & FINAL READING: July 14, 1999

ATTEST:

APPROVED:

  
CITY CLERK

  
MAYOR

# MICHAEL J. PASONICK JR., INC.

*Consulting Engineers & Surveyors*

165 NORTH WILKES-BARRE BOULEVARD

WILKES-BARRE, PA 18702

(570) 823-4712, (570) 693-4257

Fax (570) 823-4727

Savino Bonita  
Pittston City Administrator  
35 Broad St.  
Pittston, PA 18640

June 14, 1999

Re: SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Savino,

Our office has reviewed the Subdivision and Land Development Ordinance submitted by Mullin and Lonergan Associates Inc, and offers the following comments.

- 1) Section 404.I.4.e and Section 404.I.4.f Detention Basins shall be designed by the Soil Conservation Service Technical Release 55, the Rational Method or any method acceptable by the City Engineer.
- 2) Section 405.X.5.b Wearing Course should not be listed under Base course. Also the pavement thickness should agree with the minimum pavement thickness indicated on page 28.
- 3) Section 515 and Section 606.A The maintenance bond submitted by the developer for acceptance of the required improvement should be for a sum not to exceed 15% of the full amount of the required improvements, and shall be for term not to exceed 18 months from the date of acceptance.
- 4) Section 606.A Section 409 is referenced for security. There is no Section 409.
- 5) Clearly define in the ordinance for final approval to be granted the developer must either install the required improvements or provide a final security of 110% of the approved cost estimate. Also time period for completion of the required improvement should be specified.

Kindly forward these comments to the office of Mullin and Lonergan Associates Inc., to address. If you have questions or comments please contact our office.

Sincerely,



Paul Pasonick

MICHAEL J. PASONICK JR. INC.

P.C. Girard Mecadon, Pittston City Solicitor  
File