
Chapter 213, SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the City Council of the City of Hazleton 11-16-1995 by Ord. No. 95-18 as Ch. 213 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

- Fees -- See Ch. 24.**
- Planning Commission -- See Ch. 50.**
- Building construction -- See Ch. 102.**
- Numbering of buildings -- See Ch. 108.**
- Licensing of contractors -- See Ch. 114.**
- Electrical standards -- See Ch. 120.**
- Mechanical standards -- See Ch. 162.**
- Plumbing standards -- See Ch. 180.**
- Real estate registry -- See Ch. 187.**
- Sewers -- See Ch. 193.**
- Streets and sidewalks -- See Ch. 208.**
- Trees -- See Ch. 223.**
- Zoning -- See Ch. 245.**

ARTICLE I, Title, Purpose, Authority and Jurisdiction

§ 213-1. Short title.

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

§ 213-2. Purpose.

The purpose of these subdivision and land development regulations is to provide for the harmonious development of the City by:

- A. Assisting in the orderly and efficient integration of land developments within the City.
- B. Ensuring conformance of land development plans with public improvement plans and programs.
- C. Ensuring coordination of intermunicipal public improvement plans and programs.
- D. Securing the protection of water resources and drainageways.
- E. Facilitating the efficient movement of traffic.
- F. Securing equitable handling of all land development plans by providing uniform standards

and procedures.

- G. In general promoting greater health, safety and welfare of the citizens of the City.
- H. Securing adequate sites for recreation, conservation, scenic and other open space purposes.

§ 213-3. Authority and jurisdiction.

- A. No land development of any lot, tract or parcel of land shall be made and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this chapter.
- B. The authority for the control and regulation of subdivision and land development within the City shall be as follows:
 - (1) Review and approval by the City of Hazleton Planning Commission. The City of Hazleton Planning Commission, hereinafter referred to as the "Planning Commission" or "Commission," shall be vested with the review of subdivision and land development plans and the authority to approve or disapprove all subdivision and land development plans.
 - (2) Review by the County Planning Commission. Plans for subdivision and land development located within the City of Hazleton shall be forwarded upon receipt by the City of Hazleton to the Luzerne Planning Commission for review and report. The City of Hazleton Planning Commission shall not approve such plans until the county report is received or until the expiration of 30 days from the date the application was forwarded to the county.

§ 213-4. Territorial limits.

The provisions of this chapter shall apply to all land within the City limits of the City of Hazleton.

ARTICLE II, Definitions and Word Usage

§ 213-5. General usage.

For the purposes of this chapter:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and the plural the singular.
- C. The word "shall" is to be interpreted as mandatory and the word "may" as direct and complied with unless waived.
- D. The word "person" includes a partnership or corporation as well as an individual.

§ 213-6. Terms defined.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings given herein:

AGENT -- Any person, other than the developer, who, acting for the developer, submits land development plans to the Planning Commission for the purpose of obtaining approval thereof.

ALLEY -- A minor permanent service way providing secondary vehicular access to abutting lands.

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

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

BLOCK -- A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

BUILDING SETBACK LINE -- The minimum required distance from the front lot line to any building or structure to be erected on the lot.

CARTWAY -- The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic.

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

COMMISSION or PLANNING COMMISSION -- The Planning Commission of the City of Hazleton, Pennsylvania.^{1 EN}

COMPREHENSIVE PLAN -- The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended^{2, EN} consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the City of Hazleton, as amended from time to time.

CORNER LOT -- A lot with two adjacent sides abutting on streets, which lot has an interior angle of less than 135° at the intersection of the two street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

COUNTY -- Luzerne County, Pennsylvania.

CROSSWALK -- A right-of-way, municipally or privately owned, at least 12 feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC -- A minor street having one end open to vehicular traffic and being permanently terminated by a vehicular turnaround.

CURB -- The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURBLINE -- The outside edge of the cartway.

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

DEVELOPMENT COSTS FACTOR -- This figure is a percentage of the total average lot price

¹ Editor's Note: See Ch. 50, Planning Commission.

² Editor's Note: See 53 P.S. §_10101 et seq.

that development actually costs on a per-lot basis. The figure would include the costs for streets, sidewalks, curbing, utilities, etc. This value, expressed as a percentage in the fee in lieu of land dedication formula, would be established by the City Engineer.

DOUBLE-FRONTAGE LOT -- A lot fronting on two streets other than a corner lot.

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

DRAINAGE RIGHTS-OF-WAY

A. Land necessary and required for:

- (1) The installation of stormwater sewers or drainage ditches.
- (2) The preservation of the natural channel of a stream or watercourse.
- (3) The safeguarding against flooding from a stream or watercourse.

B. Drainage rights-of-way may form easements.

DRIVEWAY -- A minor vehicular right-of-way providing access between a street and a parking area, garage, or a structure within a lot or property. A driveway may also be used for short-term, temporary parking of vehicles.^{3 EN}

DWELLING UNIT -- Consists of one or more rooms being used by one or more persons living together and maintaining a common household, and accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.^{4 EN}

EASEMENT -- A right-of-way granted for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.^{5 EN}

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ENGINEER -- A professional engineer licensed as such in the Commonwealth of Pennsylvania designated by the Planning Commission by resolution to perform all administrative and/or supervisory duties required by the provisions of this chapter. The person so designated may be the City Engineer.

FLOODPLAIN or FLOODWAY AREA -- That area along a natural watercourse which is periodically overflowed by water therefrom and defined by the United States Geologic Survey and alluvial soils as established by the Soil Conservation Service or the one-hundred-year floodplain as defined by engineering data.

FRONTAGE -- The horizontal or curvilinear distance along the street line upon which a lot abuts.

FUTURE RIGHT-OF-WAY

A. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

B. A right-of-way established to provide future access to or through undeveloped land.

GEOLOGICAL HAZARD -- Those features inherent in the crust of the earth so as to cause landslides, soil slump, ground subsidence, rock failure, mud avalanche and similar undesirable conditions.

GRADE -- The slope expressed in a percent which indicates the rate of change of elevation in feet per 100 feet.

GUTTER -- That portion of a right-of-way carrying surface drainage.

HILLSIDE AREAS -- A hillside area, as referred to in these subdivision regulations, is one having an average cross-slope of more than 10%.

IMPROVEMENTS -- Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings and other items required for the welfare of the property owners and the public.

LAND DEVELOPMENT -- The improvement 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;
- 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; or
- C. A subdivision of land.

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

LOCATION MAP -- A map showing the site with relation to adjoining areas.

LOT -- A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA -- The area contained within the property lines of an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT WIDTH -- The required distance between the side property lines measured along the front setback line.

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

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

MOBILE HOME -- A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit, capable of again being separated for repeated towing, which arrives at a site complete and

ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT -- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.⁶ EN

MOBILE HOME PARK -- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MULTIPLE DWELLING BUILDING -- A building providing separate living quarters for three or more families.

OWNER -- The owner of record of a parcel of land.

PERFORMANCE BOND -- An agreement by and between a contractor and a bonding company in favor of the City of Hazleton guaranteeing the completion of physical improvements.

PLAN -- The map or plan of a subdivision or land development, whether sketch, preliminary or final.

A. SKETCH -- An informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

B. PRELIMINARY -- A tentative land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

C. FINAL -- A complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

PUBLIC GROUNDS

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

RECREATION -- Any activity, whether structured or not, in which individuals voluntarily engage during their leisure. Examples would include:

- A. ACTIVE -- Sports (individual, dual, team, co-recreational and combative) and athletics, both land- and water-based.
- B. PASSIVE -- Arts and crafts, spectating, picnicking, nature study and board games.
- C. EITHER, DEPENDING ON SPECIFICS -- Dance, drama, music, games, skills, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities and cultural activities.

RECREATION, ACTIVE -- Any activity that requires some physical exertion on the part of the participant. See Subsections A and C of the definition of "recreation" for general examples.

RECREATION AREA ACCESSIBILITY -- Any area which can be easily approached, entered and used by the citizens of a particular residential development, provided that the area is within six miles of the development.

RECREATION AREA, ACTIVE -- Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples are athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas and apparatus areas.

RECREATION AREA, PASSIVE -- Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples are scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking and spectating areas.

RECREATION AREA REQUIRED -- The amount of land in any given subdivision that would be dedicated for recreation were the fee in lieu of land dedication provision not being utilized.

RECREATION, PASSIVE -- Any activity that requires little or no physical exertion on the part of the participant. See Subsections B and C of the definition of "recreation" for general examples.

RESUBDIVISION -- Any land development which has been approved by the City which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

REVERSE-FRONTAGE LOT -- A lot extending between and having frontage on an arterial street and a minor street with vehicular access solely from the latter.

RIGHT-OF-WAY -- The total width of any land reserved or dedicated as a street, alley, pedestrianway, or for other public or private use.⁷ EN

SETBACK -- The required horizontal distance between a setback line and a property or street line.

- A. FRONT -- The distance between the street line and the front setback line projected the full width of the lot, commonly called "front yard."
- B. REAR -- The distance between the rear lot line and the rear setback line projected the full width of the lot, commonly called "rear yard."
- C. SIDE -- The distance between the side lot line and the side setback line projected from the front yard to the rear yard, commonly called "side yard."

SETBACK LINE -- A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

SIDEWALK -- A paved walkway, continuous for a reasonable distance and an integral part of the roadway, with or without a grass strip between the curb or cartway edge and sidewalk, constructed solely for use by pedestrians.

STREET -- Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified as follows:

⁷ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. MAJOR ARTERIALS -- Limited access highways that are important in the inter-regional transportation system, with a major portion of the vehicular movements being through traffic.
- B. MINOR ARTERIALS -- Highways that are important in the regional transportation system and, while carrying mostly regional traffic, serve some local or township origins and destinations.
- C. COLLECTORS -- Roadways serving primarily local traffic and providing the connection between the residential, commercial and industrial developments and the minor arterial system.
- D. LOCAL ROADS -- Roadways serving local traffic and connecting to collectors or minor arterials⁸.^{EN}

STREET GRADE -- The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE -- A line defining the edge of a street right-of-way and separating the street from abutting property or lots, commonly known as the "street right-of-way line."

SUBDIVISION -- The division or redivision 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 or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.⁹ ^{EN}

SUBSTANTIALLY COMPLETED -- Where, in the judgment of the Municipal Engineer, at least

⁸ Editor's Note: Former Subsection E, Cul-de-sac, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code^{10 EN}) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.^{11 EN}

UNDEVELOPED LAND -- Land in parcels sufficiently large for future land development, which land is presently in agriculture, woodland or lying fallow.

UNIT SHOPPING CENTERS/MALL -- Shopping and commercial developments designed as one unit having off-street parking facilities and controlled circulation.

ARTICLE III, Procedures and Requirements

§ 213-7. Applicability.

From the date of passage of this chapter, the following procedures shall be observed by all subdividers. All plans shall be reviewed and approved by the City Planning Commission. Any approval not processed as required hereafter shall be deemed null and void unless such approval was given prior to the adoption of this chapter.

§ 213-8. Regulatory provisions.

- A. Grading. No subdivider or proposed subdivider shall proceed with any grading before obtaining approval of the preliminary plan from the Commission (see also §_213-48B herein).
- B. Access, drainage, geology and topography. No land shall be subdivided for residential use unless adequate access to such land exists or will be provided by the subdivider over improved streets or thoroughfares which are consistent with the design standards hereinafter set forth. In no event shall land be subdivided for residential use if such land is considered by the Commission to be harmful to the health and safety of possible residents and the community as a whole for such use by reason of flooding, mine fires, mine subsidence, improper drainage, objectionable earth and rock formation, topography or any

¹⁰ Editor's Note: See 53 P.S. §_10509.

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

other geological hazard or like feature.

- C. Conformity with Comprehensive Plan. No land shall be subdivided unless the proposed subdivision shall be in general conformity with the Comprehensive Plan of the City of Hazleton and Chapter 245, Zoning, as amended.
- D. Recording of deeds. No lots shall be delivered and no agreements for sale shall be made for lots in any subdivision prior to the approval by the Commission of the final plan for the proposed subdivision.

§ 213-9. Advisory provisions.

- A. Copies of this chapter shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within the City of Hazleton.
- B. Prior to the submission of the preliminary and final plans for a proposed subdivision, the subdivider is advised to:
 - (1) Consult with the Commission and other proper officials of the City to ascertain conformance of the proposed subdivision with all required local codes, ordinances, plans, etc., with respect to land use, zoning, design standards, building requirements, thoroughfares, community facilities, sanitation, water supply, drainage, school and recreational sites, relationship to the neighborhood and other appropriate elements forming the character and extent of the proposed subdivision.
 - (2) Consult with officials of the United States Department of Housing and Urban Development if he contemplates the use of HUD insurance in his development to assure compliance with HUD qualifying standards.
 - (3) Submit a sketch plan to the Commission for informal discussion so that any required changes may be effected in his plans at an early date in order to conserve time, effort and expense.

§ 213-10. Submission of plans and applications for approval.

- A. Application for approval of sketch, preliminary and final plans for all proposed land developments lying within the City shall be filed with the Commission at least 20 days prior

to a regularly scheduled meeting. Such submission of plans shall be accompanied by a fee as specified in this article.

- B. The initial plan filed with the Commission shall be considered as a sketch plan. However, in the case of minor subdivisions, the developer may proceed directly to final plan preparation in compliance with the requirements. The processing of a minor subdivision land development shall be consistent with the procedures for processing a final plan as required in this article.

§ 213-11. Sketch plan.

- A. Where a land development plan includes improvements or in the case of a major subdivision plan, the developer shall submit a minimum of 12 paper copies of a sketch plan to the Planning Commission in accordance with the provisions of this section.
- B. Such sketch plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the City.
- C. As far as may be practical on the basis of the sketch plan review and discussion, the City will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the design standards of these regulations (Article IV) and will discuss possible plan modifications necessary to secure conformance. The subdivider will at this time be required to submit a preliminary plan for Commission review.
- D. Sketch plan requirements. The sketch plan shall be drawn at a scale of not more than 100 feet to the inch. The sheet size shall be twenty-four inches by thirty-six (24 x 36) inches. The sketch plan shall be accompanied by an application for subdivision and land development approval and shall show the following information:
 - (1) Name and address of developer, name of municipality, title, north arrow and date.
 - (2) Tract boundaries.
 - (3) Number of acres in tract, average lot size, approximate number of lots and anticipated type of development.
 - (4) Existing and proposed streets, highways and rights-of-way.

- (5) Proposed general lot layout.
- (6) All public reservations such as schools, parks, etc. A land development sketch plan need not be drawn to scale nor are precise dimensions required.
- (7) Predominant natural features such as wooded areas, streams, wetlands, etc.
- (8) A location map for the purpose of locating other streets, developments, recreation areas and rights-of-way to better plan the proper locations of the same. This location map should be at a scale of one inch to 800 feet.

§ 213-12. Preliminary plan.

A. Number of copies and time of submission.

- (1) Where a land development plan includes improvements or in the case of a major subdivision plan, the developer shall submit 12 clear, legible, black or blue prints of the preliminary plan, together with 12 completed application forms to the Secretary of the Planning Commission at least 20 days prior to the Commission meeting at which consideration is desired.
- (2) The Planning Commission Secretary shall transmit a copy of the preliminary plan to:
 - (a) The Zoning Officer.
 - (b) Luzerne County Planning Commission.
 - (c) Pennsylvania Department of Environmental Protection.
 - (d) The City Engineer.
 - (e) The Mayor.
 - (f) The City Council.
- (3) In addition, the Planning Commission may also forward a copy of the preliminary plan and notify the following agencies, as necessary for review and recommendation, in writing, that the preliminary plan has been received and will be considered at its meeting of a specified date:

- (a) One copy transmitted to the local office of the Soil Conservation Service of the United States Department of Agriculture for review and recommendations concerning erosion, sediment and drainage control.
 - (b) One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations where the land development will front on an existing or proposed state highway or has a proposed street entering on such a highway.
 - (c) One copy transmitted to all affected public utilities which shall be requested to make recommendations as to the suitability of installing underground telephone, electric, gas, cable television, public water and sewer lines.
 - (d) One copy transmitted to the public safety officials responsible for police protection and firesafety.
- (4) A specimen of the application form is contained herein in Appendix A12.^{EN}

B. Fees.

- (1) Fees, as established by resolution of the Council of the City of Hazleton^{13, EN} shall be paid through the Director of Administration to the City of Hazleton before the submission of preliminary plans to the Planning Commission for consideration by the Commission. A copy of the receipt, as proof that the fees have been paid, shall form part of the subdivider's application.
- (2) The subdivider or land developer shall certify and agree to pay any fees incurred which are submitted to the City of Hazleton that are over and above the initial application fee, including but not limited to any and all engineering costs for review and inspection which are incurred by the City. All the extra fees will be billed by the City of Hazleton and shall be paid by the subdivider or land developer within 30 days of the date of billing. The acknowledgment and certification must accompany the subdivision application.

¹² Editor's Note: Appendix A is included at the end of this chapter.

¹³ Editor's Note: The current resolution is on file in the office of the City Clerk.

C. Scale and size. The preliminary plan shall be at a scale of one inch to 100 feet or larger and shall be drawn by a licensed Pennsylvania land surveyor or engineer. As far as practicable, sheets should be held to the following overall sizes: 17 inches by 22 inches or 24 inches by 36 inches. Where necessary, in order to avoid sheets larger than above, plans should be drawn in two or more segments accompanied by a key diagram showing relative location of the segments.

D. Preliminary plan requirements. The preliminary plan shall include the following information:

- (1) A location map showing the entire plot and its relation to the surrounding area. The location map should be at a scale of not less than 2,000 feet to the inch.
- (2) Proposed title identifying land development, north point, scale and date.
- (3) Municipality in which land development is located, tract name and Tax Map sheet, block and lot number.
- (4) Name and address of record owner or owners, or the authorized agent.
- (5) Name of subdivider.
- (6) Name and seal of registered surveyor responsible for the plan and signature block for approval by the City of Hazleton Planning Commission.
- (7) Tract boundary lines showing dimensions, bearings and corners; number of lots, proposed density and minimum lot size.
- (8) Acreage of the tract to be plotted to the nearest tenth of an acre.
- (9) Sufficient elevations and/or contours to determine the general slope and natural drainage of the land and the high and low points and tentative cross-sections and center line profiles for all proposed new streets. Contours shall ordinarily be at intervals of five feet but may be at lesser intervals in the case of relatively level tracts.
- (10) Datum to which contour elevations refer. Where practicable, such data shall refer to known established elevations.
- (11) The location of all existing watercourses, railroads, strip mines, culm banks, tree courses and wooded areas, bridges, culverts and other significant natural features.

- (12) The location of all existing buildings, sewers, water mains, culverts, utility lines, fire hydrants and other significant man-made features.
- (13) The location of all existing and proposed property lines, easements and rights-of-way, including dimensions.
- (14) All existing and proposed streets in or adjacent to or within 400 feet of the tract, including name and right-of-way width.
- (15) Cross-sections of all proposed streets showing right-of-way width, paved width, location of curbs and sidewalks and profiles of streets showing grades approved by the City Engineer. If deemed necessary by the City Engineer, percolation data shall also be submitted.
- (16) Preliminary profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems.
- (17) Proposed utilities, including sanitary and storm sewers and other drainage facilities; waterlines and gas mains; and electric and other facilities. Size or capacity of each and proposed connections to each other shall also be shown.
- (18) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission, an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- (19) Location of all proposed buildings.
- (20) Length of new proposed streets.
- (21) Numbering of lots within the land development.
- (22) Site data, including the number of residential lots, typical lot size, the acreage

for proposed recreation and other public, semipublic or community purposes and the number and type of dwelling units proposed, if any.

- (23) Data relative to the occurrence of flooding, subsidence, landslides, mine fires and other geological hazards within and adjacent to the tract proposed to be subdivided.
- (24) Where slopes in excess of 10% occur within the area proposed to be subdivided, a preliminary grading plan, indicating the general location and magnitude of the proposed cuts and fills, shall be attached to each copy of the preliminary plan.
- (25) Proposed use of land from the City of Hazleton's Comprehensive Plan Future Land Use Plan and proof of any variance or special exceptions which may have been granted shall be shown.
- (26) The names of owners of immediately adjacent unplatted land, the names of proposed or existing land developments immediately adjacent and the locations and dimensions of any streets or easements shown thereon which abut the land to be developed.
- (27) If the preliminary plan covers only a part of the subdivider's entire holdings, a separate sketch of the proposed street plan for the subdivider's entire holdings shall also be submitted as per §_213-11 herein.
- (28) A copy of any existing or proposed deed restrictions or protective covenants applying to the proposed subdivision shall be attached to each copy of the preliminary plan submitted.
- (29) Recreation areas shall be shown on a separate drawing with topos to a scale in increments of five feet or less.
- (30) All public reservations such as schools, parks, etc.
- (31) A block measuring three inches by five inches, entitled "Luzerne County Planning Commission Review."
- (32) A notarized statement, to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the preliminary

plan is made with his or their free consent.

(33) Certification that the subdivider or developer agrees to pay engineering costs as provided under Subsection B.

E. The preliminary plan may be segmented, if desired, in order to assure readability, e.g., utilities information may be placed on separate sheet, etc. Cross-sections and profiles shall ordinarily be placed on separate sheets.

F. Review of preliminary plan. The Commission shall review the application and, if it determines that it is adequate as to form, the Commission shall transmit copies of the preliminary plan to those officials and agencies specified in Subsection A herein and shall notify said officials and agencies of the date of the meeting at which the Commission shall consider the application. All plans, whether preliminary or final shall be reviewed by the Planning Commission with reference to the following:

(1) The standards and requirement of this chapter.

(2) Any proposals contained in the City of Hazleton Comprehensive Plan.

(3) Site suitability for the particular type of development proposed.

(4) The availability for necessary services and facilities.

(5) The requirements of Chapter 245, Zoning.

(6) The requirements of any other applicable City ordinance.

(7) The Official Map of the City.

(8) The improvements, design and dedications or reservations required by this chapter.

G. Approval of preliminary plan¹⁴.^{EN}

§ 213-13. Final plan.

A. Number of copies and time of submission. The final subdivision plan shall be submitted to the Commission only after the applicant's preliminary plan has been approved by the

¹⁴ Editor's Note: See §_213-15, Approval of plans.

Commission. The number of copies and timing shall be the same as for the preliminary plan (§_213-12A).

- B. Fees. Fees, as established by resolution of the City Council of the City of Hazleton, shall be paid through the Director of Administration to the City of Hazleton before the submission of final plans to the Planning Commission for consideration by the Commission¹⁵.^{EN} Certification by the Director of Administration that such fees have been paid shall form part of the subdivider's application.
- C. Scale and size. The final plan scale and size shall be the same as for the preliminary plan (§_213-12C).
- D. Final plan requirements. The final plan shall meet the following specifications:
- (1) A location map showing the entire plot and its relation to the surrounding area. The location map should be at a scale of not less than 2,000 feet to the inch.
 - (2) Title identifying land development, north point, scale and date.
 - (3) Tract name and Tax Map sheet, block and lot number; municipality in which the land development is located.
 - (4) Name and address of record owner or owners to be extracted from the books of the county recorder and accompanied by an affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - (5) Name and address of owner and subdivider.
 - (6) Name and seal of registered surveyor responsible for the plan and a certification by him to the effect that the plot represents a survey made by him and that all monuments indicated thereon actually exist and that the location, size and material of same are correctly shown and that all the requirements of this chapter have been met.
 - (7) Total acreage of the tract, number of lots, density and minimum lot sizes.
 - (8) Tract boundary lines showing accurate dimensions and bearings, closing within an

¹⁵ Editor's Note: The current fee resolution is on file in the office of the City Clerk.

error of not more than one foot in 5,000 feet.

- (9) Lot numbers, together with accurate dimensions and areas.
- (10) Proposed uses of land and existing zoning classification and proof of any variances or special exceptions which may have been granted.
- (11) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (12) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the final plan.
- (13) Accurate and complete curve data for all curves included in the final plan.
- (14) The length of all straight lines, radii, length of curves and tangent bearings for each street.
- (15) The proposed building setback line for each street. The proposed placement of each building may be required.
- (16) Location, type, material and sizes of all monuments and lot markers.
- (17) Accurate location of all existing and proposed property lines within the proposed subdivision boundaries, together with all easements and rights-of-way, including dimensions.
- (18) Accurate location of all existing and proposed streets in or adjacent to the tract, including names and right-of-way widths with accurate dimensions in feet to the nearest hundredth and with angles to the nearest one minute of one degree.
- (19) Names of streets within and adjacent to the land development shall be shown.
- (20) Final cross-sections of all proposed streets showing right-of-way width, paved width, location of curbs and sidewalks and profiles of streets showing grades approved by the City Engineer.
- (21) Final profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems.

- (22) Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts.
- (23) Wherever practicable, the names of the owners of any unplotted lands and of any adjacent subdivisions shall be shown.
- (24) Where slopes in excess of 10% occur within the area to be subdivided, a final grading plan, showing the accurate location and magnitude of the cuts and fills, shall be attached to each copy of the final plan.
- (25) A copy of any existing or proposed deed restrictions or protective covenants applying to the proposed subdivision shall be attached to each copy of the final plan submitted. These shall be accompanied by an affidavit by the owner that such restrictions, etc., are not in violation of any existing local, state or federal laws relating to discrimination, etc.
- (26) Certificate of proposed dedication of streets and other areas to be devoted to public use.
- (27) Certificate for approval by the Commission and Commission Engineer.
- (28) Other certificates may be required.

E. The final plan may be segmented if desired in order to assure readability, e.g., utilities information may be placed on separate sheet, etc. Cross-sections and profiles shall ordinarily be placed on separate sheets.

F. Review of final plan.

- (1) The Commission and its City Engineer will examine the final plan to determine the correctness of its technical details and its conformity with the approved preliminary plan.
- (2) The subdivider shall submit a certificate to the Commission that no lot within the subdivision shall be sold unless and until all improvements and installations required under this chapter have been made or installed. No plan shall be finally approved without the submission of such certificate, and the certification of approval of the Commission required on the final plan shall refer to such certificate, the date of its

submission to the Commission and the place where it might be examined.

- (3) The subdivider shall also submit to the Commission a maintenance bond in favor of the City of Hazleton to guarantee the maintenance and repair of all streets within the subdivision prior to their official acceptance and dedication by the City of Hazleton.

G. Approval of final plan.

- (1) The Commission, after having determined that the final plan and supporting certifications are satisfactory, will move to approve the final plan according to §_213-15, Approval of plans. Approval by the Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way, space or area shown on said final plan.
- (2) Subsequent to the approval of the final plan by the Commission, the subject tract of land may not be sold, transferred or improved, except in the manner prescribed by the approved final plan, unless such final plan is first amended with the consent and approval by the Commission in accordance with the same specification requirements and procedures set forth in Article V of this chapter.

§ 213-14. Referral of the approved final plan to governing body for acceptance of streets.

- A. Subsequent to its approval of the final plan, the Commission shall transmit four prints of the final plan, together with appropriate certificates of title, to the City Council of the City of Hazleton for action on any proposed dedications. The City Council shall return three approved prints of the final plan to the Commission. The Commission shall return two of the approved prints to the subdivider. Should the City Council not accept the proposed dedications, the subdivider may amend said final plan and resubmit same to the Commission for its review and approval.
- B. The deed of dedication to the City shall be tendered by the developer only after all surfacing, curbs, sewers, sidewalks and other required improvements shall have been installed or constructed and certified as satisfactory by the City Engineer.

§ 213-15. Approval of plans.

- A. At a scheduled public meeting, the Commission shall render its decision on the plan,

whether preliminary or final, and communicate its decision to the applicant not later than 90 days following the date of the regular meeting of the Commission next following the date the application is filed, provided that, should the next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30 days following the day the application was filed.

- B. Final plan approval shall not be granted until such improvements as required by this chapter and shown on such final plan have been completed or guaranty posted as required in Article IV.
- C. The decision of the Commission concerning plan approval, whether preliminary or final, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- D. When the plan is not approved in terms as filed, the decision shall specify the defects found in the plan and describe the requirements which have not been met and cite the provisions of these regulations relied upon.
- E. Failure of the Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed as approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- F. From the time a plan, whether preliminary or final, is submitted as provided in this chapter and while such plan is pending approval or disapproval, no change or amendment of the zoning, subdivision and land development or other City ordinance or plan shall affect the decision on such plan adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the City ordinances or plans as they stood at the time the application was duly submitted. In addition, when a preliminary plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary plan as hereinafter provided.
- G. However, if a plan is properly and finally denied, any subsequent plan shall be subject to the intervening change in City regulations. When an application for approval of a plan,

whether preliminary or final, has been approved or disapproved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision and land development or other City ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the City ordinances or plans as they stood at the time when the plan for such approval was duly submitted.

- H. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid time period, no change in municipal ordinance or plan enacted subsequent to the date of filing of preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lots, buildings, streets or installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Commission in its discretion. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of the dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Commission in its discretion, provided that the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. The aforesaid protection shall apply for an additional term or terms of three years from the date of final plat approval for each section.

I. Effect of preliminary plan approval.

- (1) Approval of the preliminary plan by the Commission constitutes conditional approval of the development as to the character and intensity of development and the general layout and the approximate dimensions of streets, lots and other planned features. This approval binds the developer to the general scheme shown on the preliminary plan.
- (2) Approval of the preliminary plan shall not constitute approval of the final plan, nor does it authorize recording of the preliminary plan or the sale of any lots. However, such approval does authorize the developer to proceed with the preparation of the final plan, installation and construction of improvements and/or the posting of a bond guaranty as specified in this chapter.

J. Effect of final plan approval.

- (1) Approval of the final plan by the Commission constitutes final approval of the land development as to the character and intensity of development and the layout and the dimensions of streets, lots and other planned features. This approval binds the developer to the scheme shown on the final plan.
- (2) Final plan approval authorizes the developer to proceed with the recording of the final plan, which must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures.

§ 213-16. Recording of final plan.

- A. Upon approval of the final plan, the developer shall, within 90 days of such approval, record such plan in the office of the Recorder of Deeds of Luzerne County. Within 30 days after such recording, the developer shall furnish proof of recording to the Commission. Should the developer fail to record the final plan within such period, the approval of the Commission shall be null and void, unless an extension of time has been granted by the Commission upon written request.
- B. The recording of the final plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan.

§ 213-17. Resubdivision.

For any replatting or resubdivision of land, the same procedures and regulation apply as prescribed for any original land development.

ARTICLE IV, Design Standards

§ 213-18. Application of standards.

- A. The following land development principles, standards and requirements will be applied by the City in evaluating plans for proposed land developments.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety and general welfare.
- C. Where literal compliance with the standards herein specified is clearly impractical, the Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

§ 213-19. Location of site.

All land development plans must reflect a location which has given consideration to the following factors:

- A. The location of the land development must conform to the City Comprehensive Plan with respect to streets, public sites and proposed utilities.
- B. The proposed use of land in any land development must conform to Chapter 245, Zoning.
- C. Land subject to hazards of life, health or property as may arise from fire, flood, disease, excessive noise or falling aircraft or which are considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.
- D. A land development must be coordinated with existing land development in the neighborhood so that the entire area may be developed harmoniously.

§ 213-20. General design standards for site.

In the layout of any land development, attention must be focused on conditions which can affect development. These can include the following:

A. In all land developments, developers shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks on the basis of City determination. A grading plan may be required where woods and scattered trees occur. The grading plan must show:

- (1) Accurate location of individual significant trees.
- (2) Accurate existing and proposed ground elevations in relation to these trees. Tree guards during construction and grading and limitation of cuts and fills, both temporary and permanent, near the trees may be required as necessary to give reasonable assurance of their continued healthy growth¹⁶.^{EN}

B. Land subject to flooding or other hazards.

- (1) Land subject to flooding or other hazards to life, health or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the land development plans. Such land within the development shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (2) Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding" and shall not be platted in streets and lots.
- (3) No building may be erected in any designated floodplain area as specified by engineering data regarding the one-hundred-year flood or the alluvial and floodprone soils as specified by the United States Department of Agriculture Soil Conservation Service.

§ 213-21. Layout of lots.

¹⁶ Editor's Note: See also Ch. 223, Trees.

All lots within a development shall conform to the following requirements:

- A. All lots shall front on a public dedicated street.
- B. Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets.
- C. Double-frontage lots shall be prohibited except where, in the judgment of the Commission, they are necessary to separate residences from major traffic arteries or railroads or to overcome specific disadvantages of topography in hillside areas. Where double-frontage lots back on a major traffic artery, a planting strip for a screen, at least 20 feet in width, shall be provided along the back of the lot. The Commission may also require a twenty-foot planting screen for a double-frontage lot which backs on a railroad or other disadvantageous use.
- D. Corner lots shall provide for equal setbacks on both streets.
- E. The depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.

§ 213-22. Sanitary sewage disposal.^{17 EN}

The applicant shall provide the highest type of sanitary sewage disposal facility. The following types of sanitary sewage disposal facilities are listed in order of desirability:

- A. Publicly owned sanitary sewage system, where plans are approved by the Greater Hazleton Joint Sewer Authority guaranteeing disposal capacity for the land developments.
- B. Privately owned sanitary sewage system used by two or more units of occupancy with treatment other than subsurface absorption or holding as approved by the Pennsylvania Department of Environmental Protection.

§ 213-23. Water supply.

The land development shall be served by a public or private water supply. Acceptable sources of water supply shall be:

¹⁷ Editor's Note: See also Ch. 193, Sewers.

- A. The Hazleton City Authority, per approval of plan based on available capacity.
- B. A private water company approved by the Pennsylvania Department of Environmental Protection.

§ 213-24. Underground installations.

In developments of five or more lots, electric, telephone and all other utility facilities shall be installed underground. The developer shall be required, prior to final plan approval, to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigating Docket No. 99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.

§ 213-25. Natural gas lines.

All natural gas lines must be installed in compliance with the USAS Code B31.8, 1968, as amended. The minimum distance from a natural gas line to a dwelling unit must be required by the applicable transmission or distributing company.

§ 213-26. Petroleum lines.

Between a proposed dwelling unit and the center line of a petroleum products transmission line which may traverse the development, there must be a minimum distance of 100 feet measured in the shortest distance. In instances such that topographic conditions decrease the hazards involved or in which it would cause undue hardship in the efficient layout of the development, the Commission may reduce this requirement.

§ 213-27. Utility easements.

Insofar as practicable all utilities, with the exception of on-site laterals, shall be located in public rights-of-way. Where this is not possible, utility easements shall be so located as to be centered on or adjacent to rear or side lot lines to the fullest extent possible. Such easements shall have minimum widths of 12 feet, or 10 feet plus the width of the required pipe or other improvement, whichever is greater. In general, the required pipe or other improvement shall be located in the center of the easement. Prior to determining the location of easements, the

Commission shall require the subdivider to coordinate his plans with those of the local public utilities in order to assure the proper location of easements for the installation of the required services.

§ 213-28. Drainage easements.

Where a subdivision is traversed by a watercourse, a drainage easement or right-of-way shall be provided. The latter shall conform substantially with the line of such watercourse and shall be of adequate width as determined by the City Engineer to preserve natural drainage.

§ 213-29. Street design.

A. Street layout.

(1) Alleys shall not be permitted in any districts.

(2) The street layout shall conform to the circulation plan adopted by the Commission.

Where streets in subdivisions are not shown on the circulation plan, they shall conform to the plan approved by the Commission and shall generally provide for the continuation or appropriate projection of existing principal streets in surrounding areas. The grade, location and character of all streets shall also be approved by the City Engineer.

(3) The design of all streets shall be considered in relation to existing and planned streets; the topography of the site; public safety and convenience; adequate traffic circulation within and near the subdivision and the proposed uses of land in the areas served by such streets.

(4) Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.

(5) Proposed streets which are aligned with existing streets shall bear the name of the existing street. In the event that a proposed street is not aligned with an existing street, it shall not bear a name similar to any existing street located within the City and/or the same postal service area, irrespective of the suffix street, avenue, boulevard, drive,

place, court, etc.

- (6) Where a subdivision abuts or contains a railroad or an existing or proposed major traffic street, the Commission may require marginal access streets, properly buffered by a planting strip from said railroad or highway, or parallel streets or a series of culs-de-sac or short loops, reverse-frontage lots or such other treatment as will provide protection to abutting properties and will result in the reduction of the number of intersections and the separation of local and through traffic.

B. Street intersections.

- (1) The center lines of streets shall intersect as nearly as possible to right angles. In no event shall the intersection of any two streets be at an angle less than 60° except for reasons of topography, as determined by the Commission.
- (2) At intersections of streets, the property line corners shall be rounded by arcs with radii equal to 30% of the right-of-way width or by chords of such arcs, but shall in no event be less than 15 feet; excepting that culs-de-sac shall be provided with radii of not less than 20 feet. Where intersecting streets vary in right-of-way widths, the greater radii shall be used.
- (3) If the smaller angle of intersections of two streets is required to be less than 60° by reason of the topography, the radius of arc as determined above shall be increased by 25%.
- (4) Street curbs and edges of pavements at street intersections shall be rounded off concentrically with the adjoining property lines.
- (5) Intersections of more than two streets at any one point shall be avoided. Where this proves to be impractical in the opinion of the Commission, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (6) Street jogs with center line offsets of less than 125 feet shall be prohibited.

C. Distance between intersections shall be in accordance with the following:

Type of Intersection

Arterial

	Arterial With Arterial	With Collector & Local	Collector With Collector	Collector With Local
Minimum distance between center lines of intersections (feet)	800	800	600	500
Minimum separation of center lines for streets not in alignment (feet)	Must be in alignment with planned or proposed street entering from opposite side			200

D. Reverse curves and tangents.

- (1) Between reversed curves on a tangent of not less than 200 feet and on collector and minor streets such tangents shall be not less than 100 feet.
- (2) Reversed and horizontal curves in hillside areas shall not be governed by the above requirements but shall be determined in each instance by the Commission.

E. Horizontal visibility.

- (1) Streets shall be so designed as to permit unobstructed sight distances along the center lines thereof, measured from a point five feet above the proposed grade, as follows:
 - (a) Limited access highways: 900 feet.
 - (b) Other major traffic streets: 600 feet.
 - (c) Collector streets: 300 feet.
 - (d) Minor streets: 150 feet.
- (2) Proper sight lines must be maintained at all street intersections. Clear-sight triangles of 100 feet for all collectors, local roads and culs-de-sac and 200 feet for all arterial

streets (may be reduced to 150 feet at the discretion of the City Engineer), measured along street center lines from their points of junction, shall be provided at all intersections, and no building, structure, grade or planting higher than three feet above the center line of the street shall be permitted within such sight triangles.

F. Half, partial, dead-end and cul-de-sac streets.

(1) Half, partial and dead-end streets shall be prohibited except where:

(a) In the opinion of the Commission they are essential to reasonable development conforming to the other requirements of this chapter.

(b) The Commission finds it practicable to require dedication of the other half, when adjoining property is plotted.

(c) Designed as culs-de-sac.

(2) Whenever a half or partial street adjoins property proposed to be subdivided, the completion of such street shall be required as part of the plot.

(3) Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length and shall furnish access to not more than 24 dwelling units.

(4) Cul-de-sac streets shall terminate in a turnaround which shall be generally circular and shall have a minimum diameter of 100 feet overall and 80 feet to the outer pavement edge or curbline.

G. Street grades.

(1) Street center line grades shall not exceed the following:

Type of Street	Minimum Grade	Maximum Grade
Major arterial	1.0%	6.0%
Minor arterial	1.0%	6.0%
Collector	1.0%	6.0%
Local	1.0%	10.0%

- (2) Grade up to 14% may be permitted for a distance of less than 500 feet on a through minor street where access to the street is possible over streets with grades of 10% or less.
 - (3) Leveling area. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grades for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.
- H. Street right-of-way widths. Minimum standards for street right-of-way widths shall be as follows:
- (1) Central Commercial District¹⁸.^{EN}
 - (a) Major arterials: 80 feet.
 - (b) Minor arterials: 80 feet.
 - (c) Collectors: 70 feet.
 - (d) Local roads: 60 feet.
 - (2) Hillside areas. The following right-of-way standards for hillside areas are set forth herein merely to guide the Commission and are not intended to be fixed minimums. The basis for the requirements shall be the actual topography of the land, the location of the hillside areas and streets with respect to the adjoining loads and streets and the density of development, particularly in terms of the proposed number of dwellings to be served by the street.
 - (a) Minor arterials: 60 feet.
 - (b) Collectors: 50 feet.
 - (c) Local roads: 40 feet.
 - (3) All other areas.

¹⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(a) Minor arterials: 70 feet.

(b) Collectors: 60 feet.

(c) Local roads: 50 feet.

(4) Where a street perpendicular (or nearly so) to Broad Street passes through or abuts both the Central Commercial District and any other area, the minimum right-of-way standards set for the Central Commercial District shall prevail for a minimum distance of 800 feet measured perpendicularly from the zone district lines of the Central Commercial District¹⁹.^{EN}

I. Street cartway widths. Minimum standards for street cartway widths shall be as follows:

(1) Central Commercial District²⁰.^{EN}

(a) Major arterials: 48 feet.

(b) Minor arterials: 48 feet.

(c) Collector streets: 40 feet.

(d) Local roads: 34 feet.

(2) Hillside areas. The following cartway standards for hillside areas are set forth herein merely to guide the Commission and are not intended to be fixed minimums. The basis for the requirements shall be the same as those used in determining hillside street rights-of-way as per Subsection H(2) herein:

(a) Minor arterials: 34 feet.

(b) Collectors: 26 feet.

(c) Local roads: 25 feet.

(3) All other areas.

¹⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(a) Major arterials: 40 feet.

(b) Minor arterials: 40 feet.

(c) Collectors: 34 feet.

(d) Local roads: 34 feet.

(4) Where a street perpendicular (or nearly so) to Broad Street passes through or abuts both the Central Commercial District and any other area, the minimum cartway standards for the Central Commercial District shall prevail for a minimum distance of 800 feet measured perpendicularly from the zone district lines of the Central Commercial District²¹.^{EN}

(5) Median strips. Median strips shall be placed in streets only where, in the opinion of the Commission, they are necessary for safety or traffic control. The width of same shall be in addition to the required cartway widths as hereinabove set forth.

§ 213-30. Street names.

Names of new streets and other rights-of-way in a subdivision plot shall be subject to the approval of the City Council at the time of acceptance and dedication.

§ 213-31. Blocks.

A. Length, width and shape of blocks shall be determined with due regard to the following:

(1) Provision of building sites adequately suited to the specific needs of the uses contemplated.

(2) Zoning requirements.

(3) Topography.

(4) Requirements for convenient access, circulation and safety of pedestrian and vehicular traffic.

B. Block lengths shall generally not exceed 1,200 feet and, so far as practical, a minimum

²¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

length of 500 feet.

- C. Wherever practicable, residential blocks shall be of sufficient depth to accommodate two tiers of building lots, except where reverse-frontage lots bordering a major traffic street are used.
- D. Interior pedestrian walks may be required where necessary to improve circulation and to provide access to community facilities. Such walkways shall have a right-of-way width of not less than 10 feet and a paved width of not less than six feet.
- E. In commercial and industrial areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

§ 213-32. Storm drainage.

- A. General requirements shall be as follows:

- (1) Adequate storm sewers, culverts and related facilities must be provided, as necessary, to:
 - (a) Permit the unimpeded flow of natural watercourses.
 - (b) Ensure the drainage of all low points along the line of streets.
 - (c) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 - (d) Provide adequate drainage away from on-site sewage disposal facilities.
- (2) Drainage for City streets shall be designed in accordance with the PennDOT, Design Manual Part 2, Chapter 12, Drainage Design, and approved by the City.
- (3) Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same drainage basin is fully developed.

- B. Lots shall be arranged and graded to provide positive drainage away from buildings.

C. Nearby existing facilities. Where adequate existing storm sewers are readily accessible, the developer must connect his stormwater facilities to these existing storm sewers at the developer's expense.

D. Open drainageways.

(1) When open drainageways are used for the disposal of stormwater, the City shall review the design of such open drainageways in relation to the following:

(a) Safety. Steep banks and deep pools shall be avoided.

(b) Erosion. Adequate measures shall be taken, such as seeding, sodding, paving or other measures as necessary to prevent the erosion of banks and the scouring of the channel bottom.

(c) Stagnation. Design of open drainageways shall not create stagnant pools or swampy areas²².^{EN}

(2) Whenever the evidence available to the City indicates that natural surface drainage is inadequate, the developer shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed in accordance with the Pennsylvania Department of Transportation Design Manual Part 2, Chapter 12, Drainage Design, and be approved by the City.

(3) Approval. Drainage structures for areas of more than 1/2 mile square shall be subject to approval by the Pennsylvania Department of Environmental Protection.

E. Abutting properties.

(1) In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. When a storm drainage outlet will abut another property, the developer must secure the approval in writing of adjoining affected owners. In no case may a change be made in the existing topography which would:

²² Editor's Note: See also Ch. 168, Mosquito Control.

(a) Within a distance of 20 feet from a property line to the beginning of the slope result in increasing any portion of the slope to more than 70%.

(b) Result in a slope which exceeds the normal angle of slopeage of the material involved.

(2) All slopes must be protected against erosion.

F. Drainage upon and on streets. In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

(1) With the established street grade; or

(2) With the existing street grade where none is established.

§ 213-33. Building setback lines.

Building setback lines shall be as determined by Chapter 245, Zoning.

§ 213-34. Dedication of land for recreational purposes.

A. The amount of land required to be provided for recreational purposes for single-family detached residential subdivisions or land development plans shall be a minimum of 0.02 acre per lot or dwelling unit. Recreation land dedication for multifamily or attached housing shall be a minimum of 20% for the total tract area.

B. Proposed recreation areas shall:

(1) Be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have direct access to a public roadway. However, no public roadways shall traverse the site(s).

(2) Be contiguous and regular in shape.

(3) Have a suitable topography and soil conditions for use and development as a recreation area.

(4) Seventy-five percent of the required areas shall have a slope of 5% or less.

(5) No more than 25% of the required area may be within the floodplain or wetland areas,

as defined by the United States Department of Housing and Urban Development's Flood Insurance Rate Maps.

- (6) Be easily accessible to all essential utilities: water, sewer and power.
 - (7) Be suitable for development as a particular type of park, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, and updates.
 - (8) Be designed and developed according to the standards established by the National Recreation and Park Association.
 - (9) Be compatible with the objectives, guidelines and recommendations as set forth in the City Comprehensive Plan and parks recreation plan and updates.
- C. When the City Council deems it to be in the public interest to accept title to dedicated land, such acceptance shall be by means of a clear title deed to the dedicated recreation area.
- D. Recreation areas of less than three acres proposed to be dedicated to the City shall not normally be accepted, unless opportunities exist to combine them with other recreation areas.
- E. The City Council, after having conferred with the Planning Commission and the Parks and Recreation Board, may find dedication to be impractical because of the size, shape, location, access, topography, drainage or other physical features of the land, or that such dedication would adversely affect the subdivision or land development and its future residents or occupants, or that there is not other land area within the proposed subdivision which is practical for dedication to the public because of size, access, topography or other physical characteristics. In such cases the City Council shall require payment of a fee in lieu of land dedication.
- F. All approved recreation areas shall be completed and dedicated before 50% occupancy has been reached in any applicable subdivision. Withholding of occupancy permits may occur to ensure compliance with this provision. Developers required to dedicate land for recreation shall also develop the recreation areas, according to the National Park, Recreation and Open Space Standards and Guidelines published by the National Recreation and Park Association in 1983, and any succeeding updates or revisions.

- G. In cases where the opportunity exists to combine dedicated recreation areas, the developer shall be required to escrow funds that will pay for later construction of facilities on a combined recreation area according to the subdivision's percentage contribution to the ultimate combined recreation area. The City will then develop the combined recreation area with the escrowed funds when all portions thereof have been deeded over to the City.
- H. Actual size, number, placement and other specifications of recreation facilities to be developed shall be recommended by the Planning Commission after negotiations with the developers. The specifications of recreational facilities to be developed shall bear a reasonable relationship to the anticipated use of the facilities by future inhabitants of the development or subdivision.
- I. Final subdivision and/or development plans shall indicate location and specifications of all recreation facilities to be constructed and metes, bounds and acreage(s) of the recreation area(s).
- J. Recreation facilities shall be bonded and have improvement guarantees posted or deposited as with any other subdivision improvements: streets, sidewalks, curbs, drainage facilities, utilities, etc.
- K. The developer shall install, as a minimum, the following number of recreation facilities on the land which has been set aside for this purpose:

Dwelling Units	Number of Recreational Facilities
24 or less	1
25 to 49	3
50 to 99	5
100 to 199	7
200 to 299	9
300 to 400	11
Over 400	13

- L. Recreation facilities shall include, but are not limited to, play areas, basketball and/or

volleyball courts, tennis courts, softball and/or baseball diamonds, pavilions and soccer and/or football fields. The mix of facilities shall be determined and approved by the City.

- M. Fee-in-lieu payments shall be arrived at by annual resolutions adopted by the City Council that will set the fee-in-lieu amounts for each residential zone classification for the calendar year. Amounts established shall remain in effect until a succeeding resolution establishing other rates is adopted. The formula for all residential zone classification shall be as follows:

Recreation Area Required 43,560 square feet x Development Cost Factor x Average Lot Price = Fee in Lieu Payment

Where:

Recreation Area Required = The area calculated under the provisions of §_213-34A expressed in square feet.

Development Cost Factor = The percentage of the average lot price attributable to the cost of developing the lot as defined in Article II. This percentage shall be established by the City Engineer.

Average Lot Price = The amount determined by taking the arithmetic average of all open market residential lot sales in the City of Hazleton for the previous year. Open market sales shall not include multiple property/single consideration, nominal consideration, family member, forced sale or partial interest sales as defined by the Luzerne County Assessor's Office. This figure will be calculated on an annual basis and established by the City Council.

- N. Fee in lieu money authorized by this chapter shall, upon its receipt by the City, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities and recreation district for which the fee was received. Interest earned on the account shall be expended only for the purpose of providing park or recreation facilities accessible to the development and located in the district from which the funds were generated.
- O. Upon request of any person who paid fee-in-lieu under this chapter, the City shall refund such fee, plus interest accumulated thereon from the date of payment, if the City has failed to utilize the fee paid for the purposes set forth in this chapter within three years from the

date such fee was paid.

ARTICLE V, Required Improvements and Construction Standards

§ 213-35. Scope.

Required minimum improvements and construction standards for all subdivisions shall be as set forth in this Article V. Where not set forth, required minimum improvements and construction standards shall be as established by the Commission upon the advice of the City Engineer. Alternate improvements and/or standards may be permitted if, in the opinion of the Commission, they are equal or superior in performance characteristics to the specified improvements and/or standards.

§ 213-36. Monuments and markers.

A. Types of monuments. Monuments shall be of the following types:

- (1) Made of concrete, having a five-inch-by-five-inch cross-section and 36 inches in length. A scored one-half-inch round brass pin shall be located in the top center.
- (2) Made of cut stone, having a five-inch-by-five-inch cross-section and being 36 inches in length with a drill hole in the top center.
- (3) A two-inch round galvanized pipe 36 inches long with a brass cap having a punch hole for in its center.

B. Placement of monuments. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. They shall be placed so that the scored or marked point will coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.

C. Markers. Markers shall consist of steel bars being at least 15 inches long and not less than $\frac{3}{4}$ of an inch in diameter. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves and at all angles in property lines of lots and at all corner lots.

§ 213-37. Street construction standards.

A. Streets must be surfaced to the grades and dimensions drawn on plans, profiles and cross-sections submitted by the developer and approved by the Commission.

- B. All streets intended to be dedicated for public use shall be paved to full cartway width, as shown on the final plan. In all cases, paving materials and workmanship shall conform to any and all City regulations and the specifications of the Pennsylvania Department of Transportation.
- C. Subsurface drainage and all utilities shall be installed prior to placing the street surface²³.^{EN}
- D. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as specified by the engineering specifications for streets.

§ 213-38. Curbs and gutters.

- A. Curbs shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Curbs shall be concrete. Curbs and gutters are to be constructed within the right-of-way.
- B. The installation of curbs may be waived by the Planning Commission only where there are unique physical circumstances or conditions or exceptional topography peculiar to the particular property which make the installation of curbs impossible or impracticable.

§ 213-39. Sidewalks.

Sidewalks shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Sidewalks shall be located, if possible, within the street right-of-way line and shall be a minimum of four feet wide, except that in the vicinity of shopping areas, schools, parks, recreation areas and other community facilities, they shall be a minimum of six feet wide. Sidewalks shall be constructed of concrete at least four inches thick, underlain by three inches of compacted gravel or crushed stone.

§ 213-40. Street name signs.

The land development shall be provided with street name signs at all intersections. Such signs shall conform to City specifications and shall be installed by the developer in a manner specified by the City Engineer.

²³ Editor's Note: See also Ch. 208, Streets and Sidewalks, Art. II, Utility Cuts.

§ 213-41. Landscaping.

- A. In developments of six or more lots, the developer shall provide street trees in accordance with regulations of the Hazleton Shade Tree Commission. The trees should be of a minimum caliper of 1 1/2 inches²⁴.^{EN}
- B. In residential subdivisions of six or more lots or units and in all commercial and industrial subdivisions and land developments, the developer shall provide landscaping in accordance with this section. Planting plans shall be required, and such plans shall be prepared by a landscape architect registered by the Commonwealth of Pennsylvania to engage in the practice of landscape architecture. Plantings shall consist of clusters of evergreens interspersed with groupings of deciduous trees and shrubs selected from the recommended plant list. Single species planting is prohibited. Use of native species is encouraged
- C. Plant materials. Species selected by the applicant shall reflect the following consideration:
- (1) Existing site conditions and their suitability for plant materials, based upon the site's geology, hydrology, soils, existing vegetation and microclimate.
 - (2) Specific functional objectives of the plantings, which may include, but are not necessarily limited to, visual screening, noise abatement, protective or safety barriers and aesthetic values.
 - (3) Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity and availability and cost of plant materials.
 - (4) Review and approval of the Hazleton Shade Tree Commission.
- D. Site maintenance.
- (1) All landscape requirements shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, but is not necessarily limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding and watering.

²⁴ Editor's Note: See also Ch. 223, Trees.

- (2) The applicant shall make arrangements acceptable to the City for the property's long-term landscape maintenance. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities.
- (3) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and/or replacement of the proposed vegetation during an eighteen-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during construction.

§ 213-42. Streetlights.

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

§ 213-43. Recommended trees and shrubs for buffer yards.

Recommended trees and shrubs for buffer yards shall be as follows:

Recommended Trees and Shrubs for Buffer Yards

Height at

Maturity

(feet)

Latin Name

Common Name

Street Trees

35	Acer buergeranum	Trident maple
40	Acer rubrum	Red maple (N)
50	Acer saccharum	Sugar maple
45	Acer campestre	Hedge maple

50	<i>Carpinus betulus</i>	European hornbeam
60	<i>Cercidiphyllum japonicum</i>	Katsura tree
50	<i>Ginkgo bilboa</i>	Maidenhair tree
30	<i>Koelreuteria paniculata</i>	Panicked goldenrain
40	<i>Ostrya virginiana</i>	Hop hornbeam (N)
50	<i>Prunus sargentii</i>	Sargent cherry
30	<i>Pyrus calleryana</i> cv Bradford	Bradford pear
50	<i>Quercus imbricaria</i>	Shingle oak
70	<i>Quercus macrocarpa</i>	Bur oak (N)
60	<i>Quercus palustris</i>	Pin oak
60	<i>Quercus rubra</i>	Red oak (N)
60	<i>Quercus shumardii</i>	Shumark oak (N)
50	<i>Quercus prinus</i>	Chestnut oak (N)
50	<i>Taxodium distichum</i>	Bald cypress (N)
50	<i>Tilia tomentosa</i>	Silver linden
60	<i>Tilia cordata</i>	Littleleaf linden
50	<i>Zelkova serrata</i>	Japanese zelkova
60	<i>Liquidambar styraciflua</i>	Sweet gum (N)

Shade Trees

40	<i>Acer rubrum</i>	Red maple (N)
30	<i>Amelanchier canadensis</i>	Shadbush, serviceberry juneberry
55	<i>Betula lenta</i>	Cherry birch (N)

(N)

40	<i>Betula nigra</i>	River birch (N)
35	<i>Carpinus-caroliniana</i>	Ironwood, American hornbeam (N)
30	<i>Chionanthus virginicus</i>	Fringetree (N)
50	<i>Cladrastis lutea</i>	American yellow-wood (N)
25	<i>Cornus kousa</i>	Japanese dogwood (N)
25	<i>Cornus mas</i>	Cornelian cherry
35	<i>Cornus flordia</i>	Flowering dogwood (N)
30	<i>Koelreuteria paniculata</i>	Panicked goldenrain
70	<i>Larix decidua</i>	European larch
30	<i>Malus floribunda</i>	Japanese flowering crab
30	<i>Oxydendrum arboreum</i>	Sourwood (N)
20	<i>Prunus serrulata</i> cv Kwanzan	Kwanzan (cherry)
30	<i>Pyrus calleryana</i> cv Bradford	Bradford pear
30	<i>Pyrus calleryana</i> cv Aristocrat	Aristocrat
30	<i>Pyrus calleryana</i> cv Autumn Blaze	Autumn blaze
30	<i>Pyrus calleryana</i> cv Capital	Capital
30	<i>Pyrus calleryana</i> cv Chanticlear	Chanticlear
30	<i>Pyrus calleryana</i> cv Fauriei	Fauriei
30	<i>Pyrus calleryana</i> cv Redspire	Redspire
30	<i>Pyrus calleryana</i> cv Trinity	Trinity
30	<i>Pyrus calleryana</i> cv Whitehouse	Whitehouse
45	<i>Quercus acutissima</i>	Sawtooth oak
80	<i>Quercus borealis</i> (rubra)	Northern Red oak

80	<i>Quercus coccinea</i>	Scarlet oak (N)
80	<i>Quercus imbricaria</i>	Shingle oak (N)
80	<i>Quercus macrocarpa</i>	Bur oak (N)
80	<i>Quercus montana</i>	Chestnut oak (N)
80	<i>Quercus velutina</i>	Black oak (N)
70	<i>Taxodium distichum</i>	Bald cypress (N)
60	<i>Tilia cordata</i>	Littleleaf European linden
90	<i>T. tomentosa</i>	Silver linden
40	<i>Ulmus parvifolia</i>	Chinese elm
80	<i>Zelkova serrata</i>	Japanese zelkova

Ornamental Trees

(N)

30	<i>Amelanchier canadensis</i>	Shadblow, serviceberry, juneberry
80	<i>Betula nigra</i>	River birch (N)
35	<i>Carpinus caroliniana</i>	Ironwood, American hornbeam (N)
30	<i>Chionanthus virginicus</i>	Fringetree (N)
50	<i>Cladrastis lutea</i>	American yellow-wood (N)
25	<i>Cornus kousa</i>	Japanese dogwood (N)
25	<i>Cornus mas</i>	Cornelian cherry
35	<i>Cornus florida</i>	Flowering dogwood (N)
30	<i>Koelreuteria paniculata</i>	Panicled goldenrain
30	<i>Malus floribunda</i>	Japanese flowering crab
30	<i>Oxydendrum arboreum</i>	Sourwood (N)

20	<i>Prunus serrulata</i> cv Kwanzan	Kwanzan (cherry)
30	<i>Pyrus calleryana</i> cv Bradford	Bradford pear
30	<i>Pyrus calleryana</i> cv Aristocrat	Aristocrat
30	<i>Pyrus calleryana</i> cv Autumn Blaze	Autumn blaze
30	<i>Pyrus calleryana</i> cv Capital	Capital
30	<i>Pyrus calleryana</i> cv Chanticlear	Chanticlear
30	<i>Pyrus calleryana</i> cv Fauriei	Fauriei
30	<i>Pyrus calleryana</i> cv Redspire	Redspire
30	<i>Pyrus calleryana</i> cv Trinity	Trinity
30	<i>Pyrus calleryana</i> cv Whitehouse	Whitehouse
50	<i>Abies concolor</i>	White fir (N)
45	<i>Ilex opaca</i>	American holly (N)
40	<i>Juniperus virginiana</i>	Red cedar (N)
70	<i>Pinus strobus</i>	White pine (N)
40	<i>Pinus strobus</i> cv Fastigiata	Pyramidal white pine
60	<i>Pinus thunbergi</i>	Japanese black pine
70	<i>Pseudotsuga menziesii</i>	Douglas fir
50	<i>Thuja occidentalis</i>	American arborvitae
60	<i>Tsuga canadensis</i>	Hemlock
50	<i>Picea omorika</i>	Serbian spruce
50	<i>Picea orientalis</i>	Oriental spruce

Native Shrubs

8 to 12	<i>Aesculus parviflora</i>	Bottlebrush buckeye
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9	<i>Aronia arbutifolia</i>	Red chokeberry
8	<i>Aronia melanocarpa</i>	Black chokeberry
5	<i>Callicarpha americana</i>	Beautyberry
12	<i>Calycanthus floridus</i>	Sweetshrub
10	<i>Cephalanthus occidentalis</i>	Buttonbush
18	<i>Clethra acuminata</i>	Summersweet
18	<i>Clethra alnifolia</i>	Summersweet
9	<i>Cornus amomum</i>	Silk dogwood
10	<i>Cornus sericea</i>	Red osier dogwood
9	<i>Fothergilla major</i>	Fothergilla
15	<i>Hamamelis virginiana</i>	Witch hazel
8	<i>Hydrangea quercifolia</i>	Oak-leaved hydrangea
3-9	<i>Itea virginica</i>	Sweetspire
9	<i>Ilex glabra</i>	Inkberry
10	<i>I. verticillata</i>	Winterberry
6	<i>Kalmia latifolia</i> named varieties	Mountain laurel
5	<i>Leucothoe fontanesiana</i>	Leucothoe
8	<i>Lindera benzoin</i>	Spice bush
20	<i>Magnolia virginiana</i>	Sweet bay
9	<i>Myrica pennsylvanica</i>	Bayberry
6	<i>Pieris floribunda</i>	Mountain andromeda
9	<i>Rhododendron arborescens</i>	Sweet azalea
2	<i>Rhododendron atlanticum</i>	Coast azalea

6	<i>Rhododendron bakeri</i>	Cumberland azalea
10	<i>Rhododendron calendulaceum</i>	Flame azalea
10	<i>Rhododendron canadense</i>	Catawba rhododendron
6	<i>Rhododendron carolinianum</i>	Carolina rhododendron
12	<i>Rhododendron fortunei</i>	Fortune rhododendron
6-10	<i>Rhododendron x gandavense</i>	Ghent azalea
3	<i>Rhododendron obtusum</i>	Hiryu azalea
3	<i>Rhododendron obtusum kaempferi</i>	Torch azalea
3	<i>Rhododendron schlippenbachii</i>	Royal azalea
12-20	<i>Rhododendron maximum</i>	Rosebay
6	<i>Rhododendron nudiflorum</i>	Pinxterbloom azalea
6	<i>Rhododendron vaseyi</i>	Pinkshell azalea
6	<i>Rhododendron viscosum</i>	Swamp azalea
8	<i>Rhus aromatica</i>	Fragrant sumac
20	<i>R. copallina</i>	Shining sumac
15	<i>Rhus glabra</i>	Smooth sumac
20	<i>Rhus typhina</i>	Staghorn sumac
12	<i>Sambucus canadensis</i>	Elderberry
6	<i>Symphoricarpos albus leavigatus</i>	Snowberry
5	<i>Symphoricarpos orbiculatus</i>	Coralberry
6-10	<i>Vaccinium corymbosum</i>	Blueberry
5	<i>Viburnum acerifolium</i>	Mapleleaf viburnum
6	<i>Viburnum cassinoides</i>	Witherod

10	<i>Viburnum dentatum</i>	Arrowwood
15	<i>Viburnum nudum</i>	Smooth witherod
15	<i>Viburnum prunifolium</i>	Black haw
10	<i>Viburnum trilobum</i>	American cranberry

Non-Native Shrubs

5	<i>Abelia grandiflora</i>	Glossy abelia
3	<i>Cotoneaster apiculata</i>	Cranberry cotoneaster
3	<i>Cotoneaster conspicua</i>	Wintergreen cotoneaster
6	<i>Cotoneaster divaricata</i>	Spreading cotoneaster
30	<i>Enkianthus campanulatus</i>	Redvien enkianthus
3	<i>C. horizontalis</i>	Rock spray cotoneaster
9	<i>Euonymus alatus</i>	Burningbush or winged euonymous
	<i>Forsythia</i>	
10	___cv Beatrix Farrand	Forsythia
10	___Lynwood	
10	___Spring glory	
15	<i>Hamamelis x intermedia</i>	Arnold's promise
	___cv Arnold Promise	witch hazel
15	<i>Hibiscus syriacus</i>	Rose of Sharon or althea
3	<i>Hydrangea arborescens</i>	
	___cv grandiflora	Hills-of-snow
1.5	<i>Sypericum patulum</i> cv Hidcote	Hidcote St. Johnswort
20	<i>Ilex crenata</i>	Japanese holly

4	Ilex crenata cv Helleri	Helleri holly
10	Ilex x Meservea	Blue holly series
	Juniperus horizontalis	Creeping juniper
2	___cv Bar Harbor	Bar harbor
2	___Emerson	Black Hill creeper
2	___Wiltonii	Blue tug
15	Philadelphus spp.	Mock orange
8	Pieris japonica	Japanese sndromeda
8	Pinus mugo mugo	Mugo pine
15	Prunus laurocerasus	Cherry laurel
6	Spiraea x vanhouttei	Vanhoutte spirea
60	Taxus buccata	English yew
50	Taxus cuspidata	Japanese yew
8	Viburnum carlesii	Spice viburnum
9	Viburnum dilatatum	Linden vibrnum
8	Viburnum plicatum cv Mariesii	Doublefile virburnum

§ 213-44. Water supply.

- A. The plan for the installation of a water supply system must be prepared for the development with cooperation of the Hazleton City Authority and approved by the City Engineer. Upon completion of the water supply system, a reproducible as-built plan of the system must be filled with the City.
- B. Where the connection to a public water supply system is not possible or feasible, each lot must be provided with an individual water supply system prior to the issuance of a building permit.

- C. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Protection.

§ 213-45. Sewage disposal.^{25 EN}

- A. Where a public sanitary sewer system is accessible to or plans approved by the City provide for the installation of such public sanitary sewer facilities within six years, the developer shall provide the development with a complete sanitary sewer system ready to be connected into the existing or proposed sanitary sewer system.
- B. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the City Engineer and the Pennsylvania Department of Environmental Protection. Sewer line construction for dedication and City operation must be to City standards and reviewed by the City Engineer. A full-time inspection is required during all construction work. Review and inspection costs are the developer's responsibility. Storm sewers, roof drains, footer drains or sump pumps may not be connected to the sanitary sewer. The system must be constructed, inspected and offered for dedication to the City. Prior to the City assuming operation of the system, the City must accept ownership by resolution.
- C. Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank, tile absorption field or other sewage disposal system approved by the Pennsylvania Department of Environmental Protection and the City Engineer.
- D. If on-site subsurface or alternate sewage disposal systems are feasible, they must be laid out in accordance with the minimum standards of the Sewage Facilities Act (Act 53726)^{EN} and of the Pennsylvania Department of Environmental Protection. The City and/or the Pennsylvania Department of Environmental Protection must inspect and approve each on-site sewage disposal system.

²⁵ Editor's Note: See also Ch. 193, Sewers.

²⁶ Editor's Note: See 35 P.S. § 750.1 et seq.

§ 213-46. Storm sewers.

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

§ 213-47. Fire hydrants.

- A. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the requirements of the local fire authority.
- B. Fire hydrants, if provided, shall be located within 600 feet of any dwelling unit or structure open to the public as measured along the center line of abutting streets. Fire hydrants shall be installed in accordance with all applicable regulations.

§ 213-48. Other matters related to required improvements and construction.

- A. Placement of underground utilities and improvements. No underground sewer, water, gas, electric or other utilities and improvements shall be located anywhere except within public right-of-way lines as projected unless, in the opinion of the Commission, such location is impractical or unreasonable. It is understood that this provision applies only to lines serving more than one property and does not apply to individual lot connections, i.e., on-site lateral service lines. In those cases where the Commission does approve such placement in private lands, easements for same shall be provided, and no buildings or other structures shall be permitted within the lines of such easements. (See also §_213-29 herein.)
- B. Grading, excavation and filling. Where major cuts, excavation, grading and filling materially changes the site and its relationship with surrounding areas or materially affects such areas, they shall not be permitted if they result in a slope exceeding a vertical rise of one foot for each two feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

- C. Mine and mine fire hazards²⁷.^{EN} Land subject to mine subsidence or mine fires shall not be platted for use unless such adverse conditions are first remedied by the subdivider to the satisfaction of the Commission and other appropriate state, county and local agencies. (See also §_213-8B for other restrictions regarding geological hazards, etc.)

§ 213-49. Completion of improvements or guaranty thereof prerequisite to final plan approval.

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this chapter have been installed in accordance with such chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer may deposit with the City a corporate bond, or other security acceptable to the Commission, in an amount sufficient to cover the costs of any improvements which may be required by this chapter. In the case where development is projected over a period of years, the Commission may authorize submission of final plans by section or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

§ 213-50. Release from improvement bond.

- A. When the developer has completed all of 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 as well as certification from all utility companies that said utilities have been installed as shown on the as-built plans. The Commission shall, within 10 days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid improvements. The City Engineer shall, thereupon, file a report, in writing, with 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 City Engineer, said report

²⁷ Editor's Note: See also Ch. 166, Mining.

shall contain a statement of reasons for such nonapproval or rejection.

- B. The Commission shall notify the developer, in writing, of its action.
- C. 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.
- D. 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 City Engineer.
- E. Where herein reference is made to the City Engineer, he shall be a duly registered professional engineer employed by the City or engaged as a consultant thereto.
- F. To cover inspection costs, the developer must pay a fee, to be established by the Commission. Any unused portion of this fee will be refunded to the developer upon completion of the inspections.

§ 213-51. Remedies to effect completion of improvements.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Commission may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repair or corrections to all the improvements covered by said security, the Commission may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the insulation of the improvements covered by such security and not for any other City purpose.

§ 213-52. Offers of dedication.

The offer to dedicate streets, parks or other areas or portions of them does not impose any duty upon the City concerning maintenance or improvement until the proper authorities of the

City have made actual appropriation by ordinance or resolution.

ARTICLE VI, Mobile Home Parks

§ 213-53. Approval required.

It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the City until plans have been approved by the City and permits have been issued as provided in this chapter.

§ 213-54. Application for mobile home park approval.

Application for mobile home park approval shall conform to the requirements and procedures as established in Articles III and IV of this chapter.

§ 213-55. Site location and dimensions.

The location, minimum park area, lot sizes and maximum density within all mobile home parks shall be in accordance with Chapter 245, Zoning, and the location of the mobile home park must also conform to the City of Hazleton Comprehensive Plan with respect to streets, public sites and proposed utilities.

§ 213-56. Improvements in mobile home parks.

Improvements, such as sewer, water, electrical, fire protection and other utility systems, storm drainage systems, off-street parking areas, walks, recreation areas and service buildings shall conform to the requirements approved by the Commission on the final plan.

§ 213-57. Street system.

All streets within mobile home parks shall conform to the standards of this chapter.

§ 213-58. Easements.

- A. Use easements shall be provided for all utilities not located in a street and for well-defined watercourses.
- B. Width utility easements shall have a minimum width of 15 feet. Easements for natural watercourses shall be of sufficient width to permit maintenance and provide for future flow.
- C. Location easements shall be centered on or adjacent to side and rear lot lines whenever

possible.

ARTICLE VII, Administration, Enforcement and Penalties

§ 213-59. Administration.

The Planning Commission of the City of Hazleton shall be charged with the responsibility for the administration of this chapter.

§ 213-60. Enforcement.

It shall be the duty of the Planning Commission or other such duly authorized representative of the Commission and said Planning Commission is hereby given the power and authority to enforce the provisions of this chapter. The enforcement officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved land development. No building permit shall be issued until the enforcement officer has certified that the site for the proposed building, alteration or use complies with all the provisions of this chapter and conforms to the site description as indicated on the approved and recorded final plan.

§ 213-61. Violations and penalties.

- A. No lot in a land development shall be sold, rented, leased or conveyed in any manner, no permit to erect, alter or repair any building upon land in a land development shall be issued and no building shall be created in a land development until a final plan of such land development has been approved and property recorded and until improvements have either been constructed or guaranteed.
- B. Any person, copartnership or corporation who shall develop any lot, tract or parcel of land or lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water mains for public use or travel or for the common use of occupants of buildings abutting thereon or who shall sell, rent, lease or convey in any manner any lot or erect any building in a land development without first having complied with the provisions of this chapter shall be guilty of a misdemeanor.
- C. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Hazleton, pay a judgment of not more than \$500 plus all court

costs, including reasonable attorney fees, incurred by the City 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 or timely appeals the judgment, the City 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 the chapter to have believed that there was no such violation, 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.

- D. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- E. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City to the right to commence any action for enforcement pursuant to this section.

§ 213-62. Fees.

At the time of filing of the plan, whether preliminary or final, the developer shall pay to the City the required plan fee as follows:

- A. Preliminary plan. A filing fee, plus a fee per lot or dwelling unit for residential development and a fee per acre for other types of development.
- B. Final plan.
 - (1) A filing fee, plus an amount determined by the Commission sufficient to cover the reasonable cost of:
 - (a) Reviewing the development plan engineering details.
 - (b) Inspecting the site for conformance of survey.
 - (c) Preparing cost estimates of required improvements.

(d) Inspection of required improvements during installation.

(e) Final inspection on completion of installation of required improvements.

(f) Administrative and legal services necessary for the processing of the proposed land development plan.

(2) Any engineering, legal and administrative costs in excess of the amount submitted prior to approval of the final plan shall be paid by the developer upon being notified of same by the City Solicitor. Any excess paid over the amount actually required to cover such costs of the final plan shall be returned to the developer upon the completion of the required improvement.

C. All fees shall be payable at the time of filing in the form of a check or money order payable to City of Hazleton.

D. No final plan shall be approved until all fees and charges are paid in full.

E. All fees shall be set by resolution from time to time²⁸.^{EN}

§ 213-63. Interpretation.

The provisions of this chapter shall be held to be minimum requirements to meet the purposes of this chapter. When provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulation shall prevail.

§ 213-64. Amendments.²⁹ ^{EN}

The Planning Commission may, on its own motion, recommend to City Council a supplement or repeal of any portion of this chapter. Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the City Planning Commission, the amendment shall be submitted

²⁸ Editor's Note: The current resolution is on file in the office of the City Clerk.

²⁹ Editor's Note: See also the Pennsylvania Municipalities Planning Code, 53 P.S. §§_10504 and 10505.

to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

§ 213-65. Modifications.

- A. The regulations embodied in this chapter are the minimum standards for the protection of the public welfare. When special circumstances warrant, the City may impose stricter standards.
- B. Where a provision of this chapter would cause unique and undue hardship as it applies to a particular property, the Commission may grant a modification from the strict application of the terms of this chapter if the variation will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan. In granting the modification, the Commission may impose conditions which will substantially secure compliance with the purposes of this chapter.
- C. The City Planning Commission shall have the right to make modifications to the regulations, in individual cases, as may be necessary in the public interest; provided, however, that such modifications shall not have the effect of nullifying the intent and purpose of these regulations. The list of suggested modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission. The Commissioners may then alter the land development plans and specify changes or modifications.

§ 213-66. Conflict with other regulations.

Wherever there exists a difference between the minimum standards and/or dimensions specified herein and those contained in Chapter 245, Zoning, or other official regulation, the highest standard shall apply.

§ 213-67. Appeals.^{30 EN}

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

³⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 213-68. Authority to amend.

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

§ 213-69. Commission records.

The Commission shall keep a complete record of its findings, decisions and recommendations relative to all subdivision plans filed with the Commission for its review.

APPENDIX A

Application for Approval of PRELIMINARY PLAN

SUBDIVISION AND LAND DEVELOPMENT

City of Hazleton

Revised April, 1992

Submit 12 copies, together with 12 copies of plans, to:
Secretary, Hazleton Planning Commission, City Hall, Hazleton, Pennsylvania 18201

Tract Name _____ and Area _____ Acres

Street Address of Tract

Name of Owner (s)

Address

Name of Subdivider (Equitable Owner)

Address

Number of Lots _____ Number of Residential Lots _____ Number of Commercial Lots

Number of Commercial Units Proposed (and use)

Types of Dwelling Units Proposed

Recreation Dedication, Area

Purpose of Subdivision

Other Required and Related Data

Preliminary plan, consisting of _____ sheets (minimum 12 copies).

General plan, sheet _____ of _____ sheets.

Cross sections, sheet _____ of _____ sheets.

Profiles, sheet _____ of _____ sheets (and typical sections).

Grading plan, sheet _____ of _____ sheets

Copy of existing or proposed deed restrictions.

Receipt for fee paid to Director of Administration, City of Hazleton.

Check payable to Luzerne County Planning Commission.

Check payable to Luzerne County Road and Bridge Department.

Wetlands Study.

Erosion Control Study.

Copy of submission letter for DEP Planning Module.

Authorized Signature of Applicant

Date Submitted

Date Received by Planning Commission

