

ARTICLE I

GENERAL PROVISIONS

101. **PURPOSE.** The purpose of these regulations is to create conditions favorable to the health, safety, morals, and general welfare of the citizens by:
- Assisting in the orderly and efficient integration of subdivisions; Ensuring conformance of subdivision plans with the public improvements plans of the City; Ensuring sites suitable for building purposes and human habitation; Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; Securing equitable handling of all subdivision plans by providing uniform procedures and standards; Improving land records by establishing standards for surveys and plans; Safeguarding the interests of the public, the homeowner, the subdivider and all municipalities; Preserving natural and historic features; Serving all other purposes authorized for a Subdivision and Land Development Ordinance by the PA. Municipalities Planning Code; and Carrying out the goals and objectives of the Comprehensive Plan.
102. **APPLICABILITY.**
- 102.A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be laid out, constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision or land development, except in accordance with this Ordinance.
- 102.B. A lot or parcel that was not a legal lot of record prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot unless and until:
1. the subdivision of the lot and/or the approval of the land development as applicable has been granted Final Plan approval and any subdivision has been recorded, and
 2. either of the following occurs:
 - a. the City has been assured by means of adequate financial security as provided in Section 801 of this Ordinance to guarantee that the improvements will subsequently be installed, or
 - b. the required improvements in connection with the subdivision or land development are entirely completed in advance, as provided in Section 801.
- 102.C. **Landowner.** No subdivision or land development shall be submitted to the City for review except by the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Article II, which includes equitable owner).
103. **PA. PLANNING CODE AMENDMENTS.** The provisions of this Ordinance that only repeat, summarize or reference provisions of the PA. Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the PA. Municipalities Planning Code at the date such amendments become effective as State law.

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

108. **FEES.**

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

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

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

109.B. Revisions and Resubdivisions.

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

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

111. **AMENDMENTS.**

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

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

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