

**SUBDIVISION
AND
LAND DEVELOPMENT**

**ORDINANCE OF
LUZERNE COUNTY
PENNSYLVANIA**

**ORIGINALLY ADOPTED: November 14, 1963
LATEST TEXT AMENDMENT: September 25, 2012**

MUNICIPALITIES UNDER COUNTY JURISDICTION

ZONING

1. AVOCA BOROUGH
2. CONYNGHAM TOWNSHIP
3. COURTDALÉ BOROUGH
4. DUPONT BOROUGH
5. DURYEA BOROUGH
6. FAIRMOUNT TOWNSHIP
7. HUGHESTOWN BOROUGH
8. HUNLOCK TOWNSHIP
9. HUNTINGTON TOWNSHIP
10. JEDDO BOROUGH
11. LAFLIN BOROUGH
12. LAKE TOWNSHIP
13. LUZERNE BOROUGH
14. NEW COLUMBUS BOROUGH
15. NEWPORT TOWNSHIP
16. PRINGLE BOROUGH
17. ROSS TOWNSHIP
18. UNION TOWNSHIP
19. WARRIOR RUN BOROUGH
20. WEST WYOMING BOROUGH
21. WYOMING BOROUGH
22. YATESVILLE BOROUGH

SUBDIVISION

1. AVOCA BOROUGH
2. CONYNGHAM TOWNSHIP
3. COURTDALÉ BOROUGH
4. DALLAS BOROUGH
5. DUPONT BOROUGH
6. DURYEA BOROUGH
7. EXETER TOWNSHIP
8. FAIRMOUNT TOWNSHIP
9. HUGHESTOWN BOROUGH
10. HUNLOCK TOWNSHIP
11. HUNTINGTON TOWNSHIP
12. JEDDO BOROUGH
13. LAFLIN BOROUGH
14. LAKE TOWNSHIP
15. LUZERNE BOROUGH
16. NEW COLUMBUS BOROUGH
17. NEWPORT TOWNSHIP
18. PLYMOUTH BOROUGH
19. PLYMOUTH TOWNSHIP
20. PRINGLE BOROUGH
21. ROSS TOWNSHIP
22. SHICKSHINNY BOROUGH
23. UNION TOWNSHIP
24. WARRIOR RUN BOROUGH
25. WEST PITTSTON BOROUGH
26. WEST WYOMING BOROUGH
27. WYOMING BOROUGH
28. YATESVILLE BOROUGH

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SUBDIVISION AND LAND DEVELOPMENT

F O R

LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE PROVIDING FOR THE CONTROL OF THE SUBDIVISION AND LAND DEVELOPMENT IN LUZERNE COUNTY AND THE APPROVAL OF PLATS AND LAND WITHIN THE JURISDICTION OF THE GOVERNING BODY OF LUZERNE COUNTY.

NOW THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1

- 1.1 Section 501, Article V, of Act 247 of the Session of the Commonwealth of Pennsylvania, as amended by Act 93 and subsequent amendments, gives the governing bodies of counties authority to regulate subdivision and land development within the County by enacting a subdivision and land development ordinance. Provisions in the Act are as follows: The ordinance may require that all plats of land lying within the municipality shall be submitted for approval to the governing body or in lieu thereof to a planning agency designated in the ordinance of this purpose. All powers granted herein to the governing body or the planning agency shall be exercised in accordance with the provisions of the subdivision and land development ordinance. In the case of any development governed by the Planned Residential Section of the Luzerne County Zoning Ordinance, however the applicable provisions of the subdivision and land development ordinance shall be as modified by such ordinance and the rights and duties of the parties thereto shall be governed by said Section of the Zoning Ordinance.

When any county has adopted a subdivision and land development ordinance in accordance with the terms of Article V, a certified copy of the ordinance shall be sent to every city borough, incorporated town or township within the county. All amendments shall also be sent to the aforementioned municipalities. The powers of governing bodies of counties to enact, amend and repeal subdivision and land development ordinances shall be limited to land in those cities, boroughs, incorporated towns and townships wholly or partly within the county which have no subdivision and land development ordinance in effect at the time a subdivision and land development ordinance is introduced before the governing body of the county; and until the city, borough, incorporated town or township subdivision and land development ordinance is in effect and a certified copy of such ordinance is filed with the county planning agency, if one exists. The enactment of a subdivision and land development ordinance by any municipality, other than a county, whose land is subject to a county subdivision and land development ordinance, shall act as a repeal protanto of the county

subdivision and land development ordinance within the municipality adopting such ordinance. However, applications for subdivision and

land development located within a city, borough, incorporated town or township having adopted a subdivision and land development located within a city, borough, incorporated town or township having adopted a subdivision and land development ordinance as set forth in this article shall be forwarded upon receipt by the municipality to the County Planning agency for review and report: Provided, that such municipalities shall not approve such applications until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. Furthermore, all subdivision/land development plats sent to the County for review shall be accompanied by the then prevailing fees of the Commission. These fees shall be paid by the developer.

Governing Body of Luzerne County of Luzerne County hereby designates the Luzerne County Planning Commission as the agency to act on all subdivisions and land developments under jurisdiction of this Ordinance.

SECTION 2 OBJECTIVES

In the enactment of this Ordinance the Governing Body of Luzerne County propose to accomplish the following objectives of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of Luzerne County, Pennsylvania:

- 2.1 To set up a standard set of minimum regulations to guide sub-dividers, architects, and engineers in the design and development of subdivisions.
- 2.2 To provide protection for the lot purchasers and the local government in the installation of proper utilities and improvements by the sub-divider.
- 2.3 To provide adequate light and air by controlling lot size and land development, preventing on one hand excessive concentration of population, and on the other hand, excessive and wasteful scattering of population.
- 2.4 To reduce the waste of excessive amounts of roads through poor design, or excessive costs of roads or grading of lots by not fitting the roads to the contour of land.
- 2.5 To secure safety from fire and other dangers.

- 2.6 To make adequate provision for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, protection of the tax base, securing economy in government expenditures, and the protection of both urban and nonurban developments.
- 2.7 To reduce erosion and sedimentation resulting from earth moving activities related to subdivision and land development and/or from lack of protective cover which already exists on land to be subdivided and/or developed.

SECTION 3 SHORT TITLE

The official name of this Ordinance shall be the "Subdivision and Land Development Ordinance of Luzerne County, Pennsylvania."

SECTION 4 PROCEDURE

- 4.1 Preliminary Considerations.
- 4.11 Regulatory.
- 4.111 Grading - No person, firm or corporation proposing to make or have subdivision or land development, within the area of jurisdiction of this Ordinance, shall proceed with any grading before obtaining from the Commission the approval of the Preliminary Plat of the proposed subdivision or land development, and no lots shall be delivered or agreements for sale or lease made for lots in any subdivision or any land development, before obtaining from the Commission the approval of the Final Plat of the proposed subdivision or land development and duly recorded in the Office of the Luzerne County Recorder of Deeds.
- 4.112 Access - Drainage - Geology - No land shall be subdivided for residential use or used for land development (a) unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the developer, (b) in case such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, subsidence, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.
- 4.12 Advisory
- In order to make the most of the opportunities related to the subdivision and to conserve time, effort, and expense, the developer should consult with the Director of Planning, the Subdivision Administrator, the County Engineer and other relevant public officials prior to the preparation of the Preliminary Plan of the subdivision; this informal review should prevent unnecessary and costly revisions. Requirements for land use and rezoning, thoroughfares, school and recreational sites, shopping centers, community facilities,

sanitation, water supply and drainage, and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plat of land development. The developer should contact the officials of the municipality in which the subdivision is located and also the "U.S. Department of Housing and Urban Development" if he contemplates obtaining Federal Housing Insurance to determine whether any of their requirements, particularly road construction, are of a higher standard than required in this Ordinance. A thorough estimate of the situation will result in sound decisions with respect to the form, character, and extent of the proposed subdivision and land development.

4.2 Applications for Approval.

4.21 Preliminary Plan

4.211 Submission - A developer desiring approval of a plat of a subdivision or land development of any land lying within the jurisdiction of the Commission, will submit three (3) sets of all required documentation (Additional sets if required by the Commission) including, but not limited to; profiles, cross-sections, percolation data, and any other necessary material, including a copy of the current deed.

4.212 Approval - After an application for approval of a Preliminary Plat of a subdivision or land development has been filed, the Commission will send one (1) copy to the Engineer, and one (1) copy to the governing body or planning commission (if any) of the municipality in which the subdivision or land development is located. Notification of the application is sent to the Pa. Department of Environmental Protection. The applicant will submit appropriate information to the Luzerne Conservation District and all applicable Federal and State agencies, if required. Upon resolution of all comments from the appropriate reviewing agencies, Engineer and Commission, the Commission will schedule a public meeting for consideration of Preliminary, or Final, Plan approval. The Preliminary Plat shall be effective for three (3) years, at the end of which Final Approval of the subdivision must have been obtained from the Commission. Any Plat not receiving Final Approval within the time period set forth herein shall be null and void, and the developer shall be required to resubmit a new Plat for Preliminary Approval subject to all new zoning and subdivision amendments. No subdivision or land development plan approval shall be granted for any property or properties unless they meet all requirements(use, lot size, setbacks, etc.) of the Luzerne County Zoning Ordinance, and must not be the subject of a zoning violation as evidenced by a Notice of Violation Letter, or any other enforcement proceeding.

4.22 The Final Plan

4.221 Submission - The developer, upon completion of all improvements required by this Ordinance or a guarantee that such improvements will be completed as needed as given in Section 7.24, shall file with

the Commission the Final Record Plat of the subdivision land development for final approval, at least two (2) week prior to a regularly scheduled meeting of the Commission, which plat

or land development shall conform in every respect with the requirements specified in Section 7 of this Ordinance. The Final or Record Plat of any portion of a large subdivision or land development,

the preliminary plat or land development of which has been approved by the Commission, may be submitted for final approval. Three (3) black line or blue prints of the Final or Record Plat shall be submitted accompanied by a deed to all lands to be dedicated to the public.

4.222 Checking - The Commission and/or the Engineer will examine the Final Plat to ascertain: (a) the technical details of the plat itself have been checked and found satisfactory, and (b) all required improvements have been filed for completion of work as specified in Section 7.24 of this Ordinance.

4.223 Approval - The Commission, after said copy of the Final Plat has been checked and provided that the Final Plat is found to conform with the Preliminary Plat as approved, will approve the Final Plat and enter such approval thereon in writing by its Chairman, The approval of the Final or Record Plat by the Commission shall not be deemed to constitute or effect an acceptance by the public or the dedication of any street or other proposed public way, space, or area shown on said Nat. If the Final Plat differs substantially from the Preliminary Plat, the commission may require a new Preliminary Plat to be submitted, or require the sub-divider to make necessary changes in the Final Plat. No subdivision or land development final plan approval shall be granted for any property or properties, unless they meet all requirements (use, lot size, setbacks, etc.) of the Luzerne County Zoning Ordinance, and they must not be the subject of a zoning violation as evidenced by a Notice of Violation Letter, or any other enforcement proceeding.

4.224 Referral to Governing Body for Acceptance of Street - The Commission then will transmit one (1) prints of the Final Plat to the governing body of the municipality, in which the subdivision or land development lies, for action on any proposed dedication. If the governing body will not accept the streets, the developer has the right to amend said plat, and resubmit it for approval to the Commission.

4.225 Recording Plat The sub-divider shall record the Final Plat in the Office of the Luzerne County Recorder of Deeds within ninety (90) days after its approval by the Commission. The recorded Final Plat shall officially note the approval of the Commission. Within two (2) weeks after recording the Final Plat the developer shall furnish the Commission with a copy of the Recorder's certificate to assure the Final Plat is properly recorded. No land in a subdivision or land development shall be sold, leased or transferred prior to the approval and recording of the Final Plat. If the developer fails to record the Final Plat within the ninety (90) day period, the action of the Commission shall be null and void, unless an extension of time is granted in writing by the Commission upon written request by the developer.

SECTION 5 DESIGN STANDARDS

The Preliminary Plan of the subdivision of land development shall substantially conform to the following principles and standards of design.

5.1 The Commission shall require the developer to provide for the reservation of schools, recreation areas or other public uses when the proposed subdivision or land development involves twenty-five (25) or more lots or dwelling units or when said public uses have been shown on the County Comprehensive Plan, or when the Commission makes a determination that a particular site is necessary.

Required dedication shall be determined by the following method:

5.11 The dedicated land must be suitable in size, shape, topography and general character for the proposed street

5.12 The dedicated land may not exceed 0.04 acres of land for each lot or dwelling unit shown on the Final Plat.

5.2 Streets.

5.21 The street and alley layout shall conform to any plans adopted by the Commission for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets intersect other streets, offsets shall not be created. The minimum distance between centerlines of parallel or approximately parallel streets intersecting a cross street from the opposite direction shall be one hundred twenty (120) feet.

5.22 Proposed streets shall be oriented generally in an east-west direction, except where topography or other consideration suggest otherwise.

5.23 Where appropriate, proposed streets shall be extended to the boundary line of the tract being subdivided so as to eventually provide for normal circulation of traffic within the vicinity.

5.24 Whenever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley to the prescribed width shall be platted within the proposed subdivision where this would not adversely affect the proposed subdivision.

5.25 Alleys shall ordinarily not be provided in residential districts but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes and, where platted, shall be at least twenty (20) feet in width.

5.26 At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs. For streets other than residential streets, the Commission may require a larger radius.

5.27 Street curbs or edges of pavement at street intersections where they are required shall be rounded off concentrically with property lines.

5.28 At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.

5.29 Collector or Minor Streets intersecting an Arterial Street shall have a minimum distance of seven hundred fifty (750) feet between center lines. The angle of intersection of two (2) streets shall not be less than sixty (60) degrees.

5.30 Intersections of more than two (2) streets at one (1) point are prohibited.

5.31 Whenever the proposed subdivision contains or is adjacent to a railroad, or arterial road, provision shall be made for a Parallel Street, properly buffered by a planting strip from said railroad or arterial road, or a parallel street at a distance acceptable for the appropriate use of the land between the arterial road and such street, or by a series of cul-de-sacs or short loops entered from and planned at right angles to such parallel street with the rear lines of their terminal lots abutting on the arterial road. Lots abutting a railroad or arterial road in the rear shall have a rear yard with a minimum depth of seventy-five (75) feet. (The rear yard is the closest portion of a major structure on the lot of the railroad or arterial road right-of-way).

5.32 Street and Alley Right-of-Way Widths. Streets other than residential streets shall have such right-of-way widths as the Commission shall deem to be necessary in view of the function and prospective traffic load of the particular street or part thereof. The minimum right-of-way width of Residential Streets shall be as follows:

1. Arterial Street - Eighty (80) feet, except where increased by the Commission
2. Collector Street - Sixty (60) feet.
3. Minor Street - Fifty (50) feet.
4. Alley – Twenty (20) feet.

5.33 Horizontal Visibility.

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

- 5.331 Arterial Streets - Six hundred (600) feet or more.
- 5.332 Collector Streets - Three hundred (300) feet or more.
- 5.333 Minor Streets - One hundred and fifty (150) feet or more.

- 5.34 Between reversed curves on arterial streets, a tangent of not less than two hundred (200) feet shall be provided, and on feeder and residential streets such a tangent shall not be less than one hundred (100) feet.

5.35 Street Grades

5.351 Center line grades shall not exceed the following:

- 5.3511 Arterial Streets - Five (5) percent.
- 5.3512 Collector Streets - Seven (7) percent.
- 5.3513 Minor Streets - Ten (10) percent in exceptional circumstances, sixteen (16) percent may be permitted, at the discretion of the Commission, for short distances on straight roads.

5.352 Horizontal curvature measured along the center line shall have a minimum radius as follows, unless topographic or other conditions are such that in the circumstances of the particular case; the indicated radius is not feasible and the commission is of the opinion that a lesser radius would adequately protect the public interest.

- 5.3521 Arterial Streets - Eighteen hundred (1800) feet.
- 5.3522 Collector Streets - Three hundred (300) feet.
- 5.3523 Minor Streets - One hundred (100) feet.

5.353 Minimum Grade.

The minimum grade of any street gutter shall not be less than five tenths (0.5) of one percent for cement concrete pavements or streets with cement concrete gutters, and one percent (1%) for bituminous pavements.

5.36 Pavement Widths.

5.3611 Arterial Street - Forty (40) feet.

5.3612 Collector Street - Thirty-four (34) feet.

5.3613 Minor Street.-

5.36131 Minimum lot area below 20,000 square feet: Twenty-Eight (28) feet.

5.36132 Minimum lot area 20,000 square feet or more: Twenty-Two (22) feet.

5.3614 Alleys: Eighteen (18) feet.

5.362 Pavement Design:

5.3621 Pavement for streets which are under the jurisdiction of the county shall be constructed over a suitable sub-grade in accordance with one of the following designs:

	Type	Thickness
1. Sub-Base	2-A Modified	8 inches
Asphalt Binder Course	ID-2A ID-2A	1 1/2 inches
Asphalt Wearing Course		1 inch
2. Sub-Base	2-A Modified ID-	7 inches
Asphalt Binder Course	2A ID-2A	2 inches
Asphalt Wearing Course	BCBC	1 inch
	ID-2A	
3. Sub-Base Asphalt		5 inches
Wearing Course		1 1/2 inches

5.3622 Materials shall meet the design and gradation requirements of Pennsylvania Department of Transportation Specification Form 408, 1976.

5.3623 Suitability of sub-grade shall be as determined by the County Engineer.

5.3624 Where sub-grade characteristics may permit pavement design less than specified above, the developer must submit with his preliminary application sub-grade test results verifying the California Bearing Ratio and drainage characteristics of the sub-grade over which the pavement is to be constructed. Tests must be performed by a recognized independent testing laboratory acceptable to the County Engineer. Sub-grade samples must be taken and tested under the direction of the County Engineer or his authorized representative at one hundred (100) foot intervals minimum along the full length of the proposed streets.

5.3625 When lot area is 20,000 square feet or greater, a stabilized shoulder area of at least five (5) feet shall be constructed on both sides of new pavement to facilitate parking off the road cartway. A minimum design criteria shall consist of six (6) inches of compacted 2A modified stone. Bituminous curbs will not be acceptable at any time.

5.37 Cul-de-sac Streets.

5.371 Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length and must have six (6) or more residential properties fronting same.

5.372 Cul-de-sac streets on which six (6) or more residential properties front, shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet overall, and eighty (80) feet to the outer pavement edge or curb line.

5.4 Blocks.

5.41 Residential blocks shall ordinarily not exceed twelve hundred (1,200) feet in length, and commercial blocks - six hundred (600) feet - except for unit shopping centers.

5.42 Blocks shall be of sufficient width to permit two tiers of lots with appropriate depth except where an interior street parallels an Arterial Street, or except where it backs up to a railroad, creek, or un-subdivided area.

5.43 Walks.

Pedestrian interior walks maybe required where necessary to assist circulation or provide access to community facilities. Such cross walks shall have a right-of-way width of not less than ten (10) feet

5.5 Lots.

5.51 All lots shall abut on a public street or private street except that one lot is permitted to be developed using an easement, but no further lots are permitted to use this easement on the tract being divided, unless it is improved to Ordinance standards, and such easement is provided for in the appropriate deed and recorded.

5.511 Side lot lines of lots shall be at right angles to street lines when street runs with the cardinal directions (N-S or E-W).

5.512 Pointed or very irregular lots shall be avoided.

5.52 Double frontage lots shall not be platted. Should the Commission allow such platting under Section 8.1, a planting screen (acceptable to our engineer) twenty (20) feet wide shall be provided along the rear of the lot along a major traffic street, railroad or any other traffic mode deemed necessary by the Commission.

5.53 Lot Width and Area for Residential Lots.

Within the area of jurisdiction of this Ordinance, the widths and areas of lots shall be not less than provided in the appropriate Zoning Ordinance for the district in which the subdivision is located.

5.54 The depth-to-width ratio of the usable area of a lot shall be ordinarily at a maximum of 3.0 to 1.0.

5.55 Corner residential lots shall be wider than interior lots to permit equal setbacks from both streets to a distance as required by Section 5.7, except where lots are back to back.

5.56 Wherever possible, unit shopping centers, based upon sound development standards, shall be designed, in contrast to the platting of lots for individual commercial use. Any lot not to be used for residential purposes shall have its proposed use indicated.

5.57 If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or reserved for public use if acceptable to the Commission and to the municipality.

5.58 Any lot area identified as lying within the One Hundred (100) Year Floodway will not be included as part of the required lot area as designated per its appropriate zoning district. The delineation of the One Hundred (100) Year Floodway will be determined by those maps produced by the National Insurance Program for the municipality. If, for some reason, floodway

maps are approximated or non-existent, the developer will use the best data available to determine floodway location.

5.6 Easements.

Where alleys are not provided, easements for underground or overhead utilities shall be provided. For such easements the maximum width the Commission shall require is twelve (12) feet, generally six (6) feet on both sides of a property line. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure the proper location of easements for the installation of such service.

SECTION 6 IMPROVEMENTS

6.1 Required Improvements.

6.11 The Final Plan of the subdivision shall conform to the following standards of improvements.

6.111 Monuments.

6.1111 Monuments shall be of concrete or stone with a minimum of size (6) inches by thirty-six (36) inches, and shall be marked with a brass dowel.

6.1112 Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument is level with the surface of the surrounding ground.

6.1113 Monuments shall be set:

6.11131 At the intersection of all lines forming angles in the boundary of the subdivision.

6.1114 Any monuments that are removed shall be replaced by a Registered Land Surveyor at the expense of the person moving them.

6.112 Streets.

6.1121 Streets (and alleys where provided) shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the sub-divider according to the specifications as set forth in this Ordinance.

6.1122 Prior to placing the street surface, adequate sub-surface drainage for the streets and all sub surface utilities as acceptable to the Commission shall be provided or installed by the sub-divider.

6.1123 Private streets shall meet the following requirements:

6.11231 The street or streets shall meet all design and improvements standards of the Luzerne County Subdivision and Land Development Ordinance.

6.11232 That the street or streets do not interrupt the public street circulation pattern, existing, developing, or planned.

6.11233 That an offer to dedicate the street shall be made only for the street as a whole.

6.113 Sewers

6.1131 Within a municipality having an approved municipal ⁽¹⁾ sewer system, which is one thousand (1,000) feet or less from the subdivision or land development, and which is of sufficient size, the sub-divider shall provide the subdivision or land development with a complete sanitary sewer system to be connected to the municipal sanitary system, in accordance with the rules and regulations of the Sanitary Authority/PaDEP.

6.1132 Within a municipality not having a municipal⁽¹⁾ sewer system, or within a municipality have a municipal sewer system which is not reasonably accessible to the subdivision or land development, and where the Master Plan for Water Supply and Wastewater Management of Luzerne County recommends that the subdivision be served by a sewer system other than individual conventional septic tanks, within the foreseeable future, the developer shall have prepared by an engineer registered to practice in Pennsylvania, a sewage feasibility study which shall indicate whether a public sewage system is feasible or not. The engineer doing this study shall determine that a public sewer system should be installed prior to erection of homes or at some future time, or that a public sewage system is not feasible. The feasibility study shall take into account, but not be limited to the following:

1. Size of subdivision as submitted.
2. Ultimate total anticipated future size of subdivision.
3. Density of homes reasonably expected to be built in the subdivision within S (five) year periods.
4. Character and type of the subdivision, e.g. vacation or seasonal dwellings or year around permanent homes.
5. Cost of the recommended sewer system; and
6. Topography and subsurface conditions of the land.

(1) Municipal as used herein means one or more political subdivisions such as a city, borough, township or county, or a municipal authority of one or more of such political subdivision.

After due consideration of said feasibility study, the commission may require the installation of a complete sewer system, should it deem it to be necessary, or may require capped sewers. However, the Commission shall give due consideration to the use of individual conventional septic tanks or aerobic systems, and disposal fields, and/or neighborhood disposal systems, subject to the minimum requirements of Act 537, "The Pennsylvania Sewage Facilities Act" and the standards and regulations adopted pursuant to such Act, and the Master Plan for Water Supply and Wastewater Development of Luzerne County.

6.1133 In this paragraph "6.114 Water", the phrase "the developer shall provide" shall be interpreted to mean that the developer shall install the facility referred to, or whenever a separate sewage disposal unit or water supply on individual lots is to be provided, that the developer shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lot in accordance with this Ordinance, when a principal building is constructed.

6.114 Water

6.1141 All new subdivisions and land developments shall utilize an approved public distribution system for the water supply where geographical location and accessibility to a common water source make this type of public system possible.

6.1142 The plans for the installation of the mains of public water supply system shall be prepared by the developer with the cooperation of the applicable Water Utility Company and approved by an engineer. Upon completion of the water supply installation, one (1) copy of the plan for such system as built shall be filed with the Commission and the Municipality.

6.1143 Within a municipality not having a municipal water system, or within a municipality having a municipal water system which is not reasonably accessible to the subdivision, and where the commission has received a recommendation that the subdivision be served by a central water system, other than individual conventional on-lot wells, the developer shall have prepared by an engineer registered to practice in Pennsylvania, a feasibility study for a public water system shall be installed prior to the erection of homes, or at some future time, or that a public water system is not feasible. The feasibility study shall take into account, but need not be limited to the following:

1. Size of subdivision as submitted.
2. Ultimate total anticipated future size of subdivision.
3. Density of homes reasonably expected to be built in the subdivision within five (5) year periods.
4. Character and type of the subdivision, e.g. vacation or seasonal dwelling; or year around permanent dwellings.
5. Cost of the recommended water system; and
6. Topography and subsurface conditions of the land.

After due consideration of said feasibility study, the Commission may require a public water system to be installed by the developer or may permit on-wells, after reviewing the Master Plan for Water Supply and Wastewater Development of Luzerne County, and consulting with the Department of Environmental Resources

6.115 Storm Drainage Systems. (Also, Refer to the Countywide Stormwater Management Plan and Ordinance adopted in 2010)

6.1151 Storm drainage systems shall be provided in order to:

- 6.11511 Permit unimpeded flow of natural watercourses except as modified by stormwater detention facilities required by Section 6.1152 or open channels pursuant to Section 6.11535;
- 6.11512 Ensure adequate drainage of all low points along the line of streets;
- 6.11513 Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained;
- 6.11514 Provide positive drainage away from on-site sewage disposal system;

6.11515 Take surface water from the bottom of vertical grades, and lead water from springs. Use of cross gutters at street intersections elsewhere is prohibited.

6.11516 Prevent overloading of drainage systems and watercourses downstream as a result of increased runoff caused by the proposed development.

6.1152 General Requirements

6.11521 A site drainage plan for the proposed subdivision tract shall be prepared which illustrates the following information:

6.115211 Mapping of the watershed area or areas in which the proposed subdivision is located.

6.115212 Calculations of runoff for all points of runoff concentration.

6.115213 Complete drainage systems for the subdivision. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision is to be developed in stages, a general drainage plan for the entire subdivision shall be presented with the first stage, and appropriate development stages for the drainage system indicated.

6.1153 The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

6.11531 No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.

6.11532 Storm drainage systems shall be designed to convey through land development the peak runoff that will occur when all tributary areas upstream are developed to the extent reasonable projected during the next twenty-five (25) years. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.

6.11533 Where a subdivision is traversed by a watercourse other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such watercourse. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with Section 6.1155 and to provide a freeboard allowance of one-half (0.5) foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.

- 6.11534 Drainage facilities that are located on State Highway right-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the County Planning Commission.
- 6.11535 All streets shall be designed so as to provide for the discharge of surface water away from their right-of-way.
- 6.11536 When it can be shown to the satisfaction of the County Engineer that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation as explained in Appendix A.
- 6.11537 Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in water course channels and at all points of discharge,
- 6.1154 Stormwater Detention (Also refer to the Countywide Stormwater Management Ordinance adopted in 2010)
- 6.11541 Stormwater detention facilities shall be used whenever increased runoff from the land development would overload drainage systems or cause significant increases in flood levels in any watercourses downstream. This will be determined by comparing the increase in existing runoff rates and capacity of downstream drainage systems and watercourses.
- 6.11542 Whenever detention facilities are required under Section 6.11541, facilities will be designed to provide that the peak runoff rate at all points of discharge from the site, when developed, will not exceed the peak runoff rate at each of those points prior to development.
- 6.11543 Where detention facilities are included as part of the storm drainage system, the following provisions will apply:
- Detention ponds shall be designed so that they return to ninety percent (90%) dry conditions within approximately twelve (12) hours after the termination of the storm, unless the County Engineer finds that down-stream conditions may warrant other design criteria for stormwater release.
- 6.11544 The developer shall demonstrate that such ponds are designed, protected and/or located to assure that public safety is maximized and health problems are prevented.
- 6.11545 The developer shall verify that the operation of the detention facilities will not aggravate potential downstream peaking conditions.
- 6.11546 Emergency overflow facilities shall be provided for detention facilities to handle runoff in excess of design flow.

6.11547 If the lands of the proposed land development will remain of common ownership, the developer shall provide written assurances to the County that the detention ponds will be properly maintained.

6.11548 If the lands of the proposed land development will be conveyed to one or more separate owners, the developer shall provide written assurances to the County that the detention ponds will be properly maintained.

6.1155 Calculations of Runoff and Design Storm Frequency.

6.11551 Storm drainage systems required by this Ordinance shall be designed to provide protection from a 10 to 100 year storm as determined by the County Engineer. A 10 year design storm would be appropriate where a storm in excess of the design storm

would have minor impact such as inconvenience to traffic on local streets. A 100 year design storm would cause damage to existing or future structures or their contents.

6.11552 Stormwater runoff from watersheds of 200 or less acres may be calculated by the rational method as described in Appendix A.(2)

6.11553 Stormwater runoff from watersheds of more than 200 acres shall be calculated using the soil cover complex method developed by the Soil Conservation Service or other appropriate method acceptable to the County

6.11554 The Manning Equation explained in Appendix A shall be used in calculating capacities of watercourses and storm sewers, except culverts which shall be designed using methods acceptable to the County Engineer.

6.11555 Complete detailed drainage calculations certified by the design engineer shall be submitted to the County Engineer.

6.1156 Improvement Specifications.

6.11561 Inlets shall be designed and/or located to prevent hazardous conditions for vehicles, bicycles or pedestrians.

6.11562 The County Engineer shall add additional specifications which may be necessary for

1. Spacing and type of inlets and manholes.
2. Minimum pipe sizes.
3. Materials and construction methods.

4. The County Engineer may want to specify different requirements or alternate methods of calculating runoff.

6.116 Sidewalks and Curbs

Sidewalks shall be required on both sides of every street when building lots are 15,000 square feet or less. They should be constructed of Portland Cement Concrete four (4) inches thick, reinforced with minimum 6x6 -10/10 welded wire mesh over four (4) inches of compacted gravel or crushed stone, and four (4) feet wide on a Minor or Collector street, or five (5) feet wide on an Arterial Street, and located within the street right-of-way. Where the sidewalk is part of the driveway, it should be a minimum of six (6) inches thick of concrete with 6 x 6 -10/10 welded wire mesh reinforcement. Sidewalks shall be placed 36" from the curb, and sloped 1/4 inch per foot towards the street. Concrete curbs shall be required on both sides of street where the building lots are less than 20,000 square feet. Curbs will be constructed in accordance with PaDOT Road Construction Standards. (RD-64 or current STD).

Curbs shall be depressed at driveway locations and shall be so designated on the plan. Driveway depressions shall be constructed in accordance with PaDOT RD Standards.

When concrete curbs and sidewalks are required by this Ordinance, curb cuts must be designed so as to accommodate the current specifications as set forth in Title III of the Americans With Disabilities Act of 1990 (ADA).

6.117 Street Signs and Street Names

Street signs and street names shall be approved by the Luzerne County Planning Commission/Engineer and shall be installed by the developer at the intersection of all streets and highways, and at such other locations as may be determined by the Luzerne County Planning Commission/Engineer.

Street signs and street names shall be coordinated with the appropriate agencies, i.e., post office, fire department and Civil Defense for their use in the delivery of emergency services. (See Appendix B).

6.118 House Numbers

All house numbers shall be in accordance with the established system of the County. Numbers shall be referred to Luzerne County 911. (See Appendix B).

6.119 Street Lights

In any proposed subdivision or land development involving twenty (20) or more lots or dwelling units, a street light meeting the specifications of the local electric utility shall be installed at one corner of every intersection.

6.120 Fire Hydrants

Fire hydrants shall be installed wherever the County Engineer determines there is an adequate water supply system, and shall be spaced to provide a hydrant within five hundred (500) of any property lines.

6.121 Street Trees

Street trees shall be provided by the developer in any subdivision or land development involving ten (10) or more lots or dwelling units having an average lot size or area per dwelling unit of (15,000) or less square feet. Street trees shall be of a deciduous hardwood type with spacing as approved by the Commission, and be planted between the sidewalks and the building line at such a distance not to affect the sidewalk, but at least three (3) feet from the sidewalk, and shall have a minimum caliper of two (2) inches.

6.122 Filing Plans and Profiles

Upon the completion of the improvements in a subdivision, if changes have been made from those submitted with the final plan, plans and profiles for the same as constructed shall be filed with the Commission.

6.123 Prior to starting any improvements, the County Engineer or his authorized representative is to be notified at least 48 hours in advance. The County Engineer or his authorized representative shall inspect the work as it starts, and periodically as it progresses, to ensure compliance with requirements of the Subdivision and Land Development Ordinance and the approved plat. Underground utilities (sanitary and storm sewer, water lines, electric distribution, gas et cetera), and base courses of roads shall not be covered until such inspection is complete and work approved by the County Engineer and his authorized representative.

SECTION 7 PLAN REQUIREMENTS

7.1 Preliminary Plat

7.11 The applicant will submit an application, a zoning data sheet, the required number of plans (preliminary or final), all other pertinent data designated by the Ordinance and all required fees simultaneously to the Planning Commission.

Failure on the part of the applicant to provide any of the above data to the Planning Commission will result in an incomplete application. Processing of the subdivision/land development application will not begin until such times as the Planning Commission deems the application complete.

Fees for subdivision/land development will be as shown in Section 7.11 at the end of this Ordinance.

7.12 The Preliminary Plat of the subdivision or land development shall be drawn to a scale of fifty (50) feet to one (1) inch or one hundred (100) feet to one (10) inch. The Preliminary Plat shall show:

7.121 Proposed name of the subdivision or land development.

(1) Impervious cover will be determined by, not limited to, structures, roadways sidewalks, parking lots, etc.

(2) As required by any adopted Stormwater Management Plans governing municipalities within Luzerne County.

7.122 Names and addresses of owner and sub-divider, land planning consultant, architect or landscape architect, register surveyor or registered engineer who prepared the plat or land development.

7.123 Street layout, showing the names (which, when not extensions of existing streets, shall not duplicate other names of streets, in the municipality), and widths of right-of-way of streets, and widths of alleys.

7.124 Layout of lots, showing dimensions and numbers.

7.125 Parcels of land proposed to be reserved for schools, parks, playgrounds or other public semipublic or community purposes.

7.126 Legend and notes.

- 7.127 Building setbacks of front yard lines, side yard lines, and rear yard lines.
- 7.128 Graphic scale, north point and date.
- 7.129 Preliminary profiles, typical cross-sections and specifications for proposed street improvements.
- 7.130 Preliminary profiles and other explanatory data concerning the installation of sanitary and storm sewage systems.
- 7.131 A location map showing subdivision or land development site, and location; major existing thoroughfares related to the subdivision or land development, including the distance therefrom; title, graphic scale, north point and date.
- 7.132 Contours shall be shown at vertical intervals of two (2) feet except as noted below. For land areas sloping more than fifteen percent (15%), contours shall be shown at vertical intervals of five (5) feet.
- 7.133 Tract boundary line, showing dimensions, bearings and comers.
- 7.134 Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
- 7.135 Easements - location, widths and purposes.
- 7.136 Proposed utilities, including sanitary and storm sewers, other storm sewers, other drainage facilities; water lines, gas mains, electric utilities and other facilities. Size or capacity of each should be shown and the location of or distance to each existing utility indicated.
- 7.137 Existing platting of adjacent land. All existing buildings, sewers, water mains, culverts, petroleum or high pressure gas lines and fire hydrants, on or adjoining the site.
- 7.138 Areas subject to periodic flooding.
- 7.139 Other features or conditions which would affect the subdivision or land development favorable or adversely including future subsidence or mine fires. Filled land shall include the depth, type of fill, date of fill, and whether and how it was compacted. Filled areas shall have adequate stability before lots are sold, to be certified by the developer's engineer, and checked by the Luzerne County Engineer. For subdivisions over mining areas, a mining report shall be submitted.
- 7.140 A copy of the protective covenants or private restriction to be incorporated in the deeds.

- 7.141 Site data including the number of residential lots, required lot sizes, actual lot size, the acreage of the subdivision, the acreage in proposed recreation areas, and the number and type of dwelling units proposed, if any.
- 7.142 Two (2) copies of soil survey data of site shall accompany the Preliminary Plat. Two (2) copies of results of percolation tests made in accordance with specifications of the Department of Environmental Protection. These items shall be provided by the developer.
- 7.143 Estimated amount (sq. ft.) of impervious cover, which shall include, but not limited to, any roof, parking/driveway areas, patios, new streets and sidewalks.
- 7.144 A tract map depicting all prior subdivisions, both Commission approved and not, and their dates of inception from the original tract retroactive to January 1, 1980.
- 7.145 All requirements for any approved Stormwater Management Plan, map and model ordinance for specific watersheds within Luzerne County must be completed. All subdivisions not subject to this must adhere to Section 6.115.

7.2 Final Plat.

The Final Plat shall meet the following specifications:

- 7.21 The Final Plan may include all or only a part of the area of the Preliminary Plat as proposed in the application.
- 7.22 The original drawing of the plat of the subdivision shall be twenty-two (22) by thirtysix (36) inches or made in multiples of this size and cut along match lines. Note: Maximum size of map record plat book is 24" x 39". Plan shall be drawn at a scale of fifty (50) or one hundred (100) feet to the inch.
- 7.23 The following basic information shall be shown:
 - 7.2311 Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 - 7.2312 Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.

- 7.2313 Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- 7.2314 The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds, accompanied by an affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- 7.2315 Street names
- 7.2316 Complete curve data for all curves included in the plan.
- 7.2317 Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute of street, alley, and lot lines.
- 7.2318 Lot numbers, dimensions, and area of subdivisions.
- 7.2319 Easements for utilities and any limitations on such easements.
- 7.2320 Accurate dimensions of any property to be reserved for public, semi-public, or community use.
- 7.2321 Location, type, material, and size of all monuments and lot makers.
- 7.2322 Restrictions of all types which will run with the land and become covenants in the deeds for lots should be in separate instrument, referenced to the drawing.
- 7.2323 Name of the sub-divider or land development.
- 7.2324 Name and address of the owner and developer.
- 7.2325 North point, graphic scale, and date.
- 7.2326 Certification by a registered professional engineer and/or registered land surveyor to the effect that (1) the plat or land development represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are currently shown; and (2) that all engineering and surveying requirements of this Ordinance have been fully compiled with.

- 7.2527 Proposed dedication of streets and other public property should be indicated.

- 7.2328 A place on the plat for approval by the Commission. This should include a Chairman/Witness/Date Lines.

7.2329 Front and any rear yard setback lines, the minimum as fixed by the applicable Zoning Ordinance, or any other setbacks lines established by the Ordinance or by the public authority, or those specified in the deed restrictions, whichever is greater.

7.2330 Final profiles, cross-sections and specifications for street improvements, and sanitary and storm sewage, and water distribution systems shall be shown on one (1) or more separate sheets. However, typical cross-section of streets shall be shown on the record plat.

7.24 Guarantee of Improvements

7.241 In submitting the Final Plan to the commission, the sub-divider shall either have satisfactorily completed all improvements required in the Preliminary Plat as evidenced by the County Engineer's inspection, or shall provide for the deposit with the County of a financial security (performance bond, letter of credit, escrow account, cash, or other financial instrument acceptable to the Planning Commission) in an amount sufficient to cover the costs of improvements which are required to secure to the public the completion of any improvements which may be required and which shall be an open-ended non-expiring term, at the control of the Commission, and for an amount to be determined by the County Engineer.

7.242 Release from Improvement Bond.

1. When the developer has completed all the necessary and appropriate improvements, the developer 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 County Engineer. The Commission shall within ten (10) days after receipt of such notice, direct and authorized the County Engineer to inspect all of the aforesaid improvements. The County Engineer to inspect all of the aforesaid improvements. The County Engineer shall, thereupon, file a report in writing, with the Commission, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the County Engineer of the aforesaid authorization from the Commission; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the County Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
2. The Commission shall notify the developer, within fifteen (15) days of the Engineer's report, in writing, by certified or registered mail of the action of said Commission with relation thereto.
3. If the Commission or the County Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

4. If any portion of the said improvements shall not be approved or shall be rejected by the Commission, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein,, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Commission or the County Engineer.
6. Where herein a reference is made to the County Engineer, he shall be duly registered professional engineer employed by the County or engaged as a consultant thereto.

7.243 The developer shall also place in a separate escrow account an amount of fifteen (15) percent of the County Engineer's or other designated person's estimate of the cost of all improvements required by this Ordinance, guaranteeing that the developer shall maintain all such improvements in good condition for a period of one (1) year after completion of construction and installation of all such improvements. Maintenance of all required improvements shall include, but not be limited to the following:

- 7.2431 Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvement latent in character, and not discernible at the time of final inspection or acceptance by the governing body, and
- 7.2432 Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof

7.25 Release From Maintenance Bond

The developer shall follow the procedural section of Section 7.242 when seeking release of the maintenance bond. Land developments which will remain in one ownership shall be exempted from the requirement to place a one (1) year Maintenance Bond as specified in Section 7.242.

7.26 Remedies to Effect Completion of Improvements.

The County of Luzerne shall have the power to initiate any necessary legal action against the developer to complete any required improvements as provided in the Subdivision and Land Development Ordinance, or approved Final Plat or any written agreements upon which the County and the developer may have entered. In the event that any improvements which may be required have not been installed within the period established in connection with the Final Plat, the County of Luzerne shall access the financial guarantee to complete the improvements.

SECTION 8 MODIFICATIONS AND EXCEPTIONS

- 8.1 In any particular case where the developer or his engineer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions or an

unusual financial burden on the developer, which is unique and not common to other developers in the same area or municipality, strict compliance with any requirements of this Ordinance would cause exceptional and undue hardship, the Commission may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment of the public good and without impairing the intent and purpose of this Ordinance or the desirable general development of the neighborhood and the community in accordance with any adopted long-range plan. Any codification thus granted shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

8.2 Subdivision/Land Development

8.21 Major Subdivision I

A subdivision of any lot, tract or parcel of land along any existing public street or road, not involving the opening, widening or extension of any street or road, nor the extension of any public/municipal improvements and not affecting the remainder of the lot, tract or parcel or adjoining property, and not involving more than ten (10) lots, may submit a Final Plat under Section 7 for approval and if the Commission, acting through the Director of Planning or the Subdivision Administrator, is satisfied that such proposed subdivision is consistent with the present land use, may approve such plats.

8.22 Major Subdivision II - Commission Approval Required.

A subdivision of any lot, tract, or parcel of land, not classified under Section 8.21, having eleven (11) or more lots, and/or any size subdivision requiring a new street or road or extensions of public/municipal facilities, or the creation of any public/municipal improvements. Subdivisions governed by this section will require Commission approval.

Included in this section is any subdivision which is a cumulative division of property from the original tract. It will be at the discretion of the Subdivision Administrator and/or Director of Planning as to whether a cumulative division requires the Commission's review/approval.

SECTION 9 DEFINITIONS

- 9.1 For the purpose of this Ordinance, words used in the present tense include the future tense; the term "shall" is always mandatory; other terms or words used shall be interpreted or defined as follows:
- 9.11 Alley - A permanent service way providing a secondary means of access to abutting lands.
- 9.12 Application for Development - Every application whether preliminary or final is 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, or for the approval of a development plan.
- 9.13 Blocks - Property bounded on one side by a street and the other three sides, by a street railroad right-of-way, waterway, un-subdivided area, or other definite barrier.
- 9.14 Building Setback Line - The minimum distance from any lot line to any building or structure to be erected on the lot.
- 9.15 Commission, Planning Commission, or County Planning Commission - The Luzerne County Planning Commission.
- 9.17 County - Luzerne County, Pennsylvania.
- 9.18 Cul-de-sac - (Court or Dead End Street) - A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- 9.19 Developer - Any land owner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land
- 9.20 Easement - A grant by the property owner to the use of strip of land by the public, a corporation, or persons for specified purposes.
- 9.21 Engineer - The person designated by the Commission by resolution for the purposes of this Ordinance, who shall be a professional engineer, licensed as such in the Commonwealth of Pennsylvania.
- 9.22 Governing Body - The local governing body in which the subdivision or land development is located.

9.22 A Governing Body of Luzerne County – The organization designated by Pennsylvania Code, or a Home Rule Charter, to conduct the business and functions of Luzerne County.

9.23 Land Development – Any of the following activities:

1. The improvements of one lot or two 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 prospective 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. Exemptions.
 - (a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units.
 - (b) The addition of an accessory building, including farm buildings on a lot or lots subordinated to an existing principal building.
4. All land development will be considered major and will require Commission approval.

9.24 Lot - A portion of subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

9.25 Plat or Plot - The map or plan of a subdivision or land development, whether preliminary or final.

9.26 Street - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, valley, viaduct, and any other ways, used or intended to be used by vehicular traffic or pedestrians whether public or private.

- 9.261 Arterial Streets - Are those serving a large volume of comparatively high-speed and long distant traffic, including all facilities classified as main and secondary highways by the Pa. Department of Transportation.
- 9.262 Collector Streets - Are those which in addition to giving access to abutting properties, intercept minor streets and provide routes carrying considerable volume of traffic to community facilities and to major traffic streets.
- 9.263 Minor Streets - Are those used primarily to provide access to abutting properties.
- 9.27 Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building lot development: provided, however, that the subdivision by a lease of land for agricultural purposes of parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. This definition shall include the combination of contiguous, adjacent parcels which results in the negation or removal of a previous existing lot line (Commonly referred to as “reverse subdivisions”).
- 9.28 Unit Shopping Center - Shopping centers designed as a unit with off-street parking and controlled circulation.
- 9.29 Flood - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge that One Hundred (100) Year Flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 9.30 Flood Fringe - That portion of the One Hundred (100) Year Flood Plain outside the floodway.
- 9.31 Floodway - The channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge that One Hundred (100) Year Flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 9.32 One Hundred Year Flood - A flood that, on the average, is likely to occur once every One Hundred (100) Years (i.e. that has a one (%) percent chance of occurring each year, although the flood may occur in any year).
- 9.33 One Hundred (100) Year Flood Plain Area(s) or District(s) - The area(s) or district(s) that has a one percent (1%) chance of being flooded in any given year.

SECTION 10 VALIDITY

If any section, clause, provision or portion of the Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION 11 REVISION AND AMENDMENT

The Governing Body of Luzerne County may, from time to time, amend this Ordinance by appropriate action taken after a public hearing on said proposed revisions. Public notice shall be given of the date, time and place of such public hearings, together with a summary setting forth the principal provisions of such amendments, indicating the place or places where copies of the proposed amendments may be examined. In case of an amendment other than that prepared by the Commission, the Governing Body of Luzerne County shall submit each such amendment to the Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such amendment.

SECTION 12 REMEDIES

12.1 Preventive Remedies.

- 1 In addition to other remedies, the Commission may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Commission may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violation.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

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

12.2 Jurisdiction.- District justices shall have initial jurisdiction in proceeding brought under Section 12.3.

12.3 Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Commission, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Commission as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Commission may enforce the judgment, pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be constructed or interpreted to grant to any person or entity other than the Commission the right to commence any action for enforcement pursuant to the section.

SECTION 13 ENACTMENT

This Ordinance shall be force and effect as of November 14, 1963 and as amended thereafter.

SECTION 14 FLOOD CONTROL
14.1 General Provisions.

The provisions contained in this section shall apply only when a proposed subdivision or land development is to be located within or adjacent to any area which is subject to flooding from a One Hundred (100) Year Flood within the jurisdiction of the Luzerne County Subdivision and Land Development Ordinance and shall be supplementary to the provisions contained elsewhere in the Ordinance.

14.11 The specific purpose of these provisions is:

14.111 To regulate the subdivision and/or land development of One Hundred (100) Year Flood Plain Areas in order to promote the general health, welfare, and safety of the County;

14.112 To require that each subdivision lot in One Hundred (100) Year Flood Plain Areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;

14.113 To protect individuals from buying land which is unsuitable for use because of flood hazards by prohibiting the subdivision and/or land development of unprotected flood plain areas in the One Hundred (100) Year Flood Plain.

14.12 Abrogation and Greater Restrictions.

This Ordinance supersedes any other County Ordinances currently in effect in flood plain areas. Where there is conflict between this and any other County Ordinance the more restrictive shall apply.

14.13 County Liability.

The grant of a permit or approval of a subdivision and/or land development plan in the identified One Hundred (100) Year Flood Plain Areas shall not constitute a representation, guarantee, or warranty of any kind by Luzerne County or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the County, its officials or employees.

14.2 Application Procedures and Plat Requirements.

14.21 Preliminary Plan Requirements.

- 14.211 A map showing the location of the proposed subdivision and/or land development with respect to the municipality's One Hundred (100) Year Flood Plain Areas including information on, but not limited to, the One Hundred (100) Year Flood Elevations, boundaries of One Hundred (100) year Flood Plain Areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
- 14.212 Where the subdivision and/or land development lies partially or completely in the One Hundred (100) Year Flood Plain Areas, or where the subdivision and/or land development borders on the One Hundred (100) Year Flood Plain Areas, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of two (2) or five (5) feet depending upon the slope of the land and identify accurately the boundaries of the flood plain areas.

14.22 Final Plan Requirements.

The following information shall be required as part of the Final Plan:

- 14.221 All information required for the submission of the Preliminary Plan incorporating any changes requested by the County.
- 14.222 A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed in One Hundred (100) Year Flood Plain Areas. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood plain areas.

14.3 Design and Standards and Improvements.

14.31 General.

- 14.311 Where not prohibited by this or any other laws or ordinances, land located in the One Hundred (100) Year Flood Plain Area may be platted for development with the provisions that the developer construct all buildings and structures to preclude flood damage in accordance regulating such development.
- 14.312 Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any One Hundred (100) Year Floodway Area. Building sites for residences or any

other type of dwelling or accommodation may be permitted in the One Hundred (100) Year Flood Way Area if the sites or first floors, including basements, are elevated to a height at least one and one-half (1 1/2) feet above the elevation of the One Hundred (100) Year Flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures.

14.313 Building sites for structures or buildings other than for residential uses shall also not be permitted in any One Hundred (100) Year Floodway Area. Building sites for structures or buildings other than for residential uses may be permitted in the One Hundred (100) Year Flood Way Area subject of the provisions provided for in 14.312. However, the governing body may allow the subdivision and/or sites for commercial and industrial uses at an elevation less than one and one-half (1 1/2) feet above the protects the area to that height or assures that the buildings or structures will flood proofed at least up to that height.

14.314 If the County Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

14.315 When a developer does not intend to develop the plat himself and the County Planning Commission determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every recorded plat.

14.32 Drainage Facilities.

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

The Planning Commission may require a primarily underground system to accommodate frequent floods and a secondary surface to accommodate larger, less frequent floods.

Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

14.33 Streets.

The finished elevation of proposed streets shall be no less than the One Hundred (100) Year Flood Elevation. The County Planning Commission may require, where necessary, profiles and elevation of streets to determine compliance with this requirement. Drainage opening shall be sufficient to discharge flood flows without unduly increasing flood heights.

14.34 Sewer Facilities.

All sanitary sewer systems located in the One Hundred (100) Year Flood Plain Areas, whether public or private, shall be flood proofed up to a point one and one-half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

The County Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The County Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in the designated areas.

14.35 Water Facilities.

All water systems located in the One Hundred (100) Year Flood Plain Areas, whether public or private, shall be flood proofed to a point, one and one half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

14.36 Other Public Utilities and Facilities.

All other public and/or private utilities and facilities shall be elevated or flood proofed to a point one and one half (1 1/2) feet above the One Hundred (100) Year Flood Elevation.

APPENDIX A

STORM DRAINAGE RUNOFF CALCULATION

Rational Formula.

1. The rational formula used in calculating runoff is $Q=CIA$. In this equation, Q is the peak runoff in cubic feet per second, C is a runoff coefficient which depends on the nature of the land cover, I is the intensity of rainfall in inches per hour for a duration equal to the time of concentration for the drainage area involved and A is the watershed area in acres. The time of concentration is the time required for runoff from the upper reaches of the watershed to reach the point for which runoff rates are being calculated.

B. Values of Coefficient "C".

1 Runoff coefficients used in the rational formula shall be based on the guidelines in the following table and acceptable to the municipal engineer.

RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD

<u>Type of Drainage Area</u>	<u>Coefficient</u>	<u>Source</u>
<u>Commercial</u>		
Downtown (also shopping centers)	0.70 - 0.95	1
<u>Neighborhood</u>		
mixed residential & commercial	0.50 - 0.70	
<u>Residential Urban</u>		
Single-Family	0.30 - 0.50	1
Multi-Units	0.40 - 0.80	1
Suburban, Single-Family	0.25 - 0.40	1
Garden Apartments	0.50 - 0.70	1
Playgrounds	0.20 - 0.70	1
Industrial	0.50 - 0.90	1
Railroad Yards	0.20 - 0.35	1
Parks, Cemeteries, Golf Courses	0.15 - 0.30	2
Unimproved, with Vegetation	0.10 - 0,30	1
<u>Lawns, Sandy Soil</u>		
Flat, 2% or less	0.05 - 0.10	1
Average, 2 to 7%	0.10 0.15	1
Steep, 7% or more	0.15 - 0.20	1
<u>Lawns, Heavy Soil</u>		
Flat, 2% or less	0.13 - 0.17	1
Average, 2 to 7%	0.18 - 0.22	1

<u>Character of Surface</u>	<u>Coefficient</u>	<u>Source</u>
Pavement	0.75 - 0.95	2
Concrete or Bituminous Concrete	0.65 - 0.80	2
Surface Treated Roadway earth, other	0.25 - 0.60	2 Gravel,
Roofs	0.75 - 0.95	1
Steep, 7% or more	0.25 - 0.35	1

Woods, Heavy Brush

Gravel	0.15 - 0.35	2
Sandy Soil	0.15 - 0.30	2
Clay Soil	0.25 - 0.60	2

Bare, Cultivated, or Light Growth

Gravel	0.20 - 0.40	2
Sandy Soil	0.15 - 0.30	2
Clay Soil	0.35 - 0.75	2

Note: Lower portions of ranges apply to flat slopes and open soils; higher portions apply to steeper slopes and tight or shallow soils.

Sources: (Applied with some modifications by G. Edwin Pidcock Co.)

1. Design and Construction of Sanitary and Storm Sewers - prepared by a Joint Committee of American Society of Civil Engineers and the Water Pollution Control Federation.
2. Design Manual, Part 2, Chapter 12, Pennsylvania Department of Transportation.

C. Values of Rainfall Intensity "I"

1. Rainfall intensities to be used in the rational formula are as follows:

FREQUENCY OF STORM (YEARS)

<u>Time of</u> Concentration	5	10	25	100
Minutes				
5	5.9	6.5	7.4	9.0
10	4.8	5.4	6.0	7.4

15	4.0	4.6	5.2	6.4
20	3.6	4.0	4.5	5.7
25	3.1	3.6	4.0	5.0
30	2.8	3.2	3.6	4.5
35	2.5	2.9	3.3	4.1
40	2.3	2.6	3.0	3.8
45	2.1	2.4	2.8	3.5
50	2.0	2.2	2.6	3.3
55	1.8	2.1	2.5	3.1
60	1.7	2.0	2.4	2.9

D. Average Velocities for Overland Flow.

Engineers use several methods to determine the time of concentration for the drainage area in question. Seelye's Nomograph is reproduced here. The average velocities for overland flow presented in Penn DOT's Design manual are also widely used to determine the time of concentration. Any method acceptable to the County Engineer may be used.

E. Manning's Equation.

$$V = \frac{1.49}{n} \left(\frac{a}{p} \right)^{2/3}$$

$$Q = va$$

v = velocity in feet per second. n – coefficient of roughness. a = cross-sectional area of flow in square feet.

p = wetted perimeter, the length of the line of contact between the water and the bottom and sides of the channel or pipe around the cross-section in feet. s = slope of the channel or pipe in feet per foot. q = capacity of the channel or pipe in cubic feet per second.

2. The coefficient of roughness used shall be as follows unless different coefficients are approved by the county engineer.

0.015 for concrete pipes and paved channels. 0.021 for corrugated metal pipes.

0.035 for earth ditches.

0.040 for vegetated channels.

F. Maximum Stream Velocities in Open Channels.

<u>Material</u>	<u>Maximum Velocity Feet per Second</u>
Well established grass on good soil:	
Short pliant bladed grass	4-5
Bunch grass-soil exposed	2-4
Stiff stemmed grass	2-3
Earth without vegetation:	
Fine sand or salt	1-2
Ordinary firm loam	2-3
Stiff clay	3-5
Clay and gravel	4-5
Course gravel	4-5
Soft shale	5-6
Other:	
Bituminous or cement stabilized channels	6
Paved channels	10-15

APPENDIX B

STREET SIGNS, NAMES AND HOUSE NUMBERS.

1. Street Signs.

- (a) Lettering on street name signs should be at least four (4) inches high. Supplementary lettering to indicate the type of street (e.g., street, avenue, road, etc.) may be smaller, but not less than two (2) inches high.
- (b) The street sign should be reflectorized or illuminated. The legend and background shall be of contrasting color (e.g., white lettering and green background).

- (c) The street sign construction and construction materials utilized should reflect durability, modern design, visibility, etc. Construction and materials are subject to the Luzerne County Planning Commission /Engineer approval.

2. Street Names.

The preliminary plat shall indicate the proposed name of each street.

- (a) Numerical names, (1st, 2nd, etc.); alphabetical letters (A, B, C) etc.); frivolous, complicated, or undesirable names, and unconventional spelling are unacceptable.
- (b) Categories - large developments to use a single significant category (flowers, trees, birds); small subdivisions should use the same category as the surroundings or adjacent area, which helps establish locational identity.
- (c) Name Duplication - Similar sounding names are considered to be duplication regardless of spelling. No duplication of names is permitted within the projected service area of a United States Post Office, 911 or local public agencies such as fire and police department.
- (d) Continuity - A continuous street, or one proposed to be continuous, should bear the same name throughout, even though it changes directions. The Planning Commission staff shall review the proposed names for duplication, appropriateness and overall compliance with the street naming policy. Street names must be approved before the final plat is submitted for approval.

3. Housing Numbering.

- (a) A numbering system shall be developed for each new development or subdivision to facilitate residential identification. The preliminary plat shall indicate the proposed street numbers for potential dwelling units and places of business on all public and private streets.
- (b) Residential house numbers shall be limited to as few digits *as* necessary, Residential house numbers shall begin with 1" or 2" at the entrance of the street and continue to the end of the street with odd numbers on the left and even numbers on the right.
- (c) Apartment complexes shall adhere to the low numbering system noted above for residential street numbers.
 - (1) Each structure shall have a street number reflecting the policy.

- (2) Individual units shall be identified in a manner meeting the intent of the policy for residential numbering.

The Planning Commission staff will review the proposed street numbers as it deems necessary in order to bring them into conformance with the numbering policy.

- (1) The Commission staff may modify or amend the proposed numbers as it deems necessary in order to bring them into conformance with the numbering policy.
- (2) The Planning Commission staff shall keep a record of all numbers assigned under this regulation.

The sub-divider shall include the approved numbering on the final map which is submitted to the Planning Commission for final approval and recordation.

APPENDIX C

LUZERNE COUNTY

A C T 1 6 7

GENERAL STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. 6194

A R T I C L E 1

GENERAL PROVISIONS

SECTION 101. STATEMENT OF FINDINGS

The governing body of the County finds that:

Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

- B. A comprehensive program of stormwater management including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of Luzerne County and all the people of the Commonwealth, their resources and the environment.

SECTION 102. PURPOSE

The purpose of this Ordinance is to promote the public health, safety and welfare within Luzerne County Watersheds by minimizing the damages described in Section 101(A) of the Ordinance by provisions designed to:

- A. Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
Encourage recharge of groundwater where appropriate.
- D. Maintain the existing flows and quality of streams and water courses in the County and Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of all permanent stormwater management structures which are constructed in the County.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

SECTION 103. STATUTORY AUTHORITY

Luzerne County is empowered to regulate these activities through the authority of the Act of October 4, 1978, P.L. 864 (Act 167), the "Stormwater Management Act", and the third class County code.

SECTION 104. APPLICABILITY

This Ordinance shall only apply to those watershed areas of Luzerne County with officially adopted stormwater management plans, maps and model ordinances.

This Ordinance shall only apply to permanent stormwater management facilities constructed as part of any of the activities listed in this section.

The following activities are defined as Regulated Activities and shall be regulated by this Ordinance, except those which meet the waiver specifications presented thereafter:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.)
- D. Construction of new buildings or additions to existing buildings.
- E. Diversion or piping of any natural or man-made stream channel.
- F. Installation of stormwater systems or appurtenances thereto.
- G. Earth disturbances greater than 30,000 square feet of total distributed area.
- H. Forest Management operations.

SECTION 105. REPEALER

Any County ordinance inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 106. SEVERABILITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any the remaining provisions of this Ordinance.

SECTION 107. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS.

Approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

ARTICLE II

STORMWATER MANAGEMENT PLAN REQUIREMENTS

SECTION 201. REQUIREMENTS

All Definitions, General Requirements, Stormwater Management Districts or Areas, Implementation Provisions, Calculation Methodology, Technical Requirements and Exemption Provisions, as detailed in the following approved Stormwater Management Plans, Maps and Model Ordinances, shall be adhered to for the drainage plans of their watersheds:

1. Lackawanna River Watershed.
2. Toby Creek Watershed.

The administration, review, inspection, fee collection, approval or disapproval, and fines/penalties, associated with the requirements of the above referenced Drainage Plans, will be controlled by the Luzerne County, or Local Municipal Subdivision/Land Development Ordinance. Where this Ordinance shall have conflicting or additional requirements, the Luzerne County General Stormwater Management Ordinance shall have control.

ARTICLE III

DRAINAGE PLAN REQUIREMENTS

SECTION 301. GENERAL REQUIREMENTS

For any of the Regulated Activities of this Ordinance, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any land disturbances activity, the owner, subdivider, developer or his agent shall have an approved Drainage Plan.

SECTION 302. DRAINAGE PLAN CON IENTS

The Drainage Plan must follow the outline of submission requirements as noted in the Model Ordinance of the approved Watershed Stormwater Management Plan.

SECTION 303. PLAN SUBMISSION

- A. For Regulated Activities specified in Section 104.A., 104.B., 104.C. and 104.D.:
 1. The Drainage Plan shall be submitted by the developer to the Luzerne County Planning Commission as part of the Preliminary Plan submission for the subdivision or land development.
 2. Four (4) copies of the Drainage Plan shall be submitted unless additional copies are requested by the Luzerne County Planning Commission.

- B. For Regulated Activities specified in Sections 104.E. and 104.F., the Drainage Plan shall be submitted by the developer as part of the DEP Permit application process under Chapter 105 (Darn Safety and Waterway Management) or Chapter 106 (Flood Plain Management) or DEP' s Rules and Regulations.

SECTION 304 DRAINAGE PLAN REVIEW

The County Engineer shall review the Drainage plan for consistency with the adopted Stormwater Management Plans, Maps and Model Ordinance and against any additional storm drainage provisions contained in the County or local municipal subdivision and land development ordinances, as applicable.

- B. The County shall not approve any subdivision or land development if the Drainage Plan has been found to be inconsistent with the approved Stormwater Management Plans, Maps and Model Ordinance as determined by the County Engineer.

SECTION 305. MODIFICATION OF PLANS

A modification to a submitted Drainage Plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the Drainage Plan (as determined by the County Engineer) shall require a resubmission of the modified Drainage Plan consistent with Section 303 subject to review per Section 304 of this Ordinance.

SECTION 306 FIARDSHIP WAIVER PROCEDURE

The Luzerne County Planning Commission may hear request for waivers where it is alleged that the provisions of this (Act 167) Ordinance inflict unnecessary hardship upon the applicant. The waiver request shall be in writing on an application form, promulgated by the County and a fee of \$200 submitted to the county Planning Commission and \$500 to the County Road and Bridge Department. Four (4) copies of the completed application form shall be provided to the Luzerne County Planning Commission. The application shall fully document the nature of the alleged hardship.

The Luzerne County Planning Commission may grant a waiver provided that all of the following findings are made in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the approved Stormwater Plans, Maps and Model Ordinances in the Stormwater Management District in which the property is located;

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the approved Stormwater Plans, Maps and Model Ordinances, including the "no harm" provision, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property;
- C. That such unnecessary hardship has not been created by the applicant; and
- D. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any waiver, the Luzerne County Planning Commission may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Act 167.

ARTICLE IV
INSPECTIONS

SECTION 401. SCHEDULE OF INSPECTIONS

- A. The County Engineer or his designee shall inspect all phases of the installation of the permanent stormwater control facilities and the completed installation.
- B. If at any stage of the work the County Engineer determines the permanent stormwater control facilities are not being installed in accordance with the approved development plan, the County shall revoke any existing permits or approval until the work is brought into compliance with the approved plan or until a revised development plan is submitted and approved as required by Section 305.

ARTICLE V
FEES AND EXPENSES

SECTION 501. GENERAL

The fee for Drainage Plan review and processing has been established in the Luzerne County Subdivision/Land Development Ordinance.

SECTION 502. EXPENSES COVERED BY FEES. The

fees required shall at a minimum cover:

- A. The review of the Drainage Plan by the County Engineer.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.

The final inspection upon completion of the controls and improvements required in the plan.

- E. Any additional work required to enforce any permit or approval provisions, correct violations, and assure the completion of stipulated remedial actions.

A R T I C L E V I
M A I N T E N A N C E O F F A C I L I T I E S

SECTION 601. GENERAL RESPONSIBILITIES

- A. Single Entity Ownership

In all cases where the permanent stormwater runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibilities for the stormwater control into an agreement with the County which specifies that the owner will properly maintain the facilities consistent with accepted practice as determined by the County Engineer. The agreement shall provide for regular inspections by the County and contain such provisions as necessary to ensure timely correction of any maintenance deficiencies by the single entity owner. A single entity owner shall be defined as an individual, association, public or private corporation, partnership form, trust, estate or any other legal entity empowered to own real estate.

B. Multiple Ownership

(1) In cases where the property controlled by the permanent stormwater control facilities shall be in multiple ownership (i.e. many individual owners of various portions or the property), the developer shall offer to dedicate the

permanent stormwater control facilities to the local municipality for maintenance. The developer shall pay a fee to the local municipality corresponding to the present worth of maintenance of the facilities for a ten-year period. The estimated annual maintenance cost for the facilities shall be based on a fee schedule provided by the local municipal engineer and adopted by the local municipality.

(2) If the local municipality does not accept the dedication of the stormwater control facilities, the developer or a property owner association shall retain ownership and the maintenance responsibilities. These cases shall be regulated by Section 601.A

(3) In certain multiple ownership situations, the local municipality may benefit by transferring the maintenance responsibility to an individual or group of individuals residing within the controlled area. These individuals may have the permanent stormwater control facilities adjacent to their lots or otherwise have an interest in the proper maintenance of the facilities. In these instances, the local municipality and the individual(s) may enter into a formal agreement for the maintenance of the facilities. The local municipality shall maintain ownership of the facilities and be responsible for periodic inspections.

SECTION 602. RIGHT-OF-WAY

Upon presentation of the proper credentials, duly authorized representatives of the County may enter at reasonable times upon any property to investigate or ascertain whether proper maintenance is being provided for any stormwater management facilities as provided in Section 601.

ARTICLE VII
FINES AND PENALTIES

SECTION 701. PROCEDURES

Any violation of this Ordinance, with the exception of Section 601 B. (1) (3), shall be subject to the procedures outlines in Section 12, Remedies, of the Luzerne County Subdivision/Land Development.

Any violation of Section 601 B. (1) (3) of this Ordinance shall be governed by the local Municipal Maintenance Agreement.

ARTICLE VIII
ADOPTION

SECTION 801. EFFECTIVE DATE

This Stormwater Management Ordinance shall take full force and effect from the date of passage. This Ordinance, however, shall have no effect on subdivision and/or land development plans pending at the time of passage of this to the County Planning Commission.

SECTION 802. PUBLIC HEARING

The public hearing for this Ordinance was held on May 25, 1994.

SECTION 803. ADOPTION DATE

The date of adoption of this Ordinance was June 1, 1994.

LUZERNE COUNTY PLANNING COMMISSION
SUBDIVISION/LAND DEVELOPMENT FEE SCHEDULE
APPLICATIONS FILED UNDER COUNTY JURISDICTION
EFFECTIVE JANUARY 1, 2012

Section 7.11:

Administrative Review Fees payable to the Luzerne County Planning Commission:

<u>Application type</u>	<u>Fee</u>
<u>Subdivision</u>	\$ 290.00, includes the first 4 lots \$ 50.00 additional fee for each lot over 4*
<u>Land Development</u>	\$ 780.00, plus \$ 60 per unit. (\$ 840.00 min.)
<u>Stormwater Plan**</u>	\$ 275.00
<u>Component 4B of Planning Land Module or PaDEP County Land Use Letter</u>	\$ 25

Technical Review Fees payable to the Luzerne County Engineering Office:

<u>Subdivision</u>	\$ 240.00, plus \$ 50 for each lot up to 5 (\$ 340.00 Min.)* \$ 75.00 additional fee for each lot over 5.*
<u>Land Development</u>	\$ 700.00 for the first 40,000 sq. ft. of new impervious cover.*** \$ 80.00 for each additional 10,000 sq.ft. of impervious cover, rounded up to the nearest whole 10,000 increment.*** \$ 150.00 Re-Submission Review Fee*****
<u>Stormwater Plan or Report**</u>	\$ 750.00
<u>Site Inspection****</u>	\$ 150.00 each inspection

*

Fees determined by the number of lots created, including the residual lot.

** Review of either the Countywide, or specific watershed, Act 167 Stormwater Plan, or a Stormwater Report based upon Section 6.115 and Appendix A, as determined by the Planning Commission staff.

*** Impervious cover includes, but is not limited to, structure, roadways, sidewalks, parking areas, stone or gravel areas, etc. The amount of new impervious cover must be provided to verify the required fee.

**** Site inspection for release of Financial Security Guarantee shall be scheduled upon receipt of a written request and the inspection fee for each inspection requested.

*****Each consolidated response(s) to the comment letter(s).