



Urban Research & Development Corporation

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Potential SALDO Revisions - Jessup Borough

This memo reviews Jessup's current Subdivision and Land Development Ordinance (SALDO).

A set of draft changes were received from the Planning Commission and from Sam Sebastianelli. This memo is mainly emphasizing major policy changes (as opposed to editorial or technical changes), so we did not incorporate all of those suggestions within this memo. They provided many valuable suggestions that need to be addressed, including many administrative improvements and updated paving standards. In a couple cases, a suggestion that was received cannot be incorporated because of State law. For example, the 5 year time period for protection of an approved plan from ordinance changes in Section 104 is established by the PA. Municipalities Planning Code (MPC).

On the whole, a SALDO is much less policy-oriented and more technically oriented than a zoning ordinance. The SALDO mainly applies to:

- a) the creation of a new lot (called as "subdivision") or changes in lot lines,
- b) the "improvement" of a lot involving one or more new non-residential principal buildings (called a "land development"), or
- c) the division of a building into various uses, such as the conversion of a building into multiple dwellings or multiple businesses.

What is a Land Development? - A question was raised about how land clearance, grading, addition of fill and addition of impervious coverage should be interpreted under the SALDO, if there is not a proposed non-residential building. The concern is that many types of land alterations may not be reviewed by the Planning Commission and approved by Borough Council. We cannot expand the MPC definition of land development, but we could add some clarifications of the term "improvement." If land is being cleared and improved for a non-residential use (such as truck parking), it should be included in the term improvement. (Note - We cannot consider an individual billboard or cell tower to be a land development.) In any case, the Borough Stormwater Ordinance requires the submission of a stormwater plan that is reviewed by the Borough Engineer, and the zoning ordinance requires a zoning permit if more than ½ acre of land is altered.

Modifications, Waivers and Deferrals – One provision of the MPC allows SALDO modifications and waivers without having to prove a "hardship." Therefore, the Council can grant modifications to a SALDO requirement for reasons that are more common sense and that will result in a better plan. For example, an alternative standard may serve the same purposes, such as an alternative cul-de-sac turnaround configuration. That type of process promotes negotiated trade-offs that can address specific concerns with a site plan.

In a number of places, the Planning Commission is given authority to adjust standards, such as to allow longer cul-de-sac streets. In cases where Borough Council has the final approval authority, Council should be the board that grants any variations or modifications.

Sketch Plan - A Sketch Plan should be strongly encouraged to resolve major site design issues before an applicant has spent large amounts of money on detailed engineering. Too many applicants and municipalities do not put sufficient energy into preparing and reviewing sketch plans.

The SALDO correctly notes that a sketch plan cannot be required. However, if someone does submit a sketch plan, the list of submittal requirements is rather extensive. To encourage sketch plan submittals, we recommend that the submission list be made advisory, except that the plan should have to be drawn to scale.

The current SALDO provides for County review of a sketch plan. Most county planning commissions do not review sketch plans unless it is an unusually significant project.

Minor Projects - The Ordinance defines minor subdivisions as including 4 or fewer residential lots. A minor subdivision does not need to submit a preliminary plan and needs to submit less information. There also could be simplified requirements for minor land developments, such as a single commercial building or addition of less than 10,000 square feet floor area on an existing lot. That type of simplified process can be beneficial to promote business development. There should be even simpler requirements listed for a merger of two lots or a simple movement of a lot line.

Currently, the Planning Commission has approval power over minor subdivisions, while major subdivisions and land developments need approval by Borough Council.

The current SALDO exempts certain projects from needing any land development approval, such as the conversion of an existing home into 2 or 3 dwelling units. This is a common provision. However, should a residential conversion still be required to pay the recreation fee (as described below) per new dwelling unit.

Copies of Plans - We believe that every applicant should be required to submit a PDF copy of their plans. The number of full sets of paper plans that must be submitted should be minimized, particularly if PDF versions are submitted. Some Borough officials may only need their own copies of the layout and landscaping plans, and not all of the engineering details.

We recommend that one paper a “file copy” of all plans and revisions that are submitted include original signatures and seals of professionals. This important if the professionals involved in a project change over time. Otherwise, an engineer could be hired to prepare plans, and then the plans could later be revised by someone else while still using that engineer’s seal and signature on the plans.

Environmental Protection – We recommend that most environmental protection provisions (such as steep slope regulations) continue to be placed in the zoning ordinance, as opposed to the SALDO. This is because of a Commonwealth Court decision that determined that a SALDO environmental regulation could not stop destruction of natural features if a subdivision or land development plan has not yet been submitted.

There should be a review of the standards to find ways that they can promote environmental protection and sustainability. This involves for instance, avoiding excessive paving, promoting pervious surfaces where appropriate, promoting rain gardens, promoting green areas in the middle of cul-de-sac bulbs, encouraging native species of plantings, and similar features. To avoid overly wide streets, “lay by lanes” can be used for some parking. This involves allowing a relatively narrow street, but then widening the street only where needed for on-street parking.

Streets – The current SALDO requires a local street to have a 20 feet wide paved cartway and 8 feet wide shoulders or parking lanes on either side. Stone shoulders of 8 feet wide can work well in an industrial or rural area where there is no need for on-street parking. A 30 feet wide paved street works well for most lower density residential streets, but a 36 feet width is needed for denser developments or collector streets. The current 22 feet wide cartway plus shoulders is rather narrow for a collector street.

There is a request to clarify the way that the length of a cul-de-sac street is measured.

We are not convinced that the Interchange Activity District needs different street requirements than other districts.

The clear sight triangles should be much longer along major roads, and shorter where a vehicle is approaching a stop sign.

Street Types - We recommend merging local streets, marginal access streets and service roads into a single category of local streets.

Construction Standards - Many municipalities refer to PennDOT's 408 publication for standards for various improvements, such as curbing. However, the current SALDO specifically refers to the 1994 version of that publication. The publication is updated regularly.

Snow Storage Easements - The SALDO does mention snow storage easements. These are particularly important at the end of a cul-de-sac, so that most snow can be plowed straight off of the end of the bulb, without having to push snow around the curve. Driveways should be prohibited in this snow easement area.

Green Cul-de-Sacs - There is a movement throughout the nation to encourage landscaped areas in the middle of cul-de-sacs to improve appearances and allow for more natural stormwater management. If the landscaped center has mountable curbs or stabilized edges, it reduces concerns about emergency vehicle access.

Hydrants - A 2018 amendment to the SALDO does a good job of addressing access to fire hydrants, fire flow and fire company reviews.

Traffic Studies - Even if a traffic study was submitted for an overall development (such as Valley View Business Park), an update should be required to be submitted if an individual lot is proposed for a high traffic use. In particular, proposed uses that generate high amounts of tractor-trailer traffic need to be further analyzed. The original traffic studies often did not foresee the amount of tractor-trailer traffic that is being generated by large distribution centers.

The current SALDO requires a traffic study for 100 or more housing units or 100,000 square feet or more of non-residential building floor area. We recommend reducing the 100 housing units to 50 housing units.

Fees in Lieu of Road Widening - There are often situations where a developer does not want to upgrade an adjacent existing street to all Borough standards and does not want to install curbs. A Commonwealth Court decision upheld a process in which a developer could pay a fee in return for receiving a modification from the Council. The Council could reduce or waive a road widening requirement and/or waive curbing. In return, the developer would pay a fee that could only be used to improve roads somewhere else in the Borough, where it is more needed.

That process allows the Borough to decide which roads need the most improvements, and to widen streets in a coordinated and not piecemeal fashion. It also avoids isolated lengths of wide roads and curbs. The Court upheld the process because it was optional to the developer – the developer had the option of actually constructing all of the requirements. This process has been written into the SALDOs of a number of municipalities. The fee could be based upon 50% of the cost of the improvements that are being waived.

Stub Roads - Provisions should allow the municipality to require the construction of stub roads or the provision of stub rights-of-ways so that streets can eventually be inter-connected. Too often, residential developers propose too many cul-de-sacs and no interconnected streets. This is inefficient for traffic and school bus routing, and also makes it harder for children to visit their friends in the next development. Where a road connection is not logical, there still could be provisions for a public pathway to connect to a stub road in the adjacent development.

Street Turnarounds - Many existing older dead-end streets in Jessup do not include turnarounds. The SALDO should give the Borough the authority to require at least a stone “K type” turnaround with an easement, if new construction is proposed near the end of a dead-end street.

Cul-de-sacs - The current SALDO requires a cul-de-sac bulb in a commercial or industrial development to have a 130 feet diameter bulb. That is large. If parking is prohibited, a tractor-trailer can turn around in a 90 feet diameter bulb. The current SALDO would only require a 12 feet cartway in that case, which is too narrow for a turning tractor-trailer.

Private Streets - The current SALDO says that private streets are prohibited. We do not believe a prohibition is justified, but care is needed to make sure that any new private street is built to Borough construction standards. This is intended to avoid a developer building private streets in a cheap manner that deteriorates quickly. In that case, the residents often then seek that the Borough improve the streets and take them over at high costs. Even when the Borough does not take over a private street, a poorly built private street can result in excessive homeowner association fees.

Walking and Trails – Where sidewalks are not required, and where feasible without removing large numbers of trees, a relatively flat grass area should be provided along the edge of the shoulder of a road that is suitable for walking. Provisions could be added to give the Borough the authority to require the provision of trails or bikeways within new subdivisions. These trails would be accompanied by a public trail easement, where it is necessary to serve the public.

Some communities are requiring asphalt bikepaths along less dense roads in place of more expensive and harder-to-maintain concrete sidewalks.

Detention Basins – Stormwater provisions are in a separate stormwater ordinance. If not addressed by that ordinance, landscaping should be required around detention basins, unless they are designed to be a scenic asset (such as a mowed shallow pond or a retention basin that appears like a natural pond).

Tree Preservation - It would be appropriate to include standards on measures that will be used during construction to protect trees. Too often, a developer says that trees will be preserved, but the root systems become compacted by construction equipment or the construction equipment runs into the trunks, causing the trees die within a year or two. Temporary fencing should be required around the root system of trees to keep out construction equipment and other vehicles.

Recreation Land and Fee Provisions – The Borough uses provisions of the MPC that allow municipalities to require that developers provide public recreation land. Unlike most other fees, the MPC requires that the recreation fee be set by ordinance, and not by resolution. There currently is a \$300 fee per dwelling unit. Many municipalities are charging a higher fee. We recommend that the land or fee requirement apply to every new dwelling unit in a subdivision or land development, instead of developments of more than 10 homes.

The MPC actually says that fees or other alternatives to public recreation land can only be required with mutual consent of the developer and the municipality, a fee can be required instead of land. If the land requirement is as costly to the developer as the fee, most developers will agree to pay the fee. Currently, for a subdivision of 10 homes, a developer would have the choice of dedicating 10,000 square feet of recreation land (1/4 acres) or paying \$3,000. If it is unbuildable land, the developer would prefer to provide the land, but if it is a buildable site, the developer would prefer to pay the fee. The SALDO could require more land per unit if the land is not prime for recreation.

A modification process should offer alternatives of a developer constructing major recreation facilities in place of some or all of the recreation requirements. The Borough also can approve homeowner association land in place of public recreation land, if the Borough does not wish to maintain the land.

Manufactured/Mobile Home Park - State law requires that manufactured home park standards be placed in a separate article. The SALDO provisions refer to the zoning provisions. While the zoning provisions address most matters, some SALDO provisions should be added, such as internal street widths.

Fees - The current SALDO includes that amounts of many fees. It is much easier to address fees through a resolution, as opposed to having to amend the SALDO each time a fee is changed.

Definitions - We recommend that the SALDO state that if a word is not defined in the SALDO, then the definition in the Zoning Ordinance shall apply by reference. The same provision can be added regarding the Stormwater Ordinances. This avoids the need to repeat large numbers of definitions, and helps to avoid conflicting definitions. It also avoids the need to amend more than one ordinance if a definition is changed in the future.

Index - An index could be added to make the Ordinance easier to use.

Please contact us if there are any questions or comments.