

**BOROUGH OF JESSUP**  
**SUBDIVISION AND LAND DEVELOPMENT**  
**ORDINANCE**

**1993**

**Amended May 1995**

**Reenacted May 2000**

**Amended February 9, 2004**

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SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE

BOROUGH OF JESSUP  
LACKAWANNA COUNTY, PENNSYLVANIA

TABLE OF CONTENTS

		<u>PAGE</u>
ORDAINING CLAUSE		i
ARTICLE 1	<u>AUTHORITY, PURPOSE, JURISDICTION, AND AFFECT OF FILING AN APPLICATION</u>	
101	Authority	1-1
102	Purpose	1-2
103	Jurisdiction	1-2
104	Affect of Filing an Application	1-2
105	Application of Regulations	1-4
ARTICLE 2	<u>APPLICATION REQUIREMENTS AND PROCESSING PROCEDURES</u>	
201	General Procedures	2-1
202	Pre-Application Plans/Sketch Plans and Data Procedure	2-3
203	Minor Subdivisions	2-7
204	Major Subdivision and Land Development Preliminary Requirements	2-17
205	Major Subdivision and Land Development Final Application Requirements	2-32
ARTICLE 3	<u>DESIGN STANDARDS</u>	
301	Land Requirements	3-1
302	Street System	3-1
303	Private Streets	3-3
304	Street Standards	3-4
305	Building Lines	3-8
306	Lots	3-8
307	Sight Distance	3-9
308	Off-Street Parking Facilities	3-9
309	Storm Drainage	3-12
310	Easements	3-12
311	Community Facilities and Master Plan Requirements	3-12
312	Recreation Areas	3-13

313	Aesthetic Design Standards for Commercial and Manufacturing Developments	3-15
314	Street Trees	3-16
		<u>PAGE</u>
ARTICLE 3	<u>DESIGN STANDARDS</u> (Continued)	
315	Crosswalks	3-17
316	Residential Developments	3-17
317	Nonresidential Developments	3-18
318	Buffer Yards	3-18
319	Open Space Designation	3-18
320	Conveyance and Maintenance of Open Space	3-19
321	Mobile Home Parks	3-19
ARTICLE 4	<u>REQUIRED IMPROVEMENTS</u>	
401	Construction Standards	4-1
402	Minimum Improvements	4-1
403	Procedure for Installation of Required Improvements	4-8
ARTICLE 5	<u>FEES</u>	
501	Review Fees	5-1
502	Review Fee Deposit for Subdivisions	5-3
503	Review Fee Deposit for Land Developments	5-4
504	Processing Fee	5-5
ARTICLE 6	<u>MODIFICATIONS AND APPEALS</u>	
601	Procedure Governing Modifications	6-1
602	Large Scale Developments	6-3
603	Reconsideration	6-3
604	Procedure for Applying	6-3
605	Recording a Modification	6-3
606	Appeals	6-3
ARTICLE 7	<u>ENFORCEMENT, PENALTIES AND SEVERABILITY</u>	
701	Enforcement	7-1
702	Enforcement Remedies	7-1
703	Preventative Remedies	7-1
704	Revision and Amendments	7-2
705	Commission Records	7-2
706	Validity	7-2
707	Conflict With Other Regulations	7-2
708	Effective Date	7-2
ARTICLE 8	<u>DEFINITIONS</u>	
801	Inclusions	8-1

802	Definition of Terms	8-1
ARTICLE 9	<u>ADOPTION</u>	9-1

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE regulating the subdivision and the development of land in the Borough of Jessup, Lackawanna County, Pennsylvania, providing for the preparation and presentation of preliminary and final applications, establishing minimum subdivision and development design standards; requiring certain improvements to be guaranteed to be made by the subdivider; regulating sale of lots, erection of buildings, laying out, construction, opening and dedication of streets, sewers, other facilities, and public improvements in connection with subdivisions and land developments; charging of review fees, and prescribing penalties.

Pursuant to the provisions of Act 247 of 1968 and subsequent amendments thereof, relating to the Subdivision and Development of land, the Borough of Jessup, Lackawanna County, Pennsylvania, ordains as follows:

ARTICLE 1

AUTHORITY, PURPOSE, JURISDICTION  
AND AFFECT OF FILING AN APPLICATION

101 AUTHORITY

- a. The Borough of Jessup, Lackawanna County, Pennsylvania, under authority granted by Act 247 of 1968 and subsequent amendments thereto, hereby adopts the following regulations governing the subdivision and development of land within the Borough.
- b. The Borough Council of the Borough of Jessup, hereby, through the adoption of this Ordinance, delegates the Authority granted it under Section 501 of the Pennsylvania Municipalities Planning Code to the Planning Commission of the Borough of Jessup; provided, however, that all powers relating to the provision of public improvements, including improvement bonds or other guarantees, and the acceptance of public improvements such as streets, utilities, recreational facilities, etc., are specifically reserved by the Borough Council.
- c. No subdivision or 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 Ordinance.
- d. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development, unless and until a plan of such subdivision or land development shall have been approved and properly recorded, and until the improvements required herein in connection therewith have been constructed or guaranteed as hereinafter provided.
- e. No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Borough shall proceed with any grading before obtaining from the Borough Council or the Planning Commission as required herein the approval of the Preliminary Application for the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Borough Council or the Planning Commission as required herein the approval of the Final Application for the proposed subdivision or land development, except as otherwise provided herein.
- f. The proposed subdivision or land development application shall be in general accordance

with the Comprehensive Plan of the Borough of Jessup.

- g. No land in the Borough shall be subdivided or otherwise developed if such land is considered by the Planning Commission and/or the Borough Council to be unsuitable for development by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of residents and the community as a whole; and, provided further that no land shall be subdivided or otherwise developed by the subdivider or the developer unless adequate access to the land over adequate streets or thoroughfares exists or will be provided by the subdivider or the developer, or otherwise developed.
- h. The proposed subdivision or land development shall conform with the design standards set forth in this Ordinance.

102 PURPOSE

This Ordinance has been adopted in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Borough of Jessup through the provision of regulations that will insure the harmonious development of the Community.

103 JURISDICTION

The provisions contained herein shall apply to all land within the Borough limits of the Borough of Jessup through the provision of regulations that will insure the harmonious development of the Community.

104 AFFECT OF FILING AN APPLICATION

- a. From the time an application for approval of a plat, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- b. When an application for approval of a plat, whether preliminary or final, has been approved or approved without condition or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing 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 (5) years from such approval. The five-year period shall be extended for

the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. (Amended 2/9/04)

- c. Where final approval is preceded by preliminary approval, the aforesaid 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 governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- d. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the Governing Body, no change of Municipal Ordinance or plan enacted subsequent to the date of filing of the preliminary application shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- e. In the case of a preliminary application calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary application delineating all proposed sections as well as deadlines within which final applications for each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary application approval, until final application approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Governing Body in its discretion.
- f. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted in the preliminary application, unless a lesser percentage is approved by the Governing Body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary application approval, including compliance with landowner's aforesaid schedule of submission of final applications for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted in the final application 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 protections shall apply for an additional term or terms of three years from the date of final application approval for each section.
- g. Failure of landowner to adhere to the aforesaid schedule of submission of final applications for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Municipality subsequent to the date of the initial preliminary application submission.

105 APPLICATION OF REGULATIONS

a. Subdivision Control

No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities 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 or to abut thereon, except in strict accordance with the provisions of this Ordinance. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plat has been approved and recorded; and until the improvements required by the Jessup Borough Council in connection therewith have either been constructed or guaranteed as herein provided in Section 206.

b. Land Development Control

1. Land development, as herein defined, must comply with the regulations contained herein for major subdivisions. Such compliance shall include, but not be limited to: the filing of preliminary and final applications, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Jessup Borough Council.
2. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.
3. If any land development is modified or expanded in any way following approval of the Final Application, a new application shall be filed with the Borough. Such new application shall identify the proposed modification and/or expansion and shall include all relevant data required for a Preliminary Application and/or a Final Application, as the case may be.



ARTICLE 2

APPLICATION REQUIREMENTS AND PROCESSING PROCEDURES

201 GENERAL PROCEDURES

a. Classification of Subdivision/Land Development

Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the Owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.

b. General Outline of Procedures

1. There are three (3) stages in the procedure for approval of subdivision and land development plans. These stages are necessary to enable the Planning Commission and the governing body to have an adequate opportunity to review the submissions and to ensure that their formal recommendations are reflected in the final plans.
2. The separate stages of approval include the submission of an optional sketch plan, a Preliminary Application and a Final Application. The table below indicates the recommended and required plans for the different types of submissions.

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	<u>Type of Submission</u>		
<u>Application Stage</u>	<u>Minor Subdivision</u>	<u>Major Subdivision</u>	<u>Land Development</u>
Sketch Plan (202)	Recommended (Not required)	Recommended (Not required)	Recommended (Not required)
Preliminary Application	Not required	Required (204)	Required (204)
Final Application	Required (203)	Required (205)	Required (205)

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c. Pre-Application/Sketch Plan Consultation

Prior to filing an application for approval of a subdivision or land development within Jessup Borough, the Owner or his authorized agent shall meet with the Jessup Borough Engineer for an official classification of his proposed subdivision or land development. The Jessup Borough Engineer shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision or a land development. At this time, the Jessup Borough Engineer shall advise the Owner or his authorized agent as to which of the procedures contained herein must be followed.

d. Timing Requirements for Review and Approval

Sketch plans should require no more than a sixty (60) day review period. The official filing date for the review process required for preliminary and final applications shall include no more than ninety (90) days starting from the date of the regular meeting of the Planning Commission next following the date the application is accepted by the Chairman of the Borough Planning Commission, provided that should the next regular meeting occur more than thirty (30) days following the acceptance of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been accepted, and ending with the applicant being notified of the decision of the governing body. The Borough Secretary shall affix the date it is received in the Borough Building and the Chairman of the Planning Commission shall affix the date of acceptance.

e. General Application Requirements

For the purpose of having a subdivision or land development considered and approved by the governing body, the applicant shall file with the Secretary the following items at the initial submission, in addition to the required number of plans:

1. A signed subdivision and land development application.
2. A list of all encumbrances and, if appearing on record, the book and page numbers.
3. A statement setting forth in detail the character of the improvements the applicant proposes to make on the property to be developed, if known.
4. A development schedule indicating the approximate date when construction can be expected to begin and be completed, if known.
5. A copy of all restrictions, covenants and limitations, if any, under which lots are to be sold.

a. Purpose

1. The purpose of the sketch plan, which is an optional submission, is to afford the applicant the opportunity to consult early and informally with both the Planning Commission and the Lackawanna County Regional Planning Commission before the preparation of the preliminary or final application for approval.
2. Prior to the preparation and filing of the Preliminary Application, the Subdivider/Developer may submit to the Commission the following plans and data, and shall ascertain from the Commission those elements which should be considered in the design of the Subdivision/Development. These shall include any features of the municipality's future land use plan, thoroughfare plan, community facilities plan, or of any plans of the Commission, including but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers, and school sites.
3. During the sketch plan process, the applicant can advantageously make use of the services of both planning commissions to help analyze the problems of the development and plan more adequately for its sound coordination with the community. The sketch plan process also affords the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official action and save unnecessary expense and delay.

b. Procedure

1. The applicant may prepare the sketch plan and application form, including the data specified in Section 202.e. hereof.
2. The applicant shall submit nine (9) copies of the sketch plan and one (1) application form to the Borough Secretary.
3. The Borough Secretary shall submit the application to the Chairman of the Jessup Borough Planning Commission who shall check the submission for completeness and if the submission is incomplete shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Chairman shall accept the sketch plan and application form.

c. Review Process

1. Upon acceptance, the Borough Secretary shall distribute copies of the sketch plan, application forms and applicable fees in the following manner:
  - a) Two (2) copies to the Lackawanna County Regional Planning Commission.
  - b) One (1) copy to the Municipal Engineer.
  - c) One (1) copy to the Zoning Officer.

- d) One (1) copy to the Borough Council.
  - e) Five (5) copies to be retained by the Borough Secretary for use of Jessup Borough officials.
2. The Municipal Engineer shall, within thirty (30) days following acceptance of the sketch plan application:
    - a) Review the engineering considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission and governing body.
  3. The Zoning Officer shall, within thirty (30) days following acceptance of the sketch plan application:
    - a) Review the zoning considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission and governing body.
  4. The Planning Commission should, within thirty (30) days following acceptance of the sketch plan application, meet with the applicant to review the submission.
  5. The Lackawanna County Regional Planning Commission should, within thirty (30) days from the date that the sketch plan was forwarded to said Commission, review the sketch plan and prepare a report for the municipality.

d. Planning Commission Action

The Planning Commission should, within sixty (60) days following acceptance of the sketch plan application:

1. Review the sketch plan submission;
2. Review the report of the Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, and the Zoning Officer;
3. Determine whether the sketch plan meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
4. Recommend revisions, if any, so that the subsequent preliminary or final plan will conform to municipal regulations and ordinances; and
5. Forward their recommendations to the applicant and to the governing body for informational purposes.

e. Submission Requirements

Pre-Application plans/sketch plans and data shall be labeled as such, and shall include the following:

1. Site Plan

- a) Name of subdivision or land development.
- b) Name and address of the owner/applicant.
- c) Tax parcel number(s) of the site.
- d) Name, address and seal of the engineer, surveyor, architect, landscape architect or planner responsible for the plan.
- e) Zoning requirements, including:
  - 1) Applicable district and district boundaries.
  - 2) Maximum density permitted and proposed density, if applicable.
  - 3) Lot size and yard requirements.
  - 4) Required and/or proposed open space and impervious surface ratios.
  - 5) Any variances or special exceptions granted.
- f) Location map showing relation of site to adjoining properties and streets, within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
- g) North point.
- h) Written and graphic scales (including scale of location map).
- i) Total acreage of the site, both gross and net.
- j) Site boundaries.
- k) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- l) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- m) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within one hundred (100) feet of the site. Sewer lines, storm

drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within five hundred (500) feet of and within the site, including properties across streets.

- n) Outline of the net site area.
- o) Proposed general street layout, if applicable.
- p) Proposed general lot layout, if applicable.
- q) Types of buildings proposed.
- r) Number of dwelling units proposed or square footage of nonresidential buildings.
- s) Open space areas, existing and proposed.
- t) Recreation areas, existing and proposed.
- u) Parking areas with dimensions and number of parking spaces.

## 2. Natural Features Map

Natural features map (on separate sheet). This plan is required for all major subdivision and land development submissions. For minor subdivisions, the information below may be included on the site plan in Subsection 202.e.1. above. The following information shall be indicated:

- a) Contour lines measured at vertical intervals of two (2) feet. Slopes may be determined by interpretation of United States Geological Survey maps at this stage.
- b) Floodplain areas.
- c) Floodplain soil areas.
- d) Steep slope areas.
  - 1) Fifteen percent (15%) to twenty-five percent (25%).
  - 2) Twenty-five percent (25%) and over.
- e) Class I and Class II agricultural soils areas.
- f) Woodland association areas.
  - 1) Floodplain association.

- 2) Meisic association.
  - c) Upland association.
  - g) Lakes and ponds.
  - h) Wetlands.
3. Acknowledgments

A written statement indicating the method of administration and maintenance of open space pursuant to Section 320 hereof and the Jessup Borough Zoning Ordinance.

203 MINOR SUBDIVISIONS

a. Purpose

In the case of minor subdivisions it is the purpose of this section to provide a simplified procedure by which said minor subdivisions may be submitted and approved.

b. General

In the event that the proposed subdivision shall involve a change in the location of streets, sanitary or storm sewers, water mains, culverts, or other municipal improvements, then the provisions of this section on minor subdivisions shall not be applicable, and the applicant shall be required to comply with the requirements of Sections 204 and 205 hereof.

c. Procedure

1. The subdivider shall submit a plot plan and an application form of any minor subdivision to the Borough Secretary with required Borough and County fees. Said Plan shall outline the applicant's proposals in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with the provisions of the Ordinance. Where a minor subdivision provides for on-site sewage disposal, the applicant shall provide the Commission with evidence of the approval of such by the Borough's Sewage Enforcement Officer.
2. The applicant shall prepare the final minor subdivision application form, including the data specified in Section 203f. hereof.
3. The applicant shall prepare planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act.

4. The applicant shall submit to the Borough Secretary:
  - a) Twelve (12) copies of the final minor subdivision plan.
  - b) Twelve (12) copies of the Jessup Borough subdivision and land development application form.
  - c) Six (6) copies of the planning modules for land development.
  - d) All applicable fees.
    - 1) Deposits and fees for the submission of a final minor subdivision plan shall be in accordance with Article 5 hereof . Fees, pursuant to the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
    - 2) The Secretary shall collect and immediately deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.

d. Review Process

1. The Borough Secretary shall submit the application to the Chairman of the Jessup Borough Planning Commission who shall check the submission for completeness. No application shall be deemed complete unless and until all items specified in Section 203 hereof have been submitted. If the submission is incomplete, the Chairman shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Chairman shall instruct the Borough Secretary to accept the final minor subdivision plan, application form and fees.
2. Upon acceptance the Borough Secretary shall immediately distribute copies of the final minor subdivision plan, application form and applicable fees in the following manner:
  - a) Two (2) copies of the preliminary plan and application forms and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission, with required fees.
  - b) One (1) copy of the preliminary plan and application form to the Municipal Engineer.
  - c) One (1) copy of the preliminary plan and application form to the Zoning Officer.
  - d) One (1) copy of the preliminary plan and application form to the Solicitor.



- e) One (1) copy of the preliminary plan and application form and four (4) copies of the planning module for land development to the Lackawanna County Soils Conservation Service.
  - f) One (1) copy of the preliminary plan and application form to the Borough Council.
  - g) Five (5) copies of the preliminary plan and application form and one (1) planning module for land development to be retained by the Borough Secretary for use by the Borough Planning Commission.
3. The Municipal Engineer shall, within thirty (30) days following acceptance of the final minor subdivision application:
    - a) Review the engineering considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission.
  4. The Zoning Officer shall, within thirty (30) days following acceptance of the final minor subdivision application:
    - a) Review the zoning considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission.
  5. The Solicitor shall, within thirty (30) days following acceptance of the final minor subdivision application:
    - a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
    - b) Make recommendations to the Planning Commission.
  6. The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the final minor subdivision application was forwarded to said Commission, review the final minor subdivision application and prepare a report for the municipality's Planning Commission.

e. Actions by the Planning Commission

1. The Planning Commission should, within thirty (30) days following acceptance of the final minor subdivision application, meet with the applicant to review the submission.

2. The Planning Commission should, within sixty (60) days following acceptance of the final minor subdivision plan application:
  - a) Review the reports of the Lackawanna County Regional Planning Commission and Lackawanna County Soils Conservation Service, and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor, and other reviewing agencies.
  - b) Determine whether the final minor subdivision application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
  - c) Recommend revisions, if any, so that the plan will conform to municipal regulations and ordinances; and
3. The Planning Commission should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final minor subdivision plan application:
  - a) Approve or disapprove the final minor subdivision application. If disapproved, the Planning Commission shall state the reasons for this action.
4. The Planning Commission shall determine whether the Final Application shall be approved or disapproved and shall render its decision and communicate it in writing to the Subdivider/Developer not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of the court remanding an application, or the final order of the court, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed; provided, however, that such written notification shall include recommendations for such changes as may be required. The applicant may authorize, in writing, an extension of time beyond the ninety (90) day limit. The decision of the Planning Commission shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested. (Amended 2/9/04)
5. If the final minor subdivision application is approved:
  - a) The Planning Commission shall adopt a resolution approving the final minor subdivision application.
  - b) The Planning Commission's approval shall be expressed by placing the following official stamp upon the final plan of the minor subdivision.

Approved by the Jessup Borough Planning Commission this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

6. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon. If the final minor subdivision application is disapproved, the applicant may file a revised final minor subdivision plan with the Borough Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final minor subdivision plans and shall replenish the escrow deposit to its original amount.
7. Failure of the Planning Commission to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an 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.
8. Recording of final Plan
  - a) Prior to recording the approved final plan, the applicant shall submit two (2) mylar copies and two (2) exact paper copies of the approved final plan to the Secretary in order to obtain the seals and signatures of municipal officials, as required by Section 203g.2.c) hereof.
  - b) Upon the approval of the final plat, the developer shall within ninety (90) days of such final approval, or 90 days after the date of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Lackawanna County Recorder of Deeds, and forthwith file with the Borough a Recorder's Certificate that the approved application has been recorded, with the Deed Book and Page Numbers indicated and two (2) copies of the application as recorded. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the Borough's approval and review by the LCRPC. The applicant shall notify the governing body in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void. (Amended 2/9/04)
  - c) Effect of Recording.
    - 1) After a subdivision or land development has been duly recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the municipality.

- 2) Streets, parks and other public improvements shown on a subdivision or land development to be recorded, may be offered for dedication to the municipality by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the municipality.
  - 3) Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the municipality and accepted, by resolution, and recorded in the office of the clerk of the Court of Common Pleas of Lackawanna County, or until it has been condemned for use as a public street, park or improvement.
- d) Recorded Plan. All plans recorded shall contain the information specified in Section 203f.
- f. Documentation to Be Submitted with Final Plan for Minor Subdivisions
1. Drafting standards shall be in accordance with Section 204g. hereof.
  2. The minor subdivision plan shall show or be accompanied by the following information:
    - a) Site plan (on separate sheet), showing:
      - 1) Name of subdivision or land development.
      - 2) Name and address of owner/applicant.
      - 3) Tax parcel number(s) of the site.
      - 4) Name, address, and seal of surveyor and other applicable names, addresses and seals.
      - 5) Zoning requirements, including:
        - [a] Applicable district and district boundaries
        - [b] Maximum density or intensity permitted, if applicable.
        - [c] Lot size and yard requirements.
        - [d] Open space and impervious surface ratios, if applicable.
        - [e] Any variances or special exceptions granted.

- 6) Proposed standards:
  - [a] Density.
  - [b] Open space ratio.
  - [c] Impervious surface ratio.
  - [d] Dwelling unit or non-residential use mix, if known.
  - [e] Size of units (in bedrooms) or square footage of non-residential buildings, if known.
- 7) Location map showing relation of site to adjoining properties, streets, and sewer and water lines within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
- 8) North Point.
- 9) Written and graphic scales (including scale of location map).
- 10) Total acreage of the site, both gross and net.
- 11) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
- 12) Location of all existing monuments.
- 13) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- 14) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- 15) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within two hundred (200) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within two hundred (200) feet of and within the site, including properties across streets.
- 16) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:

- [a] Ownership.
- [b] Size.
- [c] Widths of rights-of-way or easements.

17) The proposed layout:

- [a] Outline of the net site area.
- [b] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
- [c] Open space areas, and indication as to whether offered for dedication.
- [d] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
- [e] Monuments.
- [f] Gas mains.
- [g] Water mains.
- [h] Driveway locations.
- [i] Locations of public and/or private sewer systems, if applicable.
- [j] Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.

b) Natural features map (on separate sheet). The following information shall be indicated:

- 1) Floodplain areas.
- 2) Steep slope areas.
  - [a] Fifteen percent (15%) to twenty-five percent (25%).
  - [b] Twenty-five percent (25%) and over.
- 3) Lakes and ponds.

- 4) Wetlands.
- c) Management information. A formal contract for maintenance of open space and method of management and maintenance, if applicable.
- d) If applicable, planning modules as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended. If applicable, no application shall be approved by the Planning Commission unless the applicant provides evidence of Planning Module approval by the Pennsylvania Department of Environmental Protection (D.E.P.).

e) Lot Line Change

Whenever the application is only for a change in lot lines which will not create additional lots, the following shall be provided:

- 1) Drafting standards shall be in accordance with Section 204.g. hereof.
- 2) Information specified in Section 202.e.1. hereof.

f) Acknowledgments

- 1) All offers of dedications and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Jessup Borough Solicitor.
- 2) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided.
- 3) A notice on the plan stating that access to any highway under the jurisdiction of the Pennsylvania Department of Transportation shall be only as authorized by a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".

g. Record Plan

- 1. The record plan shall be a clear and legible blue or black line mylar and shall be an exact copy of the approved final plan on a sheet of the size required for final plans.
- 2. The following information shall appear on the record plan, in addition to the information required in Section 203f. hereof:
  - a) Seals.

- 1) The impressed seal of the surveyor who prepared the survey, and the seal of the engineer who prepared the details of all improvements for the site plan.
- 2) The impressed corporate seal, if the subdivider is a corporation.

b) Acknowledgments.

- 1) A statement to the effect that the applicant is the owner of the land proposed to subdivided and/or developed and that the subdivision shown on the final plan is made with his or their free consent and that it is desired to record the same.
- 2) An acknowledgment of said statement before an officer authorized to take acknowledgments.
- 3) A certification by a surveyor that shall read as follows:

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA: THAT THIS IS A TRUE AND ACCURATE SURVEY MADE ON THE GROUND COMPLETED BY ME ON \_\_\_\_\_(DATE); THAT ALL THE MARKERS SHOWN THEREON ACTUALLY EXIST; THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN; AND THAT NO ENCROACHMENTS, RIGHTS-OF-WAY OR EASEMENTS EXIST EXCEPT AS SHOWN HEREIN.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seal

- 4) Certification by an engineer (if applicable) shall read as follows:  
(Amended 2/9/04)

THE UNDERSIGNED HEREBY CERTIFIES THAT THE SUBJECT PLAN AND RELATED DRAWINGS, REPORTS, ETC. BEARING HIS SEAL ARE TRUE AND ACCURATE AND WERE PREPARED BY HIM OR UNDER HIS DIRECT SUPERVISION AND FOR WHICH THE UNDERSIGNED ACCEPTS FULL AND COMPLETE RESPONSIBILITY. THE UNDERSIGNED FURTHER CERTIFIES THAT THE ABOVE ARE OF ADEQUATE DESIGN IN ACCORDANCE WITH ACCEPTED ENGINEERING STANDARDS AND THAT, TO THE BEST OF HIS KNOWLEDGE, ALL REQUIREMENTS OF THE



JESSUP BOROUGH SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE HAVE BEEN MET.

_____	_____
(PRINTED NAME)	REGISTRATION NUMBER
_____	_____
(SIGNATURE)	(DATE)

c) Signatures, in black ink:

- 1) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and Secretary of the corporation shall appear.
- 2) The signature of the notary public, or other qualified officer, acknowledging the owner's statement of intent.
- 3) The signature of the Jessup Borough Engineer.
- 4) The signatures of the Council President and Secretary of the governing body.
- 5) The signatures of the Chairman and Secretary of the Planning Commission.
- 6) The signature of the plan reviewer of the LCRPC to evidence review by the LCRPC.

204 MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS PRELIMINARY APPLICATION REQUIREMENTS

- a. Purpose. The purpose of the preliminary application is to arrive at a final plan that is acceptable to both the applicant and the municipality.
- b. General
  1. A preliminary application shall be submitted conforming to the changes recommended during the sketch plan process, if any.
  2. The preliminary application, and all plans and information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be requested pursuant to Article 6 hereof.
  3. No provisions of this ordinance shall relieve the applicant from complying with any other

State or Federal Law either in effect as of the adoption of this Ordinance or enacted subsequent to this Ordinance.

c. Procedure

1. The preliminary application and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Ordinance. Such application shall be submitted to the Borough not less than ten (10) days prior to the meeting of the Commission at which consideration is desired. All documents and data submitted hereunder shall be labeled "Preliminary Application." It is the responsibility of the subdivider or developer to coordinate his plans with the respective private and public service agencies. The applicant shall additionally present evidence of notification of all affected public utilities as to the suitability of all utility easements.
2. The applicant shall submit to the Borough Secretary:
  - a) Twelve (12) copies of the preliminary plan.
  - b) Six (6) copies of the Jessup Borough subdivision and land development application form.
  - c) Six (6) copies of the planning module for land development as required by Chapter 71 of the PA Sewage Facilities Act.
  - d) All applicable fees in accordance with Article 5 hereof.

d. Review Process.

1. The Borough Secretary shall submit the application to the Chairman of the Jessup Borough Planning Commission who shall check the submission for completeness. No application shall be deemed complete unless and until all items specified in Section 204 hereof have been submitted. If the submission is incomplete, the Chairman shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Chairman shall instruct the Borough Secretary to accept the final major subdivision plan, application form and fees.
2. Upon acceptance by the Chairman of the Planning Commission, the Borough Secretary shall immediately distribute copies of the preliminary plan, application forms and applicable fees in the following manner:
  - a) Two (2) copies of the preliminary plan and application form and one (1) copy of the planning module for land development to the Lackawanna County Regional Planning Commission.
  - b) One (1) copy of the preliminary plan and application form and one (1) copy of the planning module to the Municipal Engineer
  - c) One (1) copy of the preliminary plan and application form to the Zoning Officer.

- d) One (1) copy of the preliminary plan and application form to the Fire Chief
  - e) One (1) copy of the preliminary plan and application form to the Lackawanna County Soils Conservation Service
  - f) One (1) copy of the preliminary plan to the Borough Council.
  - g) Five (5) copies of the preliminary plan and application form and one (1) planning module for land development for the use of the Planning Commission.
  - h) A plan depicting what will be done by the applicant to control soil erosion and sedimentation during the development stages. This plan shall be presented by the applicant to both the Municipal Engineer and the Lackawanna County Office of the U. S. Soil Conservation Service for their review and report.
3. The Municipal Engineer shall, within thirty (30) days following acceptance of the preliminary application:
    - a) Review the engineering considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission and governing body.
  4. The Zoning Officer shall within thirty (30) days following acceptance of the preliminary application:
    - a) Review the zoning considerations in the applicant's submission; and
    - b) Make recommendations to the Planning Commission and governing body.
  5. The Fire Chief shall, within thirty (30) days following acceptance of the preliminary application:
    - a) Review the fire protection considerations, in conjunction with the local fire company, in the applicant's submission; and
    - b) Make recommendations to the Planning Commission and governing body.
  6. The Planning Commission should, within thirty (30) days following acceptance of the preliminary application, meet with the applicant to review the submission.
  7. The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the preliminary application was forwarded to said Commission, review the preliminary application and prepare a report for the municipality s Planning Commission and governing body.
  8. The Planning Commission should, within sixty (60) days following acceptance of the preliminary application:

- a) Review the reports of the Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation Service and the recommendations of the Municipal Engineer, Fire Chief and Zoning Officer;
  - b) Discuss the submission with the applicant at an official Planning Commission Meeting;
  - c) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances;
  - d) Recommend revisions, if any, so that the plan will conform to municipal codes and ordinances; and
  - e) Recommend approval or disapproval of the preliminary application in a written report to the governing body.
9. In cases where the subdivision or land development adjoins an existing or proposed state highway or has proposed streets entering on to state highways, the applicant shall submit the plans to the Pennsylvania Department of Transportation for review, and the applicant shall secure a Highway Occupancy Permit.
  10. The Planning Commission will consider the plan to determine if it meets the standards set forth in this Ordinance and the Jessup Borough Zoning Ordinance.
  11. When action is required by the Borough Council, the Planning Commission shall act on their recommendation regarding the Preliminary Application in time for the Borough Council to render their decision within ninety (90) days from the official filing date; provided however, that the developer may in writing authorize an extension of time beyond the ninety (90) day limit.

e. Planning Commission Recommendation

1. The Planning Commission shall recommend whether the Preliminary Application should be approved, approved with modifications, or disapproved, and shall notify the Jessup Borough Council in writing thereof, including, if disapproved, a statement of reasons for such action.
2. In making its recommendation, the Planning Commission shall consider the recommendations of the Jessup Borough Engineer, Jessup Borough Staff, the Jessup Borough Sewage Enforcement Officer, the Lackawanna County Regional Planning Commission, interested residents, the recommendations of any agency or agencies from which a review was requested under subsection 204.d. of this Ordinance, and the recommendations of the Lackawanna County Soils Conservation Service and other like

agencies.

f. Action by the Governing Body

1. The governing body should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the preliminary application:
  - a) Review the reports of the Planning Commission, Lackawanna County Regional Planning Commission, the Lackawanna County Soils Conservation Service and the recommendations of Municipal Engineer, Fire Chief, Zoning Officer; and other reviewing agencies;
  - b) Determine whether the preliminary application meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances; and
  - c) The Governing Body shall determine whether the Final Application shall be approved or disapproved and shall render its decision and communicate it in writing to the Subdivider/Developer not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of the court remanding an application, or the final order of the court, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. If approved the governing body shall express its approval and state the conditions of approval, if any. If disapproved, the governing body shall state the reasons for this action. (Amended 2/9/04)
2. The decision of the governing body shall be in writing and shall be communicated to the applicant (or his agent) personally or mailed to him at the last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. The decision shall be mailed to the applicant via certified mail with a return receipt requested. The Borough Council shall notify the applicant of its decision to approve, approve with conditions, or disapprove the preliminary application in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the application is approved with conditions or disapproved, the Planning Commission and/or the Borough Council shall specify in their notice the conditions which must be met and/or the defects found in the application, and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled. When an application is approved "with modifications" the Developer shall agree to such modifications in writing. Failure to return such a written acceptance within 30 days of notification shall result in disapproval of the application.
3. Approval of the preliminary application shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and dimensions of streets, lots, and other planned features. The approval binds the subdivider or developer to the subdivision/land development plan shown, unless a revised plan is

submitted, and permits the subdivider to proceed to arrange for guarantee to cover installation of the improvements, and to prepare the final application. Approval of the preliminary application shall not constitute approval of the final application or authorize the sale of lots or construction of buildings nor the recording of the Preliminary Application.

4. If the preliminary application is disapproved, the applicant may file a revised preliminary application with the Borough Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for preliminary application and shall replenish the escrow deposit to its original amount.
5. Failure of the Borough Council to act on the preliminary application within ninety (90) days of the official filing date shall be deemed an approval, 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. Before acting on a preliminary application, the Planning Commission and/or the Borough Council may hold a hearing thereon after public notice. No approval shall be granted without evidence of Planning Module approval by D.E.P.; nor shall any approval be granted until a report is received from the LCRPC or until the expiration of thirty (30) days from the date the application is submitted to the LCRPC.

g. Information to be Provided With Preliminary Application

1. Drafting Standards

- a) The plat plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. Plans showing proposed construction, including, but not limited to, grading, piping and other improvements, shall be drawn at a scale of one (1) inch equals fifty (50) feet.
- b) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
- c) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- d) Where a resubdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
- e) Notations of revisions shall be dated.
- f) The plan shall include an adequate legend to indicate clearly which features are existing and which are proposed.
- g) The boundary line of the subdivision or land development shall be shown as a solid

heavy line.

2. Required Information. The plat plan shall show or be accompanied by the following information:
  - a) Site plan (on separate sheet), showing:
    - 1) Name of subdivision or land development.
    - 2) Name and address of owner/applicant.
    - 3) Tax parcel number(s) of the site.
    - 4) Name, address, and seal of surveyor and other applicable names, addresses and seals.
    - 5) Zoning requirements, including:
      - [a] Applicable district and district boundaries
      - [b] Maximum density or intensity permitted, if applicable.
      - [c] Lot size and yard requirements.
      - [d] Open space and impervious surface ratios, if applicable.
      - [e] Any variances or special exceptions granted.
    - 6) Proposed standards:
      - [a] Density.
      - [b] Open space ratio.
      - [c] Impervious surface ratio.
      - [d] Dwelling unit or nonresidential use mix, if known.
      - [e] Size of units (in bedrooms) or square footage of nonresidential buildings, if known.
    - 7) Location map showing relation of site to adjoining properties, streets, and sewer and water lines within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet)
    - 8) North Point.
    - 9) Written and graphic scales (including scale of location map).

- 10) Total acreage of the site, both gross and net.
- 11) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
- 12) Location of all existing monuments.
- 13) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- 14) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- 15) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within two hundred (200) feet of the site. Sewer lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within two hundred (200) feet of and within the site, including properties across streets.
- 16) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:
  - [a] Ownership.
  - [b] Size.
  - [c] Widths of rights-of-way or easements.
- 17) The proposed layout:
  - [a] Outline of the net site area.
  - [b] The layout of streets, including widths of cartways, and existing and ultimate rights-of-way; and proposed improvements pursuant to Section 204g.2.h)4)[f] hereof. The governing body shall retain exclusive jurisdiction to name all proposed streets.
  - [c] The lot layout and approximate dimensions, areas and uses of lots; building setback lines and rear and side yard lines.
  - [d] The arrangement and use of buildings and parking areas in nonresidential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.



- [e] Open space areas, and indication as to whether offered for dedication.
  - [f] Recreational facilities.
  - [g] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
  - [h] Sidewalks and pedestrian paths.
  - [i] Street lights.
  - [j] Fire hydrants.
  - [k] Monuments.
  - [l] Gas mains.
  - [m] Water mains.
  - [n] Driveway locations.
  - [o] Locations of public and/or private sewer systems, if applicable.
- 18) Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.
- 19) Where the preliminary plan involves a portion of the applicant's entire tract, a sketch plan of a feasible future subdivision or land development of the remainder of the tract.
- b) Natural Features map (on separate sheet), showing:
- 1) Unless the proposed development is to be served by a central sewage disposal system, soil types within the site, based on maps contained in the Soil Survey of Lackawanna and Wyoming Counties, U.S. Department of Agriculture, Soil Conservation Service, March 1982, as amended. An attached table shall indicate each soil's limitations for community development.
  - 2) Contour lines overlaid on a street and lot layout, measured at vertical intervals of two (2) feet. Such elevations shall be determined by on-site or photogrammetric survey, not by interpretation of United States Geological Survey maps.
  - 3) Datum to which contour lines refer. Where practicable, data shall refer to established elevations.

- 4) Floodplain areas.
- 5) Base flood elevation data, if available.
- 6) Floodplain soil areas.
- 7) Slope areas.
  - [a] Fifteen percent (15%) to twenty-five percent (25%).
  - [b] Twenty-five percent (25%) and over.
- 8) Vegetation map, showing:
  - [a] Woodland association areas.
  - [b] Large trees over ten (10) inches caliper standing alone.
  - [c] Other significant vegetation.
- 9) Water resources map (on separate sheet), showing:
  - [a] Streams.
  - [b] Swales.
  - [c] Lakes and ponds.
  - [d] Wetlands.
  - [e] Major and minor watersheds.
- c) Sedimentation and erosion control plan pursuant to the Pennsylvania Clean Streams Law, prepared in accordance with standards and specifications of the Lackawanna County Soil Conservation District (on separate sheet).
- d) Storm water management plan pursuant to the Borough's Storm Water Management Ordinance.
- e) Sewer plan (on separate sheet), showing:
  - 1) Public sanitary sewer facilities, if applicable.
  - 2) Central water supply facilities, if applicable.
- f) Landscaping and grading plan (on separate sheet), showing:
  - 1) Existing and proposed grades for the entire site.

- 2) Existing vegetation to be removed.
  - 3) Existing vegetation to be preserved.
  - 4) Proposed planting schedule indicating the locations, species and sizes of plantings as required by Sections 308b., 313b.4, 314, 316b., 318, and 319b..
  - 5) When applicable the landscaping plan shall be in accordance with the requirements of the Municipality's zoning ordinance.
- g) Tentative typical cross sections and center-line profiles for each proposed street shown on the site plan (on separate sheet).
- h) Transportation impact study.
- 1) A transportation impact study, as defined in subsection B(8)(d) below may be required of all major subdivisions and land developments. This study, if required, will enable Jessup Borough to assess the impact of a proposed development on the local transportation system. The study purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study will assist in the protection of air quality, the conservation of energy, and the encouragement of public transportation use.
  - 2) Subdivisions and land developments for which a transportation impact study will be required.
    - [a] A transportation impact study shall be required for all subdivisions and land developments that meet one (1) or more of the following criteria:
      - [1] A residential subdivision/land development of one hundred (100) or more or more dwelling units.
      - [2] A nonresidential land development of one hundred thousand (100,000) square feet or more of gross leasable floor space.
      - [3] A development which will generate an ADT of at least 1500 vehicles; provided, however, that the Municipal Engineer may determine that a study shall be required for an ADT of less than 1500 vehicles on heavily traveled roads or roads with poor sight distances; and, provided further that all vehicular traffic projections shall be based on ultimate build-out, and shall be subject to verification by the Municipal Engineer.

- [4] For any Conditional Use as specified in the Jessup Borough Zoning Ordinance, for which an environmental assessment is required.
  - [b] The governing body, upon the recommendation of the Jessup Borough Engineer, shall have the discretion to require the preparation of a traffic impact study for any other subdivision or land development if, in their opinion, such a study is required.
- 3) Jessup Borough shall select a qualified engineer and/or transportation planner with previous traffic study experience to review the applicant's transportation impact study. Jessup Borough may utilize applicant's fees, placed in escrow, to fund such studies. The procedures and standards for the traffic impact study, which shall be adhered to by the consultant, are set forth in Section 204g.2.h)4) hereof.
- 4) The transportation impact study shall contain, but not be limited to, the following information:
- [a] General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided and shall be addressed by the traffic impact study. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they might affect the transportation needs of the site (for example, the number of senior citizens).
  - [b] Transportation facilities description.
    - [1] The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelters and sign locations shall be designated where appropriate.
    - [2] The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of

the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation 12-Year Highway Capital Improvements Program, the Lackawanna Valley Corridor Plan, the Lackawanna County Comprehensive Plan and from the Municipality's Comprehensive Plan and Official Map. The applicability of current updates prior to the application under consideration shall be determined by the Municipal Engineer. Any proposed roadway improvements resulting from proposed surrounding development shall also be recorded.

[c] Existing traffic conditions.

- [1] Existing traffic conditions shall be measured and documented on all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for the land development's peak hour traffic. Complete traffic counts at all major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed for the peak hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location.
- [2] This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.

- [d] Transportation impact of the development. Estimation of vehicular trips to result from the proposed development shall be completed for both the street system and the development-generated peak hours. Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated. The reference source(s) and methodology followed shall be cited. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.

Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each

crossing. Any characteristics of that site that will cause unusual trip generation rates and/or traffic flows shall be noted.

[e] Analysis of Transportation Impact

[1] The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated. This demand shall consist of the combination of existing traffic expanded to the completion year, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed using the peak highway hour(s) and peak development-generated hour(s) for all streets and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections.

[2] All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation. Levels of service for all streets and intersections shall be listed.

[f] Conclusions and Recommended Improvements

[1] All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design; site access location and design; external street and intersection design and improvements; traffic signal installation and operation, including signal times; and transit design improvements.

[2] Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.

[3] The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement

and the completion date for the improvement.

[4] The Planning Commission shall review the transportation impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development and make recommendations to the governing body.

[5] The governing body may decide that certain improvements contained in the study within the study area are required for preliminary application approval and may attach these conditions to the preliminary approval.

[6] For projects that require a Highway Occupancy Permit (HOP) no preliminary application shall be approved without evidence of an approved HOP.

i) Planning modules for land development as required by Chapter 71 of the Pennsylvania Sewage Facilities Act, as amended.

j) Additional Subdivision Requirements for Commercial and Manufacturing Land Developments Regarding the Aesthetics of the Proposed Development

1) Submit three (3) sets of plans, drawings and specifications in sufficient detail to permit the evaluation of the aesthetic qualities of plans for building facades and overall site utilization, including landscaping.

2) Such plans, drawings and specifications shall be those that relate to the height, location, elevation, design, construction materials and structural composition and integrity of and for all development, construction and improvement of each site, and shall include plans, drawings and specifications of and for the site and its layout, setbacks, easements, drainage facilities and controls, landscaping, screening, foundation, structural and floor layout, building and utility locations, and utility connections and distributions, building locations with respect to topography and finished grade elevation, solid waste disposal facilities, lot ingress and egress, road access, lighting, signs, parking, curbing, loading areas and facilities, driveways, walkways, and paved and seeded areas, all of which shall provide sufficient detail as determined by the Borough Engineer.

k) Acknowledgments.

1) Letters from utility companies indicating the availability of required utilities.

2) Schedule of all proposed sections of the subdivision or land development, if applicable. Said schedule shall propose deadlines within which final subdivision or land development plans for each section are intended to be filed.

- 3) General proposal for the maintenance of open space and/or private streets, sewer systems, central water supply and other major improvements; and method of management. A formal contract is not required at this point.

205 MAJOR SUBDIVISION AND LAND DEVELOPMENT FINAL APPLICATION REQUIREMENTS

a. Purpose

The purpose of the final application is to require formal approval by the governing body before plans for all subdivisions and land developments are recorded as required by Section 205j.

b. General

1. The final application shall conform to the preliminary application, as approved.
2. The final application and all plans, information and procedures relating thereto shall in all respects be in compliance with the provisions of this Ordinance, except where variation therefrom may be specifically approved by the governing body pursuant to Article 6 hereof.

c. Procedure

1. After the subdivider or developer has received official notification from the Borough Council that the preliminary application has been approved, he must submit a final application in accordance with the provisions of Sec. 508 of the Municipalities Planning Code.
2. The Subdivider/Developer shall file a Final Application for the section (or portion) to be developed. All documents and data submitted hereunder shall be labeled "Final Application". The Final Application will have incorporated all changes and modifications required by the Commission and/or the Borough Council; otherwise, it shall conform to the approved preliminary application, and it may constitute only that portion of the approved preliminary application which the Subdivider/ Developer proposes to record and develop at the time, provided that such portion conforms with all of the requirements of this Ordinance.
3. The subdivider or developer must submit with the final application a guarantee for the installation of improvements which meets the requirements of Article 4 and Section 206.g. hereof.
4. Documented approval of the Planning Module for Land Development by the Pennsylvania Department of Environmental Protection shall be a part of the requisite materials accompanying the Final Application submission.



5. The applicant shall prepare the final plan and application form, including the data specified in this Section 205. Said application shall be filed not less than ten (10) days prior to the meeting at which consideration is desired. The applicant shall submit to the Borough Secretary:
  - a) Ten (10) copies of the final plan.
  - b) Jessup Borough subdivision and land development application form.
  - c) Written agreements, offers of dedication, covenants and deed restrictions pursuant to this Section 205 and other applicable requirements of this ordinance as well as the zoning ordinance of the Borough of Jessup.
  - d) The application shall be accompanied by the requisite inspection and engineering fees as set forth in Article 5 hereof.
  
6. The Borough Secretary shall submit the application to the Chairman of the Jessup Borough Planning Commission who shall check the submission for completeness. No application shall be deemed complete unless and until all items in (2)(a) to (d) hereinabove have been submitted. If the submission is incomplete, the Borough Secretary shall notify the applicant within seven (7) days and indicate the deficiencies. If the application is complete, the Borough Secretary shall accept the final application, including the application form and fees.
  - a) Deposits and fees for the different types of subdivision and land development submissions are set forth in Article 5 hereof. Fees, pursuant to the Lackawanna County Regional Planning Commission, and the Lackawanna County Soils Conservation Service Fee Schedules, shall also be required.
  - b) The Secretary shall collect and immediately deposit all municipal fees in the proper municipal bank account as directed by the governing body, and shall collect and transmit all other fees to applicable agencies.
  
7. Upon instruction from the Chairman of the Borough Planning Commission, the Borough Secretary shall immediately distribute copies of the final application, and applicable fees in the following manner:
  - a) Two (2) to the Lackawanna County Regional Planning Commission.
  - b) One (1) copy to the Municipal Engineer.
  - c) One (1) copy to the Zoning Officer.
  - d) One (1) copy to the Solicitor.
  - e) One (1) copy to the Borough Council.

- f) Five (5) copies to be retained by the Borough Secretary for use by the Planning Commission.

d. Review Process

1. The Municipal Engineer shall, within thirty (30) days following acceptance of the final application:
  - a) Review the engineering considerations in the applicant's submission; and
  - b) Make recommendations to the Planning Commission and governing body.
2. The Zoning Officer shall, within thirty (30) days following acceptance of the final application:
  - a) Review the zoning considerations in the applicant's submission; and
  - b) Make recommendations to the Planning Commission and governing body.
3. The Solicitor shall, within thirty (30) days following acceptance of the final application:
  - a) Review the proposed agreements, offers of dedication, covenants and deed restrictions; and
  - b) Make recommendations to the Planning Commission and governing body.
4. The Planning Commission should, within thirty (30) days following acceptance of the final application, meet with the applicant to review the submission.
5. The Lackawanna County Regional Planning Commission shall, within thirty (30) days from the date that the final plan was forwarded to said Commission, review the final plan and prepare a report for the municipality's Planning Commission and governing body.
6. The Planning Commission should, within sixty (60) days following acceptance of the final application:
  - a) Review the reports of the Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, Zoning Officer and Solicitor;
  - b) Discuss the submission with the applicant;
  - c) Determine whether the final application:
    - 1) Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.

2) Complies with any conditions of preliminary application approval.

e. Planning Commission Recommendations

1. Recommend revisions, if any, so that the application will conform to municipal regulations and ordinances; and
2. Recommend approval or disapproval of the final application in a written report to the governing body.
3. The Planning Commission shall act on the final application in time for the Borough Council to render their decision within ninety (90) days of the official filing date or later if an extension in writing is authorized by the applicant/developer.
4. When action is required by the Borough Council the Planning Commission shall recommend whether the final application shall be approved, approved with modifications, or disapproved, and shall notify the Jessup Borough Council in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action. When an application is approved "with modifications" the applicant shall agree to such modifications in writing. Failure to return such a written acceptance within 30 days of notification shall result in disapproval of the application.

f. Governing Body Actions

1. The Borough Council will not take official action to approve a Final Application unless it is accompanied by a guarantee for the installation of improvements which meet the requirements of this Section 205 and Article 4 hereof.
2. The Borough Council shall take action within ninety (90) calendar days from the official filing date of the final application. Failure to do so shall be deemed an approval, 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.
3. The governing body should, within seventy-five (75) days, and shall within ninety (90) days following the date of the first meeting of the Planning Commission next following the date of the acceptance of the final plan application:
  - a) Review the reports of the Planning Commission, Lackawanna County Regional Planning Commission and the recommendations of the Municipal Engineer, Zoning Officer, Solicitor and other reviewing agencies;
  - b) Determine whether the final application:

- 1) Meets the objectives and requirements of this Ordinance and other pertinent regulations and ordinances.
  - 2) Complies with conditions of preliminary application approval; and
  - c) The Governing Body shall determine whether the Final Application shall be approved or disapproved and shall render its decision and communicate it in writing to the Subdivider/Developer not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of the court remanding an application, or the final order of the court, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. If disapproved, the governing body shall state the reasons for this action.  
(Amended 2/9/04)
4. The Borough Council shall notify the applicant (or his agent) in writing of its decision to approve, approve with conditions, or disapprove, the final application. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision or within such time limits as may be required by the Pennsylvania Municipalities Planning Code. If the final application is disapproved, the Planning Commission and/or the Borough Council shall specify the defects found in the application and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled. All decisions shall be mailed to the applicant via certified mail with a return receipt requested.
5. If the final application is approved:
- a) The governing body shall adopt a resolution approving the final application. If approved, the Governing Body and Commission shall sign the original Final Subdivision Application and attach thereto a notation that it has received approval and return it to the Subdivider/Developer for compliance with the recording requirements.
  - b) If the Final Application is approved subject to conditions, the Planning Commission and/or the Borough Council shall not endorse the plan until all of the conditions have been met.
  - c) Approval shall not be final until entry into contract and production of completion guaranty as set forth in this Section 205, when applicable.
  - d) If the Jessup Borough Council approves the Final Application or grants a conditional approval, they shall, in accordance with Section 205g. hereof, set the amount of bonding or other security necessary to guarantee the construction of improvements and community facilities and shall state such amount in the notice to the applicant.

6. If the final application is disapproved:
  - a) If disapproved, the Planning Commission and/or the Governing Body shall attach to the Application a statement of reasons for such action and return it to the applicant.
  - b) The applicant may file a revised final plan with the Borough Secretary in order to secure approval. No fee will be charged for the first revision, but all successive submissions shall pay the fee for final plans and shall replenish the escrow deposit to its original amount.
7. When requested by the applicant, in order to facilitate financing, the governing body shall furnish the applicant with a signed copy of a resolution indicating approval of the final application contingent upon the applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer. No changes, erasures, modifications, or revisions shall be made on any final plat of a subdivision/or a land development after approval has been given by the Planning Commission and/or the Borough Council, and endorsed in writing on the plat, unless the Application is resubmitted for approval by the Borough Council.

g. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval

No application for a subdivision or a land development shall be finally approved unless the streets included in such subdivision/land development have been improved to a mud-free or otherwise permanently passable condition, and any walkways, curbs, gutters, sanitary sewers, storm sewers, and other improvements as may be required by this Ordinance have been installed in accordance with the requirements of this Ordinance. In lieu of the completion of any improvements required as a condition for the approval of a final application, including improvements or fees required, the subdivider/ developer shall deposit with the Municipality a financial security acceptable to the Governing Body in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the cost of any improvements for which security is required and provided to the PA Department of Transportation in connection with the issuance of any occupancy permit. Such financial security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed in this Ordinance for such completion. The Municipality shall be identified on such security as a party to be notified in the event that said security is canceled, revoked or redeemed by the holder thereof. (Amended 2/9/04)

Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending

institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually the Municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the applicant to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the applicant in accordance with this subsection.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Municipality and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Municipality and the applicant.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above cost-estimating procedure.

In the case where development is projected over a period of years, the Governing Body may authorize submission of final plats by section or stages of development subject to such requirements or guarantees 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.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Governing Body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Governing Body, and the Governing Body shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the improvements has been completed in accordance with the approved application. Upon such certification, the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Governing Body fails to act within said forty-five (45) day period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body shall, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

Where the Governing Body accepts dedication of all or some of the required improvements following completion, the Governing Body shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be fifteen (15%) percent of the actual cost of installation of said improvements.

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal Authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal Authority and shall not be included with the financial security as otherwise required by this section.

If financial security has been provided in lieu of the completion of improvements required as a condition for approval of the final application as set forth in this section, the Municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

h. Release from Improvement Bond

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal

engineer. The municipal governing body shall within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the governing body; 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 by the municipal engineer, said report shall contain a statement of reasons for such non-approval.

2. The Municipal Governing Body shall notify the applicant, within 15 days of receipt of the Engineer's report in writing by certified mail of the action of said Municipal Governing Body with relation thereto.
3. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved by the municipal governing body, the applicant shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
6. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.
7. The foregoing procedures for "Release from Improvement Bond" shall also be applicable to requests for partial releases of not less than twenty-five (25%) percent each; provided, however, that if the applicant requests such partial releases, he shall be responsible for all related costs of the municipal engineer.

i. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Governing Body may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Governing Body 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 subdivider/developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Municipal purposes. Further, the Governing Body shall not be obliged to expend general revenues of the Borough to complete improvements for which the security is or becomes inadequate.

In the further event that the governing body acts to realize the proceeds of the security and to effect the completion of improvements, it shall do so in its governmental capacity and shall not be deemed to be acting in the capacity of the subdivider or developer.

j. Recording Plats and Deeds

1. Upon approval of the final application, the subdivider or developer shall prepare one (1) transparent reproduction of the original final plan on stable plastic base film and no less than four (4) prints thereof which shall be submitted to the Planning Commission not later than thirty (30) days after approval. These plans, upon satisfaction of all conditions attached to the approval, will be signed by the Planning Commission and the Borough Council. Upon the approval of the final plat, the developer shall within ninety (90) days of such final approval, or 90 days after the date of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Lackawanna County Recorder of Deeds, and forthwith file with the Borough a Recorder's Certificate that the approved application has been recorded, with the Deed Book and Page Numbers indicated and two (2) copies of the application as recorded. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the Borough's approval and review by the LCRPC. (Amended 2/9/04)
2. After a plat has been approved and recorded as provided in this Ordinance, all streets and public grounds on such plat shall be, and become a part of the official map of the Municipality without public hearing.
3. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate all recreation areas and other public areas to public use. The approval of the final application shall not impose any duty upon the Jessup Borough Council or Jessup Borough concerning maintenance of improvements by ordinance or resolution.

k. Information to Be Provided with Final Application

In addition to the other requirements specified herein, the final application shall contain the following information which shall be prepared by the applicant's engineer.

1. Drafting Standards

- a) The plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. Plans showing proposed construction,

including, but not limited to, grading, piping and other improvements, shall be drawn at a scale of one (1) inch equals fifty (50) feet.

- b) Dimensions shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds.
  - c) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
  - d) Where a resubdivision is proposed, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show lot lines to be abandoned and solid lines to show the currently proposed lot lines.
  - e) Notations of revisions shall be dated.
  - f) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
  - g) The boundary line of the subdivision or land development shall be shown as a solid heavy line.
  - h) Final plans shall be on sheets either eighteen by twenty-four (18 x 24) inches, twenty-four by thirty-six (24 x 36) inches or thirty-six by forty-eight (36 x 48) inches, and all lettering shall be so drawn as to be legible if the plan should be reduced to half size.
2. Primary control points, approved by the engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  3. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearing, or deflection angles, and radii, arcs, and central angles of all curves.
  4. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.
  5. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract and the names of such streets.
  6. Location, dimensions, and purpose of easements, including any limitations on such easements.
  7. Number to identify each lot and/or site, and street numbers of lots.
  8. Accurate dimensions and purposes for any property to be dedicated or reserved for public,

semi-public or community use.

9. Building lines on all lots and other sites.
10. Profiles of streets and alleys showing grades at minimum scale of fifty (50) feet horizontal and ten (10) feet vertical.
11. Cross sections for the entire width of each right-of-way of the streets and alleys showing the width of the right-of-way, width of cartway, location and width of sidewalks, and location and size of utility mains.
12. Names of record owners of adjoining unplatted land.
13. Reference to recorded subdivision applications of adjoining platted land by record name, date and number.
14. Certification by licensed Surveyor or licensed Engineer certifying to accuracy of survey and application. Boundary surveys must be certified by a licensed surveyor.
15. Proposed Protective Covenants running with the land, if any.
16. Proposed contours at vertical intervals as required by the Commission.
17. The Plan shall have lettered upon it a statement delineating the areas proposed to be dedicated for such public uses as streets, alleys, public schools, parks or any other public use, and there shall be attached to the application a certificate of title certifying the ownership of all such lands to be so dedicated by said application.
18. Plans and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
19. Location of all watercourses and detention ponds, whether public or private.
20. All dimensions shall be shown in feet and hundredths of a foot.
21. The final plan shall show or be accompanied by the following information: (207)
  - a) Site plan (on separate sheet), showing:
    - 1) Name of subdivision or land development.
    - 2) Name and address of owner/applicant.
    - 3) Tax parcel number(s) of the site.
    - 4) Name, address and seal of the engineer or surveyor responsible for the plan.
    - 5) Zoning requirements, including:

- [a] Applicable district and district boundaries.
  - [b] Maximum density or intensity permitted, if applicable.
  - [c] Lot size and yard requirements.
  - [d] Open space and impervious surface ratios, if applicable.
  - [e] Any variances or special exceptions granted.
- 6) Proposed standards:
- [a] Density.
  - [b] Open space ratio.
  - [c] Impervious surface ratio.
  - [d] Dwelling unit or nonresidential use mix, if known.
  - [e] Size of units (in bedrooms) or square footage of nonresidential buildings, if known.
- 7) Location map showing relation of site to adjoining properties and streets, within one thousand (1,000) feet. (Scale: one (1) inch equals four hundred (400) feet.)
- 8) North point.
- 9) Written and graphic scales (including scale of location map).
- 10) Total acreage of the site, both gross and net.
- 11) A complete field or photogrammetric survey of the property to be subdivided or developed, showing all courses, distances, and tie-ins to all adjacent intersections and areas.
- 12) Location of all existing monuments.
- 13) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land).
- 14) Existing cartways of streets on and adjacent to the site with existing and ultimate rights-of-way.
- 15) Existing principal buildings (and their respective uses), sewage disposal systems, wells and driveways within one hundred (100) feet of the site. Sewer

lines, storm drains, culverts, bridges, utility easements, quarries, railroads, and other significant man-made features within five hundred (500) feet of and within the site, including properties across streets.

- 16) Pursuant to Act 287 of 1974, all underground utility lines with indications as to:
  - [a] Ownership.
  - [b] Size.
  - [c] Widths of rights-of-way or easements.
  
- 17) The proposed layout:
  - [a] Outline of the net site area.
  - [b] The layout of streets, including widths of cartways and existing and ultimate rights-of-way; and proposed improvements pursuant to Section 204g.2.h)4)[f]. The governing body shall retain exclusive jurisdiction to name all proposed streets.
  - [c] The lot layout with exact dimensions, areas and uses of lots, building setback lines, and rear and side yard lines.
  - [d] The arrangement and use of buildings and parking areas in nonresidential developments and multifamily residential developments with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.
  - [e] Open space areas, and indication as to whether offered for dedication.
  - [f] Recreational facilities.
  - [g] Rights-of-way and/or easements for all drainage facilities, utilities or other purposes.
  - [h] Sidewalks and pedestrian paths.
  - [i] Street lights.
  - [j] Fire hydrants.
  - [k] Monuments.
  - [l] Gas mains.
  - [m] Water mains.

- [n] Driveway locations.
  - [o] Locations of private sewer systems, if applicable.
- 
- b) Where the subdivision or land development is proposed to be developed in sections, a delineation of and numbering of the sections in their proposed order of development.
  - c) Where the final plan covers only a portion of the applicant's entire tract, a sketch plan shall be submitted of a feasible future subdivision or land development of the remainder of the site. Said sketch plan shall be drawn in accordance with the approved preliminary plan and the approved schedule of sections.
  - d) Sedimentation and erosion control plan pursuant to the Pennsylvania Clean Streams Law, prepared in accordance with standards and specifications of the Lackawanna County Soil Conservation District (on separate sheet).
  - e) Storm water management plan (on separate sheet), as specified in Section 204g.2.d) hereof.
  - f) Sewer plan in accordance with Section 204g.2.e) hereof.
  - g) Landscaping and grading plan in accordance with Section 204g.2.f) hereof.
  - h) Improvement construction plan (drainage and construction) prepared by an engineer. The improvement construction plan shall be at a horizontal scale on the plan and profile of fifty (50) feet to the inch and a vertical scale on the profile of five (5) feet to the inch. It shall contain the following:
    - 1) Horizontal plan (streets):
      - [a] Center line with bearings, distances, curve data and stations corresponding to the profile.
      - [b] Right-of-way and curb lines with radii at intersections.
      - [c] Beginning and end of proposed construction.
      - [d] Tie-ins by courses and distances to intersections of all public streets, with their names and widths.
      - [e] Location of all proposed monuments with reference to them.
      - [f] Property lines and ownership of abutting properties.

- [g] Location and size of all drainage structures, sidewalks, public utilities, lighting standards, street trees and street name signs.
- 2) Profile (streets):
- [a] Profile of existing ground surface along the center line and both right-of-way lines of streets.
  - [b] Proposed center line grade with percent on tangents and elevations at fifty-foot intervals, grade intersections and either end of curb radii.
  - [c] Vertical curve data, including length, tangent elevations and minimum sight distance as required in Section 304e.2.
- 3) Cross section (streets):
- [a] Right-of-way width and location, and width of paving.
  - [b] Type, thickness and crown of paving.
  - [c] Type and size of curb.
  - [d] Grading of sidewalk area.
  - [e] Location, width, type and thickness of sidewalks.
  - [f] Typical location of sewers and utilities, with sizes.
- 4) Horizontal plan (storm drains and sanitary sewers):
- [a] Location and size of line with stations corresponding to the profile.
  - [b] Location of manholes or inlets with grades between and elevations of flow line and top of each manhole or inlet.
  - [c] Property lines and ownership, with details of easements where required.
  - [d] Beginning and end of proposed construction.
  - [e] Location of laterals and wyes.
  - [f] Location of all other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.
  - [g] Hydraulic design data for culverts and/or bridge structures.

- 5) Profile (storm drains and sanitary sewers):
  - [a] Profile of existing ground surface with elevations at top of manholes or inlets.
  - [b] Profile of storm drains or sanitary sewers showing type and size of pipe, grade, cradle, manhole and inlet locations.
  
- i) Management information. A formal contract for the maintenance of open space and/or private streets, sewer systems, central water supply and other major improvements; and method of management.
  
- j) Acknowledgments.
  - 1) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, bearing certificate of approval of the Jessup Borough Solicitor.
  - 2) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed that may affect the title to the land being subdivided.
  - 3) All required permits and related documentation from the Pennsylvania Department of Environmental Protection or its successor agency where any alteration or relocation of a stream or watercourse is proposed.
  - 4) A notice on the plan stating that access to any highway under the jurisdiction of the Pennsylvania Department of Transportation shall be only as authorized by a highway occupancy permit pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".
  
- k) A written agreement regarding public improvement guarantees pursuant hereof.
  
- l) Supporting Documents

The following supporting documents shall also be submitted in conjunction with the final plat:

- 1) Evidence showing that all general taxes on the subject property have been paid in full to date, and that all special taxes or assessments, have been paid or discharged in full or that the court under which such assessments were made has entered an order redistributing the assessments against the land platted.
- 2) A copy of the Sales contract shall be submitted so the Planning Commission can ascertain that it contains no provisions in conflict with the approved application.
- 3) A statement signed by the subdivider/developer, setting forth the public



improvements he proposes to make, together with plans, specifications, and estimates of cost therefore.

- 4) A duly completed and executed completion bond with corporate surety posted with the Borough by the subdivider/developer, in an amount equal to the estimate and certified by the Borough Solicitor as good, valid, and enforceable by the Borough securing the satisfactory completion of the public improvements in strict accordance with the description, plans and specifications submitted by the subdivider/developer, and approved by the Borough Council; or
  - [a] a certification that the improvements, utilities and facilities have already been installed; or
  - [b] an acceptable instrument of financial security, payable to the Borough and adequate for the completion of these improvements, sewage disposal facilities and other utilities and facilities.
- 5) A certification that utility companies serving the area of the proposed subdivision have been consulted with respect to the size, location, and use of easements for utility purposes.
- 6) An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
- 7) Location and method of street lighting facilities.
- 8) Deed of dedication including dimensions of streets and other public property.
- 9) Front yard setback lines, the minimum as fixed by the Borough's Zoning Ordinance, and any other setback or street lines established by this Ordinance and those specified in the deed restrictions.
- 10) At the time of filing, the Final Application shall be accompanied by a check payable to the municipality in an amount consistent with the requirements of Article 5 hereof, including fees charged by the County Planning Commission and fees for other related consulting services.
- 11) Such other certificates, affidavits, endorsements, or dedications as may be required by the Commission or the Governing Body of the Municipality in the enforcement of these regulations, including, but not limited to a highway occupancy permit for any subdivision or land development requiring access to a State highway.



## ARTICLE 3

### DESIGN STANDARDS

#### 301 LAND REQUIREMENTS

Land shall be suited to the purposes for which it is to be subdivided/developed. In general, the Commission shall take the following factors into consideration prior to the approval of any subdivision plan.

- a. A subdivision laid out on low-lying land that is subject to periodic flooding shall not be approved unless it is proven that adequate safeguards against such hazards are provided by the plan; provided further that it complies with the Floodplain Ordinance of the Borough of Jessup, as amended.
- b. All portions of a site being subdivided shall be taken up in lots, streets, public lands or other proposed uses such as common open space or other common areas, so that remnants and landlocked areas shall not be created.
- c. In general, lot lines shall follow municipal boundary lines rather than cross them.
- d. The developer shall conform to all applicable performance standards, including, but not limited to, those contained in the Zoning Ordinance.
- e. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- f. Land subject to subsidence and land deemed to be topographically unsuitable, may not be platted for residential use or for such other uses as may increase danger to health, life or property until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plan for uses that shall not endanger life or property or further aggravate or increase the existing menace.

#### 302 STREET SYSTEM

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Official Map and to the Community Master Plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Where not shown on the Official Map or Community Master Plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

- a. The arrangement of streets in new Subdivisions shall make provisions for the continuation of existing streets in adjoining areas, unless the Commission deems such extension undesirable for specific reasons of topography or design.
- b. Where adjoining areas are not subdivided, the arrangement of streets in new Subdivisions shall make provision for the proper projection of streets by carrying them to the boundaries of the tract proposed to be subdivided.
- c. Proposed streets shall conform to any local, county, and state road or highway plans which have been prepared, adopted, and/or filed, as required by law.
- d. Alleys shall be discouraged in residential subdivisions/developments. In commercial and industrial areas adequate service roads shall be provided where needed for access to loading and unloading facilities.
- e. Local access streets shall be laid out so as to discourage through traffic, but provision for street connection to adjacent areas will generally be required.
- f. Whenever the proposed Subdivision contains or is adjacent to a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street at a distance acceptable, for the appropriate use of the land between the highway and such street. The Commission may also require rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.
- g. Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", "avenue". In approving names of streets, cognizance may be given to existing or platted street names within the Postal delivery district served by the Post Office. New streets shall bear the same name of any continuation or alignment with an existing or platted street.
- h. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Stub streets shall be properly closed to through traffic until such time as the street is extended.
- i. New reserve strips, including those controlling access to streets shall be prohibited.
- j. The location of a collector street in the proposed subdivision shall conform in general alignment to the Traffic Plan included in the Municipality's Comprehensive Plan.
- m. Streets shall be functionally related to the topography so as to produce usable lots and reasonable grades in accordance with the standards set forth herein.
- k. Where it is desirable in the opinion of the Commission to provide street access to adjoining property, proposed streets shall be extended to the boundary of such property.
- l. If lots resulting from original subdivision are large enough to permit resubdivision, or if a

portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.

- m. All streets shall be graded to the full width of the right-of-way. In wooded areas this may be modified to preserve existing trees.
- n. Streets shall be laid out to avoid hazard areas such as floodplains, cliffs, steep slopes or ravines. A secondary means of access to a higher order street that avoids the same hazard area shall be provided when one of the access streets serving a subdivision of more than twenty dwelling units traverses a hazard area.
- o. Improvements shall be made to existing streets abutting the proposed subdivision or land development. The type of improvements shall be determined by the classification and standards required of said street, pursuant to Section 402c.
- p. Stub streets greater in length than one (1) lot depth shall be provided with a turnaround designed to meet the standards required for cul-de-sacs and shall be provided with sufficient rights-of-way to permit the further extension of the street onto the adjacent property.
- q. All street names shall be selected by the governing body.
- r. Any applicant who encroaches within the legal right-of-way of a state highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation.
- s. No street required to provide access shall be a private street, except as otherwise provided herein.

### 303 PRIVATE STREETS

- a. Private residential streets are not permitted.
- b. Cul-de-sacs shall be constructed with a maximum paved area of twelve (12) feet in width, and shall be designed for one-way counter-clock-wise circulation. The internal circle area shall be seeded and maintained as a grassy area.
- c. Cul-de-sacs in residential developments shall be provided at the closed end with a paved turn-around having a minimum radius to the outer pavement edge or curb line of fifty (50') feet.
- d. Cul-de-sacs in commercial and industrial developments shall be provided with a paved turn-around having a minimum radius to the outer pavement edge or curb line of sixty-five (65') feet.
- e. When the Planning Commission determines it necessary for adequate access and egress to the subject property and/or adjacent property regardless of overlay, the right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
- f. Temporary dead end streets, on approved plans, may be used, provided that the developer, on his own land, constructs a stabilized all weather turn-around of the same radius as would be

required for a permanent street, and the turn-around shall be removed when the street is continued.

- g. Permanent cul-de-sac streets shall not exceed one thousand (1,000') feet unless topographic conditions warrant increase when approved by the Planning Commission.
- h. Permanent cul-de-sac streets have a minimum length of two hundred and fifty (250') feet unless there are extenuating circumstances which warrant a decrease when approved by the Planning Commission.

### 304 STREET STANDARDS

#### a. Classification of Streets

- 1. Streets shall be classified in accordance with the definitions set forth herein.
- 2. The determination of traffic volumes applicable to the classification of streets shall be based on the data presented from the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities.
- 3. New streets will be classified according to the ADT that may be expected to use the street, pursuant to the Institute of Traffic Engineering (I.T.E.) or other recognized traffic authorities. If, however, such streets shall be classified on the basis of a traffic impact study, Section 204g.2.h) hereof, such a classification shall be approved by the governing body. If a new street will serve as a stub, its classification must be based on the ultimate traffic to be generated upon full development.

#### b. Street Right-Of-Way Widths

- 1. Minimum street right-of-way widths, measured from the lot line, shall be as shown on the Traffic Plan included in the Municipality's Comprehensive Plan, or if not shown thereon, shall meet the following standards:

- a) Arterial: 80 foot right-of-way\*
- b) Collector Street: 60 foot right-of-way
- c) Local Access Street: 50 foot right-of-way
- d) Marginal Access Street: 40 foot right-of-way
- e) Service Roads: 33 foot right-of way

\* Or such greater width as may be determined by the Pennsylvania Department of Transportation.

- 2. Where a subdivision/land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

#### c. Pavement and Cartway Widths

1. Minimum pavement and cartway widths, shall be as shown on the Traffic Plan, or if not shown thereon, shall meet the following standards:

	<u>Cartway</u> (Feet)	<u>Each Shoulder*</u> (Feet)
a) Arterial:	24	10
b) Collector Street:	22	8
c) Local Access Street:	20	8
d) Marginal Access Street:	20	6
e) Service Roads:	20	N.A.

\* or Curb Parking Lane

d. Horizontal Alignment

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
2. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:
  - a) Arterial: 475 feet
  - b) Collector Streets: 275 feet
  - c) Local Access Streets: 150 feet

Sight distance shall be measured from a point five (5) feet above the proposed grade line.

3. A tangent of not less than 100 feet shall be required between all reversed curves.

e. Street Grades

1. Center line grades shall not exceed the following:
  - a) Arterial: four ( 4%) percent
  - b) Collector Streets: seven ( 7%) percent
  - c) Local Access Street: twelve (12%) percent\*

\* Center line grades on local access streets may be increased to 15% for a distance of not more than 250 feet when the developer justifies the need to increase the grade; provided, however, that the provisions of Section 307 c. hereof are not subject to this modification.

2. Vertical curves shall be used at changes of grade exceeding one (1%) percent and shall be designed in relation to the extent of the grade change and to provide the following

minimum sight distances:

- a) Arterial: four hundred (400) feet
  - b) Collector Street: two hundred seventy-five (275) feet
  - c) Local Access Street: two hundred (200) feet
3. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having not greater than four (4%) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
  4. To provide for adequate drainage, the minimum grade shall be not less than one-half of one percent (0.5%).

f. Street Intersections

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.
2. Multiple intersections involving the junction of more than two streets are prohibited.
3. Intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line, unless the Planning Commission determines that a lesser distance is appropriate due to the unusual dimensions of the site.
4. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.
5. The minimum curb radii at street intersections, which shall be concentric with the street line, shall meet Pennsylvania Department of Transportation standards. In no instance shall curb radii be less than ten (10) feet for local streets and thirty-five (35) feet for higher order streets. Where streets of different categories intersect, the radius requirement of the higher order street shall apply.
6. On any corner lot, no wall, fence or other structure shall be erected or altered; and no tree, hedge, shrub, or other growth shall be maintained which may cause danger to traffic on a street or public road by obscuring the view. A clear sight triangle of thirty (30) feet measured along street right-of-way lines from their point of junction shall be provided at all intersections, within which, vegetation or other visual obstructions shall be limited to a height of not more than three (3) feet above the street grade. If not obstructing the view of traffic, posts, columns, or trees, not exceeding one (1) foot in diameter shall be permitted in the clear-sight triangle.
7. Streets intersecting a street of higher classification, as defined herein, shall be designated as a stop street and shall be provided with proper signage. (308h.)

g. Street and Roadway Standards for IAC Zones



Design Factor	Interchange Activity Centers	
	Service and Access road	Collector Road
Right of Way Width	50 feet	60 feet
Cartway Width	24 feet	36 feet
Type of Curb	Ref. §521	Ref. §521
Sidewalk Width	5 feet (Residential Only)	5 feet (Residential Only)
Sidewalk Distance from Curb	4 feet	4 feet
Design Speed	30 mph	35 mph
Minimum Sight Distance Looking Ahead	325 feet	350 feet
Minimum Sign Distance From Side Street	450 feet	475 feet
Maximum Grade	8%	8%
Minimum Intersection Spacing	200 feet	1300 feet
Minimum Centerline Radius	300 feet	480 feet
Minimum Tangent Between Reverse Curves	100 feet	100 feet
Maximum cul-de-sac length	Loop streets only	N/A

\* Multi-family (density)

h. Driveways

1. A permit shall be required for all driveways in order to determine adequate site distance. No fee shall be charged for such permits.
2. Private driveways, where provided, shall be located not less than forty (40) feet from the tangent point of the curb radius of any intersection and shall provide access to the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as defined herein.
3. Driveway grades shall not exceed fifteen percent (15%).
4. In general, no private driveway shall have direct access to an arterial or major collector street. Driveways shall be so located and designed as to provide a reasonable sight distance in accordance with Section 307 hereof.
5. Arterial Streets. For the construction of arterial roads or highways, the subdivider shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Borough shall decide if a collector or arterial street is required as a direct result of the construction of this subdivision in which case the subdivider is responsible for paving the additional width required.

### 305 BUILDING LINES

- a. Front yard building setback lines shall not be less than twenty-five(25) feet or as required by the Zoning Ordinance. On plans where sub-surface disposal is indicated, the distance from the right-of-way lines to the front yard building setback line shall be adequate to provide area for the sub-surface drainage field in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
- b. Side lot lines shall be substantially at right angles or radial to street lines. Side building lines shall be not less than ten (10) feet from the side lot lines, or as required by the Zoning Ordinance, whichever is greater.
- c. Rear building lines shall be equal to twenty (20%) percent of the lot depth or as required by the zoning Ordinance, whichever is greater.
- d. Setbacks on corner lots shall be as required under the Jessup Borough Zoning Ordinance, but in no case shall the setback be less than twenty-five (25) feet from both streets.

### 306 LOTS

The arrangement and other design standards of lots shall conform to the following requirements:

- a. Every lot shall abut a public street.
- b. Double frontage lots shall not be platted, except that where desired along limited access highways, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen, at least fifteen (15) feet in width, shall be provided along the back of the lot. Where lots back on a railroad, creek, or other natural barrier, there may also be required a fifteen (15) foot planting screen strip; and interior lots having frontage on two streets shall be prohibited except where unusual conditions make it desirable.
- c. The ratio of the depth of any lot to its width shall not be greater than two and one-half to one (2.5 : 1) except as may be specified in the Zoning Ordinance.
- d. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Governing body.
- e. Lot size shall be controlled by the provisions of the Zoning Ordinance.

Where either or both water supply and sanitary sewage disposal facilities are provided by individual on-lot facilities, the municipality shall require that the Subdivider/Developer request that the Pennsylvania Department of Environmental Protection or local Sewage Enforcement Officer, make the necessary tests to determine the adequacy of the proposed facilities in relation of the lot size, existing grade, and soil conditions. A certificate from such an official indicating that the proposed facilities are adequate, shall be required before final approval of the plan.

### 307 SIGHT DISTANCE

The following table indicates the minimum sight distance required for stopping and passing on the various street types:

<u>Sight Distance</u>	<u>Street Classification</u>		
	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Design Speed	60 mph	50 mph	30 mph
Stopping	500 feet	350 feet	200 feet
Passing	1,950 feet	1,650 feet	1,100 feet

### 308 OFF-STREET PARKING FACILITIES

#### a. Minimum Design Standards

The design standards specified below shall be required for all off-street parking facilities with a capacity of five (5) or more vehicles.

1. The minimum dimensions of stalls and aisles shall be as follows:

<u>Angle of Parking</u>	<u>Parking</u>		<u>Aisle</u>	
	<u>Stall Width* (feet)</u>	<u>Stall Depth (feet)</u>	<u>One-Way (feet)</u>	<u>Two-Way (feet)</u>
90	8.5	18	20	24
60	8.5	19	18	21
45	8.5	18	15	20
Parallel	8	22	12	18

\* For handicapped-accessible parking spaces, the minimum width shall be not less than 13.5 feet.

2. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
3. All parking spaces shall be marked so as to provide for safe and orderly parking.
4. At no time shall angle or perpendicular parking be permitted along public streets.
5. Except at entrance and exit drives, all parking areas shall be set back from the right-of-way line and all property lines pursuant to the provisions of the Zoning Ordinance. The distance between this required setback and the cartway shall be maintained as a planting strip or planting strip and sidewalk.
6. No more than twenty (20) parking spaces shall be permitted in a continuous row without

being interrupted by landscaping for a minimum of ten (10) feet.

7. No one (1) area for off-street parking of motor vehicles shall exceed eighty (80) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten-foot-wide planting strips.
8. Parking lots shall not have a grade exceeding five percent (5%). No grade cut, fill, or height difference between terraced parking areas shall exceed four (4) feet unless approved by the governing body.
9. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to leave the lot.
10. Entrances and exits to and from off-street parking areas shall be located so as to minimize interference with street traffic.
11. For the purpose of servicing any property under single and separate ownership, entrance and exit drives crossing the street line shall be limited to two (2) along the frontage of any single street for each five hundred (500) feet of frontage, and their center lines shall be spaced at least eighty (80) feet apart. On all corner properties, there shall be a minimum spacing of sixty (60) feet, measured at the street line, between the center line of any entrance or exit drive and the street line of the street parallel to said drive.
12. The width of entrances and exit drives shall be:
  - a) A minimum of fourteen (14) feet for one-way use only.
  - b) A minimum of twenty-five (25) feet for two-way use.
  - c) A maximum of thirty-five (35) feet at the street line.
13. Tire bumpers shall be installed so as to prevent vehicle overhang on any sidewalk area.
14. No less than a five-foot radius of curvature shall be permitted for all curbs in parking areas.
15. All dead-end parking areas shall be designed to provide sufficient backup area for the end stalls of parking area.
16. Pedestrian crosswalks in parking areas shall not be subject to passage or concentration of surface water.
17. All common parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.
18. All artificial lighting used to illuminate any parking space or spaces shall be so arranged

that no direct rays from such lighting shall fall upon any neighboring property or streets, nor shall any high brightness surface of the luminaries be visible from neighboring residential properties or from a public street.

19. Handicapped accessible spaces shall be provided as follows:

Total Parking in Lot	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

b. Landscaping of Parking Facilities

1. The following requirements shall be applied to all parking lots with ten (10) or more spaces.
2. All parking areas shall have at least one (1) tree of one-and-one-half-inches minimum caliper for every ten (10) parking spaces in single bays and one (1) tree of one-and-one-half-inches caliper minimum for every twenty (20) parking spaces in double bays.
3. Trees shall be planted in such a manner to afford maximum protection from the sun for parked vehicles.
4. A minimum of ten percent (10%) of any parking lot facility shall be devoted to landscaping, inclusive of required trees.
5. Plantings shall be able to survive soot and gas fumes.
6. Trees that have low growing branches, gum or moisture that may drop on vehicles, blossoms, thorns, seeds or pods that may clog drainage facilities shall be avoided. Approved trees include, but are not limited to, those specified herein or as recommended by the PA Bureau of Forestry.
7. Interior landscaping shall not be required for any lots of less than 20 spaces.

The developer shall construct and/or install such drainage structures, on- and off-site, as necessary to comply with the Municipality's Storm Water Management Ordinance.

### 310 EASEMENTS

#### a. Minimum Widths

The following minimum widths of easements shall be observed unless otherwise specified:

- 1) Underground public utility facilities - fifteen (15) feet.
- 2) Overhead public utility facilities - ten (10) feet.
- 3) Drainage facilities - twenty (20) feet.

#### b. Location

Easements for public utilities shall, wherever possible, be centered on side or rear lot lines. Drainage ways, (i.e. swales), channels, or stream easements may be located as necessary to adequately meet the engineering requirements for the facility.

#### c. Transmission Lines

Where natural gas, petroleum, or high tension lines are located within or adjacent to the Subdivision/Development, the Subdivider/Developer shall provide the Planning Commission with a statement from the Utility Company involved setting forth any special conditions which they may require.

#### d. Watercourses

Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

### 311 COMMUNITY FACILITIES AND MASTER PLAN REQUIREMENTS

- a. In reviewing subdivision plans, the Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- b. Where a proposed park, playground, school or other public use shown on the Official Map is located in whole or in part in a subdivision, the Borough may require the reservation of such area as may be deemed reasonable. Where said area is not dedicated, it shall be reserved for acquisition by the Municipality for a period of not more than (1) year.
- c. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

- d. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the Master Plan of the Borough of Jessup.
- e. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names applied to completely new streets shall not duplicate or closely approximate, phonetically, the names of existing streets in the Borough.
- f. The subdivider shall plan the layout to preserve the natural features of the site.
- g. Community Facilities

Additional community facilities, as set forth in §313 and §314, may be required to serve the proposed lots or dwellings in a subdivision or land development. Where a proposed park, playground or other public facility shown in the Comprehensive Plan is located in whole or in part in a subdivision or land development, or when additional facilities are made necessary by the development, the dedication or reservation of such areas, or financial contribution for the construction of such facilities, may be required by the municipality in those cases in which it deems such requirements to be reasonable.

- h. In accordance with the provisions of the Zoning Ordinance and other ordinances and regulations of the municipality:

Where deemed necessary by the governing body, upon consideration of the particular type of development proposed and especially in large-scale residential developments, the governing body may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes. Where such areas proposed for public use are within the subject subdivision/land development area, they shall be reserved for public use in accordance with the Municipality's Official Map Ordinance.

### 312 RECREATION AREAS

- a. In accordance with the Municipality's recreation plan, upon consideration of the particular type of development proposed; the governing body may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the need created by such development for parks and recreation areas.
- b. The following standards shall apply to the provisions of parks, other recreation areas and permanent open space:
  - 1. Single-family detached developments. In the case of residential developments designed exclusively with single-family detached dwellings, the applicant shall provide a minimum of one thousand (1,000) square feet per dwelling unit for parks and recreation areas.
  - 2. Single-family cluster developments. In single family cluster developments, the open space

and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.

3. Multi-family developments. In multi-family residential developments, the open space and recreation requirements as set forth in the Zoning Ordinance shall be adhered to.
- c. Recreation areas, as required by the Zoning Ordinance, shall be laid out in accordance with the best principles of site design. The recreation areas shall form part of an interconnecting open space system that extends throughout the development. The following criteria shall be utilized to determine whether the recreation areas have been properly designed:
1. Recreation areas shall be readily accessible to all development residents, or in the case of recreation areas dedicated to the municipality, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall abut a street for minimum distance of fifty (50) feet for access of emergency and maintenance vehicles.
  2. Recreation areas shall have suitable topography, drainage and soils for use and development of recreational activities.
  3. When active recreation activities are proposed that entail the construction and installation of equipment or playing surfaces, a buffer, as described in §318, shall be provided when such activities abut residential uses.
  4. Recreational areas shall not be traversed by streets or utility easements unless said utilities area placed underground and no part of them or their supportive equipment protrudes above ground level.
  5. The shape of the recreational area shall be suitable to accommodate those recreation and open space activities appropriate to the location and needs of future residents.
- d. The municipality may accept or reject the dedication of any recreation area.
- e. Except as otherwise provided herein, for any development of ten (10) or more dwelling units under one (1) or more applications, the developer shall, as a condition precedent to final plan approval, either pay a recreation fee or dedicate land to the Municipality in lieu of such a recreation fee. The Municipality, however, may reject an offer of dedication of land. Such decision shall be rendered by the Municipality prior to the approval of the Preliminary Application for the subject development. The procedure for both alternatives shall be as described in Sections 312f. And 312g. hereof.
- f. Alternative Procedure for Payment of a Recreation Fee. Where it is determined that a recreation fee shall be paid, such fee shall be used only for the purpose of providing park or recreational facilities accessible to the subject development. The amount of such recreation fee shall be three hundred dollars (\$300.00) per dwelling unit included in the subject land development; provided, however, that said fee shall be refundable, with interest, upon request of the payer of the fee in the event that the Municipality has failed to utilize such funds for the purpose set forth herein within three (3) years of the date of payment of said fee.
- g. Alternative Procedure for Dedication of Land in Lieu of a Recreation Fee. This option shall



only be considered for developments of 20 or more dwelling units. The developer may be required to dedicate 1,000 square feet of land for each dwelling unit. The delineation of the area to be dedicated shall be the choice of the developer; provided, however, that such lands shall be suitable for recreational use as determined by the Municipality. If, however, the Municipality fails to develop the dedicated site within three (3) years of the date of dedication, the site shall be returned to the developer.

313 AESTHETIC DESIGN STANDARDS FOR COMMERCIAL AND MANUFACTURING LAND DEVELOPMENTS (Amended 5/10/95)

- a. Aesthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:
  1. To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.
  2. To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.
  3. To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.
  
- b. Aesthetic Design Standards
  1. Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.
  2. Waste Disposal
    - a) No Lot shall be used as a dumping ground for trash. No trash shall be brought onto any site from anywhere else within the development or from outside the development for storage, removal or disposal.
    - b) All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
    - c) All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal

law, regulation and other requirements and standards governing same.

- d) "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.
  - e) Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided. Collection stations shall be screened from view and landscaped.
3. Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.
4. Landscaping
- a) All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
  - b) Each Site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
  - c) Each Site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.
  - d) Not less than ten (10%) percent of each Site shall be devoted to and constitute green area at all times. Green areas shall include to mean lawns, decorative plantings, active and passive outdoor recreation areas, but shall not include parking areas or other vehicular surfaces, structures or buildings and other impervious and artificial surfaces.

#### 314 STREET TREES

- a. Within any land development or major subdivision, street trees shall be planted along all streets where suitable street trees do not exist.
- b. Large street trees shall be planted at intervals of not more than forty-five (45) feet, and small street trees at intervals of not more than thirty (30) feet along both sides of new streets and along one (1) or both sides of an existing street within the proposed subdivision or land development. An equivalent number may be planted in an informal arrangement, subject to the approval of the governing body.
- c. Street trees shall not be planted opposite each other, but shall alternate.

- d. At intersections, trees shall not be located within the clear sight triangle.
- e. Street trees shall be planted in the right-of-way, within the planting strip, rather than on lots.
- f. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and in conformity with the standards of the American Association of Nurserymen.
- g. The minimum trunk diameter, measured at a height of six (6) inches above the finished grade level, shall be two and one-half (2-1/2) inches.
- h. Species shall be as specified herein and as otherwise approved by the PA Bureau of Forestry. In general, trees shall be mature shade trees. Trees such as Norway Maple and Amur Cork trees shall be prohibited.

### 315 CROSSWALKS

- a. Interior crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities in blocks of over one thousand six hundred (1,600) feet in length.
- b. Such crosswalks shall have an easement width of not less than ten (10) feet and a paved walk of not less than four (4) feet. They shall be clearly marked by bollards, paving material, signing, lights or similar provisions to ensure their visibility to motorists.

### 316 RESIDENTIAL DEVELOPMENTS

- a. Refuse Collection Stations
  - 1. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
  - 2. Collection stations shall be located so as to be adequately separated from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be adequately screened and landscaped.
- b. Planting
  - 1. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and desirable topographic features.
  - 2. Additional plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.

### 317 NONRESIDENTIAL DEVELOPMENTS

- a. Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the governing body to assure the free flow of through traffic from vehicles entering or leaving parking/loading areas.
- b. When two (2) adjacent lots proposed for nonresidential uses front on an arterial or major collector street, the applicant may be required to provide common ingress and egress as well as common parking facilities. When three (3) or more adjacent lots are proposed for nonresidential uses, the applicant may be required to provide a service road for common ingress and egress.

318 BUFFER YARDS

Buffer yards are required between subdivisions and land developments and along existing streets to soften visual impact, to screen glare, and to create a visual barrier between conflicting land uses. Buffer areas shall be developed in accordance with the standards set forth in the Municipality's zoning ordinance.

319 OPEN SPACE DESIGNATION

- a. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in the categories listed in subsection B below:

"Open space land may not be separately sold, nor shall such land be further developed or subdivided."

- b. In designating the use of open space and the type of maintenance to be provided on the plan, the following classes may be used:
  - 1. Lawn. A grass area with or without trees that may be used by the residents for a variety of purposes and that shall be mowed regularly to insure a neat and tidy appearance.
  - 2. Natural area. An area of natural vegetation, undisturbed during construction or related activities. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.
  - 3. Recreation area. An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfield and tot lot. Such areas shall be maintained so as to avoid creating a nuisance, and shall perpetuate the proposed use.

320 CONVEYANCE AND MAINTENANCE OF OPEN SPACE

All open space shown on the final plan as filed with the municipality and subsequently recorded in the Office of the Recorder of Deeds of Lackawanna County must be conveyed in accordance with the

procedures set forth in the Municipality's zoning ordinance.

321 MOBILE HOME PARKS (Amended 2/9/04)

Mobile Home Parks are to be in accordance with Section 5.880 of the Jessup Borough Zoning Ordinance.



## ARTICLE 4

### REQUIRED IMPROVEMENTS

#### 401 CONSTRUCTION STANDARDS

Construction standards for all required improvements shall be as set forth in Section 402, or where not set forth shall be in accordance with standards as established by the Commission upon advice of the Municipal Engineer. Alternate improvement standards may be permitted if the Commission deems that they are equal or superior in performance characteristics to the specified improvements.

#### 402 MINIMUM IMPROVEMENTS

##### a. General

The minimum improvements required of all subdivisions shall be as set forth in this section. Additional or higher type improvements may be required in specific cases where in the opinion of the Commission, they are necessary to create conditions essential to the health, safety, morale, and general welfare of the citizens of the Municipality.

##### b. Monuments and Markers

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

1. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision and at the intersection of street lines as determined by the Planning Commission. Monuments may be of the following three (3) types:
  - a) Cut stone 5" x 5" x 3' - 0" long with a drill hole in the center.
  - b) Concrete 4" x 4" x 3' - 0" long with a ½" round brass pin in the center.
  - c) A 2" round galvanized 3' - 0" long pipe with a brass or aluminum cap with a punch hole for center.
2. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots. Markers shall consist of iron or steel bars at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter, or any alternate type which the Commission deems suitable and of sufficient quality to adequately fulfill its function.

3. Removal. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person removing them.

c. Streets

1. Streets shall be constructed in accordance with a schedule to be submitted by the developer and approved by the Planning Commission. Streets shall be graded, surfaced, and improved to the grades and dimensions shown on plans, profiles, and cross-sections submitted by the subdivider/ developer and approved by the Commission and the Borough Council. No surface paving shall be provided until the base course has been in place for a full Winter, nor shall such surface be provided until all required utilities have been properly installed.
2. Sub-Surface drainage and all utilities shall be installed prior to installing the street surface.
3. Streets may be surfaced to the grades and dimensions drawn on the plans, profiles and cross sections submitted by the subdivider and approved by the Borough. Before paving the street surface, the subdivider must install the required utilities and provide, where necessary, adequate stormwater drainage for the streets, as acceptable to the Borough.

The construction of streets and driveways, as shown upon final plans and as contained in contract agreements, shall in every respect conform to such requirements as the municipality may by resolution require, and as follows:

a) Public Streets

- 1) Minor Street. Except where otherwise specified, there shall be a 6" subbase in accordance with §350 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended. There shall also be a bituminous base course (BCBC) of 3" ID-2 in accordance with §305 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended, and a bituminous wearing course of 1 ½" ID-2 in accordance with §420 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended.
- 2) Collector Street. Except where otherwise specified, there shall be an 8" subbase in accordance with §350 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended. There shall also be a bituminous base course (BCBC) of 5" ID-2 in accordance with §305 of the Pennsylvania Department of Transportation Publication No. 408 of 1994 as amended, and a bituminous wearing course of 1 ½" ID-2 in accordance with §420 of the Pennsylvania Department of Transportation Publication No.



- 3) Arterial Streets. For the construction of arterial roads or highways, the subdivider shall consult with and be governed by the Pennsylvania Department of Transportation for the method of construction to be used. The Borough shall decide if a collector or arterial street is required as a direct result of the construction of this subdivision in which case the subdivider is responsible for paving the additional width required.
- 4) Alternative for Minor Streets - Stone Roadway Specifications.
  - [a] The subgrade of all streets shall be rolled and prepared in accordance with PennDOT specifications as contained in the applicable sections of the 1994 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following conditions shall also apply to the subgrade.
    - [1] The area within the limits of the proposed road surface shall be shaped to conform to the line, grade, and cross-section of the proposed road.
    - [2] All unsuitable subgrade material shall be removed or stabilized.
    - [3] Wet areas, excluding wetlands, shall be permanently drained and stabilized. Details shall be furnished on the method of drainage and shall be approved by the Borough Engineer.
    - [4] Areas requiring fill shall be made with suitable materials and thoroughly compacted for full width in uniform layers not more than eight (8) inches thick per layer.
    - [5] The subgrade shall be thoroughly compacted by rolling with a minimum ten ton roller and or a sheeps foot roller in layers not greater than six (6) inches.
    - [6] Backfill or trenches within the cartway and curb area shall be thoroughly compacted prior to the application of the base course.
    - [7] All stone used to replace unsuitable subgrade materials shall be subject to prior approval by the Borough Engineer.

[b] All stone roadways, unless otherwise specified shall contain a minimum of six (6") inches of stone placed upon a prepared and compacted subgrade. The required minimum of six (6") inches of stone material shall be determined by site conditions. The construction of the base for all streets shall be in accordance with PennDOT specifications as contained in the applicable sections of the 1990 edition of Publication 408, or the most recent edition of Publication 408, including any subsequent revisions and/or amendments thereto. The following requirements shall apply to the stone roadway:

[1] The stone shall consist of a minimum of six (6) inches of AASHTO #1 crushed stone placed upon an acceptable rolled subgrade.

[2] After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or wacker.

[3] No road materials shall be placed upon a wet or frozen subgrade.

d. Curbs and Gutters

Wherever the lots in a proposed Subdivision will result in a density of more than one (1) dwelling unit per net acre, or where multi-family dwellings are provided, curbs and gutters shall be installed in accordance with the following specifications. The Commission may require installation of curbs and/or gutters in any Subdivision/Land Development where the evidence indicates that such improvements are necessary for proper drainage.

1. All curbs shall be constructed of cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards, as follows:
  - a) Straight Portland cement curb, 18" x 7", top rolled and battered to 8" at bottom, 8" face exposed above finish road surface.
  - b) Integral curb and gutter, 24" x 6" x 6", battered and rolled Portland cement concrete.

e. Public Water Supply

- 1) Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public water facilities to within one thousand (1,000) feet of a proposed Subdivision/Land Development, the Subdivider/ Developer shall provide the Subdivision/Land Development with a complete water main supply system to be connected to the existing or proposed water main supply system. Where a water main supply system is proposed to be located within 1,000 feet of a proposed Subdivision/Land Development, within two (2) years of the date of the Subdivision/Land Development Application, the Subdivider/Developer shall provide the Subdivision/Land Development with a complete water main supply system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- 2) Where installation of a public water main supply system is not required, the Applicant or the Owner of the lot shall provide for each lot at the time improvements are erected thereon, an individual water supply in accordance with the Standards of the Pennsylvania Safe Drinking Water Act, Act No. 43 of 1984 as amended.

f. Public Sanitary Sewer System

- 1) Where a public sanitary sewer system is available to the subdivision/ development within one thousand (1,000) feet of, or where plans approved by the Governing Body provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of a proposed Subdivision/Land Development, the Subdivider/Developer shall provide the Subdivision/Land Development with a complete sanitary sewer system to be connected to the existing or proposed sanitary sewer system. Where a public sanitary sewer system is proposed to be located within one thousand (1,000) feet of a proposed Subdivision/Land Development, within two (2) years of the date of the Subdivision/Land Development Application, the Applicant shall provide the Subdivision/Land Development with a complete sanitary sewer system which shall be capped. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer.
- 2) Where installation of a sanitary sewer system is not required, the Applicant or the Owner of the lot shall provide for each lot, at the time improvements are erected thereon, an approved, private sewerage disposal system. The design and construction of such individual sewerage disposal systems shall be subject to the approval of the Municipality's Sewage Enforcement Officer. It is the responsibility of the developer to ensure that each individual lot is underlain by soils which will support an on-lot system. Alternative on-lot systems may be applicable but must be approved by DEP and the Borough Sewage Enforcement Officer.

g. Storm Sewers

Whenever the evidence available to the Commission indicated that natural surface drainage is inadequate, the Applicant shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Municipal Engineer. For a detailed description of the requirements for stormwater management, refer to Jessup Borough's separate Stormwater Management Ordinance, with current revision.

h. Sidewalks

Wherever a proposed Subdivision/Land Development shall average five (5) or more dwelling units per gross acre or where any Subdivision/Land Development is immediately adjacent to, or within one thousand (1,000) feet of any existing development or recorded Subdivision/Land Development having sidewalks, then sidewalks shall be installed on each side of the street in accordance with the specifications set forth herein. The Commission may require the installation of sidewalks in any Subdivision/Land Development where the evidence indicates that sidewalks are necessary for the public safety.

Sidewalks shall be installed and shall have a minimum width of four (4) feet, except that sidewalks serving apartment houses or proposed commercial areas shall be five (5) feet in width unless the Borough Council determines that such additional width is unnecessary for the public safety and welfare in the vicinity of the subject site. Sidewalks shall be Concrete, 4" in thickness, 1 : 2 1/4 : 3 mix placed on 4" cinder, or crushed stone, in accordance with current PennDOT specifications.

i. Street Signs

The Subdivider/Developer shall provide street signs at all intersections. There shall be not less than two (2) street signs at each intersection; they shall be placed in a manner which will make them legible to traffic flows entering the intersection from all directions. The signs shall be white letters on a green background and they may be placed on utility poles with the permission of the appropriate utility. In the absence of a suitable utility pole, however, the signs shall be placed on iron posts, eight (8) feet in height. Modifications of these standards, shall be subject to the approval of the Municipal Engineer and the Borough Council.

j. Plantings

Where a planting strip is provided, the Subdivider/Developer shall seed the planting strip between the curb and sidewalk, if both are required. If curb and/or sidewalk is not required, the planting strip shall be located in the same area as though they both were required. Where trees may be planted, they shall be placed between the sidewalk and the building line a minimum of four (4) feet from the sidewalk. The types and spacing of the trees shall be approved by the Planning Commission.

1. Street trees and other required plantings shall be installed in accordance with Section 308b., 313b.4., 314, 316b., 318, and 319b.
2. Street trees and other required plant material shall not be planted until the finished grading of the subdivision or land development has been completed.
3. The developer shall replace, in accordance with landscaping plans, any plantings that die, or in the opinion of a landscape architect retained by the municipality, are in an unhealthy or unsightly condition and/or have lost their natural shape due to dead branches, excessive pruning, inadequate or improper maintenance, or any other causes due to the developer's negligence, prior to an offer of dedication. The developer shall not be held responsible for acts of vandalism occurring after the commencement of the guaranty period.

k. Fire Hydrants

Fire hydrants shall be required wherever a public water supply system is available, and shall be spaced to provide a hydrant within 500 feet of all property lines in the subdivision/development.

All proposals for the placement of fire hydrants shall be subject to review and approval by the Fire Chief of the Borough of Jessup.

l. Street Lights

Street lights may be required when considered reasonable by the Planning Commission and the Borough Council.

m. Gas Transmission Lines

Where natural gas is to be made available in a development, such transmission lines shall be placed in the public right-of-way, between the curb line and the property line.

n. Public Utilities

All public utility lines and poles shall be placed in accordance with applicable specifications of the Pennsylvania Department of Transportation.

o. Manholes

All manholes shall be made weather-tight with a neoprene seal on all inlets to manholes.

p. Changes

In cases where any of the foregoing requirements are not deemed appropriate by the Governing Body to serve the public interest, the Governing Body reserves the right to increase, change, alter or substitute materials, manner and specification for any utility or street improvements.

403 PROCEDURE FOR INSTALLATION OF REQUIRED IMPROVEMENTS

- a. Required improvements shall be installed by the subdivider/ developer under the inspection of the Municipal Engineer. The subdivider/developer may elect to carry out minimum improvements by any of the following methods.
  - 1) A certificate from the Municipal Engineer that all improvements and installations to the subdivision required by this Ordinance have been made or installed.
  - 2) An acceptable instrument of financial security filed with the Commission in accordance with Section 205g. hereof.

## ARTICLE 5

### FEES

#### 501 REVIEW FEES (Amended 5/7/07)

1. Borough Review Fees. Applicants shall furnish an escrow fund sufficient to pay all fees and costs required by this Ordinance. The escrow fund shall be paid when preliminary and final applications are submitted for review and approval. At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Municipality in the amount specified below. An application shall be deemed incomplete until all fees are paid and the applications are properly signed. Such fees shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively. Said escrow fund shall be replenished upon the submission of any revised subdivision or land development plan. The escrow fund shall be sufficient to guarantee the payment of:
  - (a) The services of the Municipality's Professional Consultants related to review and consideration of the application, and all other costs for engineering, traffic surveys, professional certification and other services deemed necessary by the governing body in reviewing plans. Such fees shall also cover the cost of the inspection of improvements; provided, however, that the applicant shall not be required to reimburse the municipality for any inspection which is duplicative of inspections covered by other governmental agencies or public utilities; the burden of proving that any inspection is duplicative shall be on the applicant.
  - (b) The actual cost of all drainage, water and material tests.
  - (c) The cost of municipal inspection services.
  - (d) Legal fees, advertising and other costs involved in the dedication of street easements and public improvements to the Borough of Jessup.
  - (e) Actual costs of recording.
2. Procedure for Borough Review Fees.
  - a. Review fees shall include the reasonable and necessary charges by the Borough of Jessup's professional consultants for review and report to the Borough of Jessup. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the municipality for services which are not reimbursed or otherwise imposed on applicants. A review fee

deposit shall be submitted with each application, preliminary and final, in accordance with Schedule I and Schedule II hereof; provided, however, that fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and shall not be charged to an applicant. The Borough Council shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Itemized bills may be submitted on an interim basis or upon the conclusion of services provided. Subsequent to the final release of financial security for completion of improvements for a subdivision or a land development, or any phase thereof, the professional consultant shall submit to the governing body a bill for the inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

- b. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the applicant, notify the Borough and the applicable Borough professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged., in which case the Borough shall not delay or disapprove a subdivision of land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under Section 510 (G) of the Pennsylvania Municipalities Planning Code, as amended.
- c. In the event that the Borough's Professional Consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Municipality shall follow the procedure for dispute resolution set forth in Section 510(G) of the Pennsylvania Municipalities Planning Code, as amended.
- d. If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within forty five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and the professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession or discipline as the professional consultant whose fees are being disputed.
- e. The Arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator, in his or her sole opinion, deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event the municipality has paid the professional consultant an amount in excess of the



amount determined to be reasonable and necessary, the professional consultant shall, within sixty (60) days reimburse the excess payment.

- f. In the event that the Municipality's Professional Consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then upon application of either party, the President Judge of the Court of Common Pleas of Lackawanna County shall appoint such arbitrator, who, in that case, shall be neither the Municipality's Professional Consultant, nor any professional consultant who has been retained by, or performed services for, the Municipality or the applicant within the preceding five years.
  - g. The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator; otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000.00 the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.
  - h. Subsequent to a decision on an application, the Borough Council shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the additional review fees shall be charged to the applicant as a supplement to the final bill.
3. Other Review Fees. The applicant shall be required to submit additional fees to all governmental agencies required to review subdivision and land development plans. An application shall be deemed incomplete until all fees are paid and the applications are properly signed.
4. Fee Schedule, as follows:  
Fees charged to applicants shall be based upon a schedule that the Borough shall establish by ordinance; provided, however, that:
- a. Said fee schedule may be amended from time to time by resolution, when Professional Consultants revise their fee charges to the municipality.
  - b. Said fees shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipality's Professional Consultants for work performed for similar services in the municipality, but in no event shall such fees exceed the rate or cost charged by the professional consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants.

502 REVIEW FEE DEPOSIT FOR SUBDIVISIONS

At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Municipality in the amount specified in Schedule I hereof; provided, however, that no review fee deposit shall be required for a minor subdivision. Said fee shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively.

SCHEDULE I

FEE DEPOSITS

PRELIMINARY APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$40.00	\$ 200.00
10 - 19	\$40.00	\$ 800.00
20 - 49	\$40.00	\$ 800.00
50 - 99	\$40.00	\$2,000.00
100 or more	\$40.00	\$4,000.00

FINAL APPLICATION

<u>No. of Lots</u>	<u>Deposit Per Lot</u>	<u>Minimum Deposit</u>
Less than 10	\$20.00	\$ 200.00
10 - 19	\$20.00	\$ 250.00
20 - 49	\$20.00	\$ 500.00
50 - 99	\$20.00	\$1,000.00
100 or more	\$20.00	\$2,000.00

503 REVIEW FEE DEPOSIT FOR LAND DEVELOPMENTS

At the time of filing, the preliminary application and the final application shall be accompanied by a check payable to the Municipality in the amount specified below; said fee shall be treated as a deposit against the final review fee for the preliminary application and the final application, respectively.

- a. All land development fees shall also be subject to the review fee provisions of Section 501 and 504 hereof.
- b. Review fee deposits shall be paid for all land development applications in accordance with the following schedule:

<u>Building Area in Square Feet</u>	<u>Amount of Fee</u>
2,000 sq. ft. or less	\$200.00
2,001 sq. ft. or more	\$0.10 per sq. ft. up to a maximum fee of \$7,000.00

504 PROCESSING FEE

In addition to the above, each application for a Subdivision/Land Development shall be accompanied by a non-refundable fee to cover the cost of administration required to process applications. Such fees shall be \$5.00 per lot, but not less than \$50.00 per application, including applications for minor subdivisions. In addition, all applicants shall pay the fee of the Lackawanna County Regional Planning Commission.



## ARTICLE 6

### MODIFICATIONS AND APPEALS

#### 601 PROCEDURE GOVERNING MODIFICATIONS

##### a. Varying of Design Standards

The governing body, recognizing that a situation may arise where additional flexibility is warranted, is authorized to alter the design standards specified below. The applicant shall present evidence and demonstrate that the variation requested will result in improving the proposed subdivision or land development.

1. Streets. Standards for streets expressed in this Ordinance are intended to provide for the safe and intelligent layout of streets that can be easily maintained at minimum cost.
  - a) Cartway width. The width of streets has been established to ensure adequate movement of traffic in times of greatest parking loads.
    - 1) Where a street is designed so that all dwelling units face on local streets and where on-street parking is not anticipated and no safety hazard will be created, the cartway width may be reduced. This reduction is limited to twenty-eight (28) feet on collector or twenty (20) feet on local streets.
  - b) Curbs. Curbs are used to channel water to storm sewers, protect pavement edges and keep vehicles off of grassed areas. Where topography and soils permit, roadside swales, set back a minimum of ten (10) feet from the edge of the cartway, may be substituted for curbs, provided that the alternate design:
    - 1) Ensures adequate means for the protection of pavement edges.
    - 2) Handles stormwater in a manner to ensure against erosion or other conditions detrimental to the public health, safety or welfare.
    - 3) Has the approval of the Jessup Borough Engineer.

- c) Right-of-way widths. Right-of-way widths are intended to provide enough land for streets, sidewalks, driveway aprons, street trees, cut or fill slopes, and utilities. They are intended to provide an additional buffer between dwelling units and streets. Where sidewalks are not run along streets, cartway widths are reduced, utilities are located outside of the right-of-way, or dwellings will not front on the streets, a reduction in the widths of rights-of-way may be permitted. In no instance shall a right-of-way width be reduced to less than thirty-three (33) feet.
    - d) Street Paving. If a street will ultimately service five (5) or fewer dwelling units and such street is over two hundred fifty (250) feet in length, a gravel or crushed stone surface may be utilized. Such streets shall have a base meeting applicable municipal specifications to minimize heaving and potholing.
- 2. Sidewalks. Sidewalks are intended to provide a separate means of movement for pedestrians. Occasionally, it may be appropriate for the location of sidewalks to be away from streets. In order for the governing body to waive the requirement for sidewalks to be within a street right-of-way, all of the following provisions for relocated sidewalks shall be met:
  - a) The walks shall be all-weather and easily cleared of snow.
  - b) They shall be convenient for the most frequent trips, such as children walking to school bus stops.
  - c) If the walks shall remain as private property, then the responsibility for their maintenance shall be clearly established, such as by a homeowners' association.
- 3. Where the governing body shall determine that sidewalks are not essential for the safety of pedestrians in a low-density (1 dwelling unit or less per acre), they may void any and all sidewalk requirements.
  - b. The Governing Body may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
  - c. All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision/land development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
  - d. The request for modification may be referred to the Planning Commission for advisory comments.

- e. The Governing Body shall keep a written record of all action on all requests for modifications.

602 LARGE SCALE DEVELOPMENTS

The standards and requirements of this Ordinance may be modified by the Commission in the case of plans for complete communities or neighborhood units or other large scale developments of twenty (20) acres or more which, in the judgment of the Commission, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

603 RECONSIDERATION

Any applicant aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission, present additional relevant information, and request reconsideration of the original findings, decision or recommendations.

604 PROCEDURE FOR APPLYING

- a. Requests for modifications shall be submitted in writing by the subdivider/developer at the time the Preliminary Application is filed with the Commission. The application shall state fully the grounds and all the facts relied upon by the applicant.
- b. Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) calendar days in advance of the meeting at which reconsideration is desired.

605 RECORDING A MODIFICATION

In authorizing a modification, the Commission and the Governing Body shall record its actions and the grounds for authorizing the modification in its minutes. A statement showing the date that such modification was authorized shall be affixed to the final plan.

606 APPEALS

Any landowner, applicant or other aggrieved party questioning the validity of this Ordinance or any part, hereof, including procedural matters, or any decision made hereunder may undertake an appeal in accordance with the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.





## ARTICLE 7

### ENFORCEMENT, PENALTIES AND SEVERABILITY

#### 701 ENFORCEMENT

In addition to all those who may by law have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Borough Council of the Borough of Jessup to enforce this Ordinance.

#### 702 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Municipality 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 Ordinance 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.

#### 703 PREVENTIVE REMEDIES

- a. In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- b. The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
  1. The owner of record at the time of such violations.

2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property. In addition, failure to comply with any conditions attached to the approval of a subdivision or land development application or plan shall constitute a violation of this Ordinance. (Amended 2/9/04)

#### 704 REVISION AND AMENDMENT

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

#### 705 COMMISSION RECORDS

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

#### 706 VALIDITY

Should any section, subsection or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

#### 707 CONFLICT WITH OTHER REGULATIONS

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

#### 708 EFFECTIVE DATE

This Ordinance shall become effective from the date of its final passage.

## ARTICLE 8

### DEFINITIONS

#### 801 INCLUSIONS

As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" is permissive; the words "shall" and "will" are mandatory.

#### 802 DEFINITION OF TERMS

As used in this Ordinance, the following terms shall be defined as follows:

1. Agricultural Use: The principal use of land for the production of food and/or plant products for use off the property of the principal use.
2. Application, Final: All required documents and fees in accordance with the approved Preliminary Application. Except as follows, no action shall be undertaken on the land covered by the subject application, until the Borough Council has approved the Final Application and all conditions of approval have been met by the applicant:
  - a. Construction of approved site improvements, including grading
  - b. Implementation of soil erosion and sedimentation control plan
3. Application, Preliminary: A complete set of plans, drawings and other documents, including fees, as required herein. The approved Preliminary Application shall depict the final plan to be implemented by the subdivider/developer.
4. Alley: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
5. Block: An area bounded by streets, railroads, public facilities, or other rights-of-way or easements, or other definite barriers.
6. Building Line: A line parallel to the front, side, or rear lot line set so as to provide the required yard.

7. Caliper: The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six (6) inches above natural ground line for trees up to four (4) inches in caliper and at a point twelve (12) inches above the natural ground line for trees over four (4) inches in caliper.
8. Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.
9. Cluster Development: A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance either through the dedication of such area to the Municipality and the Municipality's acceptance thereof, or through the creation of a homeowners association, or the developer's acceptance of such responsibility including such legally binding agreements as may be required to achieve such assurances.
10. Commission: The Jessup Borough Planning Commission.
11. Cul-de-Sac: A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.
12. Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.
13. Dedication: The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no rights other than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
14. Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.
15. Dwelling: A building designed for residential purposes and used as the living quarters for one or more families.
16. Dwelling, Garden Apartments: A group of rental units, generally under single ownership, but a condominium is not precluded where there shall not be more than eight (8) dwelling units contained within each structure; such structures containing garden apartments are generally less than four (4) stories in height although in the Borough of Jessup they shall not exceed a height of 2.5 stories or 35 feet, unless otherwise indicated in the Zoning Ordinance.
17. Dwelling, Group: A group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.

18. Dwelling, Multi-Family: A building used by three (3) or more families living independently of each other and doing their own cooking; including apartment houses.
19. Dwelling, Single Family, Detached: A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.
20. Dwelling, Single Family, Semi-Detached: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.
21. Dwelling, Single Family, Attached (Row): A building used by one (1) family, and having two (2) party walls in common with other buildings.
22. Dwelling, Town House: A town house shall include a group of not more than eight (8) single family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.
23. Dwelling, Two Family, Detached: A building used by two (2) families, with one dwelling unit arranged over the other, and having two (2) side yards.
24. Dwelling, Two Family, Semi-Detached: A building used by two (2) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.
25. Dwelling Unit: One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.
26. Easement: A right granted to use certain land area for a special purpose consistent with the general property rights of the owner.
27. Engineer: A registered Engineer, authorized to practice engineering as defined by the Registration Act of the Commonwealth of Pennsylvania.
28. Erosion: The removal of surface materials by the action of natural elements.
29. Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
30. Excessive Slope: Areas with a slope of 20% or more which are deemed by the Planning Commission as unsuitable for development, and thereby deducted from the gross site area for purposes of calculating residential densities.
31. Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of an excavated surface, and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

32. Flood Plain: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
33. Fire Chief: The Fire Chief of Jessup Borough.
34. Governing Body: The Borough Council of the Borough of Jessup.
35. Half or Partial Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.
36. Highway Classification Map: A map contained in the Lackawanna Valley Corridor Plan, 1996 that serves to categorize existing streets.
37. Impervious Surfaces: Those surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Jessup Borough Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.
38. Impervious Surface Ratio: A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net site area.

IMPERVIOUS SURFACE RATIO (example)

$$\frac{\text{Total area of impervious surfaces}}{\text{Net Site Area}} = \frac{.80 \text{ acres}}{9.17 \text{ acres}} = .087$$

39. Interior Walk: A right-of-way for pedestrian use extending from a street into a block or across a block to another street.
40. Land Development: (1) 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, or (b) the division or allocation of land or space whether initially or cumulatively between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land; provided, however, that land development shall not include:
- (1) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
41. Land Use Ordinance: Any ordinance or map adopted pursuant to Articles IV, V, VI or VII of Act 247 as amended.
42. Level of Service: As described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), the quality of traffic movement on a particular street or through a particular intersection.
43. Lot: A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.

44. Lot, Double Frontage/Through Lot: A lot, the opposite ends of which abut on streets.
45. Lot, Reverse Frontage: A lot between an arterial street and a minor street with vehicular access only from the minor street.
46. Lot, Width: Width of a lot measured at the building setback.
47. Lot Area: Area contained within the property lines, excluding street area, but including the area of any easement.
48. Major Intersection: Any intersection of one (1) or more collector or arterial streets.
49. Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.
50. Municipal Engineer: Shall mean the Borough Engineer or other qualified person designated by the Governing Body to perform all administrative and/or supervisory duties required of the Municipal Engineer by the provisions of this Ordinance; provided, however, that the Municipal Engineer shall not represent any Developer/Applicant or be employed by a firm representing a Developer/Applicant.
51. Net Area: The area of a parcel of land exclusive of streets or other public rights-of-way.
52. Official Filing Date. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the properly completed application and plans are received in the Municipal Building. Provided that should said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth day following the day the application has been submitted.
53. Open Space
- (1) Open Space, Common: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space includes both developed (active) and undeveloped (passive) open space.
  - (2) Open Space, Developed (Active): Land that is set aside for use as active recreational areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
  - (3) Open Space, Undeveloped (Passive): Land used for passive recreation, agriculture, resource protection, amenity, or buffers and protected from future development by the provisions of this Ordinance to ensure that it remains as open space.



54. Parcel: A parcel shall be any piece of land, including all adjacent pieces of land held in single and separate ownership by the same owner(s) regardless of the fact that such ownership may be described in separate deeds.
55. Pavement: The portion of a street intended for vehicular use, including the cartway, but not the shoulders.
56. Peak Hour Traffic: The highest number of vehicles found or expected to be found during the a.m. or p.m. hours, passing over a section of street in sixty (60) consecutive minutes.
57. Person: Any individual or group of individuals, partnership, co-partnership, or corporation.
58. Plan, Final: A complete and exact subdivision or development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
59. Plan, Sketch: An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.
- 59A. Professional Consultants: Persons who provide expert or professional advice, including, but not limited to architects, attorneys, certified public accountants (CPA), engineers, geologists, land surveyors, landscape architects, or planners.
60. Public Transportation: Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis.
61. Receipt of Applications and Notices. No application or notice referred to herein shall be deemed to be received by the Borough prior to the date of the regular monthly meeting of the Borough Council or the Borough Planning Commission, as the case may be; provided, however, that in the event that a regular meeting is not held within thirty (30) days of delivery to the Borough, the date of receipt shall be deemed the 30th day following delivery to the Borough. Incomplete applications shall not be considered as received.
62. Resubdivision: Any replatting or new division of land. Replatting shall be considered as constituting a new subdivision of land. See definition of "subdivision".
63. Right-of-way: A strip of land between property lines for use as a road or street.
64. Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
65. Sanitary Sewer: A pipe for conveying sewage and excludes storm, surface and ground water.
66. Service Road: A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
67. Setback or Building Line: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way.

68. Site Capacity Calculation: A computation intended to determine the appropriate intensity of use for a given tract.
69. Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and five-tenths feet (3.5') above the center line of the cartway surface to a point three and five-tenths feet (3.5') above the center line of the cartway surface.
70. Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
71. Steep Slopes: Areas where the slope exceeds fifteen percent (15%) that, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion.
72. Storm Sewer: A pipe for conveying rain water, surface water, condensate, cooling water, and similar liquid waste, exclusive of sewage or industrial waste.
73. Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles and pedestrians and that furnishes access to abutting properties and space for public utilities. Streets are further defined and classified as follows:
- (1) Thoroughfares
- (a) Expressways: Limited access highways with full grade separation, serving a large volume of high speed through traffic.

- (b) Principal Arterials: Major regional highways, with full or partial access control, designed for a large volume of through traffic, with an expected average daily traffic count of four thousand one (4,001) trips or greater.
  - (c) Minor Arterials: Routes providing interstate and inter-county service with an expected average daily traffic count of three thousand one (3,001) to four thousand (4,000) trips.
  - (d) Major Collectors: Streets designed to provide access between local, feeder or minor collector streets and arterials and expressways. Access is controlled by limiting curb cuts and providing marginal access areas. An average daily traffic count of two thousand one (2,001) to three thousand (3,000) trips is expected.
  - (e) Minor Collectors: Streets that primarily serve to connect feeder and local streets with major collectors and arterials. An average daily traffic count of twelve hundred one (1,201) to two thousand (2,000) trips is expected.
- (2) Local Streets
- (a) Feeder Streets: Streets providing connection between local streets and collectors having an average daily traffic count of from six hundred fifty-one (651) to twelve hundred trips and designed for an operating speed of thirty-five (35) miles per hour.
  - (b) Local Streets: Streets used primarily to provide access to more heavily traveled streets for abutting properties in internally developed areas. An average daily traffic count of up to six hundred fifty (650) trips is expected and designed for an operating speed of thirty (30) miles per hour.
  - (c) Marginal Access Streets: Minor streets parallel and adjacent to arterials or minor or major collectors, but separated from said arterials or collectors by a planted strip of land, that provide access to abutting properties.
  - (d) Half or Partial Streets: Streets parallel and adjacent to a property line that have a lesser right-of-way width than required by this Ordinance.
74. Street, Public: A street dedicated to public use.
75. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
76. Study Area: An area extending one-half (0.5) mile along a street adjacent to the site, in both directions from all proposed or existing access points; or to and including a major intersection with a collector or arterial, whichever area is greater.

77. Subdivider: The owner, or authorized agent of the owner of a subdivision/land development. A developer.
77. 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 ten (10) acres, not involving any new street or easement of access, or residential dwelling shall be exempted.
- (1) Subdivision - Major: A major subdivision shall be the division of any lot, tract or parcel of land or parcels of land which abut a street of insufficient width or requires that a street be laid out through unimproved land, or the division of any lot, tract or parcel of land into an aggregate of five (5) or more lots, tracts, or parcels of land, including changes in street lines or lot lines, for the purposes, whether immediate or future, of transfer of ownership or of building development. Any subdivision which is not a minor subdivision shall be considered as a major subdivision; and, all land developments shall be considered as major subdivisions.
- (2) Subdivision - Minor: A minor subdivision shall be the division of any lot, tract, or parcel of land, or a part thereof into less than five (5) lots, tracts or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, or transfer of ownership or of building development, where such division, change or transfer is located on an existing improved street and does not involve installation of improvements as required by this Ordinance; extension of utilities; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Borough of Jessup's Comprehensive Plan, Zoning Ordinance, any portion of this Ordinance or other State, County or Jessup Borough ordinances, laws or regulations. No parcel of land held in single or separate ownership at the time of application for a minor subdivision may be further subdivided into an aggregate of five (5) or more lots, tracts, or parcels of land, at any time subsequent to that date except in accordance with the requirements for a major subdivision.
78. Substantially Completed: Where in the judgement of the engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 206 hereof) 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.
79. Surveyor: A registered land surveyor, as defined by the Registration Act of the Commonwealth of Pennsylvania.
80. Swale: A low lying stretch of land which gathers or carries surface water runoff.
81. Trip Generation Rates: The total count of trips expected to and from a particular land use.

82. Volume/capacity Analysis: A procedure, as described in the Highway Capacity Manual, Special Report 209 (Washington, D.C.: Transportation Research Board, National Research Council, 1985, as may be amended from time to time), that compares the volume of a street or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period).
83. Warrants for Traffic Signal Installation: A series of justifications that detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, United States Department of Transportation, Federal Highway Administration, 1971, §4C-1 through 4C-10, as may be amended from time to time.
84. Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.
85. Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.
86. Woodland Association: Areas, groves, or stands of mature or largely mature trees [i.e., greater than six (6) inches caliper as measured at a point four (4) feet above grade] covering an area greater than one-quarter (1/4) acres; or groves of mature trees [greater than twelve (12) inches caliper as measured at a point four (4) feet above grade] consisting of more than ten (10) individual trees. Woodlands consist of three (3) different associations that can be determined by field survey in combination with aerial photo interpretation:
- (1) Floodplain Association: A woodland association that occurs primarily on floodplain soils. Mature trees within this association consist of:
    - (a) Silver maple/black walnut/sycamore;
    - (b) Ash/red maple/elm;
    - (c) Red maple/white oak/pin oak;
    - (d) Silver maple/red birch; or
    - (e) Silver maple/sycamore/elm.
  - (2) Meisic Association: A woodland association that occurs on poorly drained soils, and that will, over time, consist mainly of beech trees. Mature trees within this association consist of:
    - (a) Sweet gum/red maple;
    - (b) Red maple/ash/tulip poplar;
    - (c) Oak/sweet gum/red maple;
    - (d) Oak/red maples/ash/tulip poplar; or
    - (e) Oak/hickory/beech.
  - (3) Upland Association: A woodland association that occurs on slightly drier and more well

drained soils, and that will, over time, consist mostly of mixed oaks. Mature trees within this association consist:

- (a) Black locust, or
- (b) Oak/hickory.

ARTICLE 9

ADOPTION

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President of Borough Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Borough Secretary

AMENDED THIS 7th day of May, 2007.

BOROUGH COUNCIL OF THE  
BOROUGH OF JESSUP

(SEAL)

\_\_\_\_\_  
JAMES F. BRUNOZZI  
President

ATTEST:

\_\_\_\_\_  
SHARON MAREK  
Secretary

BY: \_\_\_\_\_  
BEVERLY VALVANO MERKEL  
Mayor