

**BOROUGH OF
JIM THORPE
PENNSYLVANIA**

**SUBDIVISION AND
LAND DEVELOPMENT ORDINANCE**

ADOPTED SEPTEMBER 12, 2024

TABLE OF CONTENTS

ARTICLE I
GENERAL PROVISIONS

§390-1 Title and Short Title1

§390-2 Jurisdiction; Authority1

§390-3 Purpose2

§390-4 Interpretation3

§390-5 Effect of Ordinance Changes3

§390-6 Reserved

§390-7 Subdivision or Land Development Re-design4

§390-8 Liability4

§390-9 Pennsylvania Municipalities Planning Code Amendments5

§390-10 Conflict and Severability5

§390-11 Effective Date5

ARTICLE II
DEFINITIONS

§390-12 Tense, Gender, and Number6

§390-13 General Terms6

§390-14 Terms or Words Not Defined; Diagrams6

§390-15 Specific Terms6

ARTICLE III
PLAN PROCESSING

Outline of Procedure26

§390-16 General27

§390-17 Sketch Plan28

§390-18 Preliminary Plans for Major Subdivisions and Land Developments30

§390-19 Final Plans for Major Subdivisions and Land Developments34

§390-20 Minor Subdivisions38

§390-21 Reserved

§390-22 Plans for Minor Residential Land Developments41

§390-23 Lot Consolidation/Reverse Subdivisions and Lot Line Adjustment Subdivisions43

§390-24 Subdivision From Large Parcel44

§390-25 Contiguous Municipalities44

§390-26 Reserved

ARTICLE IV
PLAN REQUIREMENTS

§390-27 Sketch Plan Overlay Sheet45

§390-28 Preliminary Plan Requirements for Major Subdivisions and Land Developments46

§390-29 Final Plan Requirements for Major Subdivisions and Land Developments52

§390-30 Minor Subdivisions, Final Plan Requirements56

§390-31 Plan Requirements for Lot Consolidation/Reverse and Lot Line Adjustment Subdivisions.....60

§390-32 Reserved61

§390-33 Requirements for As-Built Plans62

§390-34 Requirements for Plans to be Recorded62

ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES, AND OPEN LAND

§390-35 General.....64

§390-36 PA DOT Required Improvements64

§390-37 Sections/Stages65

§390-38 Improvement Construction Guarantees66

§390-39 Improvements Construction66

§390-40 Improvement Maintenance Guarantee66

§390-41 Continued Ownership and Maintenance of Improvements67

§390-42 Open Land and Recreation Land - Ownership and Maintenance70

§390-43 Development Agreement.....70

§390-44 Reserved

ARTICLE VI
DESIGN STANDARDS AND SPECIFICATIONS

§390-45 General Design Standards; Township Zoning Requirements72

§390-46 Four-Step Design Process for Conservation Design Subdivisions75

§390-47 Conservation Open Space Standards77

§390-48 Easements79

§390-49 Resource Conservation Standards for Site Preparation and Cleanup80

§390-50 Access, Blocks and Lots83

§390-51 Streets97

§390-52 Survey Monuments and Markers.....98

§390-53 Stormwater and Drainage Control104

§390-54 Soil Erosion and Sedimentation Controls.....105

§390-55 Water Supply and Sewage Disposal107

§390-56 Reserved107

§390-57 Other Utilities107

§390-58 Sidewalks107

§390-59 Landscape Requirements108

§390-60 Street, Parking Area, and Building Lighting.....109

§390-61 Reserved109

§390-62 Wetlands110

§390-63 Fire Fighting - Adequate and Reliable Water Source113

§390-64 Fire Access113

§390-65 Public Safety and Convenience113

§390-66 Recreation Areas113

§390-67 Reserved

**ARTICLE VII
MANUFACTURED HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS**

§390-68 Application116

§390-69 General Standards and Requirements116

§390-70 Submission of Application and Compliance116

§390-71 Design Standards117

§390-72 Exceptions119

§390-73 Reserved

**ARTICLE VIII
CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS**

§390-74 Applicability; Occupancy120

§390-75 General Standards and Requirements120

§390-76 Submission, Application and Compliance120

§390-77 Design Standards121

§390-78 Reserved

**ARTICLE IX
NONRESIDENTIAL LAND DEVELOPMENTS AND COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

§390-79 Nonresidential Land Developments and Commercial and Industrial Subdivisions123

§390-80 General Design and Site Standards123

§390-81 Unified Development124

§390-82 Roads125

§390-83 Reserved

§390-84 Reserved

**ARTICLE X
ADMINISTRATION**

§390-85 Purpose126

§390-86 Amendment126

§390-87 Waivers/Modifications126

§390-88 Preventive and Enforcement Remedies127

§390-89 Fees128

§390-90 Records129

§390-91 Change of Name of Subdivision129

**ARTICLE XI
ADOPTION**

Adoption130

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of Jim Thorpe Borough, Carbon County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Jim Thorpe Borough Subdivision and Land Development Ordinance of September 11, 1997, as amended, is hereby amended as hereinafter set forth. This chapter is not intended to and shall not be construed to affect or change any other ordinance, code, or regulation of Jim Thorpe Borough. If any other ordinance, code, or regulation of Jim Thorpe Borough is in conflict or inconsistent with the requirements of this Subdivision and Land Development Ordinance, the most restrictive standards and provisions shall apply.

ARTICLE I GENERAL PROVISIONS

§390-1 Title and Short Title

AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF JIM THORPE BOROUGH AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS CHAPTER SHALL BE KNOWN, AND MAY BE CITED AS, *THE JIM THORPE BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE*.

§390-2 Jurisdiction; Authority

- A. Application. This chapter shall apply to all subdivisions and land developments in Jim Thorpe Borough proposed after the effective date of this chapter.
- (1) The responsibilities of the Planning Commission are specifically enumerated throughout this chapter. All other power and authority is specifically reserved by the Borough Council.
 - (2) 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, or opened except in accord with the provisions of this chapter.
 - (3) No lot in a subdivision may be sold, no permit to erect or alter 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.
 - (4) No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Borough shall proceed with any clearing, grading or site preparation before obtaining from the Borough Council the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Borough Council the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
- B. Prior Approvals. [See also §508(4)(ii) of the Pennsylvania Municipalities Planning Code] When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this chapter without conditions 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 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 after 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. (See §390-5.)

- C. Previously Filed Maps. In cases where a map was filed and put on record prior to the enactment of the original Jim Thorpe Borough Subdivision and Land Development Ordinance, or other prior regulations, and any improvements shown on said map have not been installed or completed prior to the enactment of this chapter, said improvements shall be designed and installed in accord with this chapter which may include modifications of standards per §390-87.
- D. Powers. The Borough shall have all powers necessary to administer the provisions of this chapter without limitation by reason of enumeration, including the following:
- (1) To prohibit the development of any land found to be unsuitable as defined by this chapter.
 - (2) To require that improvements to the land be made as defined by this chapter.
 - (3) To require the dedication of land as defined as a condition of subdivision or land development plan approval.
 - (4) To require adherence to this chapter and its standards.
 - (5) To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
 - (6) To make conditional approvals where requirements specified in writing by the Borough will satisfactorily protect the public interest and health and will not violate State laws and will accomplish the purpose of this chapter.
- E. Recording of Plans. In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds of the County shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Borough Council and the acknowledgment of review by the County Planning Commission and is presented for recording within 90 days of Borough Council approval.

§390-3 Purpose

- A. General. This chapter has been adopted to protect and promote the health, safety, morals and general welfare of the citizens of Jim Thorpe Borough by establishing regulations to allow for the proper and controlled development of the Borough, to provide for environmental protection and to ensure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Jim Thorpe Borough to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the

environment, and to preserve and conserve the natural features of the Borough.

- B. Land Capability; Conservation Design. The basic tenet of subdivision and land development in Jim Thorpe Borough is basing design on land capability and encouraging flexibility of design via the *conservation design* process to help protect an interconnected network of open space throughout the Borough and help establish substantial buffers along boundaries with existing protected lands.
- C. Comprehensive Plan. This chapter has also been adopted to accomplish the goals and objectives of the Jim Thorpe Borough Comprehensive Plan and to establish the resource inventory maps in the Comprehensive Plan as the basis for the design of projects and conservation area protection.

§390-4 Interpretation

In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough except that where this chapter imposes a more stringent or greater requirement on the development of land or structure or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this chapter shall control.

§390-5 Effect of Ordinance Changes

Changes in this chapter shall affect plats as follows:

- A. Pending Action. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of the Borough 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. Project Completion and Effect of Litigation. When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this chapter without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the 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 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.
- C. Five Year Initiation. 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. **Substantially Completed Improvements**. 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 Borough Council, no change of municipal ordinance or plan enacted after the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.
- E. **More Than Five Years**. In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- F. **Sections**. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat 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 plat approval for each section.
- G. **Landowner Failure**. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to all changes in this chapter and other governing ordinance enacted by the Borough subsequent to the date of the initial preliminary plan submission.

§390-6 Reserved

§390-7 Subdivision or Land Development Re-design

In cases where a subdivision or land development has been approved under the provisions of Borough ordinances which did not provide for conservation design and conservation open space, the Developer may, and is very strongly encouraged to, re-design and submit a new application for any undeveloped portions of the subdivision or land development. Any such re-design shall preserve the rights of any equitable owners of any lot or portion of the subdivision or land development.

§390-8 Liability

The approval or the granting of any building permit, site plan review, subdivision approval, land development approval, zoning permit, stormwater runoff review, wetland delineation or wetland review, steep slope review or any other review or permit related to this chapter, (1) shall not create liability upon, nor a cause of action against any Borough body, consultant, official, employee, or agency for any damage that may result pursuant thereto, and (2) shall not constitute a representation, guarantee or warranty of any kind by any Borough body, consultant, official, employee, or agency of the practicality or safety of any structure, use, or subdivision.

§390-9 Pennsylvania Municipalities Planning Code Amendments

The provisions of this chapter that only repeat, summarize, or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

§390-10 Conflict and Severability

- A. Conflict. This chapter is not intended to and shall not be construed to affect or repeal any other ordinance, code, or regulation of the Borough. If any other ordinance, code, or regulation of the Borough is in conflict or inconsistent with the requirements of this chapter, the most restrictive standards and provisions shall apply.
- B. Severability. If any provision, section, sentence, or clause of this chapter shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this chapter, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

§390-11 Effective Date

This chapter shall take effect immediately upon its adoption by the Jim Thorpe Borough Council.

**ARTICLE II
DEFINITIONS****§390-12 Tense, Gender and Number**

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

§390-13 General Terms

- A. The words *applicant, developer, person, subdivider, and owner* include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- B. The word *street* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.
- C. The word *building* includes structures and shall be construed as if followed by the phrase *or part thereof*.
- D. The term *occupied or used* as applied to any building shall be construed as though followed by the words *or intended, arranged, or designed to be occupied or used*.
- E. The word *lot* includes plot, parcel, tract, site, or any other similar term.
- F. The word *abut* includes *directly across from*.
- G. The words *should* and *may* are permissive.
- H. The words *must, shall, and will* are mandatory and directive.
- I. The words *day* and *days* refer to calendar days and not business days.

§390-14 Terms, Phrases, Words not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams. The diagrams in §390-15 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

§390-15 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

AASHTO: American Association of State Highway Transportation Officials.

ACCESS DRIVE: One combined entrance/exit or one clearly defined entrance, or one clearly defined entrance separated from another clearly defined exit serving a land development. This term shall not include access drives that are strictly and clearly limited to use by only emergency vehicles.

ACCESSORY STRUCTURE (INCLUDES ACCESSORY BUILDING): A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

ACCESSORY USE: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADD-ON SUBDIVISION: See *subdivision*.

ADDITION: An extension or increase in floor area or height of a building or structure. See also *alteration* and *repair*.

ADJUSTED TRACT AREA (ATA): See *tract area, adjusted*; *lot area, gross*; and *lot area, minimum required*.

ADMINISTRATOR – The person appointed by the Borough Council to carry out the duties assigned to the *Administrator* by this chapter.

AGRICULTURAL BUILDING: A building which houses an agricultural operation, such as barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughterhouses, canning plants, dairy bottling, and sawmills.

AGRICULTURAL OPERATION OR USE: As defined by the Pennsylvania Right to Farm Act, the activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than 10 contiguous acres in area; or (2) less than 10 contiguous acres in area but has an anticipated yearly gross income of at least \$10,000. The term includes new activities, practices, equipment, and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, sawmills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice. (See also *crop production*, *animal husbandry*, and *concentrated animal feeding operation*.)

ALLEY: See *street*.

ALTERATION: Any construction or renovation to an existing structure other than a repair or an addition. See also *addition* and *repair*.

APPLICANT: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this chapter.

APPLICATION: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval

of a subdivision plat or plan or for the approval of a development plan.

BEST MANAGEMENT PRACTICES: Activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities.

BLOCK: A tract of land, a lot or groups of lots bounded by streets, public parks, water courses, boundary lines of the Borough, unsubdivided land or by any combination of the above.

BOROUGH: Jim Thorpe Borough, Carbon County, Pennsylvania.

BOROUGH COUNCIL: The Borough Council of Jim Thorpe Borough, Carbon County, Pennsylvania.

BOROUGH ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough.

BUFFER: A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways or improvements which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY: See *accessory structure*.

BUILDING, ATTACHED: A building which has one or more walls or portions thereof in common with an adjacent building.

BUILDING, DETACHED: A building surrounded by open space on all sides within the same lot.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING ENVELOPE: An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

BUILDING HEIGHT: The vertical distance from *grade plane* to the average height of the highest roof surface. (See *grade plane*.)

CALIPER: The diameter of a tree's trunk measured 12 inches above the ground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK: A plot of ground upon which two or more campsites are located, established, or maintained for temporary occupancy by persons using tents or recreational vehicles, and which shall not be used for long term residency of occupants.

CAMPSITE: A lot within a recreational vehicle park or campground to be used for camping purposes, and acting

as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY: The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

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

COMMERCIAL BUILDING: A building which houses a commercial use.

COMMERCIAL USE: An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee.

COMMISSION OR PLANNING COMMISSION: The Jim Thorpe Borough Planning Commission.

COMMON AREA: All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES: Improvements in a development that are not required by the Borough but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMPREHENSIVE PLAN: The most recent Comprehensive Plan (which may be a regional plan) adopted by Jim Thorpe Borough, including all maps, charts and textual matter.

CONSERVATION AREA, PRIMARY: Lands within the 100-year floodplain, wetlands, lakes, ponds, watercourses, and slopes of 25 percent or more.

CONSERVATION AREA, SECONDARY: All landscape elements not included in the primary conservation area. These include:

- A. Hydric soils, swales, springs, lowland areas other than wetlands.
- B. Moderately steep slopes between 15 and 25 percent, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- C. Healthy woodlands ' particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- D. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- E. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetative features.

- F. Historic structures and sites.
- G. Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
- H. Existing trails, especially those connecting the tract to other locations in the Township.
- I. Class I, II and III agricultural soils as defined by the United States Department of Agriculture, Natural Resources Conservation Service's County Soil Survey for Carbon County.

CONSERVATION DESIGN SUBDIVISION: A subdivision designed at the dwelling unit density specified in Chapter 500 (Zoning) where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

CONSERVATION EASEMENT: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE: See *open space, conservation*.

CONSTRAINED LAND: Selected resources and areas of restricted land multiplied by a protection factor, totaled and used for the calculation of adjusted tract area related to conservation design development.

CONVENTIONAL DESIGN DEVELOPMENT: A subdivision or land development designed at the regulated dwelling unit density where individual lot reduction is not permitted.

COUNTY: The County of Carbon, Commonwealth of Pennsylvania.

CROSSWALK OR INTERIOR WALK: An area for pedestrian travel across or within a block.

CUL-DE-SAC: See *street*.

CURB LEVEL: The officially established grade of the curb in front of the midpoint of the lot.

DEAD END STREET: A street or portion of a street with only one vehicular outlet but which has a temporary turnaround, and which is designed to be continued when adjacent open land is subdivided.

DECISION: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of competent jurisdiction.

DEDICATION: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to

buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

DEVELOPMENT IMPROVEMENTS: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Borough to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

DEVELOPMENT PLAN: A proposed development, prepared in accord with this chapter and Chapter 500 (Zoning) including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces, and public facilities.

DIAMETER AT BREAST HEIGHT (DBH): The diameter of a tree trunk measured at 4.5 feet above the ground.

DISTURBANCE: Unstabilized land area where an earth disturbance activity is occurring or has occurred.

DISTURBED AREA: Any area of land on which an *earth disturbance activity* has occurred.

DRAINAGE FACILITY: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for diverting surface waters.

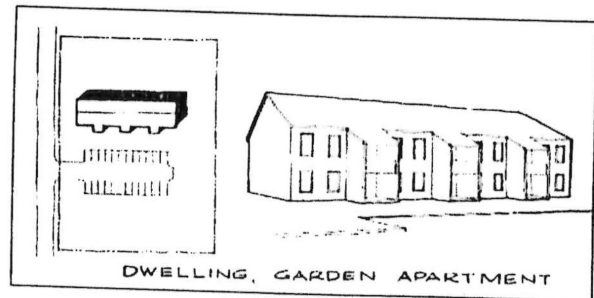
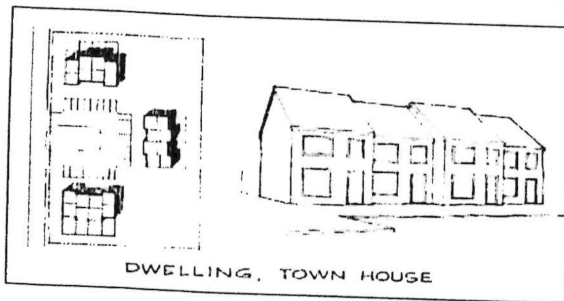
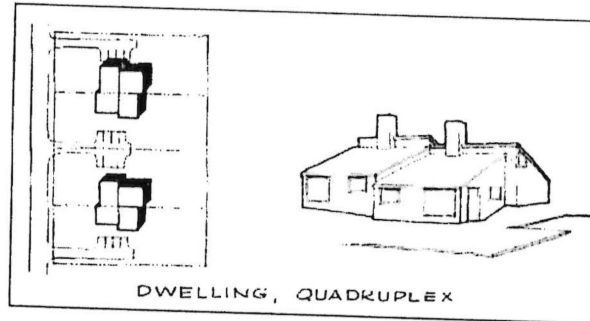
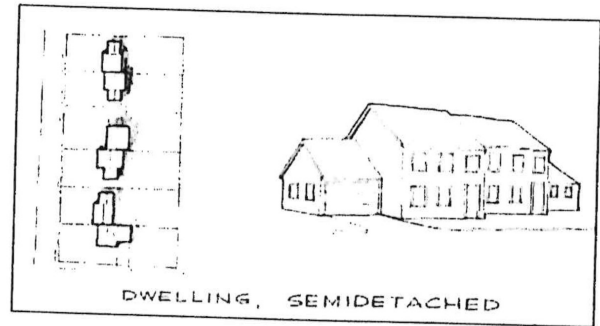
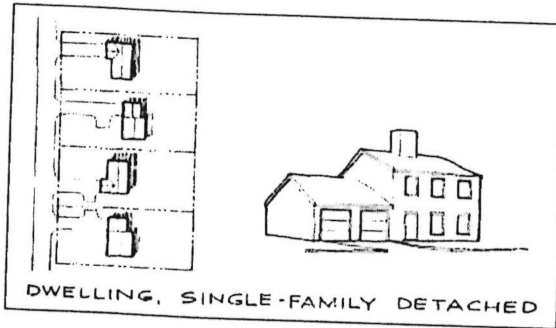
DRIVEWAY: A privately owned and constructed vehicular access from a private or public road into a lot or parcel having frontage on the said road and serving one single-family dwelling. (See also *flag lot*.)

DWELLING: A structure or portion thereof which is used exclusively for human habitation.

DWELLING, APARTMENT UNIT: One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units, or a dwelling unit located on the upper floors of a nonresidential building.

DWELLING, MULTI-FAMILY: A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. **APARTMENT BUILDING:** A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than two and one-half (2.5) stories but not exceeding the height limitations (in feet) of this chapter.
- B. **GARDEN APARTMENT BUILDING:** A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding two and one-half (2.5) stories or thirty-five (35) feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- C. **QUADRAPLEX:** Four attached single-family dwellings in one (1) building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units.



- D. SINGLE-FAMILY ATTACHED/TOWNHOUSE: A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- E. CONVERSION APARTMENT: The conversion of an existing building into three or more dwelling units.

DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TWO-FAMILY: A building containing two dwelling units either attached side by side using a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

DWELLING UNIT: One or more rooms occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided in the unit, for the exclusive use of that single family.

EARTH DISTURBANCE ACTIVITY: Any activity, including, but not limited to, construction, mining, farming, timber harvesting and grubbing, which alters, disturbs, and exposes the existing land surface.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ENGINEER, BOROUGH: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough.

FAMILY: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Five unrelated people;
- C. Two unrelated people and any children related to either of them;
- D. Not more than the number of residents of a group home meeting the requirements of §500-54; or

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses; and
- D. Any person or group of individuals occupying, in whole or in part, a building or portion thereof as a short-term rental.

FLOOD (and related definitions): See Chapter 240 (Floodplain Management).

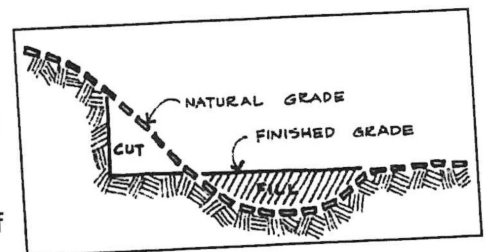
FRONTAGE: See *lot frontage*.

GRADE: 1) The average finished ground elevation adjoining a building, or 2) The degree of inclination of a slope, road, or other surface.

GRADE, FINISHED: The final elevation of the average ground level adjoining a building at all exterior walls after development.

GRADE, NATURAL: The elevation of the ground level in its natural state before construction, filling, or excavation.

GRADE PLANE: A reference plane representing the average of



finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. (See *building height*.)

GROSS TRACT AREA: See *tract area, gross*.

HOMEOWNERS ASSOCIATION: See *property owners association*.

IMPERVIOUS SURFACE (IMPERVIOUS AREA): A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking areas, and compacted fill, earth, or turf to be used as such.

IMPROVEMENTS: See *development improvements*.

INDUSTRIAL BUILDING: A building which houses an industry.

INDUSTRY: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

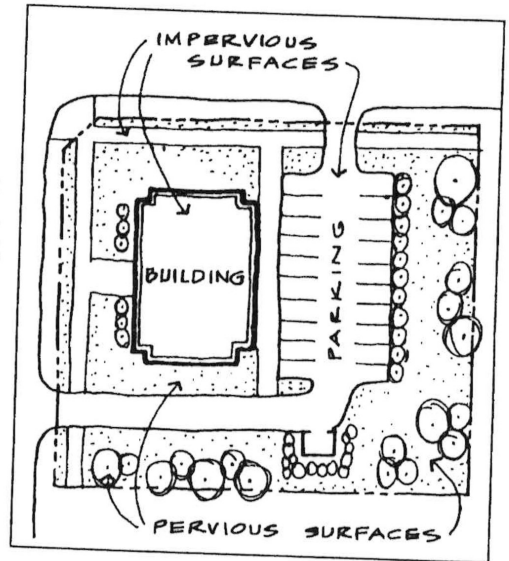
INSTITUTIONAL BUILDING: A building which houses an institutional use.

INSTITUTIONAL USE: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, emergency services station, or government-owned or government-operated building, structure, or land used for public purpose.

LAKE OR POND: A natural or artificial body of water one acre or larger which retains water year-round. Artificial ponds may be created by dams or result from excavation.

LAND DEVELOPMENT: : Any of the following activities:

- A. A subdivision of land.
- B. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 1. 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,
 2. 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, streets, common areas, leaseholds, condominiums, building groups or other features.



C. The definition of land development shall not include the following:

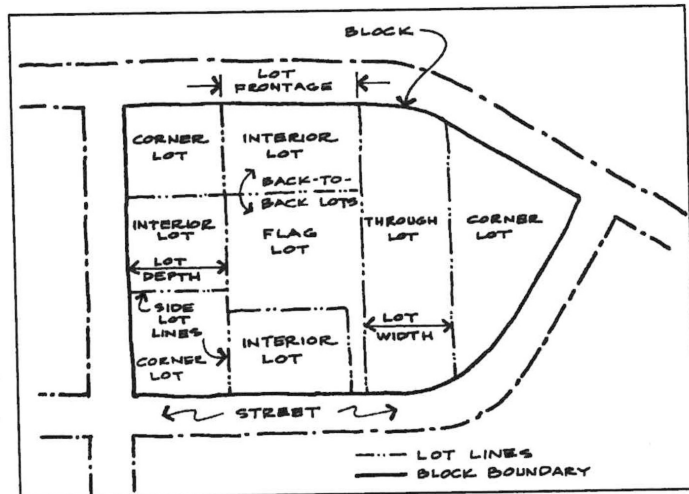
1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Borough.

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

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

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT, EXISTING OF RECORD: Any lot or parcel of property which is legally in existence and properly on file with the Carbon County Recorder of Deeds.



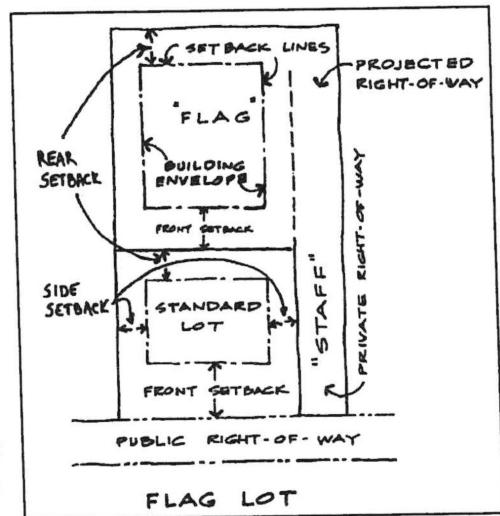
LOT, FLAG: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.

LOT, INTERIOR: A lot other than a corner lot, the two side lines of which do not abut a street.

LOT, REVERSE FRONTAGE: A through lot with frontage on two streets with vehicular access restricted to only one of the streets.

LOT, THROUGH: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT AREA, GROSS: The total area within the property or lot lines; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.



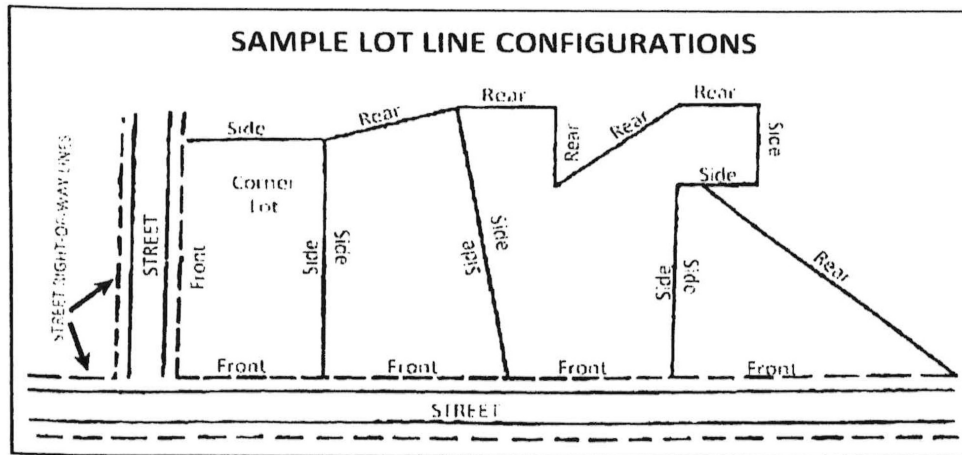
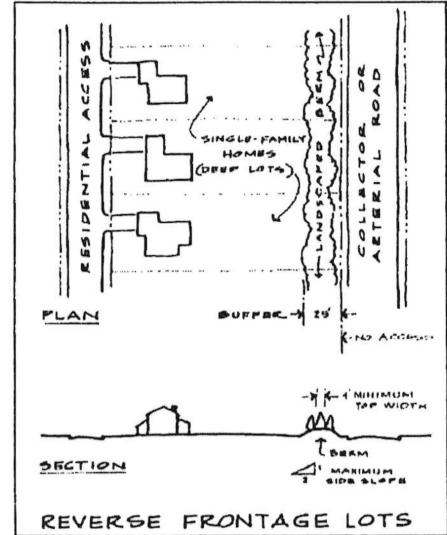
LOT AREA, MINIMUM REQUIRED: The area within the lot lines, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE: That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools, and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for the purpose of determining compliance with the permitted lot coverage.

LOT DEPTH: The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line. On corner lots, lot depth shall be measured along the longest dimension of the lot.

LOT FRONTAGE: The horizontal distance between side lot lines at their foremost points (where they intersect with the street right-of-way line).

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See also *setback, required*.



LOT LINE, FRONT: The lot line(s) separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT WIDTH: The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required

lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty-percent requirement shall not apply.

MAJOR SUBDIVISION: See *subdivision*.

MANUFACTURED HOUSING OR HOUSE (MOBILE HOME): Housing which bears a label as required by and referred to in the act of November 17, 1982 PL.676. No. 192). known as the Manufactured Housing Construction and Safety Standards Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

MANUFACTURED HOUSING (MOBILE HOME) LOT: A parcel of land in a manufactured housing park which is leased by the park owner to the occupants of the manufactured house erected on the lot and which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

MANUFACTURED HOUSING (MOBILE HOME) PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured housing lots for the placement thereon of manufactured houses.

MASS: A grouping of three or more trees, each at least 1.5-inch in caliper, within an area of 100 square feet.

MATURE TREE: Any tree of six inches or more in caliper, whether standing alone, in tree masses, or woodlands.

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, possibly culminating in a written agreement which the parties themselves create and consider acceptable.

MINIMIZE: To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

MINOR SUBDIVISION: See *subdivision*.

MOBILE HOME: See *manufactured housing*.

MOBILE HOME LOT: See *manufactured housing lot*.

MOBILE HOME PARK: See *manufactured housing park*.

MPC: The Pennsylvania Municipalities Planning Code.

MULTI-FAMILY DEVELOPMENT: Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property is also considered a multi-family development. Two-family dwellings in a multi-family development are considered townhouses.

MUNICIPALITY: Jim Thorpe Borough, Carbon County, Pennsylvania.

NONRESIDENTIAL BUILDING: A building which is for nonresidential use.

NONRESIDENTIAL USE: Any commercial, industrial, or institutional use of land, or any other use of land which is not for residential purposes but excluding agricultural uses.

OPEN SPACE: An area that is intended to provide light and air, and is designed for environmental, scenic, recreational, resource protection, amenity and/or buffer purposes and which contains no development improvements which are not specifically permitted by this chapter or the zoning ordinance.

OPEN SPACE, COMMON: Open space that is part of a conservation design subdivision development tract set aside for the use and enjoyment of residents of such development.

OPEN SPACE, CONSERVATION: Open space that is part of a conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, forest land, scenic views, and other primary and secondary conservation areas and which is permanently restricted from further development except as permitted by this chapter and cannot be used as a basis for density for any other development. Conservation open space may be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

OPEN SPACE, REQUIRED PUBLIC: Open space that is dedicated or reserved for the use of the general public in accord with the requirements of this chapter.

OWNER: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to apply for the development or use of land.

PA DEP: The Pennsylvania Department of Environmental Protection.

PA DOT OR PENNDOT: The Pennsylvania Department of Transportation.

PARCEL: See *lot*.

PARENT TRACT: Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds and from which a lot or lots have been subdivided or are proposed for subdivision. (See *lot, existing of record*.)

PARKING SPACE, OFF-STREET: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a street right-of-way.

PERFORMANCE GUARANTEE: A written instrument which may be accepted by the Borough Council in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Borough of financial security in an amount sufficient to cover the costs of all site improvements including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PLAN OR PLAT: A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation includes the following:

- A. **SKETCH PLAN:** An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Borough. This plan is drawn on tracing paper or similar material enabling municipal officials to see the relationship between the proposed layout and the property's features as identified on the Existing Resources and Site Analysis.
- B. **PRELIMINARY PLAN:** A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this chapter, such plan having been prepared by a qualified professional (see definition of qualified professional).
- C. **FINAL PLAN:** A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this chapter to define property rights, proposed streets and other improvements.
- D. **RECORD PLAN:** The copy of the final plan or plans which contains the original endorsements of the Borough Council and which is intended to be recorded with the County Recorder of Deeds.
- E. **AS-BUILT PLAN:** A plan certified by a professional engineer showing all details of the completed development and improvements as installed.

PLANNING COMMISSION: The Planning Commission of the Jim Thorpe Borough, Carbon County, PA.

POND OR LAKE – See *lake or pond*.

POSITIVE DRAINAGE: Sufficient slope to drain surface water away from buildings without ponding.

PRIMARY RESOURCES: See *resources, primary*.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRIMITIVE TYPE CAMPING FACILITY: An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus to camp in, not including any vehicle on wheels.

PRINCIPAL BUILDING – See *building, principal*.

PRINCIPAL USE: The primary or predominate use of a lot.

PROPERTY OWNERS ASSOCIATION (POA): A non-profit corporation organized by the developer or homeowners for establishing an association of all property owners in a private development which purposes shall include the ownership and maintenance of open space common areas and all development improvements.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Planning Commission, Governing Body or Zoning hearing Board, intended to inform and obtain public comment, prior to acting in accord with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), as amended, known as *The Sunshine Act*.

PUBLIC NOTICE (for a public hearing): Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

QUALIFIED PROFESSIONAL: An individual authorized by Pennsylvania law to prepare plans pursuant to §503(1) of the MPC which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

RECREATIONAL VEHICLE: A vehicle primarily designed and utilized as temporary living quarters for recreational, camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailer, truck camper, motor homes and similar types of vehicles.

RECREATIONAL VEHICLE PARK: See *campground or recreational vehicle park*.

REPAIR: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. See also *addition and alteration*.

RESERVE STRIP: A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESERVOIR SPACE: An area provided to accommodate a vehicle which is queued in a lane awaiting service in a drive-in facility such as a bank, fast-food restaurant or a car/truck wash.

RESIDENTIAL BUILDING: A building or portion thereof which is used exclusively for human habitation, including, but not limited to, single-family, two-family and multi-family dwellings, and mobile homes.

RESOURCES, PRIMARY: Natural features consisting of 100-year floodplain (including the floodway), lakes, ponds, watercourses, wetlands, and prohibitive steep slopes (25 percent or greater). In conservation subdivisions, all conserved lands containing primary resources are called primary conservation areas.

RESOURCES, SECONDARY: Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in this chapter. Lands containing secondary resources that are conserved are called secondary conservation areas.

RESUBDIVISION: Any revision, replatting, or subdivision of land which includes changes to a recorded plan.

REVERSE SUBDIVISION: See *subdivision, lot consolidation*.

RIGHT-OF-WAY: Land reserved for use as an access, street, drainage facility or other private, public or community use.

RUNOFF: That portion of rainfall or snowmelt which does not enter the soil but moves over the surface.

SCREENED: Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Borough.

SCREENING: A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

SECONDARY RESOURCES: See *resources, secondary*.

SETBACK, FRONT: The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard and lot line*.

SETBACK, REQUIRED: The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this chapter. See also *yard and lot line*. (See accompanying illustrations.)

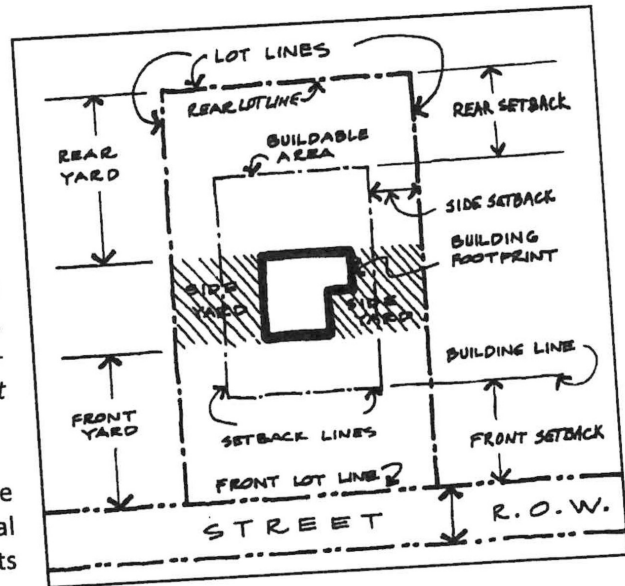
SETBACK, REAR: The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard and lot line*.

SETBACK, SIDE: A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard and lot line*.

SEWAGE DISPOSAL, CENTRAL, COMMUNITY OR OFF-SITE: A sewage collection and disposal system in which sewage is carried from more than one individual lot, dwelling or other unit by a system of pipes to a central treatment and subsurface or other type of disposal area or stream discharge in compliance with the Pennsylvania Department of Environmental Protection regulations and/or regulations of the Borough, whichever may be more stringent.

SEWAGE DISPOSAL, INDIVIDUAL, ON-LOT OR ON-SITE: Any structure designed to biochemically treat sewage within the boundaries of an individual lot from one individual dwelling or other type unit.

SEWAGE ENFORCEMENT OFFICER (SEO): The Borough official certified by the Pennsylvania Department of Environmental Protection who reviews permit applications and sewage facilities planning modules, issues permits as authorized by the Pennsylvania Sewage Facilities Act, as amended, and conducts investigations and inspections that are necessary to implement the Act and its regulations.



SEWAGE TREATMENT PLANT: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

SEWER CONNECTION, MANUFACTURED (MOBILE) HOME: All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE, MANUFACTURED (MOBILE) HOME: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

SHOULDER: The improved portion of a street immediately adjoining the travelway.

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.

SLOPE: The change in elevation over a horizontal distance usually expressed in percentage. (See *grade*.) Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this chapter, slope shall be measured over three two-foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

SPECIMEN TREE: Any tree that is 12 inches or more in diameter at breast height.

STREAM: A natural watercourse. See *watercourse*.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. Public rights-of-way shall be those open to the general use of the public, not necessarily publicly dedicated.

STREET: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation. Classes of streets are as follows:

- A. ARTERIAL STREET: Serves large volumes of comparatively high-speed and long-distance traffic. Streets classified as main and secondary highways by the Pennsylvania Department of Transportation, and any street classified as a principal or minor arterial street in the Borough Comprehensive Plan are arterial streets.
- B. COLLECTOR STREET: In addition to giving access to abutting properties, intercepts minor streets and provides routes, carrying moderate volumes of traffic, to community facilities and to arterial streets. Any street classified as a major or collector street in the Borough Comprehensive Plan are collector streets.
- C. LOCAL STREET: Used primarily to provide access to abutting property and carrying low volumes of traffic. All streets not defined as an arterial or collector street are local streets.

- D. PUBLIC STREETS: Streets dedicated to public use.
- E. ALLEY: A right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.
- F. CUL-DE-SAC STREET: A type of street which terminates at one end by a permanent turnaround, and which intersects another street at the other end.
- G. LOOP STREET: A minor street which intersects other streets on each end and may intersect a cul-de-sac street at some point between each end.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, PERMANENT: Any structure, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE: Any structure that is not permanently affixed to the ground but is designed to be moved from place to place including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering.

STRUCTURE, TEMPORARY: Any structure that is erected for the limited period specified in the zoning permit.

SUBDIVIDER: See *developer*.

SUBDIVISION -The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION: A subdivision that creates six lots or less, or the cumulative development on a lot by lot basis for a total of six lots or less of any original tract of record and which does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as, but not limited to, stormwater control facilities, a central water supply, a central sewage disposal system, or streets. The enumeration of lots shall include all lots created from the parent tract after the effective date of this chapter and the residual tract (land under the same ownership and adjacent).
- B. MAJOR SUBDIVISION: Any subdivision that is not a minor subdivision or a lot improvement subdivision.
- C. LOT CONSOLIDATION/REVERSE SUBDIVISION: The assemblage or combination of two or more adjoining lots, tracts, or parcels of land to form a single larger parcel.
- D. LOT LINE ADJUSTMENT SUBDIVISION: The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this chapter and no new lots are created.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the Borough Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to this chapter) 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.

SURVEYOR: A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

TENT: A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

TRACT: See *lot*.

TRACT AREA, ADJUSTED (ATA): The tract area remaining when the specified constrained land has been deducted from the gross tract acreage. ATA is used to calculate both density and open space.

TRACT AREA, GROSS – See *lot area, gross*.

TRAVELWAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

UNDISTURBED AREA: Any area of land on which the vegetation has not been cut or removed, or where the soil has not been turned, displaced, graded, or removed.

WATER CONNECTION, MANUFACTURED HOME (MOBILE HOME): All pipes, fittings, and appurtenances from the water-riser pipe to the water inlet pipe of the central water system in the mobile home park.

WATERBODY: Any natural or manmade freshwater pond, lake, or stream. This shall not include any pond or facility designed and constructed solely to contain storm water.

WATER RISER PIPE, MANUFACTURED HOME (MOBILE HOME): That portion of the water service pipe which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE, MANUFACTURED HOME (MOBILE HOME): All pipes, fittings valves, and appurtenances from the water main of the mobile home park central water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, CENTRAL, COMMUNITY OR OFF-SITE: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses.

WATER SUPPLY, ON-LOT, OR ON-SITE: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

WATERCOURSE: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WETLAND -Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

WOODLAND: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches DBH) covering an area of one-quarter acre or more or consisting of 10 individual trees larger than six inches DBH, shall be considered a woodland. For the purposes of this chapter, the extent of any woodland plant community for any part thereof shall be measured from the outermost drip line of all the trees in the community. Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six inches DBH). Woodlands shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance.

YARD: The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)

**ARTICLE III
PLAN PROCESSING**

OUTLINE OF PROCEDURE - - MINOR SUBDIVISIONS

- A. Submission of Sketch Plan showing general concept. (optional, but very strongly encouraged)
- B. Submission of application form and minor plan showing proposal in detail.
- C. Review by non-Borough agencies.
- D. Review and recommendation by Borough Planning Commission.
- E. Review and action by Borough Council on minor plan.

OUTLINE OF PROCEDURE - - MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS

- A. Submission of Sketch Plan showing general concept. (optional, but very strongly encouraged)
- B. Submission of application form and preliminary/final plan showing proposal in detail.
- C. Review by non-Borough agencies.
- D. Review and recommendation by Borough Planning Commission.
- E. Review and action by Borough Council on preliminary plan.
- F. Obtain permits and fulfill preliminary plan conditions.
- G. Submit final plan with detailed engineering.
- H. Review of final plan by Borough Planning Commission and recommendation.
- I. Submission of development agreement.

Financial Security Posted

- J. Posting of financial security for completion of improvements.
- K. Review and action by Borough Council on final plan.
- L. Recording of final plan.
- M. Verification by Borough Engineer of completed improvements.
- N. Submission of as-built plan.
- O. Dedication of improvements to Borough (if applicable).

Improvements Constructed

- J. Completion of improvements.
- K. Verification by Borough Engineer of completed Improvements.
- L. Review and action by Borough Council on final plan.
- M. Recording of final plan.
- N. Submission of as-built plan.
- O. Dedication of improvements to Borough (if applicable).

SKETCH	PRELIMINARY	FINAL
Minor Subdivision		
optional, encouraged (§390-17)	not required	required (§390-20)
Major Subdivision		
optional, encouraged (§390-17)	required (§390-18)	required (§390-19)
Land Development		
optional, encouraged (§390-17)	required (§390-18)	required (§390-19)
Lot Consolidation/Reverse Subdivision and Lot Line Adjustment Subdivision		
optional, encouraged (§390-17)	not required	consolidation – deed only (§390-23A adjustment - required (§390-23B)

§390-16 General

All plans for subdivision and/or land development within the corporate limits of the Borough shall be submitted and reviewed as provided in this chapter and shall be approved or disapproved by the Borough in accord with the procedures specified in this chapter.

A. Required Plans. Preliminary and final plans and required fees and supporting data for all proposed Major Subdivisions and Land Developments shall be provided by the Applicant. A Preliminary Plan shall not be required for Minor Subdivisions. A Sketch Plan, as detailed in §390-17, shall not be considered a required plan, but is strongly encouraged.

B. Requirement for Plan Filing.

(Note: For the purposes of this chapter, the words *day* and *days* refer to calendar days.

(1) Filing with Administrator. Unless otherwise provided by this chapter, all required plans, applications, fees and supporting data shall be delivered in person to the Administrator not less than 10 days prior to the Planning Commission meeting at which the same is to be considered for acceptance for review by the Planning Commission. Any filing received less than 14 calendar days prior to a regularly scheduled meeting of the Planning Commission will not be placed on the agenda for consideration until the next regularly scheduled meeting of the Planning Commission.

(2) Folded Plans. All plans submitted to the Borough shall be folded to a size which will fit into a standard filing cabinet.

(3) Electronic Documents. In addition to the required number of paper copies, all filings shall include a digital copy with all documents in electronic format approved by the Borough.

(4) Filing Verification. The Administrator shall review the filed documents to make a preliminary determination whether the required documents have been filed in proper number and form. If complete, the Administrator will issue a verification indicating the date the filing was received by the Administrator. If not complete, all documents and the fee shall be returned to the Applicant.

C. Re-filing of Plans.

(1) The re-filing of plans shall be done in the same manner and number as required for the initial filing.

(2) All revised plan submittals shall include a letter responding to any review comments and describing revisions made to the plan.

D. Attendance. The Applicant or a duly authorized representative shall attend each Planning Commission and Borough Council meeting at which the application is on the agenda, or the application will be tabled.

E. Action. All Minor, Preliminary and Final Plans and all Land Development Plans (but excluding Combination of Existing Lots of Record Plans) shall be reviewed by the Planning Commission for compliance with this chapter. Plans and supportive data which are complete shall be recommended to the Borough Council for approval, approval with conditions, or denial.

F. Field Inspections.

- (1) Landowner Permission. It shall be implicit in any request for plan approval that the landowner automatically grants the Planning Commission, the Borough Council, or anyone designated by either body, the right to enter upon the area proposed for the subdivision or land development to become familiar with the property, making necessary observations or for any other reasonable and lawful purpose.
- (2) Scheduling. The Planning Commission or Borough Council may, at the time of Sketch Plan or Preliminary Plan Filing or at any other time deemed appropriate, schedule a Field Inspection of the parcel proposed for subdivision or development. The Applicant or his representative shall, upon request by the Borough, accompany the Borough official or designated representative. To facilitate the inspection, the Applicant shall have the approximate centerline(s) of any proposed streets marked with temporary stakes.

G. Recording Final Plans.

- (1) Time Limit. Upon the approval of a final plan, the Applicant shall within 90 days of such final approval, or 90 days after the date of delivery of an approved and signed Record Plan following completion of conditions imposed for such approval, whichever is later, record such Record Plan in the Office of the Carbon County Recorder of Deeds, and provide to the Borough proof of recording within 105 days of the said approval/delivery.
- (2) Failure to Record. If the Applicant fails to record the Record Plan in the Recorder's office within the required ninety (90) day period and provide the proof of recording within the one hundred and five (105) day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.
- (3) Lot Consolidation Plans. In the case of lot consolidation plans, the Applicant shall provide proof of recording the required deeds within 90 days of recording the plan for the lot joinder. If the Applicant fails to provide the proof of deed recording within the required 90-day period, the action of the Borough shall be deemed null and void and a re-submission of the plan shall be made to the Borough.

§390-17 Sketch Plan

- A. Optional Sketch Plans. Applicants are **VERY STRONGLY ENCOURAGED**, but not required, to provide a Sketch Plan to the Planning Commission prior to the Filing of a Preliminary Plan, Land Development Plan or Minor Plan. The purpose of the Sketch Plan is to:
- (1) Avoid costly revisions to detailed Preliminary Plans prepared before a consensus on the layout is reached with the Planning Commission.
 - (2) Identify the overall objectives of the Applicant using a diagrammatic approach showing broad areas of development and broad areas of conservation.
 - (3) Determine if the plan is a major or a minor subdivision and/or land development.
 - (4) Assist applicants and officials to develop a better understanding of the property.
 - (5) Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.

- (6) Ensure that the plan generally conforms to the provisions of this chapter.
- (7) Demonstrate compliance with any design parameters deemed necessary by the Borough for conformance to the Borough Comprehensive Plan.

The critical part of the Sketch Plan review process is to lay the Sketch Plan on top of the Existing Resources and Site Analysis, prepared in accord with the requirements of §390-28C, to determine the extent to which the proposed layout of conservation areas, streets, and building lots succeeds in designing around and conserving significant site features. The Sketch Plan should be prepared on paper and translucent material (such as tracing paper or mylar) and at the same scale as the Existing Resources and Site Analysis.

- B. Contiguous Holdings. When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout should be included showing future potential subdivision/land development of all the contiguous lands belonging to the landowner to ensure that the subdivision/land development may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this §390-17 shall not constitute approval of the future subdivision/land development shown thereon.
- C. Non-formal Filing. A Sketch Plan shall be considered only for discussion between the Applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All Sketch Plans shall be noted on the Plan and in the minutes of the Planning Commission.
- D. Major Subdivisions and Land Developments - Sketch Plans
- (1) Pre-Application Meeting. A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the Borough's zoning and subdivision and land development regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan Filings as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis at this meeting.
 - (2) Existing Resources and Site Analysis. Applicants are encouraged to provide an Existing Resources and Site Analysis, in its context, prepared in accord with the requirements of §390-28C. The purpose of this key element is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for conducting a site inspection. This Plan should be provided prior to or at the site inspection and shall form the basis for the development design as shown on the Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not provided).
 - (3) Site Inspection. After preparing the Existing Resources and Site Analysis, applicants are encouraged to arrange for a site inspection of the property by the Planning Commission and other Borough officials and shall distribute copies of said Site Analysis at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated conservation open space (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Borough officials, or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

- (4) Pre-Sketch Conference. Following the site inspection and prior to a diagrammatic sketch plan, the applicant is encouraged to meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design process described in §390-46, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.
- (5) Sketch Plan Review.
 - (a) Six copies of a Sketch Plan, meeting the requirements set forth in §390-27 shall be delivered to the Administrator during business hours at least 14 calendar days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for conservation open space, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis. The Sketch Plan should also be designed in accordance with the four-step design process described in §390-46, and with the conservation open space standards listed in §390-47.
 - (b) The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this chapter and with other applicable ordinances of the Borough. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this chapter and may suggest possible plan modifications that would increase its degree of conformance. The Commission may provide written comments to the Applicant. The Sketch Plan may also be forwarded by the Planning Commission to the Carbon County Planning Commission for its review and comment. The reviews may include, but not be limited to:
 - [1] The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis;
 - [2] The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
 - [3] The location of proposed access points along the existing road network;
 - [4] The proposed building density and impervious coverage;
 - [5] The compatibility of the proposal with respect to the objectives and policy recommendations of the Borough Comprehensive Plan; and
 - [6] Consistency with the zoning ordinance.

§390-18 Preliminary Plans for Major Subdivisions and Land Developments

All applications for preliminary plans for major subdivisions and land developments shall be filed with the Borough and processed in accord with this §390-18.

Filings Not Preceded by a Sketch Plan. If an applicant opts not to provide a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §390-17 specifically including the Existing Resources and Site Analysis, plus further details as required by this chapter.

Site Inspection. If requested by the Planning Commission, a site inspection shall be arranged and conducted in accord with §390-17D(3).

A. Official Filing of Preliminary Plans.

(1) Plan to be Filed with the Borough.

- (a) Initial Filing. Copies of the Preliminary Plan and all required supporting documentation shall be delivered to the Administrator by the Applicant or authorized representative by the end of the business day at least 14 calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Preliminary Plan Submission".
- (b) Subsequent Materials. All materials provided in support of an application after the initial Filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 14 calendar days prior to the meeting at which the Applicant wishes to have those materials considered.
- (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Borough.

(2) Number of Copies to be Filed. The Filing of the Preliminary Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by resolution of the Borough Council.)

- (a) Eight completed copies of the subdivision/land development plan application.
- (b) Eight full-size legible paper prints of the Preliminary Plan.
- (c) Five copies of the required sewage planning module(s) and associated documentation.
- (d) Three copies of all other required supporting data and information as required in Article IV.

(3) Preliminary Plan Filing Fee. The Administrator shall collect a preliminary plan filing fee as established by resolution of the Borough Council for all subdivisions/land developments.

- (a) Fees charged shall cover the costs listed in §390-89C and other administrative expenses associated with the review of the subdivision/land development.
- (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.

(4) Preliminary Plan Filing Verification and Distribution. Upon receipt of the Preliminary Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.

- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the

applicable plans and documents to:

- [1] The Borough Planning Commission.
- [2] The Borough Engineer
- [3] The Borough Solicitor.
- [4] The Borough Sewage Enforcement Officer.
- [5] The Borough Zoning Officer.
- [6] Any other agency, engineer or consultant designated by the Borough.

Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission and other applicable agencies with application fees.

- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
 - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Preliminary Plan Submission. The official date of the Preliminary Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
 - (b) If the filed documents are complete and acceptable, the Administrator shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Preliminary Plan Submission and forward said receipt to the Applicant and the Borough.
 - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §390-18A(4), the 90-day review period shall be measured from the 30th day following the day of said filing verification.
 - (d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30th day following the final order of the court.
- (6) Distribution to Other Agencies. The Applicant shall provide the Plan, and all required supporting documentation, to the Carbon County Planning Commission, the Carbon County Conservation District, PennDOT, and all other agencies.

B. Preliminary Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly

filed Preliminary Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §390-18B. The Planning Commission shall communicate, in writing, its recommendation to the Borough Council, the Applicant and other parties as appropriate.

(2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Preliminary Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Borough review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Preliminary Plan Submission* as established pursuant to §390-18A(5).

(3) Borough Council Approval with Conditions.

(a) When a Preliminary Plan is approved with conditions and/or modifications, such conditions and/or modifications shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and shall be communicated, in writing, to the Applicant as provided in §390-18B(2). The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

(b) In the event that the Applicant does not agree and accept the conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Preliminary Plan shall become an automatic disapproval and the said plan may be re-filed as required by §390-18, including a new filing fee.

(4) Borough Council Denials. When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Preliminary Plan is considered and communicated, in writing, to the Applicant as provided in §390-18B(2).

C. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council may consider the comments and the recommendations provided pursuant to §390-18A(6) and may request such additional information as deemed necessary.

D. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Preliminary Plan to the County Planning Commission.

E. Sewage Facilities Planning Modules. The Borough Council shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Preliminary Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.

F. Highway Occupancy/Driveway Permit. If a permit is required for access to a Borough or State road, approval of the preliminary plan shall be conditional upon the issuance of a permit by the Borough or PA DOT.

G. Soil Erosion and Sedimentation Control. Approval of the Preliminary Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA

DEP and the issuance of any associated permits.

- H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.
- I. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough; and any such agreement shall be in writing.

§390-19 Final Plans for Major Subdivisions and Land Developments

All Final Plans for major subdivisions and land developments shall be filed and processed in accord with this §390-19.

A. Final Plan Application.

- (1) An application for Final Plan approval can be filed only when the subdivision/land development has previously been granted an unconditional Preliminary Plan approval in accord with §390-18 or all conditions established by the Borough Council for the Preliminary Plan approval have been fulfilled by the Applicant.
- (2) No final plan shall be approved until all improvements, such as roads and drainage facilities (see definition of *improvement* in Article II) which are shown on the Preliminary Plan, have been completed or guaranteed in accord with Article V.

- B. Final Plan Conformation; Five-Year Protection from Ordinance Changes. The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Planning Commission shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be filed pursuant to §390-18. In accord with §390-5 and §508(4)(ii) of the MPC, when a Preliminary Plan has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision and land development 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 accord with the terms of such approval within five years from such approval.

- C. Sections. Final Plans may be filed in sections in accord with §508(4)(v),(vi) and (vii) of the MPC, each covering a portion of the entire proposed subdivision/land development as shown on the Preliminary Plan.

- (1) Each section in the subdivision/land development, except for the last section, shall contain a minimum of 25 percent of the total number of lots and/or dwelling units as depicted on the Preliminary Plan, except that the Borough Council may approve a lesser percentage.
- (2) When a Final Plan is proposed to be filed by sections, a proposed layout of the sections, their boundaries, the order of filing, and a schedule of filing shall be proposed to the Borough for approval prior to filing of the first section.

D. Official Filing of Final Plans.

- (1) Plan to be Filed with the Borough.

- (a) Initial Filing. Copies of the Final Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at

least 14 calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Final Plan Submission".

- (b) Subsequent Material. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be provided to the Administrator at least 14 calendar days prior to the meeting at which the Applicant wishes to have those materials considered.
 - (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Borough.
- (2) Number of Copies to be Filed. The official filing of the Final Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Borough Council.)
- (a) Eight completed copies of the subdivision/land development plan review application
 - (b) Eight full-size legible paper prints of the Final Plan. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, seven full size paper prints shall be provided for final signature.
 - (c) Five copies of all required sewage disposal approvals and/or permits from the Pennsylvania Department of Environmental Protection.
 - (d) Three copies of the applicable highway occupancy permit(s).
 - (e) Three copies of all other required supporting data and information as required in Article IV.
- (3) Final Plan Filing Fee. The Administrator shall collect a Final Plan filing fee as established by resolution of the Borough Council for all subdivisions and land developments.
- (a) Fees charged shall cover the costs listed in §390-89C and other administrative expenses associated with the review of the subdivision/land development.
 - (b) The Applicant shall pay the fee at the time of initial submission of the application to the Administrator.
- (4) Final Plan Filing Verification and Distribution. Upon receipt of the Final Plan and supporting data the Administrator shall verify the filing for the required number of copies of all documents.
- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:
 - [1] The Borough Planning Commission.
 - [2] The Borough Engineer
 - [3] The Borough Solicitor.

[4] The Borough Sewage Enforcement Officer.

[5] The Borough Zoning Officer.

[6] Any other agency, engineer or consultant designated by the Borough.

Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission and other applicable agencies with application fees.

- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
 - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been filed and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Final Plan Submission. The official date of the Final Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
 - (b) If the filed documents are complete and acceptable, the Administrator shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Final Plan Submission and forward said receipt to the Applicant.
 - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §390-19D(4), the 90-day review period shall be measured from the 30th day following the day of said filing verification.
 - (d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30th day following the final order of the court.
- (6) Distribution to Other Agencies. The Applicant shall provide the Plan, and all required supporting documentation, to the Carbon County Planning Commission, the Carbon County Conservation District, PennDOT, and all other agencies.

E. Final Plan Review and Action.

- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Final Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §390-19E. The Planning Commission shall communicate, in writing, its recommendation to the Borough Council, the Applicant and other parties as appropriate.
- (2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's

recommendation, the Borough Council shall make the decision regarding the Final Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Borough review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Final Plan Submission* as established pursuant to §390-19D(5).

(3) Borough Council Approval with Conditions.

(a) When a Final Plan is approved with conditions and/or modifications, such conditions and/or modifications shall be expressly included in the minutes of the Borough Council meeting at which the Final Plan is considered and shall be communicated, in writing, to the Applicant as provided in §390-19E(2). The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.

(b) In the event that the Applicant does not agree and accept the conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan may be re-filed as required by §390-19, including a new filing fee.

(4) Borough Council Denials. When a Final Plan is denied by the Borough Council, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Final Plan is considered and communicated, in writing, to the Applicant as provided in §390-19E(2).

F. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council shall consider the comments and the recommendations provided pursuant to §390-19D(6) and may request such additional information as deemed necessary.

G. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Final Plan to the County Planning Commission.

H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Final Plan pursuant to public notice.

I. Planned Improvements. The Borough Council shall not approve or sign the Final Plan until all the improvements shown on the Final Plan have been installed by the Developer and verified as complete by the Borough Engineer; or, a performance guarantee has been provided by the Applicant pursuant to Article V.

J. Signature of Final Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Borough Council shall endorse the Final Plan for recording purposes and shall retain at least one endorsed print.

K. Applicant's Duty to Record the Final Plan.

(1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Borough Council.

(2) Notification. The Applicant shall notify the Borough Council in writing of the date of such recording and

the plan book and page wherein such plan is recorded. A copy of the recorded plan and recording receipt shall be provided to the Borough.

- (3) Failure to Record. If the plan is not recorded within the required time the approval shall lapse and become void.
- L. As-Built Plans. Upon the completion of all improvements, the Applicant shall provide to the Borough plans certified by the Applicant's surveyor and engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this chapter and shall be subject to all the enforcement proceedings contained in this chapter.
- M. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough Council; and any such agreement shall be in writing.

§390-20 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be filed with the Borough and be processed in accord with this §390-20.

A. Official Filing of Minor Subdivision Plans.

(1) Plan to be Filed with the Borough

- (a) Initial Filing. Copies of the Minor Subdivision Plan and all required supporting documentation shall be filed with the Administrator by the Applicant or authorized representative by the end of the business day at least 14 calendar days prior to the Planning Commission meeting at which the Applicant applies for the "Official Date of Minor Subdivision Plan Submission".
- (b) Subsequent Materials. All materials provided in support of an application after the initial filing, whether an amended plan, an expert or agency report or review letter, or any other data in support of an application shall be filed with the Administrator at least 14 calendar days prior to the meeting at which the Applicant wishes to have those materials considered.
- (c) Electronic Documents. In addition to the required number of paper copies, all filings shall include one digital copy with all documents in an electronic format approved by the Borough.

(2) Number of Copies to be Provided. The official filing of the Minor Subdivision Plan shall include the following: (The Borough may require the Applicant to provide additional copies of any required information. The required number of copies required for initial submission may be changed by Resolution of the Borough Council.)

- (a) Eight completed copies of the subdivision plan application.
- (b) Eight full-size legible paper prints of the Preliminary Plan.
- (c) Five copies of the required sewage planning module(s) and associated documentation.
- (d) Three copies of all other required supporting data and information as required in Article IV.

(3) Minor Subdivision Plan Filing Fee. The Administrator shall collect a Minor Subdivision Plan filing fee as established by resolution of the Borough Council for all subdivisions.

- (a) Fees charged shall cover the costs listed in §390-89C and other administrative expenses associated with the review of subdivision.
 - (b) The Applicant shall pay the fee at the time of initial filing of the application to the Administrator.
- (4) Minor Subdivision Plan Filing Verification and Distribution. Upon receipt of the Minor Subdivision Plan and supporting data, the Administrator shall verify the filing for the required number of copies of all documents.

- (a) If the filing is verified, the Administrator shall accept the said plans and documentation, complete the filing verification, noting same, and provide a copy of the plan filing verification to the Applicant. The Administrator shall, as directed by the Planning Commission, then provide copies of the applicable plans and documents to:

- [1] The Borough Planning Commission.
- [2] The Borough Engineer
- [3] The Borough Solicitor.
- [4] The Borough Sewage Enforcement Officer.
- [5] The Borough Zoning Officer.
- [6] Any other agency, engineer or consultant designated by the Borough.

Note: The developer will be required to submit the appropriate number of copies to the Carbon County Planning Commission and other applicable agencies with application fees.

- (b) If the filing is not verified, the Administrator shall complete the plan filing verification, noting all deficiencies or omissions in the filing, provide a copy of the plan filing verification to the Applicant, and return all documents to the Applicant.
 - (c) The plan filing verification shall only verify that the correct number of copies of all plans and documentation have been provided and shall in no way be construed to be a plan submission receipt.
- (5) Official Date of the Minor Subdivision Submission. The official date of the Minor Subdivision Plan submission shall be determined by the Planning Commission which shall examine the filed documents to determine that all are complete and in proper form.
- (a) If the filed documents are not complete or not in the proper form, the Applicant shall be notified, in writing, of the deficiencies; and, the filed documents shall be rejected until the said deficiencies are corrected and then examined again at the next regularly scheduled or special meeting after the re-filing.
 - (b) If the filed documents are complete and acceptable, the Administrator shall execute an official submission receipt listing the date of the said meeting as the Official Date of the Minor Subdivision Plan Submission and forward said receipt to the Applicant.
 - (c) If the first meeting of the Planning Commission following the date of filing verification occurs more than 30 days following the date of filing verification established in accord with §390-20A(4), the 90-day review period shall be measured from the 30th day following the day of said filing verification.

- (d) If the application is being filed after a final order of the court remanding the application to the Borough, the 90-day review period shall be measured from the date of the meeting of the Planning Commission next following the final order of the court. If the first meeting of the Planning Commission occurs more than 30 days following the final order of the court, the 90-day review period shall be measured from the 30th day following the final order of the court.
- (6) Distribution to Other Agencies. The Applicant shall provide the Plan, and all required supporting documentation, to the Carbon County Planning Commission, the Carbon County Conservation District, PennDOT, and all other agencies.
- B. Minor Subdivision Plan Review and Action.
- (1) Planning Commission Review and Action Period. The Planning Commission shall review the properly filed Minor Subdivision Plan to determine compliance with this chapter and act to reject, or recommend to the Borough Council denial, approval, or approval with conditions and modifications of such plan as provided in this §390-20B. The Planning Commission shall communicate, in writing, its recommendation to the Borough Council, the Applicant and other parties as appropriate.
- (2) Borough Council Review and Action Period. Upon the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Minor Subdivision Plan and communicate, in writing, such decision to the Applicant within 15 days of when the decision is made. However, in no case shall the period for Borough review and action, including the written communication to the Applicant, exceed 90 days from the *Official Date of the Minor Subdivision Plan Submission* as established pursuant to §390-20A(5).
- (3) Borough Council Approval with Conditions.
- (a) When a Minor Plan is approved with conditions and/or modifications, such conditions and/or modifications shall be expressly included in the minutes of the Borough Council meeting at which the Minor Plan is considered and shall be communicated, in writing, to the Applicant as provided in §390-20B(2). The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (b) In the event that When a Minor Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the conditions and/or modifications, in writing, within 15 days of receipt of said written notice, the said conditional approval of the Minor Plan shall become an automatic disapproval and the said plan may be re-filed as required by §390-20, including a new filing fee. The written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions shall constitute a denial of the plan.
- (4) Borough Council Denials. When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this chapter or other applicable statute, shall be expressly included in the minutes of the Borough Council meeting at which the Minor Subdivision Plan is considered and communicated, in writing, to the Applicant as provided in §390-20B(2).
- C. Reviewing Agency and Officials Comments. The Planning Commission and the Borough Council shall consider the comments and the recommendations pursuant to §390-20A(6) and may request such additional information as deemed necessary.

- D. Carbon County Planning Commission Comments. No official action shall be taken by the Borough Council until it has received and considered the comments of the Carbon County Planning Commission or after 30 days following transmittal of the Minor Subdivision Plan to the County Planning Commission.
- E. Sewage Facilities Planning Modules. The Borough Council shall concurrently make its decision on the Sewage Facilities Planning Module; and, if approval is granted, the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Protection. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Protection sewage planning approval.
- F. Highway Occupancy Permit. If a highway occupancy permit shall be required for access to a Borough or State road, approval of the Minor Subdivision Plan shall be conditional upon the issuance of a highway occupancy permit by the Borough or PA DOT.
- G. Soil Erosion and Sedimentation Control. Approval of the Minor Subdivision Plan shall be conditional upon the approval of the soil erosion and sedimentation control plan by the Carbon County Conservation District/PA DEP, and the issuance of any associated permits.
- H. Public Hearing. The Planning Commission or the Borough Council may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.
- I. Signature of Minor Subdivision Plan. When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been provided and approved, the Borough Council shall endorse the Minor Subdivision Plan for recording purposes and shall retain at least one endorsed print.
- J. Applicant's Duty to Record the Final Minor Plan.
- (1) Deadline. The Applicant shall record the approved final plan with the Carbon County Recorder of Deeds within 90 days of the date of endorsement by the Borough Council.
 - (2) Notification. The Applicant shall notify the Borough Council in writing of the date of such recording and the plan book and page wherein such plan is recorded. A copy of the recorded plan and recording receipt shall be provided to the Borough.
 - (3) Failure to Record. If the plan is not recorded within the required time, the approval shall lapse and become void.
- K. Time Extension. The time for review of the plan may be extended by agreement of the Applicant and the Borough Council; and any such agreement shall be in writing.

§390-21 Reserved

§390-22 Plans for Minor Residential Land Developments

The intent of this §390-22 is to simplify the review and approval procedure for Minor Residential Land Developments. Preliminary Plans for Minor Residential Land Development shall not be required; however, a Final Plan shall be submitted to the Borough and be processed in accord with this §390-22.

A. Minor Residential Land Development Criteria.

- (1) A land development may be considered *Minor Residential Land Development* for the purposes of this chapter provided said development does not involve more than two dwelling units or is not by definition considered a major subdivision.
 - (2) The dwellings shall be arranged to enable a subdivision in compliance with most current standards.
 - (3) Multi-family dwellings, mobile home parks, and campgrounds and recreational vehicle parks shall not qualify as Minor Land Developments.
- B. Procedure and Other Requirements. Minor Residential Land Development Plans shall be processed in accord with the requirements for minor subdivisions in §390-20. All information and design requirements of this chapter applicable to land developments shall also apply to Minor Residential Land Developments except as provided in this §390-22. The Borough Council may, based upon the character of the project and site conditions, waive the applicability of any or all the land development requirements including the requirement for a survey of the project parcel.
- C. Minor Residential Land Development Determination.
- (1) Request to be Filed with The Planning Commission. The request for Minor Residential Land Development determination shall be submitted to the Borough Administrator by the Applicant or his authorized representative in writing at least 14 calendar days prior to the Planning Commission meeting which the Applicant will attend. The request shall contain such information as may be necessary for the Borough to determine the Minor Land Development status of the proposed project in accord with this §390-22. The Borough shall have the right to require any additional information deemed necessary.
 - (2) Status of Application for Minor Residential Land Development Determination. The application for Minor Residential Land Development determination shall not constitute a formal land development submission and shall not initiate the 90 day review period normally required for land developments.
 - (3) Determination of Minor Residential Land Development. The Planning Commission shall determine the Minor Residential Land Development status of the application in accord with the criteria in this §390-22 and report their determination regarding the same to the Applicant.
 - (a) In cases where the Planning Commission determines that the proposed development does meet the requirements for a Minor Residential Land Development, the information required for the application shall be submitted in accord with §390-22D.
 - (b) If the Planning Commission determines that the subject development does not meet the criteria for a Minor Residential Land Development, said development shall be considered a regular Land Development governed by §390-18 and §390-19 and the information required for the application shall be submitted in accord with all the applicable sections of this chapter and all other applicable requirements.
- D. Minor Residential Land Development Application Information. The plan requirements in §390-20 for Minor Subdivisions shall apply to Minor Residential Land Development Plans. However, the Borough may require any additional information necessary as site specific conditions dictate to determine compliance with this chapter and any other requirements. A survey of the parcel of property containing the proposed minor residential land development shall generally not be required; however, the Borough shall have the right to require a survey by a Registered Surveyor in cases where circumstances dictate the need for same to assure

compliance with applicable requirements. The Borough shall also have the right to apply any of the standards and requirements contained in this chapter.

§390-23 Lot Consolidation/Reverse Subdivisions and Lot Line Adjustment Subdivisions

A. Lot Consolidation and Reverse Subdivision. Lot consolidation and reverse subdivisions may be submitted directly to the Borough Planning Commission and Borough Council subject to the following procedure:

- (1) The Applicant shall certify to the Planning Commission and Borough Council that the subject lots are shown on a map on record.
 - (2) A new survey on that map shall not be required unless the Borough Planning Commission or Borough Council determine such map is required for any just cause in which case the subdivision process under the terms of this Ordinance shall be applicable.
 - (3) The lot consolidation shall be executed by a deed from the lot owner(s) to themselves clearly stating the intent of the deed transfers to combine two or more Lots into a single parcel.
 - (4) The lot consolidation deed shall be in such form as required by the Borough Council upon the recommendation by the Borough Solicitor and shall include:
 - (a) Reference to the lot numbers of the subject lots.
 - (b) A plat book and page number where the map is recorded.
 - (c) The new revised Lot numbers.
 - (d) Language restricting the sale or transfer of the individual lots being combined. That is, the lots when combined shall not be later subdivided without application to the Borough Planning Commission and Borough Council in compliance with the Borough Subdivision and Land Development Ordinance.
 - (e) At least one of the two lots being combined must be vacant. Conversely, no more than one of the combined Lots shall be improved.
 - (5) The approved deed shall be recorded in the Carbon County Recorder of Deeds within 90 days of the approval by Borough Council. If the approved deed is not recorded within 90 days as required, the Applicant shall not be permitted to record the deed without further approval from Borough Council.
 - (6) The new lot revised tax parcel number assigned by the Tax Assessment and/or GIS Mapping Office shall be referenced on the deed before recording in the Carbon County Recorder of Deeds Office.
 - (7) In order to enable the Applicant to record the deed, the Applicant shall obtain a letter from the Borough Manager or Borough Secretary indicating that the Borough Planning Commission and Borough Council have approved the lot consolidation, and the deed may be recorded without further compliance with the Borough Subdivision and Land Development Ordinance.
- B. Lot Line Adjustments. Lot line adjustment subdivisions which involve the creation of new or reconfigured lot lines shall require a new subdivision map and shall be processed in the manner set forth in §390-20 for Minor Subdivisions; however, sewage planning modules may not be required unless additional, new sewage

disposal areas are proposed. The applicable notes listed in §390-30C shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee and shall also be made binding on the combined parcel(s) of the grantee via Articles of Restrictive Covenants.

- C. Easements and Rights-of-Way of Record. No lot line adjustment subdivision shall have the effect of altering, redefining, or extinguishing any easement of record or any right-of-way of record existing on or over subject property.

§390-24 Subdivision from Large Parcel

- A. Parent Parcel. As determined by the Borough Engineer, a survey of the parent parcel in a subdivision may not be required provided:

- (1) The parent parcel, when subdivided, remains 10 acres or more in size.
- (2) The Applicant can demonstrate that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description.

- B. Subdivided Parcels. All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this chapter.

- C. Other Ordinance Provisions. The subdivision shall in all other respects comply with this chapter.

§390-25 Contiguous Municipalities

In accord with §502.1(b) of the MPC, the governing body of any municipality contiguous to the Borough may appear before the Planning Commission and/or the Borough Council to comment on a proposed subdivision, change of land use, or land development.

§390-26 Reserved

**ARTICLE IV
PLAN REQUIREMENTS**

§390-27 Sketch Plan Overlay Sheet

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis (See §390-28C), a document that must in any case be prepared and submitted as part of the Preliminary Plan. The Sketch Plan shall be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis.

- A. Name and address of the legal owner, the equitable owner, and/or the applicant;
- B. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
- C. The deed reference, parcel identification number and tax assessment number for each involved parcel.
- D. Graphic scale not greater than 1" = 10', 20', 30', 40', 50' or 60' and north arrow.; however, dimensions on the plan need not be exact at this stage;
- E. Tract boundaries, adequate to locate the tract on a map of the Borough;
- F. Location map;
- G. Zoning district;
- H. Streets on and adjacent to the tract (both existing and proposed);
- I. 100-year floodplain limits;
- J. Location of wetlands from published sources;
- K. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
- L. Schematic layout indicating a general concept for land conservation and development;
- M. Proposed general street and lot layout;
- N. General description of proposed method of water supply, sewage disposal, and stormwater management;
- O. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements;
- P. A map of the entire contiguous holdings of the owner or developer showing anticipated locations of roads.

§390-28 Preliminary Plan Requirements for Major Subdivisions and Land Developments

(See also Article IX for Land Developments.) Preliminary Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. The submission requirements for a Preliminary Plan shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

- Site Context Map.
- Existing Resources and Site Analysis.
- Preliminary Resource Impact and Conservation Analysis.
- Preliminary Improvements Plan.
- Preliminary Studies and Reports as set forth in other parts of this chapter.

A. Drafting Standards.

- (1) The plan shall be clearly and legibly drawn at a scale of 1" = 10', 20', 30', 40', 50' or 60'.
- (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes, and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
- (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and include the date on which the field work was completed.
- (4) The sheet size shall be no larger than 30"x42" but 24"x36" is preferred. If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- (5) Plans shall be legible in every detail.

B. Site Context Map. A map showing the location of the proposed subdivision/land development within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1" = 200' and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400' and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on Site Context Maps include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over 0.5 acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, public land, and land protected under conservation easements.

C. Existing Resources and Site Analysis. For all subdivisions and land developments, an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Borough with a comprehensive analysis of existing conditions, both on the proposed development site and within 200 feet of the site. Conditions beyond the parcel boundaries may be described based on existing published data available from governmental agencies and from aerial photographs. The Borough shall review the Plan to assess its accuracy, conformance with Borough ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:

- (1) Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
- (2) Natural Features, including:
 - (a) Contour lines at intervals of not more than two feet. In the case of flatter areas one-foot contours may be required. (10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted including the date and source of the contours. The datum to which contour elevations refer and references to known, established benchmarks and elevations shall be included on the plan.
 - (b) Steep slopes in the following ranges: 15 to 25 percent, 25 percent and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
 - (c) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds, or other water features.
 - (d) Wetlands as defined by Article II.
 - (e) 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. When a subdivision or land development contains a floodplain, the elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given. In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA shall be submitted.
 - (f) Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.
 - (g) Existing vegetation, denoted by type, including woodlands, hedgerows, and specimen vegetation, as defined in this chapter, tree masses, tree lines, wetland vegetation, pasture or crop lands, orchards, permanent grass land, old fields, and any other notable vegetative features on the site.
 - (h) Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
 - (i) Ridgelines and watershed boundaries.
 - (j) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- (3) Existing Man-Made Features, and including:
 - (a) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.

- (b) Locations of Historic and Archaeological Resources which have been identified and/or inventoried by the Borough, the County, the Carbon County Planning Commission, and/or the Pennsylvania Historical and Museum Commission and all significant sites or structures on the tract, including, but not limited to foundations, cellar holes, stone walls, earthworks, and burial sites.
 - (4) The Gross Tract Area, Total Tract Area, Adjusted Tract Area, where applicable, and the constrained land area with detailed supporting calculations.
- D. Resource Impact and Conservation Analysis.
- (1) A Resource Impact and Conservation Analysis shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis (as required under §390-28C). All proposed improvements including, but not necessarily limited, to grading, fill, streets, buildings, utilities, and stormwater detention facilities, as proposed in the other Preliminary Plan documents, shall be considered in preparing the Resource Impact and Conservation Analysis, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.
 - (2) Using the Existing Resources and Site Analysis as a base map, impact areas shall be mapped according to the following categories:
 - (a) primary impact areas (i.e., areas directly impacted by the proposed subdivision/land development);
 - (b) secondary impact areas (i.e., areas in proximity to primary areas which may be impacted); and,
 - (c) designated protected areas, either to be included in a proposed conservation open space or an equivalent designation such as dedication of a neighborhood park site.
- E. Improvements Plan. This plan shall include the following items:
- (1) Historic resources, trails, and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcrops, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis.
 - (2) Existing and proposed lot lines, lot areas, any existing easements, and rights-of-way.
 - (3) Conservation open space.
 - (4) Location, alignment, width, profile and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas, and preliminarily engineered profiles for proposed streets.
 - (5) Location of proposed swales, drainage easements, stormwater, and other management facilities.
 - (6) Where community sewage service is proposed, the conceptual layout of proposed sewage systems including, but not limited to, the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.

- (7) Where central water service is proposed, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- (8) Location of all percolation tests as may be required under this chapter, including all failed test sites or pits, as well as those approved, and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- (9) Location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- (10) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipality also shall be submitted.
- (11) Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.
- (12) Utilities and Easements
 - (a) Layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (This data may be on a separate plan.)
 - (b) The tentative location of proposed on-site sewage and water facilities.
 - (c) Locations of existing and proposed utility easements. Where the applicant proposes to locate a street, access drive, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line shall be submitted.
- (13) Location of proposed shade trees, plus locations of existing vegetation to be retained.
- (14) Signature block for the Planning Commission Chairman and Secretary and the Borough Council President and Secretary, and a review acknowledgement block for the Carbon County Planning Commission on the right-hand side.
- (15) Zoning data, including all the following, when applicable:
 - (a) Zoning district designations.
 - (b) Zoning district boundary lines crossing the proposed subdivision/development.
 - (c) Zoning district boundary lines within 1,000 feet of the proposed subdivision/development, shown on location map.

- (16) A title block in the lower right corner.
- (17) Name of project.
- (18) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §390-34A.
- (19) Name and address of developer if different from landowner (if a corporation, give name of each officer).
- (20) Name, address, license number, seal, and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.
- (21) Date, including the month, day, and year that the Preliminary Plan was completed and the month, day and year for each Plan revision.
- (22) The deed reference, parcel identification number and tax assessment number for each involved parcel.
- (23) A key map for the purpose of locating the property being subdivided and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding.
- (24) North arrow (true or magnetic).
- (25) Graphic scale and written scale.
- (26) Names of present adjoining property owners and the names of all adjoining subdivisions/land developments, if any, including property owners and/or across adjacent roads, along with the current property identification number for each property shown.

F. Supporting Documents and Information. The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions and land developments:

- (1) Typical street cross-section drawings for all proposed streets showing the following:
 - (a) Typical cut sections.
 - (b) Typical fill sections.
 - (c) Superelevated sections.
 - (d) Typical parallel drainage.
- (2) Profiles along the top of the cartway centerline, or as otherwise required by this chapter, showing existing and proposed grade lines and printed elevations of the proposed grade lines at 50-foot intervals.
- (3) Any existing or proposed deed restrictions, and protective and restrictive covenants that apply to the subdivision and/or development plan.
- (4) All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

- (5) Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- (6) Proof of legal interest in the property and the latest deed of record.
- (7) Water Supply Information. In the case of individual on-lot wells, information documenting water table depth and potential for affecting the ground water supply. In the case of community systems:
 - (a) A statement from a Professional Engineer of the type and adequacy of any community water supply system proposed to serve the project.
 - (b) Preliminary design of any central water supply system.
 - (c) Connection to central system. A letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service.
 - (d) New central system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
 - (e) A copy of any application for any permit, license or certificate required by PA DEP or the PA Public Utility Commission for the construction and operation of any proposed central water supply system. Preliminary plan approval shall be conditioned on the issuance of said permits by PA DEP and/or PA PUC.
- (8) Sewage Disposal Information.
 - (a) Completed sewage facilities planning module(s) for land development and other required sewage planning documents as required by the PA Sewage Facilities Act and PA DEP.
 - (b) Connection to central system. Documentation from the system owner that service will be provided, and that the Applicant has complied with all system owner requirements.
 - (c) Private sewage treatment plants and community on-lot systems. A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.
- (9) A list of any public utility, environmental or other permits required; and, if none are required, a statement to that effect. The Borough may require a Professional Engineer's certification of such list.
- (10) Soil erosion and sedimentation control plan.
- (11) Drainage/stormwater management plan meeting the requirements of this chapter and any Stormwater Management Ordinance adopted by the Borough.
- (12) Bridge designs and copies of any required permits from PA DEP or other applicable agency for any water obstruction or encroachment.
- (13) A statement indicating any existing or proposed zoning variances or subdivision/land development

waivers/modifications.

- (14) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
 - (15) Highway occupancy permit.
 - (16) A plan for the ownership and maintenance of all improvements and common areas as required by §390-41 and §390-42.
 - (17) A Traffic Impact Study if required by Chapter 500 (Zoning).
 - (18) Documentation of compliance with Pennsylvania Historical and Museum Commission requirements.
 - (19) Documentation of submission to the Pennsylvania Natural Diversity Index and compliance with any findings.
- G. Additional Information. The Planning Commission or the Borough Council may require any other necessary information based on the specific characteristics of the proposed project.
- H. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Preliminary Plan application.

§390-29 Final Plan Requirements for Major Subdivisions and Land Developments

(See also Article IX for Land Developments.) Final Plans shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law. Final Plans shall be submitted pursuant to the following:

- A. Existing Resources and Site Analysis. A plan, as required by §390-28C, consistent with the terms and requirements of the approved Preliminary Plan and modified, as necessary, to show the proposal for final approval.
- B. Final Resource Impact and Conservation Analysis.
 - (1) This plan shall comply with all the requirements for the Preliminary Resource Impact and Conservation Analysis, as set forth in §390-28D, to show all proposed improvements described in the other Detailed Final Plan documents as required by this §390-29.
 - (2) In addition to the requirements of §390-28D, the applicant shall submit an accompanying Resource Assessment Report divided into the following sections:
 - (a) Description of existing resources (as documented in §390-28C).
 - (b) Impacts of the proposed development on existing resources correlated to the areas depicted in the Final Resource Impact and Conservation Analysis.

(c) Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.

(d) The qualifications and experience of the preparer of the report.

C. Final Plan Information. The Final Plan shall be drawn to the same drafting standards, contain all the information required on the Preliminary Plan, and the following additional information:

(1) The full plan of the proposed development including, but not limited to, the following information and data:

(a) Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to reproduce all courses accurately and completely on the ground.

(b) All dimensions in feet and hundredths of a foot.

(c) All bearings to the nearest one second of the arc.

(d) Street names.

(e) Street widths and right-of-way and easement widths.

(f) A clear sight triangle shall be shown for all street intersections.

(g) Block and lot numbers.

(h) Total tract area and area of each lot to the nearest 1/100th of an acre and/or the nearest square foot.

(i) Location and type of permanent monuments and markers which have been found or set in place.

(j) Building setback lines for each lot or the proposed placement of each building.

(k) Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.

(l) A statement of intended use of all lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision/land development and, if the covenants are recorded including the book and page.

(m) The deed reference, parcel identification number and tax assessment number for each involved parcel.

(n) The location, ownership and maintenance responsibility of common facilities and conservation open space.

(o) Name, address, license number, seal and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the plan.

- (p) Final Improvements Plan meeting the requirements of §390-28E with updated information.
- (2) The following items shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
 - (a) Building setbacks.
 - (b) Corner lot easements for clear sight triangles.
 - (c) Corner lot driveway locations.
 - (d) Utility and drainage easements, including ownership and maintenance responsibility.
- (3) The following general notes shall be included on all Final Plans, if applicable:
 - (a) "All lots shown on this plan are subject to the rules and regulations contained in the Jim Thorpe Borough Zoning Ordinance."
 - (b) "Lot consolidation or lot line adjustment" proposal. "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, Page ___ and cannot be subdivided, conveyed or sold separately or apart there from without prior Borough approval."
 - (c) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420)"
 - (d) All cases. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Jim Thorpe Borough shall have no liability or responsibility for the same to the Developer or purchaser(s)."
 - (e) On-site subsurface sewage disposal or an on-site well is proposed.
 - [1] "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision/land development plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
 - [2] "Individual owners of lots must apply to the Borough for a sewage permit prior to the construction of any on-lot sewage disposal system."
 - [3] "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Jim Thorpe Borough."
 - [4] "In granting this approval the Borough has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."

- (f) When the requirement for sewage planning is waived by the Borough. "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and other applicable approvals by Jim Thorpe Borough."
- (g) Common land and/or facilities are involved. "Common open land, common recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."
- (h) All cases. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements. NOTE: If determined by Borough Council to be in the public interest, the Borough may accept dedication of certain development improvements.)
- (i) All cases. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (j) Existing easements are not specifically delineated. "The approval of this plan by the Borough Council of Jim Thorpe Borough does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".

(4) In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives and all other planned facilities.

D. Supporting Documents and Information. The following supporting documents and information shall be submitted with the Final Plan for major subdivisions and land developments:

- (1) Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 - (a) Typical cut sections.
 - (b) Typical fill sections.
 - (c) Typical superelevated sections.
 - (d) Typical parallel drainage.
- (2) Final profiles along the top of the cartway (pavement) centerline showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals, unless otherwise required by this chapter.
- (3) Any existing and finally proposed deed restrictions and protective and restrictive covenants that apply to the subdivision/land development plan.
- (4) Reserved.
- (5) Proof of legal interest in the property, and the latest deed of record.
- (6) Water Supply and Sewage Disposal Information:

- (a) Final plan of any central water supply and/or sewage disposal system showing all pertinent details.
 - (b) All other documentation required to demonstrate compliance with this chapter.
 - (7) All required state or federal environmental permits.
 - (8) Highway occupancy permits.
 - (9) Soil erosion and sedimentation control plan approved by the Carbon County Conservation District.
 - (10) Final drainage/stormwater management plan.
 - (11) Final bridge designs and required state or federal approvals.
 - (12) A statement setting forth any zoning variances or subdivision/land development waivers/modification obtained.
 - (13) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- E. Additional Information. The Planning Commission or the Borough Council may require any other necessary information based on the specific characteristics of the proposed project.
- F. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Final Plan application.
- G. Maintenance of Development Improvements. The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities, and common use or open space areas in accord with Article V. The Borough Council shall determine the adequacy of the plan and shall require any additional assurance to provide for proper operation and maintenance.

§390-30 Minor Subdivisions, Final Plan Requirements

Plans for Minor Subdivision shall be prepared by a Qualified Professional (see definition in Article II), as applicable, and required by State law and shall be submitted pursuant to the following:

- A. Drafting Standards.
- (1) The plan shall be clearly and legibly drawn at a scale of 1" = 10', 20', 30', 40', 50' or 60'.
 - (2) Dimensions shall be in feet and hundredths of feet; bearings shall be in degrees, minutes, and seconds for the boundary of the entire tract; and dimensions in feet for lot lines.
 - (3) The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.

(4) The sheet size shall be no larger than 24" x 36". If the plan is prepared in two or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

(5) Plans shall be legible in every detail.

B. Minor Subdivision Plan Information.

(1) Name of subdivision.

(2) Name and address of the owner of record (if a corporation, give name of each officer), and a notarized certificate of ownership and acknowledgment of the plan per §390-34A.

(3) Name and address of Developer, if different from landowner (if a corporation, give name of each officer).

(4) Name, address, license number, seal, and signature of the Qualified Professional (see definition in Article II) responsible for the preparation of the subdivision plan.

(5) Date, including the month, day, and year that the Final Plan for the minor subdivision was completed and the month, day, and year of each Plan revision, along with a description of the revision.

(6) The deed reference, parcel identification number and tax assessment number for each involved parcel.

(7) North arrow (true or magnetic).

(8) Graphic scale and written scale.

(9) Lots numbered in consecutive order, along with lots previously subdivided from the parcel.

(10) A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way, or easements (existing and/or proposed, if any).

(11) Sufficient data, acceptable to the Borough, to determine readily the location, bearing and length of every boundary, street, or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.

(12) The area of each lot or parcel shall be shown within each lot or parcel; and the area of each shown in the nearest 1/100th of an acre or nearest square foot.

(13) Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by §390-52.

(14) The locations of any existing buildings and significant improvements, including access drives and driveways, located on the tract being subdivided to demonstrate compliance with setback requirements.

- (15) The proposed building setback lines for each lot, or the proposed placement of each building.
- (16) The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and pavement width and right-of-way lines of all other roads within or abutting the property.
- (17) Names of adjoining property owners including those across adjacent roads; and the names of all adjoining subdivisions including those across adjacent roads with the deed book volume and page number where each property and/or subdivision is recorded; along with the property identification number for each property shown.
- (18) Water courses, lakes, streams, ponds with names, rock outcrops and stone fields, location of existing tree masses and other significant features, constructed or natural including utilities, wells and sewage systems.
- (19) Wetlands
- (20) A clear sight triangle shall be clearly shown for all street intersections.
- (21) Site data, including total acreage, number of lots, existing zoning district and property identification number.
- (22) Contour lines at an interval of not greater than two feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and the amount of slope.
- (23) Location of all flood hazard areas as shown on the most recent FIA/FEMA mapping.
- (24) The location and extent of various soil types by NRCS classification for each type.
- (25) The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- (26) Any existing or proposed areas of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- (27) A key map for locating the property being subdivided.
- (28) Signature block for the Planning Commission Chairman and Secretary and the Borough Council President and Secretary, and a review acknowledgement block for the Carbon County Planning Commission on the right-hand side.
- (29) A title block on the lower right corner.
- (30) The following items and notes shall be on all Final Plans, when applicable, in the form of protective and/or restrictive covenants:
 - (a) Building setbacks.

- (b) Corner lot easements for clear sight triangles.
- (c) Corner lot driveway locations.
- (d) Utility and drainage easements, including ownership and maintenance responsibility.

C. General Notes. The following general notes shall be included on all Minor Plans, if applicable:

- (a) "All lots shown on this plan are subject to the rules and regulations contained in the Jim Thorpe Borough Zoning Ordinance."
- (b) A "lot consolidation or lot line adjustment" proposal. "Lot/parcel ___ shall be joined to and become an inseparable part of lot/parcel ___ as recorded in Deed Book Volume ___, Page ___ and cannot be subdivided, conveyed or sold separately or apart there from without prior Borough approval."
- (c) All cases. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420).
- (d) All cases. "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals relating to wetlands. Approval by the Borough Council shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Jim Thorpe Borough shall have no liability or responsibility for the same to the Developer or purchaser(s)."
- (e) On-site subsurface sewage disposal or an on-site well is proposed.
 - [1] "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The PA DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
 - [2] "Individual owners of lots must apply to the Borough for a sewage permit prior to the construction of any on-lot sewage disposal system."
 - [3] "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Jim Thorpe Borough."
 - [4] "In granting this approval the Borough has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
- (f) When the requirement for sewage planning is waived by the Borough. "The lot(s) shown on this plan have not been approved for any type of sewage disposal based upon the representation by the developer that the lot(s) will be used for purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit, zoning, and other applicable approvals by Jim Thorpe Borough."
- (g) When common land and/or facilities are involved. "Common open land, common recreation land,

common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development."

- (h) All cases. The surveyor shall certify on the plan that the map or plat, and the survey on which it is based, were made in accord with current accepted Pennsylvania practice, and the date which the field work was completed.
- (i) When existing easements are not specifically delineated. "The approval of this plan by the Borough Council of Jim Thorpe Borough does not have the effect of altering, redefining or extinguishing any easements of record existing on, under or over the property".

D. Supporting Documents and Information.

- (1) The required Sewage Facilities Planning Modules, along with the site investigation reports.
- (2) If connection to a central sewage system is proposed, documentation from the system owner that service will be provided, and that the Applicant has complied with all system owner requirements.
- (3) If connection to a central water system is proposed, a letter from the water company or authority stating that the said company or authority will supply the development, including a verification of the adequacy of service; and documentation that the Applicant has complied with all water company requirements.
- (4) Typical cross-sections for any private access street of a design adequate for anticipated traffic, along with center-line profiles and vertical curve data.

E. Additional Information. The Planning Commission or the Borough Council shall request any other necessary information based on the specific characteristics of the proposed project.

F. Application Forms and Certifications. The applicant shall complete and submit such application forms and certifications as prescribed by the Borough for submission with the Minor Subdivision application.

§390-31 Plan Requirements for Lot Consolidation/Reverse Subdivisions and Lot Line Adjustment Subdivisions

A. Lot Consolidation/Reverse Subdivisions. A new map shall not generally be required for lot consolidation/reverse subdivisions which involve the combination of contiguous lots of record which are shown on a map on file at the office of the Carbon County Recorder of Deeds and which do not involve the creation of any new lot lines. (See §390-23A for requirements.)

B. Lot Line Adjustments. The plan requirements in §390-30 for Minor Subdivisions shall also apply to lot line adjustments. (i.e., not the combination of lots shown on a map on file with the Carbon County Recorder of Deeds.) In addition, copies of the deeds prepared for recording shall be provided; and said deeds shall execute the lot line adjustments on the approved plans and shall be recorded along with the approved plans. (See also §390-23B.)

§390-32 Reserved

§390-33 Requirements for As-Built Plans

The Applicant shall provide to the Borough plans certified by the Applicant's engineer showing all improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this chapter and shall be subject to all the enforcement proceedings contained in this chapter and may result in rescission of approval. The as-built plan shall accurately depict the final constructed development indicating which improvements have been installed in accord with the approved plans and detailing any changes as approved by the Borough.

A. Submission; Failure to Submit.

- (1) Three legible paper prints of the As-Built Plans, and one digital copy with the Plans in a format approved by the Borough shall simultaneously be submitted to the Borough and one of each to the Borough Engineer.
- (2) The Borough may withhold the release of any performance guarantee and may refuse to issue zoning and building permits if any required as-built plan is not submitted in accord with this §390-33.

B. Format.

- (1) The As-Built Plans shall be generated using the approved plans (as revised through construction) with the plan/design figures struck through with a single line and the as-constructed measurement annotated immediately adjacent.
- (2) All deviations from approved plan data shall be documented by field measurement by a registered land surveyor, licensed in good standing to practice surveying in the Commonwealth of Pennsylvania.

C. Water and Sewer. Water and sewer As-Built Plans shall be coordinated with any governing authorities.**D. Plan Information. The following information shall be shown on the As-Built Plans. Deviations from the approved plans shall be subject to a request from the Borough Engineer for calculations sealed by the applicable Qualified Professional (see definition in Article II) which document that the as-constructed condition does not violate the original intent by decreasing flow capacity or a safety standard below the criteria set by this chapter.**

- (1) Storm sewer, including revised topography for basin/BMPs (if needed), basin/BMP berm height and width, outlet structure elevations, emergency spillway elevation and length, basin/BMP volume calculations, storm pipes and inlets (including pipe size, slope, inverts, grate elevations), and location of all BMPs including snouts, bottomless inlets, depressed landscape islands, infiltration trenches, porous pavement, etc.
- (2) Deviations in grade on gravity dependent improvements (e.g., ditches and pipes) to verify that the installed flow capacity meets or exceeds the design capacity.
- (3) Light pole locations.
- (4) Sidewalk locations.
- (5) Road and traffic signs

- (6) Road elevations, layout, and striping; and if intersections have been revised significantly, sight distance. Finished roadway improvements shall be measured at cross section intervals matching the design stations and shall include information across the entire improved section from tie slope to tie slope to document that the design ditch, shoulder, and roadway sections have been met.
- (7) Parking spaces including handicapped spaces and access points.
- (8) Retaining wall locations and elevations.
- (9) Where permanent monuments have been set for right of way or tract boundary, the four-decimal state plane coordinates, and two-decimal elevation of the center of the monument.
- (10) Building locations with tie distances to property lines.
- (11) Any improvement where setbacks from property lines to critical points (building corners, etc) have been shown on the approved plans.
- (12) Utility location in association with easements (i.e., is the utility centered on the easement, etc.).
- (13) Field changes not otherwise required by this Section.
- (14) Cross section plots for any or all stations of the project may be required at the discretion of the Engineer.
- (15) Other information as deemed necessary by the Borough Engineer depending on site conditions.

§390-34 Requirements for Plans to be Recorded

In addition to all other requirements, each final plan approved for recording shall comply with this §390-34.

- A. Requirements. The following information shall appear on the Record Plan, in addition to the other information required by this chapter:
- (1) The seal of the licensed engineer and/or licensed surveyor who prepared the Plan.
 - (2) The corporation seal if the subdivider is a corporation.
 - (3) The seal of a notary public or other qualified officer acknowledging owner's statement of intent.
 - (4) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision or land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
 - (5) An acknowledgment of said statement before an officer authorized to take acknowledgments.
 - (6) The following original signatures shall be placed directly on the plan in black ink:
 - (a) The signature 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.
 - (b) The signature of the notary public or other qualified officer, acknowledging the owner's statement of intent.

- (c) The signatures of the licensed engineer or licensed surveyor who prepared the plan.
- (d) The signatures of the Chairman and Secretary of the Planning Commission.
- (e) Proof of review by the Carbon County Planning Commission.
- (f) The signatures of the President and the Secretary of the Borough Council.

B. Effect of Recording.

- (1) Official Map. After a subdivision or land development has been duly recorded, the streets, parks, and other public improvements shown thereon shall be considered a part of the Official Map of the Borough.
- (2) Improvements Private. Every street, park, or other improvement shown on a subdivision or land development plan that is recorded in accord with this chapter shall be deemed to be a private street, park, or improvement until the same has been offered for dedication to the Borough and accepted, by resolution, and recorded in the Office of the Clerk of Common Pleas of Carbon County, or until it has been condemned for use as a public street, park, or improvement.

ARTICLE V
IMPROVEMENT CONSTRUCTION AND GUARANTEES AND OPEN LAND

§390-35 General

- A. Applicant Responsibility. In all cases, the Applicant shall be responsible for the installation of all improvements required by this chapter.
- B. Preliminary Plan Approval Required. Applicants shall not initiate installation of any required improvements, site alterations or erection of any buildings or structures in any proposed subdivision or land development prior to preliminary plan approval and receipt of all required local, state and federal permits and other approvals.
- C. Compliance. No project shall be considered in compliance with this chapter until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required or proposed improvements have been installed in accord with this chapter.
- D. Signature of Final Plan. No final plan shall be signed by the Borough Council for recording in the office of the County Recorder of Deeds until:
- (1) All improvements required by this chapter and/or shown on the plan are installed to the specifications contained in Article VI and other Borough requirements and such improvements are verified by the Borough Engineer and are certified as complete and in compliance with this chapter by the Applicant's Engineer; or,
 - (2) An Improvements Construction Guarantee in accord with §390-38 and the Pennsylvania Municipalities Planning Code has been accepted by the Borough Council.
- E. Dedication of Improvements. The approval of a Final Plan by the Borough Council shall not constitute an acceptance of the dedication of any road, street, other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements. If determined by the Borough Council to be in the public interest, the Borough may accept dedication of certain development improvements.
- F. Development Agreement Required. A development agreement shall be required in accord with §390-43.

§390-36 PA DOT Required Improvements

An applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of 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." Proof of such security shall be provided to the Borough prior to final approval.

§390-37 Sections/Stages

In cases where Final Plan approval is proposed in sections or stages, the Borough Council shall require the construction or guarantee of all development improvements required for the service or protection of any section or stage of the development proposed for final approval.

§390-38 Improvement Construction Guarantees

A. Acceptable Guarantees. The following are acceptable forms of improvement construction guarantees:

- (1) Surety Performance Bond. A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by the Borough Council. The bond shall be payable to Jim Thorpe Borough.
- (2) Escrow Account. A deposit of cash either with the Borough or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Borough Council.
- (3) Irrevocable Letter of Credit. A letter of credit provided by a Developer from a financial institution or other reputable institution subject to the approval of the Borough Council.
- (4) Other Forms. Other forms of collateral as the Borough Council may require or accept as part of the security.
- (5) Additional Requirements. The following requirements shall apply to the financial guarantees set forth in this §390-38A:
 - (a) The funds of any guarantee shall be held in trust until released by the Borough Council and may not be used or pledged by the Developer as security in any other matter during that period.
 - (b) In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds available to the Borough Council for use in the completion of those improvements approved as part of the final plan and as may be required to service any lots or dwelling units as determined by the Borough Council.
 - (c) The creditor shall guarantee funds in the amount required by this chapter.
 - (d) The guarantee shall not be withdrawn, or reduced in amount, until released by the Borough Council.

B. Amount of Security. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the Developer. Annually, the Borough Council 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 calendar day after either the original date scheduled for completion or a rescheduled date of completion. After said adjustment, the Borough Council may require the Developer to post additional security to ensure that the financial security equals said 110 percent. Any additional security shall be posted by the Developer in accord with this §390-38.

- (1) Cost Estimate. The amount of guarantee required shall be based upon an estimate of the cost of completion of the required improvements, prepared by the developer's engineer licensed as such in Pennsylvania and certified, in writing, by such engineer to be a fair and reasonable estimate of such cost. The Borough Council, upon the recommendation of the Borough Engineer, may refuse to accept such an estimate for good cause shown. If the Developer and the Borough Council are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in Pennsylvania and chosen mutually by the Borough Council and the developer. The

estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. If a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the Applicant or Developer.

- (2) More than One Year for Completion. If the Developer requires more than one year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee, as determined by the Borough Council, shall be increased up to an additional 10 percent for each one year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding 110 percent of the cost of completing the improvements as reestablished on or about the expiration of the preceding one year period as estimated using the procedure established by this §390-38B.
- C. Terms of Guarantee. Construction guarantees shall be submitted in a form and with such surety as approved by the Borough Council to assure that all improvements shall be completed within a fixed period but not to exceed five years from the date of Preliminary Plan approval.
- D. Release of Improvement Construction Guarantees. The release of improvement construction guarantees shall follow the procedure of the Development Agreement.

§390-39 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

- A. Construction Plans and Drawings. The construction of any improvements shown on an approved Preliminary Plan or in conjunction with the Final Plan application and guarantee proposal shall be accomplished only in accord with the approved final construction plans detailing the design and installation of all improvements and documenting compliance with this chapter.
- B. Schedule. The Developer shall coordinate the initiation of construction of all required improvements with the Borough.
- C. Verifications. Based upon the nature of the required improvements, the Borough Engineer shall prepare Borough verification requirements to ensure the construction of the required improvements is in accord with the approved plan and Borough standards. In addition to all final verifications required for all improvements, verifications shall be required at all phases of construction when a failure to verify would result in a physical impossibility to verify compliance at the time of the final verification (e.g., backfilling of sewer or water line trenches). This may require a full-time person.
- D. Notice. The Developer shall provide a minimum of five working days' notice prior to the time when construction will have proceeded to the time of a required verification. Construction shall not proceed further until the Borough Engineer conducts the verification and approves the improvements.
- E. Cost. The cost of all verifications conducted by the Borough shall be borne by the Developer.

§390-40 Improvement Maintenance Guarantee

Improvement maintenance guarantees shall be provided pursuant to the Pennsylvania Municipalities Planning Code, as amended.

§390-41 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Borough Council, and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development

improvements. To the extent that a subdivision or land development is subject to the Pennsylvania Uniform Planned Community Act, as amended, and/or the Pennsylvania Uniform Condominium Act, as amended, the provisions of said Act(s) shall apply in lieu of the requirements of this §390-41, and the developer shall provide documentation of compliance.

A. Private Operation and Maintenance

- (1) Land Developments. In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
 - (2) Residential Developments. In the case of major subdivisions, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA), or equivalent entity, to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements which have not been accepted for dedication by the Borough. Membership in the POA shall be mandatory for all property owners in the development. Until the developer no longer owns any property in the development, the developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Borough Council.
 - (3) Any Improvements Which Will Remain Private. In the case of any subdivision or land development where roads, drainage facilities, a central sewage treatment system or central water supply, or any other improvements are to remain private, the Developer shall provide for the establishment of an escrow fund in accord with §390-38A to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by the Borough Council. The amount of said fund shall be established by the Borough Council, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Borough Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by the Borough Council. All issues concerning performance and enforcement of such improvements shall be with the property owners of said subdivision and/or land development as identified herein.
- B. Dedication of Improvements. The approval of a Final Plan by the Borough Council shall not constitute an acceptance of the dedication of any road, street other proposed public way, space, or area, or any other development improvement shown on the Final Plan. The Borough Council of Jim Thorpe Borough does not intend to accept the dedication any of the roads, streets, other proposed public ways, spaces, or areas, or any other development improvements shown on this Final Plan. The landowner, developer or an association of lot owners shall be responsible for the maintenance of all development improvements after the construction of the same.

§390-42 Open Land and Recreation Land -- Ownership and Maintenance

This §390-42 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Borough Council (referred to as "common open space") as required by this chapter.

- A. Purpose. The requirements of this §390-42 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.
- B. Plan and Legal Documents. The Developer shall submit a plan and proposed legal documents for dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Borough Council with the recommendation of the Borough Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Borough, deed covenants and restrictions, or other legal document which will effect the Plan and which may be enforced by the Borough Council.
- (1) The Plan shall define ownership.
 - (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
 - (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- C. Use Restriction. The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this chapter and Chapter 500 (Zoning).
- D. Development Plan Designations. The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan.
- E. Methods for Use Dedication and Common Open Space Ownership and Maintenance. The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Borough Council that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land.

All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Borough Council. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

- (1) Property Owners Association or Condominium Agreements. All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:
 - (a) The POA/CA is established by the Developer as a nonprofit corporation for the express purpose of ownership and maintenance of the common open space or as otherwise may be required by state

statute.

- (b) Participation in the POA/CA is mandatory for all owners.
 - (c) Provision is made for the maintenance of common open space during the sale period and the orderly transition of responsibility from the Developer to the POA/CA.
 - (d) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- (2) Transfer to a Private Conservation Organization. In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:
- (a) The deed contains the necessary covenants and restrictions in favor of the Borough to effect the use dedication and common open space ownership and maintenance standards of this Article and this chapter.
 - (b) The organization proposed is a bona fide, operating, and stable conservation organization with a perpetual existence, as approved by the Borough Council.
 - (c) The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
 - (d) A maintenance agreement acceptable to the Borough is executed between the Developer and organization.
- (3) Deed Restricted (Non-Common) Private Ownership. Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Borough, with provisions for reversion to the Borough, POA or trustee holding the remainder of the common open space.
- (4) Deed or Deeds of Trust. The landowner may provide, as approved by the Borough Council, for the use, ownership, and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- (5) Conservation Easements Held by the Borough. In the case of open lands and recreation lands, the Borough Council may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land and all maintenance responsibilities shall remain in the ownership of an individual, POA/CA, while the development rights are held by the Borough. The lands may be used in accord with the requirements of this chapter; and title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- (6) Fee Simple and/or Easement Dedication to the Borough. In the case of open lands or recreation lands, the Borough Council may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- (a) There is no consideration paid by the Borough.
 - (b) Such land is freely accessible to the public.
 - (c) The Borough Council agrees to and has access to maintain such lands.
- F. Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space. If the method established for the dedication of use, operation, and maintenance of common open space fails to do so in reasonable order and condition in accord with the approved development plan, the Borough Council shall have the right and authority to take all necessary legal action to execute such use dedication, operation, and maintenance. The action of the Borough Council shall be in accord with the following:
- (1) Notice. The Borough Council shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity about the use dedication and operation and maintenance of common open space.
 - (2) Correction of Deficiencies. The notice shall include a demand that the deficiencies be corrected in a reasonable period which shall be stated in the notice.
 - (3) Public Hearing. A public hearing shall be conducted after the notice and shall be advertised in accord with the definition of "public notice" contained in this chapter. At such hearing the Borough Council may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.
 - (4) Failure to Correct. In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in the established time, the Borough Council may enter upon the common open space and maintain the same and/or correct the deficiencies. The Borough Council shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.
 - (5) Reinstatement of Responsibility. The responsibility of operation and maintenance shall not be reinstated to the assigned entity until the entity has demonstrated to the Borough Council that the proper steps have been taken to modify the terms of use dedication, operation, and/or maintenance; and/or, to reorganize or replace the responsible entity so that use dedication, operation, and maintenance established by the approved development plan will be assured.
 - (6) Appeal. Any party to the action of the Borough Council may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.
 - (7) Public Costs. The costs of the preservation of use dedication, maintenance and operation of any open land conducted by the Borough in accord with this Article, including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties; and, the Borough Council shall, at the time of the notice in §390-42F(1), file the required notice of lien against the properties.

§390-43 Development Agreement

All applicants proposing any major subdivision or land development which provides for the installation of improvements required by this chapter or any improvements or amenities which appear on the Final Plan shall be required to enter into a legally binding Development Agreement with the Borough prior to Final Plan approval guaranteeing the installation of the improvements in accord with all Borough requirements.

- A. Execution. The Final Plan shall not be approved by the Borough Council prior to the execution of this agreement.
- B. Form and Level of Detail. The development agreement shall be in the form required by the Borough and a detailed and itemized listing of all improvements in the subdivision or land development shall be included in the Agreement. The improvements may vary from project to project, but at a minimum include:
- (1) All facilities authorized by the approved plans (streets, drainage, etc.).
 - (2) Survey monuments and markers.
 - (3) Water, sewer, and utility lines.
 - (4) The practices for the prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.

§390-44 Reserved

**ARTICLE VI
DESIGN STANDARDS**

§390-45 General Design Standards; Borough Zoning Requirements

In addition to the standards in this Article VI, all subdivisions and land developments shall be designed in accord and comply with the applicable requirements of Chapter 500 (Zoning).

A. General Process and Design.

- (1) Application. The standards and requirements contained in this Article VI shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety, and general welfare; and, then shall be applied as such by the Planning Commission and Borough Council in reviewing and evaluating plans for all proposed subdivisions and/or land developments. Compliance with all standards shall be documented by the Applicant at the time of initial application.
- (2) Planning. The development shall conform to the proposals and conditions shown in the Jim Thorpe Borough Comprehensive Plan and any local or regional plans adopted by the Borough. In the case of major subdivisions and land developments, the Applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- (3) Improvements, Specifications. Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Borough Council, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Borough and/or to protect the environment of the Borough.
- (4) Hazard Areas. Those areas which may present such hazards to life, health, or property as may arise from fire, flood, or noise, or are considered uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies, and adopted regional, county, or local municipal policies.
- (5) Development Design; Remnants; Neighboring Development. All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage, and other reasonable considerations.
- (6) Natural Features. Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the PA DEP and the US Army Corps of Engineers.
 - (a) Groundwater Resources. This section is intended to ensure that the Borough's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. These regulations shall be applied in conjunction

with those provided for in other sections dealing with groundwater conservation and replenishment. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table. This shall be accomplished through careful planning of vegetation removal and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

(b) Stream Valleys, Swales, Springs, and Other Lowland Areas. Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality, and the health of aquatic communities and wildlife habitats. Such areas are generally poorly suited for subsurface sewage disposal systems. Stormwater management shall be provided in accord with Borough stormwater regulations and the following activities shall be minimized:

[1] Disturbance to streams and drainage swales.

[2] Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.

[3] Stream valleys, swales and other lowland areas warrant designation as conservation open space because of extreme limitations. They may also require adjoining buffer lands to be included in the conservation open space, as determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, hydric soils may be excluded from the conservation open space where it can be demonstrated that they are suitable for low density residential uses and on-lot sewage systems.

(c) Steep Slopes. The purpose of steep slope regulations is to conserve and protect those areas having steep slopes from inappropriate development and excessive grading; to prevent potential dangers caused by erosion, stream siltation, and soil failure; and to promote uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover by restricting grading. Steep slope area is defined and established as those areas having an original, unaltered slope of 25 percent or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor, or other means acceptable to the Borough.

(d) Significant Natural Areas and Features. Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Borough. Some of these have been carefully documented (e.g., by the Statewide Natural Diversity Inventory), whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Borough Comprehensive Plan or by the Applicant's Existing Resources and Site Analysis Plan by incorporating them into proposed conservation open space areas or limiting their disturbance in areas proposed for development.

(7) Historic Structures and Sites. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with, and significant to, that resource,

- to preserve its historic context. Where, in the opinion of the Borough, a plan will have an impact upon an historic resource, the Developer shall mitigate that impact to the satisfaction of the Borough by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means. Borough participation, review, and approval of the Applicant's interaction with the State Historical and Museum Commission (if required) about the preservation of historic resources, as required for PA DEP approval of proposed sewage disposal systems, shall be required prior to Preliminary Plan approval.
- (8) Boundary Lines and Reserve Strips. Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands, or adjacent private lands are prohibited.
- (9) Water Frontage and Surface Drainage. The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with approval of the Borough, and, where required by state statute, the PA DEP, or other applicable state agencies. Stormwater management shall be provided in accord with Borough stormwater regulations.
- (10) Community Facilities and Adopted Plan Requirements. Where a proposed park, playground, school, or other public use is shown in an adopted plan of the Borough and is located in whole or in part in a proposed development, the Borough Council may require the reservation of such area provided that such reservation is acceptable to the developer.
- (11) Walkways. Pedestrian interior walks or trails may be required, where necessary, to assist circulation or provide access to community facilities (e.g., a park or school).
- (12) Storm Drainage. Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Stormwater management shall be provided in accord with Borough stormwater regulations.
- B. Planned Improvements. Physical improvements to the property being subdivided and/or developed shall be provided, constructed, and installed as shown on the approved plan.
- C. Improvements Specifications. All improvements installed by the Developer shall be constructed in accord with the design specifications and construction standards of the Borough and advice of the Borough Engineer.
- (1) Where there are no applicable Borough specifications, improvements shall, if approved by the Borough Council, be constructed in accord with specifications furnished by the Borough Engineer, Carbon County Conservation District, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- (2) If there are no applicable Borough or State specifications, the Borough Council may authorize that such specifications be prepared by the Borough Engineer or an Engineering Consultant.
- D. Other Borough Regulations. Whenever Chapter 500 (Zoning) and/or other regulations impose more restrictive standards and requirements than those contained herein, the stricter standards shall apply.

§390-46 Four-Step Design Process for Major Subdivisions and Land Developments

All Preliminary Plans for all major subdivisions and all land developments shall include documentation of a four-step design process in determining the layout of proposed conservation open space, house and development sites, streets, and lot lines, as described below. (NOTE: Diagrams are for residential illustrative purposes only.) See Chapter 500 (Zoning) for conservation subdivision design development and design of commercial establishments and nonresidential uses.

A. Resource Inventory and Analysis. The tract's resources shall be delineated on an Existing Resources and Site Analysis, as required in §390-28C.

B. Four-Step Design Process.

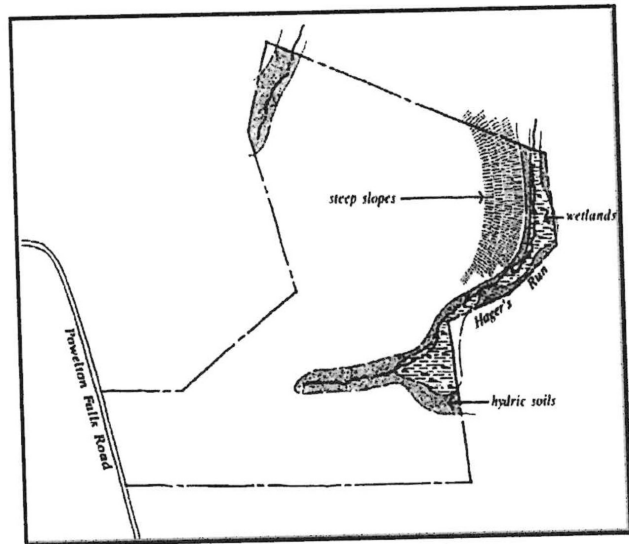
(1) Step 1: Delineation of Conservation Open Space

(a) Conservation open space should include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in §390-47A and §390-47B.

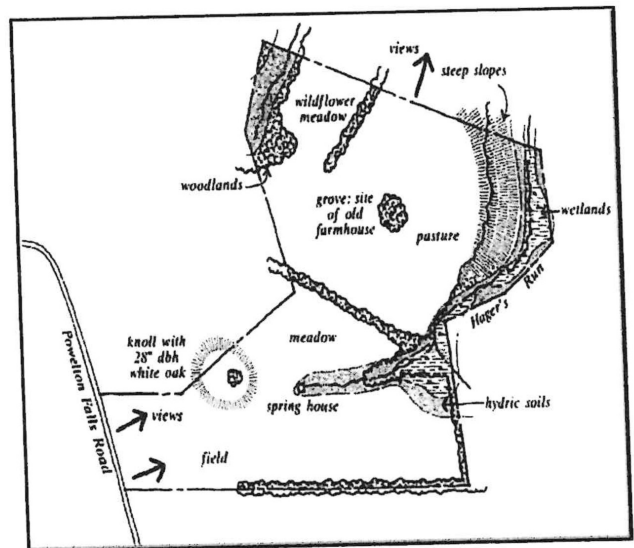
(b) Proposed conservation open space shall be designated using the Existing Resources and Site Analysis Plan as a base map. The Comprehensive Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands, and slopes over 25 percent.

(c) In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed conservation open space, in consultation with the Planning Commission.

(d) Based on those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.



Step 1, Part 1 – Identifying Primary Conservation Areas



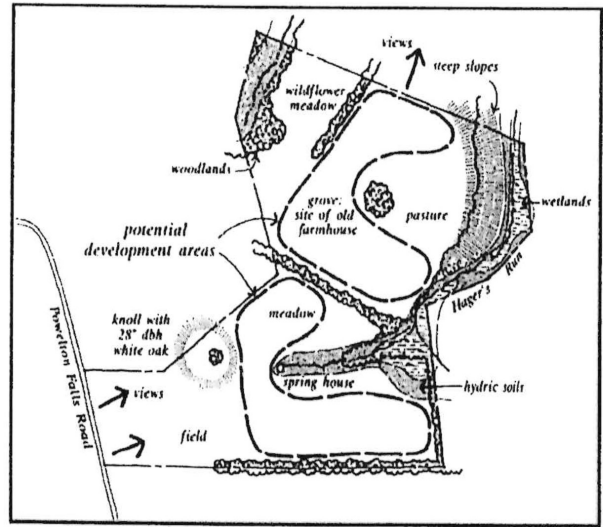
Step 1, Part 2 Identifying Secondary Conservation Areas

(e) Development areas should constitute the remaining lands of the tract outside of the designated conservation open space areas.

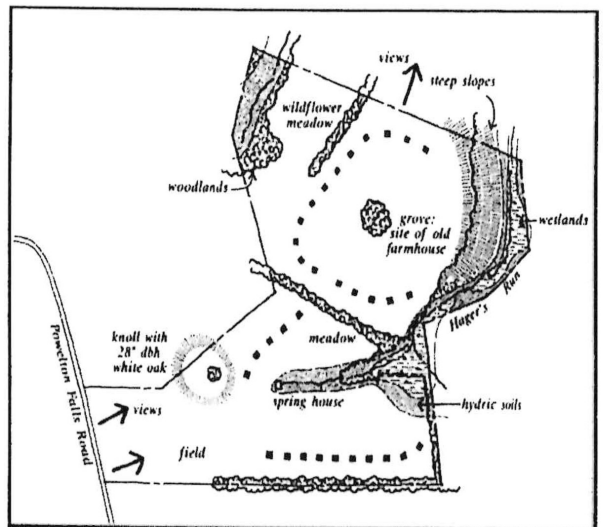
(2) Step 2: Location of House/Development Sites. Potential house/development sites shall be located, using the proposed conservation open space as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should be located not closer than 100 feet to Primary Conservation Areas and 50 feet to Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

(3) Step 3: Designing Infrastructure

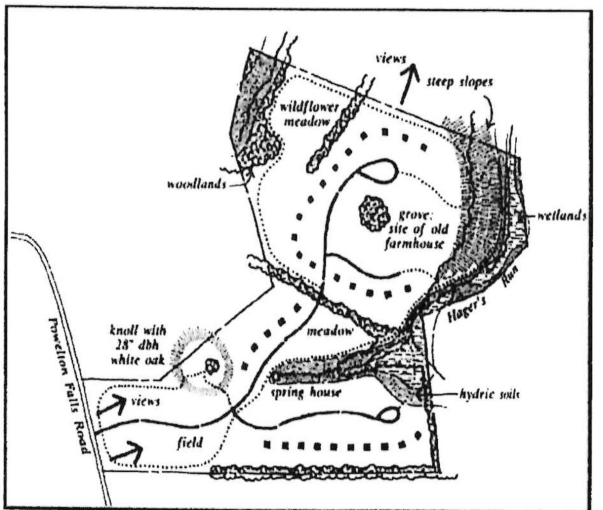
- (a) With house/development site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
- (b) Streets shall avoid or at least minimize adverse impacts on the conservation of open space areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
- (c) Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels.
- (d) A proposed network of trails shall also be shown for residential projects, connecting streets with various natural and cultural features in the conservation open space. Potential trail connections to adjacent parcels shall also be shown in areas where a municipal trail network is envisioned.



Step 1. Part 3 - Identifying Potential Development Areas



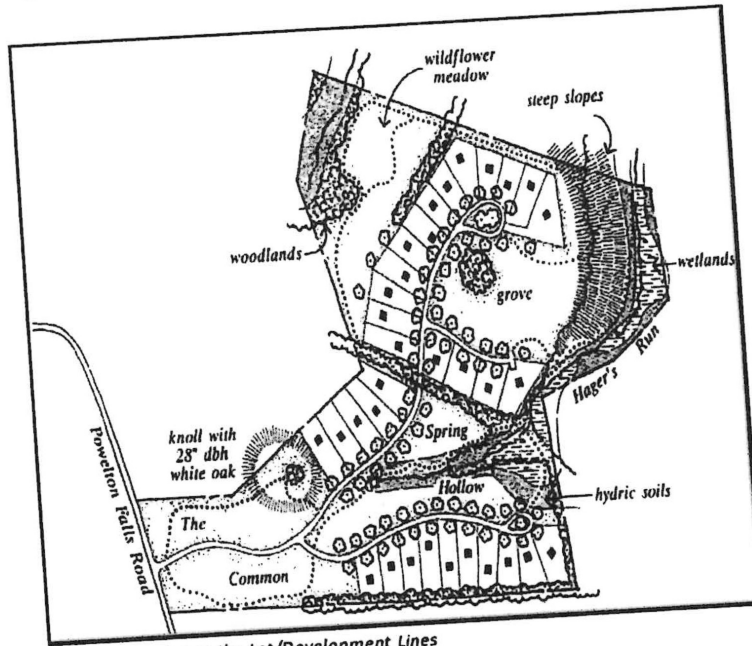
Step 2 - Locating Potential House Sites



Step 3 - Designing Infrastructure

(e) Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources/Site Analysis Plan as a base map. Opportunities to use these facilities as a buffer between the proposed conservation open space and development areas are encouraged. The facilities should be located in areas identified as groundwater recharge areas indicated on the Existing Resources/Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater.

(4) Step 4: Drawing in the Lot/Development Lines. Upon completion of the preceding three steps, boundaries are drawn as required to delineate the boundaries of individual lots or development areas, following the configuration of house sites and streets in a logical and flexible manner.



Step 4 - Drawing in the Lot/Development Lines

§390-47 Conservation Open Space Standards

The design of conservation open space proposed in any subdivision or land development plan shall reflect the standards set forth in §390-45 and §390-46 and the resources identified in the Comprehensive Plan and the development's Existing Resources and Site Analysis.

- A. Primary Conservation Areas. The design shall include the following primary conservation areas in the conservation open space and strictly minimize the disturbance of such areas:
 - (1) Delineated wetlands.
 - (2) Floodway and floodplain as shown on the Borough Flood Insurance Rate Map issued by FEMA.
 - (3) Slopes of 25 percent or more.
- B. Prioritized List of Secondary Conservation Areas. The design shall, to the fullest extent possible, incorporate the following secondary conservation areas. (Listed in higher to lower order of significance):
 - (1) Vernal ponds, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas which may be required to ensure their protection.

- (2) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory or the Carbon County Natural Areas Inventory.
 - (3) Moderately steep slopes (15%-25%), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - (4) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.
 - (5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - (6) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
 - (7) Class I and II agricultural soils as defined by the USDA Natural Resource Conservation Service.
 - (8) Historic structures and sites.
 - (9) Visually prominent topographic features such as knolls, hilltops, and ridges, and scenic viewsheds as seen from public streets (particularly those with historic features).
 - (10) Existing trails connecting the tract to other locations in the Borough.
- C. Other Design Considerations. The configuration of proposed conservation open space set aside for common use in residential subdivisions and conservation open space in non-common ownership shall comply with the following standards:
- (1) Be free of all structures except historic buildings, stone walls, and structures related to conservation open space uses. The Borough Council may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the conservation open space provided that such facilities are not detrimental to the conservation open space and that the acreage of lands required for such uses is not credited towards minimum conservation open space acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use.
 - (2) Not include parcels smaller than three acres, have a length-to-width ratio of more than four-to-one (4:1), or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
 - (3) Be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation open space.
 - (4) Be suitable for active recreational uses to the extent deemed necessary by the Borough Council, without interfering with adjacent dwelling units, parking, driveways, and streets.
 - (5) Be interconnected, wherever possible, to provide a continuous network of conservation open space within and adjoining the subdivision.
 - (6) Provide buffers to adjoining parks, preserves or other protected lands.

- (7) Except in those cases where part of the conservation open space is located within private house lots, provide for pedestrian pathways for use by the residents of the subdivision. Provisions should be made for access to the conservation open space, as required for land management and emergency purposes.
- (8) Be undivided by public or private streets, except where necessary for proper traffic circulation.
- (9) Be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation open space resources.
- (10) Be made subject to such agreement with the Borough and such conservation easements duly recorded in the office of the Carbon County Recorder of Deeds as may be required by the Planning Commission to preserve the conservation open space for such uses.

§390-48 Easements

Easements and reservations for easements shall be provided as necessary to accommodate the proposed development. The following easements shall be provided, shall be indicated on the plans, and shall be included in the covenants:

A. Drainage Easements.

- (1) Drainage easements shall completely contain the proposed stormwater management controls, including pipes, swales, basins, ponds, other structures, and all other facilities which may require improvement, maintenance, or replacement.
- (2) Drainage easements with a minimum width of 10 feet shall be provided along all road lines, exterior property lines and centered on all common lot lines.
- (3) Where a subdivision is traversed by a stream, watercourse, or drainage way, a drainage easement shall be provided which conforms to the boundary of such stream, watercourse, or drainage way.

B. Slope Easements. Required slope easements shall be granted to the property owners association or other appropriate parties.

C. Utility Easements. Utility easements shall be granted to Jim Thorpe Borough, the property owners association, appropriate utility companies, other appropriate parties, as follows:

- (1) Utility easements with a minimum width of 10 feet shall be provided along all road lines, all exterior property lines and centered on all common lot lines.
- (2) Additional utility easements minimum width of 20 feet shall be provided as necessary to accommodate required utility services.

D. Clear View Easements. Easements for the maintenance of clear sight triangles are required by §390-51N.

E. Other Easements. Additional easements for access, construction, or other purposes shall be provided as necessary.

§390-49 Resource Conservation Standards for Site Preparation and Cleanup

(Note: This section applies only in cases where earth disturbance is involved as part of a subdivision or land development as defined by this chapter. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this chapter.)

- A. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields, or other significant vegetation or site features, the Borough may require that the limit of disturbance to be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained through the period of construction activity.
- B. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance unless adequate provisions are made to protect such vegetation and its root systems.
- C. Protection of Vegetation from Excavations. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
- D. Protection of Topsoil.
 - (1) Except as approved on the Preliminary Plan, no topsoil shall be removed from the site and shall be retained on the site as necessary for proper site stabilization.
 - (2) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized in accord with best management practices.
 - (3) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

§390-50 Access, Blocks and Lots (See Article IX for additional standards applicable to nonresidential uses.)

- A. Access. All lots shall front on a public street or on an approved private street constructed in accord with this chapter and be subject to the following design standards:
 - (1) Within any subdivision and/or land development, a maximum of 12 lots or dwelling units shall be served by a single means of access.
 - (2) A minimum of two means of access shall be provided for any subdivision and/or land development, or portion thereof, which contains more than 12 lots or dwelling units.
 - (3) When two means of access are required or proposed, the streets or portions of a street which provide such access shall comply with the minimum offset requirements in §390-51H(3).
 - (4) Residential subdivisions shall be provided with enough accesses to limit the maximum anticipated average daily traffic to 1,500 vehicles per day on any access.

B. Configuration. The configuration of blocks and lots shall be based on the area and dimensional requirements of Chapter 500 (Zoning) topography and natural features, existing and proposed improvements, the adjacent development pattern, the Comprehensive Plan, and other Plans. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

C. Blocks

(1) All Blocks

(a) Blocks shall be of enough width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

(2) Residential Blocks

(a) Blocks in residential subdivisions shall have a minimum length of two times the minimum lot width, but not less than 300 feet, and a maximum length of 10 times the minimum lot width, but not greater than 1,500 feet for blocks which contain lots with an average area of less than one acre, nor greater than 2,000 feet in other cases.

(b) In the design of residential blocks, special consideration should be given to requirements for safe and convenient vehicular and pedestrian circulation, including minimization of the number of intersections with collector and arterial streets.

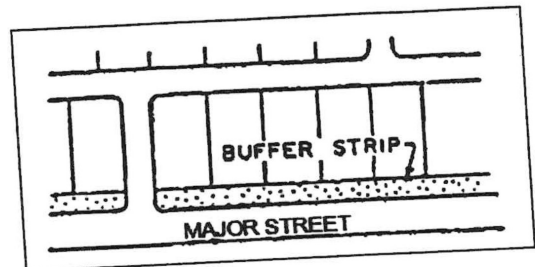
(c) Pedestrian interior walks may be required to assist circulation, to provide access to community facilities in blocks over 1,000 feet, or to provide pedestrian walkway continuity within a given subdivision. Such interior walks shall have a width of not less than 10 feet and a paved walk of not less than four feet.

D. Lot Standards. Minimum lot sizes shall comply with Chapter 500 (Zoning) and lots shall comply with the following:

(1) To avoid jurisdictional problems, lots divided by municipal boundaries shall be avoided. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply. Where a subdivision is divided by a municipal boundary, the Applicant shall so notify the governing body of each municipality affected so that an administrative agreement for the platting and taxing of lots between the municipalities can be executed, if such agreement is necessary.

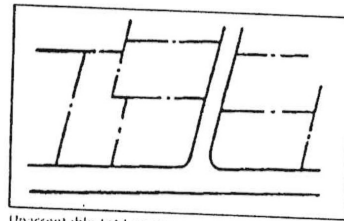
(2) Lot lines shall be perpendicular or radial to street right-of-way lines.

(3) Double frontage lots are prohibited except when provided as reverse frontage lots to reduce the number of driveway intersections along a street with a high volume of traffic or where existing topographic conditions and/or property configuration make the development of single frontage lots impractical. Where double frontage lots are permitted, the following requirements shall apply:

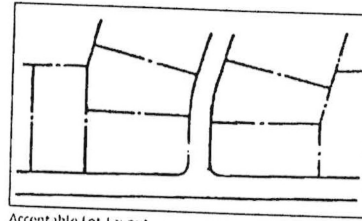


Reverse Frontage Lots

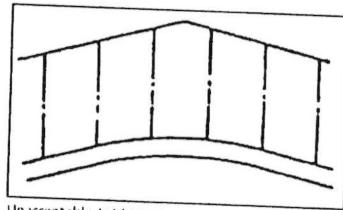
- (a) The lot depth and the rear yard of each double frontage lot shall be a minimum of 20 feet more than the minimums prescribed by Chapter 500 (Zoning).
 - (b) An undisturbed natural buffer with a minimum width of 20 feet shall be provided along the designated rear of the lot, with a suitable landscaped screen provided by the developer in accord with landscaping standards Chapter 500 (Zoning).
- (4) Odd-shaped lots should be avoided and may be approved solely at the discretion of the Borough.



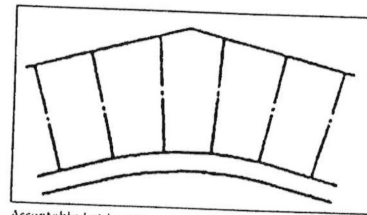
Unacceptable Lot Layout



Acceptable Lot Layout



Unacceptable Lot Layout



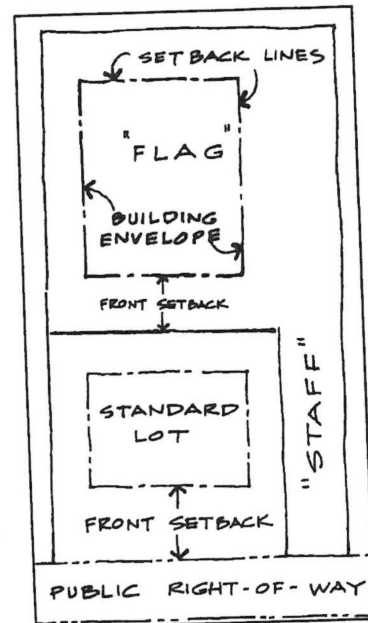
Acceptable Lot Layout

- (5) Lots shall be laid out to the edge of the required right-of-way of any proposed street and lot lines along existing public or private streets shall be maintained as they exist.
 - (6) Remnants of land, other than rights-of-way or required buffers, shall not be created; they shall be incorporated into existing or proposed lots, properties, or rights-of-way.
 - (7) Subdivisions with lots having two or more times the minimum lot area and are otherwise suitable, shall be designed for the potential subdivision of such lots unless further subdivision is prohibited by deed covenants and restrictions. A sketch plan may be required to demonstrate that potential future subdivision will conform to this chapter.
- E. Lot Width and Depth. The minimum width of residential and nonresidential lots shall be as follows:

Lot Size* (square feet)	Minimum Lot Width (feet)	Lot Size* (square feet)	Minimum Lot Width (feet)
9,000 – 19,999	60	60,000 – 79,999	130
20,000 – 24,999	70	80,000 – 99,999	150
25,000 – 29,999	80	100,000 – 119,999	180
30,000 – 39,999	90	120,000 – 159,999	190
40,000 – 49,999	110	160,000 +	210
50,000 – 59,999	120		

*Rounded to the nearest whole number.

F. Flag Lots. Flag lots shall not be created when lots can be designed that directly access a public or private street. The Borough Council may approve the creation of a limited number of flag lots in accord with the standards in this section. The Borough Council may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.



Flag Lot

- (1) Further Subdivision Restriction. The flag lot shall be restricted from further subdivision unless the required access street right-of-way width is provided and a note to that effect shall be placed on the plan.
- (2) Access Corridor Length. The access corridor (*staff*) portion of the lot is the area of the lot that extends between the street and main portion of the lot and shall not exceed 450 feet in length as measured from the street right-of-way.
- (3) Access Corridor Width. The access corridor (*staff*) shall, at a minimum, be 25 feet in width.
- (4) Driveway Grade. The proposed driveway shall not exceed a grade of 15 percent and shall otherwise provide adequate access for emergency vehicles. The Borough may require the installation of the driveway as part of final approval.
- (5) Curves. Curves in the access corridor of greater than 45 degrees shall not be permitted.
- (6) Lot Width. The lot width measurement shall be made on the main portion of the lot and shall not include the access corridor (*staff*).
- (7) Front Lot Line. The lot line where the narrow access corridor (*staff*) widens shall be considered the front lot line for applying setback requirements.
- (8) Minimum Lot Area. The area of the access corridor (*staff*) shall not be included in the calculation of the required minimum lot area.
- (9) Adjoining Flag Lots. No more than two flag lots shall be permitted side-by-side and shall not be stacked more than one tier.

§390-51 Streets

A. General.

- (1) Conformance. All streets, whether public or private, shall be constructed to conform to the requirements of this chapter.
- (2) Street Access. Every subdivision and land development shall have access to a public street.
- (3) Street System. In general, all streets shall be continuous and in alignment with existing streets and shall

compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that local streets shall be laid out using loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.

- (4) Improvement. Streets shall be graded, improved, and surfaced to the grades and specifications shown on the plans, profiles, and cross sections as required by this chapter.
 - (5) Adopted/Filed Plans. Proposed streets shall further conform to such Borough, County and State highway plans as have been prepared, adopted, and/or filed as prescribed by law.
 - (6) Street Hierarchy. Streets shall be classified in a street hierarchy system with the design based on function and average daily traffic (ADT).
 - (a) Definition of Function. The street hierarchy system and each proposed street shall be defined by function as defined in §390-15 or from such other sources demonstrated by the applicant to better reflect local conditions.
 - (b) Classification and Design. Each street shall be classified and designed for its entire length to meet the standards for one street classification as set forth herein.
- B. Existing Access. Existing private streets or private rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this §390-51 or shall otherwise be improved to such standards.
- C. Street Continuation; Further Subdivision.
- (1) Exterior Property Lines. Rights-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands and shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances.
 - (2) Use of the Future Right-of-way. The Borough may require the area within the future right-of-way to be included within the deeds to the abutting lots with a right-of-way in favor of the Property Owners Association to permit the use of the future right-of-way for public street purposes, should the adjoining lands be developed. Reserved rights-of-way are permitted only when they will be no longer than the depth of one lot and will not be the primary means of access to any lot or dwelling unit. For lengths longer than one lot a fully constructed stub street and temporary cul-de-sac are required.
 - (3) Future Right-of-way Maintenance. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way and this duty shall be indicated in a note on the Final Plan and in all deeds to such lots. However, the landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
 - (4) Further Subdivision. Adequate street rights-of-way to permit further subdivision shall be provided as necessary if lots resulting from the original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided.
- D. Existing Streets/Rights-of-Way.

- (1) Required Width. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed, the remainder of said street or alley shall be platted to the width required by this chapter based on the classification of the street within the proposed development.
- (2) Increased Setback. Where a subdivision or land development abuts or contains an existing public or private street of inadequate right-of-way width, the building setback shall be shown on the plans measured from a line which would satisfy the right-of-way requirements for the classification of the abutting street. Additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.
- (3) Transition Area. The extension of existing streets or alleys which are presently constructed with a cartway different from current Borough standards shall be provided with a transition area, the design of which is subject to Borough approval.

E. Subdivision Names, Street Names, 911 Addresses and Signs.

- (1) 911 Emergency Call System. Subdivision and street names shall not be repeated or be similar to those existing within the Borough or adjacent areas; and all street names shall be subject to the approval of the Borough for conformance with the enhanced 911 emergency call system. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets.
- (2) Street Name Signs. Street name signs of a design approved by the Borough shall be installed by the developer at the developer's expense at each proposed street intersection.
- (3) Address Assignment. All lots shall be assigned an address in accord with the enhanced 911 emergency call system.
- (4) Mailboxes. When proposed common mailboxes shall be installed in accord with U.S. Postal Service standards in convenient and safe locations at the entrance(s) to the subdivision. (See also §390-65, Public Safety and Convenience.)

F. Cul-de-Sac Streets.

- (1) Required. Any street terminated at one end shall be provided with a turnaround and designed as a cul-de-sac street, except for stub streets provided to connect to adjacent properties when the stub street does not exceed one lot depth in length and is not necessary for access to any lot.
- (2) Use. Permanent cul-de-sac streets shall be used only when the development of a through street is not possible.
- (3) Future Extension. Unless future extension of a cul-de-sac street is proven to be impractical or undesirable, the turnaround shall be placed adjacent to the tract boundary line with such configuration as can be extended at the full required width.
- (4) Turnaround. All cul-de-sac streets, whether permanent or designed to be extended, shall end in a circular turnaround with a right-of-way radius of not less than 50 feet and shall be paved to a minimum outside radius of not less than 40 feet.

- (5) Connection to Right-of-way. The circular right-of-way of the turnaround shall be connected to the approach right-of-way by a circular arc having a radius of not less than 50 feet.
- (6) Radius. The circular paving of the turnaround shall be connected to the approach by a circular arc having a radius of not less than 50 feet.
- (7) Unit Limit. In the case of a cul-de-sac street which is designed to serve solely residential uses, the cul-de-sac street shall not provide access to more than 15 dwelling units.
- (8) Minimum Length. The minimum length of a cul-de-sac street shall be 250 feet measured from the edge of the intersecting street.
- (9) Snow Removal Easement. A permanent easement for snow removal may be required at the cul-de-sac turnaround. The easement shall have a minimum length along the right-of-way line of 40 feet and a depth of 15 feet. When curbing is required, a curb depression shall also be placed in this easement area. No shrubbery, fence, mailbox, or any other obstruction shall be placed within the easement to hinder the placement of the snow.
- (10) Grade. Cul-de-sac streets shall have a grade not exceeding that specified on Table 390-51-1 for the applicable street design specification.
- (11) Commercial or Industrial Uses. In the case of a cul-de-sac street which is designed to serve commercial or industrial uses, the cul-de-sac street shall not exceed 1,000 feet in length and shall have a street cross-section which meets the width and construction standards of a collector street.

G. Reserved.

H. Intersections.

- (1) Centerlines. Centerlines of streets shall intersect at 90 degrees.
- (2) More than Two Streets. Intersections of more than two streets at one point are not permitted.

(3) Minimum Offset. Where streets intersect other streets, the minimum offset or distance between centerlines of parallel or approximately parallel streets intersecting a cross street from the same or opposite directions shall be as follows:

MINIMUM REQUIRED OFFSETS			
	Arterial	Collector	Local
Arterial	800 feet	600 feet	400 feet
Collector	600 feet	400 feet	275 feet
Local	400 feet	275 feet	150 feet

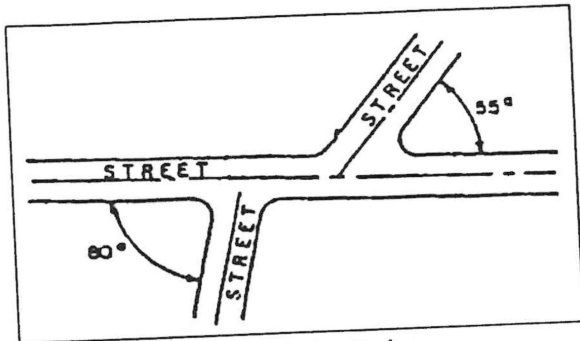
(4) Cartway Edge Arc.

(a) The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of:

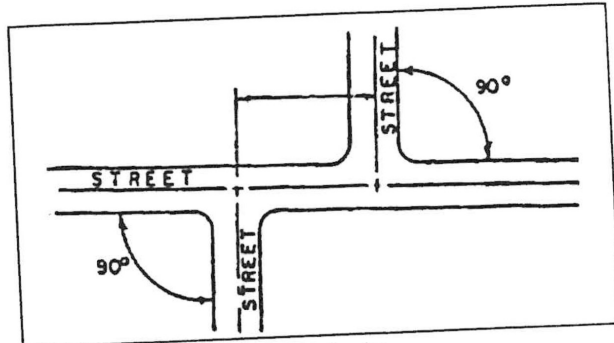
- [1] Local streets: 40 feet.
- [2] Collector streets: 50 feet.
- [3] Arterial streets: 75 feet.

(b) The right-of-way lines shall be concentric or substantially concentric with the cartway arc.

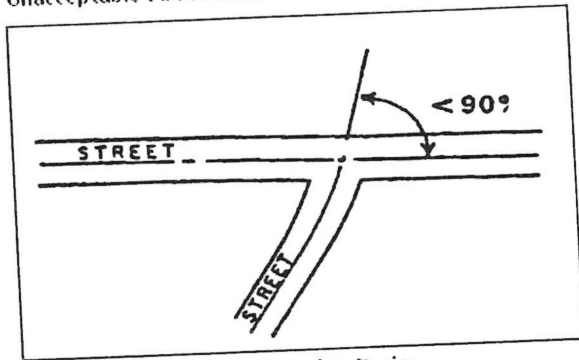
- (c) As an alternative, the inner edge of the pavement may be rounded with an equivalent compound curve or simple curve and tapers, based on AASHTO standards.



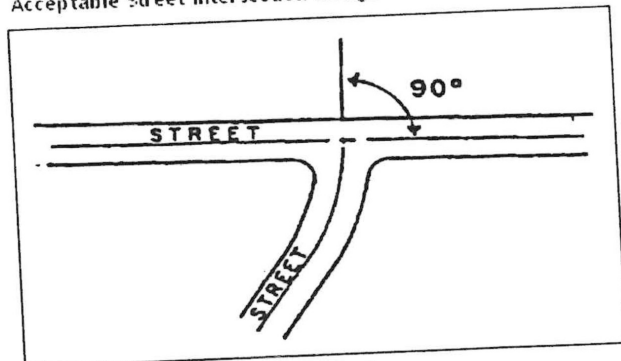
Unacceptable Street Intersection Design



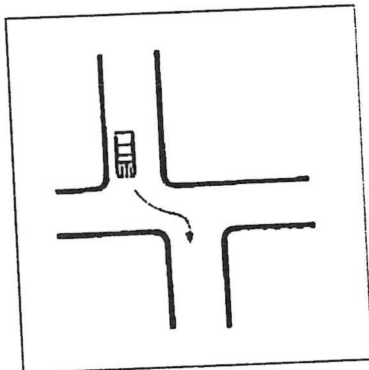
Acceptable Street Intersection Design



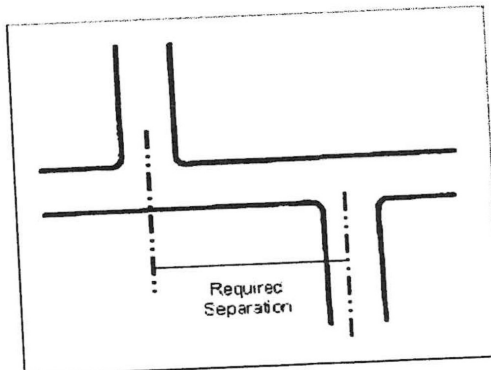
Unacceptable Street Intersection Design



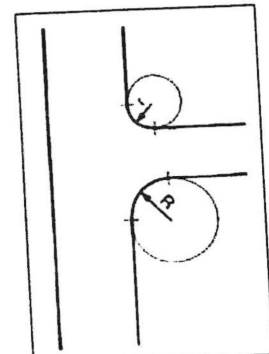
Acceptable Street Intersection Design



Corner Cutting



Required Centerline Separation



Cartway Edge Arc

(5) Borough Road Improvements.

- (a) Where necessary, based on the standards and criteria set forth in the Pennsylvania Code, Title 67, Chapter 441, *Access to and Occupancy of Highways by Driveways and Local Roads*, the Borough will require the developer to improve any Borough road which is intersected by a road, access drive and/or driveway that is part of a subdivision and/or land development to the extent necessary to accommodate the anticipated traffic volume generated by the project, based on the Engineering Report and the Borough's analysis.
- (b) Such improvements may include shoulder upgrading, auxiliary lanes, signs, traffic control devices and/or other improvements which are determined to be necessary to preserve the safety of

motorists and pedestrians.

(6) Leveling Area. At all street intersections, a leveling area shall be provided in the street of lesser classification. The design of the leveling area shall be as follows:

(a) The maximum grade of the leveling area shall be four percent within 50 feet of the nearest right-of-way line of the intersected street.

(b) The maximum grade of the through street shall be eight percent within any intersection.

(7) Traffic Signs and Signals. Traffic signs and traffic signals shall be required in accord with §390-51AA.

I. Major Street Frontage. Where a subdivision and/or land development abuts or contains an existing or proposed collector street, Borough street, or State street, the Borough may require reverse frontage lots with access from interior subdivision streets, or such other treatment, to provide protection for abutting properties, the reduction in number of intersections with the collector or arterial street and the separation of local and through traffic. [See §390-50D(3).]

J. Street Cross Sections.

(1) Minimum Standards. Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table 390-51-1.

(2) Crown. Street crowns shall be designed and constructed as follows:

(a) Local, marginal access, and alleys: two percent per foot.

(b) Local, collector and arterial streets: two percent on straight sections with superelevation provided on curve sections and runoffs in accord with the latest PennDOT design criteria, not to exceed the maximum established by Table 390-51-1.

(3) Cut and Fill Slopes. Cut and fill slopes shall not exceed 3:1 horizontal to vertical.

(4) Shoulders. Shoulder surfaces shall be graded at a slope of 0.75 inch/foot away from the pavement edge.

K. Reserved.

L. Geometric Standards.

(1) Horizontal Alignment. Horizontal alignment shall be measured along the street center line, except sight distances, which shall be measured along the centerline of the appropriate lane. The minimum standards for horizontal alignment shall be as follows:

(a) Horizontal curves shall be used at all changes in direction whenever street lines are deflected more than two degrees within 100 feet or more than 0.50 degree at any point.

(b) Single, long radius curves shall be used in lieu of a series of curves of varying radii or a series of short curves and tangent sections.

- (c) Streets shall be designed with the tangents between reverse curves as set forth in Table 390-51-1.
- (d) Streets shall be designed so that the unobstructed stopping sight distance along the centerline of each lane shall be a minimum of that set forth in Table 390-51-1. Stopping sight distances shall be measured from a point 3.50 feet above the road surface to a point 0.50 feet above the road surface.

TABLE 390-51-1 -- DESIGN STANDARDS FOR STREETS				
DESIGN SPECIFICATION	Arterial	Collector	Local	Alley
Design speed (mph)	50	40	30	20
Posted speed (mph)	45	35	25	NA
Average daily traffic	> 4,000	1,501 - 4,000	501 - 1,500	NA
CROSS SECTION STANDARDS				
Street right-of-way width (feet)	80	60	50	30
Travelway width (feet)	24	22	20	16
Shoulder width, each side (feet)	8	6	4	NA
Cartway width (feet) -with shoulders -with curbs	40 26	34 ¹ / 36 ² 24 ¹ / 26 ²	28 22	20 18
Crown (%)	2	2	2	2
Superelevation per AASHTO, maximum (%)	8	8	8	NA
Shoulder slope (%)	6	6	6	6
GEOMETRIC STANDARDS				
Grade, maximum (%) ³	4	7	10	12
Grade, minimum (%)	1	1	1	1
Center line radius, minimum (feet)	500	300	200	75
Stopping sight distance, minimum (feet)	comply with ASSHTO specifications			
Tangent between reverse curves, minimum (feet)	200	150	100	0
Minimum K, vertical curves - crest/sag	84 / 96	44 / 64	19 / 37	7 / 17
Vertical curve length, minimum (feet)	135	135	120	60
¹ Residential. ² Nonresidential. ³ See §390-50P(3)(b) for residential driveway grades. NOTE: The Applicant may submit alternative designs for consideration in accord with §390-87 for residential streets serving a limited number of lots provided AASHTO standards are met. Arterial streets shall be designed to PennDOT specifications.				

TABLE 390-51-2 -- MINIMUM CONSTRUCTION STANDARDS BY TYPE OF STREET			
CONSTRUCTION SPECIFICATIONS (See table for 99-51-1 for classification details.)	STREET CLASSIFICATION		
	ARTERIAL	COLLECTOR	LOCAL & ALLEY
A. Wearing Course			
material	Superpave Asphalt Mixture Design, 9.5 mm		
compacted depth	2.5 inches	2.0 inches	1.5 inches
B. Binder Course			
material	Superpave Asphalt Mixture Design, 19 mm		
compacted depth	3.5 inches	3.0 inches	N/A
C. Base Course			
material	Superpave Asphalt Mixture Design, 25 mm		
compacted depth	4.5 inches	4.0 inches	4.5
D. Sub-Base			
-The Developer shall install all underground utilities in the right-of-way prior to the placement of the stone sub-base. -The stone sub-base shall extend under the required shoulder. -Once the PennDOT No. 2A stone mixture has been placed, the Developer shall not allow any vehicular access/use until the road is paved with the asphalt base course.			
material	PennDOT No. 2A Aggregate		
compacted depth	10.0 inches	8.0 inches	6.0 inches
E. Curbs, Gutters, and Swales - Required for collector, local, and alley unless waived by Council per §390-87.	not applicable	See §390-51U and Chapter 383 (Streets and Sidewalks)	
F. Shoulders – Placed and compacted on top of the sub-base.			
Material	PennDOT Type 1 Shoulder	PennDOT Type 6 Shoulder (if curb requirement is waived)	
compacted depth	9.0 inches	7.5 inches	5.5 inches
maximum construction lift	6.0 inches	6.0 inches	6.0 inches
G. Sidewalks - Required for collector and local unless waived by Council per §390-87.	not applicable	See §390-51V	See §390-51V (local only)
- All material shall meet PennDOT Specifications, Publication 408, latest edition. - Pavement base drains will be required for poor subgrade soils. - The Applicant may submit alternative designs based on PennDOT standards for consideration in accord with §390-87.			

(2) Vertical Alignment. Vertical alignment shall be measured horizontally along the street centerline. Sight distances shall be horizontal distances measured along the lines of sight. The minimum standards for vertical alignment shall be as follows:

- (a) The vertical alignment of streets shall be designed and constructed to meet or exceed the minimum standards set forth in Table 390-51-1.
- (b) Vertical curves shall be introduced at all changes of grade exceeding one percent within 100 feet; vertical curve calculations shall be included on the road profile sheets.
- (c) The maximum grade across the turnaround in a cul-de-sac street shall not exceed five percent.
- (d) The minimum grade of any roadside swale shall be one percent.
- (e) Combinations of steep slopes and short curve radii shall be avoided; the sum of the grade in percent and the degree of curve (arc definition) shall not exceed 20 percent.

M. Topography and Street Grades. The arrangement of streets shall be properly and logically related to the existing topography to yield usable lots, minimize cuts and fills, minimize the potential for stormwater problems, and minimize grading problems at intersections. Street grades shall be designed as follows:

- (1) Center-line grades shall not exceed the grades set forth in Table 390-51-1.
- (2) The maximum grade across the turnaround on a cul-de-sac street shall not exceed five percent.
- (3) Where the grade of any street at the approach to an intersection exceeds seven percent, a leveling area shall be provided having grades for four percent or less for a distance equal to the pavement width of the intersecting street or 50 feet, whichever is greater, as measured from the nearest right-of-way line of the intersecting street.

N. Sight Distance at Street Intersections.

(1) All Intersections

- (a) Proper, safe stopping sight distance shall be provided with respect to both horizontal and vertical alignment at all intersections.
- (b) Intersection sight distance (ISD) measures a line of sight from the driver's eye (3.5 feet), seated 15 feet back from the fog line or edge of the travelway, to the right and to the left, to an object in the street that is 3.5 feet high.
- (c) Safe stopping distances at intersections shall be provided in accord with the recommendations of the latest edition of *A Policy on Geometric Design of Highways and Streets*, published by American Association of State Highway Transportation Officials, for the configuration of the subject intersection and the type of vehicle which governs the design. An analysis of the recommended sight distances shall be provided in an accompanying report.

- (2) Clear View at Street Intersections. At all street intersections in all zoning districts nothing shall be erected (except street or traffic signs and utility poles), placed, planted, or allowed to grow in such a manner as materially to impede vision above the height of 2.5 feet or below the height of 10 feet above the grade of the triangular area defined by the accompanying clear sight triangle diagram.

The following note shall be added to all plans involving any street intersection: "No structure, planting or other vision obstructing object shall be permitted above the height of 2.5 feet or below the height of 10 feet as measured from the centerline grade at the street/street intersection within the clear sight triangle."

O. Reserved.

P. Access Drives. All proposed access drives shall conform to the requirements of Chapter 500 (Zoning) and the following requirements:

(1) Alignment. The Borough may require that an access drive location be directly across from a road, drive, driveway, etc. on the opposite side of the intersected street if it is determined that an offset location may create a safety hazard.

(2) Angle of Intersection. Access drives and driveways used for two-way operation shall intersect the street at an angle of 90 degrees or as near 90 degrees as site conditions permit. A two-way driveway shall not intersect the street at an angle less than 75 degrees nor more than 105 degrees.

(3) Access Drives and Residential Driveways.

(a) Access Drives

[1] Access drives shall be designed and constructed to conform to the requirements for a street of the same function and ADT, except that an appropriate design speed shall be determined by the applicant and accepted by the Borough for the determination of sight distances, vertical curve lengths and centerline radii. The minimum travelway width shall be 24 feet.

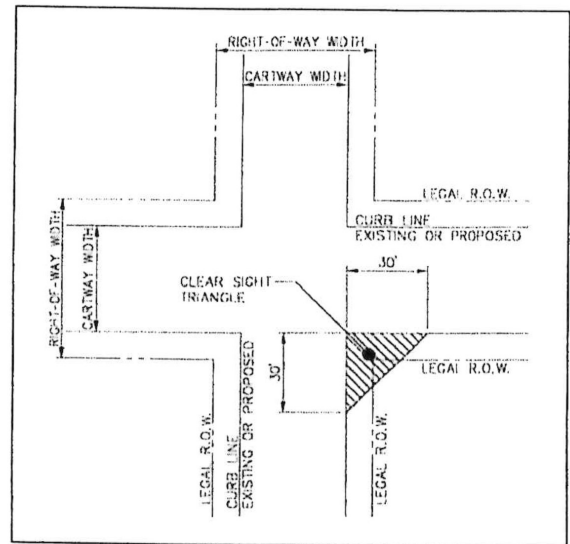
[2] Where one-way traffic is proposed, the minimum lane width shall be 12 feet. The direction of traffic shall be clearly indicated by signs and/or markings, based on PennDOT standards.

[3] Access drives do not require a specific right-of-way unless the access drive is extended to serve other users.

[4] In the case of shared use of an access drive, appropriate access easements shall be created. The easements and responsibility for maintenance shall be indicated on the final plan and included in the deeds.

[5] No portion of any access drive outside the street right-of-way shall be closer than 20 feet to a property line. Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.

[6] Access drives shall have a grade not exceeding that specified on Table 390-51-1 for the applicable street design specification.



Clear Sight Triangle

(b) Residential Driveways.

- [1] Except for common or jointly used driveways, no part of any driveway outside the street right-of-way shall be closer than 10 feet to a property line.
- [2] Within the street right-of-way, no portion of a driveway shall be located outside the property frontage or the projected property line.
- [3] The maximum grade of a driveway, outside of the right-of-way, shall not exceed 15 percent unless an emergency parking area is provided for at least two cars. Such parking area shall be located outside the street right-of-way and be accessible over grades which do not exceed 10 percent.
- [4] The maximum grade within the street right-of-way shall not exceed four percent and shall not result in a change in grade of more than eight percent from the shoulder grade.
- [5] All driveways shall be arranged so that it is not necessary for a vehicle to back into a street.
- [6] The minimum distance between the centerline of a driveway and the nearest intersecting street, road, access drive or nonresidential driveway shall be as follows:
 - [a] 75 feet along a local street.
 - [b] 100 feet along a collector street.
 - [c] 150 feet along an arterial street.

Q. Bridges and Stream Crossings. Bridges and other stream crossing structures which are part of the road system shall be designed and constructed in accord with the current Pennsylvania Department of Transportation Standards and Specifications for the proposed load and PA DEP regulations. Evidence of compliance with any state or federal requirements shall be provided.

R. Clearing and Grubbing. The right-of-way for all roads shall be cleared of vegetation only to the extent necessary for the installation of the required street and drainage improvements.

- (1) Unsuitable Materials. All trees, stumps, roots, and other material deemed unsuitable by the Borough for underlying the road improvements shall be removed from the grading area and shall be properly disposed of.
- (2) VOIDS. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Borough.
- (3) Rocks. Rocks greater than six inches in diameter shall be removed to a minimum depth of six inches below the finished subgrade.
- (4) Inspection/Approval. All cleared and grubbed areas shall be inspected and approved by the Borough Engineer prior to the subbase installation.
- (5) Cuts and Fills. All cuts and fills shall be constructed as follows:

- (a) Maximum Earth Slope. The maximum slope of any earth embankment or excavation shall not exceed 3:1 horizontal to vertical unless stabilized by a retaining wall or cribbing, except as approved by the Borough Council for special conditions.
 - (b) Maximum Rock Slope. The maximum slope of any rock excavation shall not exceed 1:4 horizontal to vertical.
 - (c) Compaction. All embankments shall be compacted to prevent erosion.
 - (d) Stabilization. Cuts and fills shall be stabilized to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
 - (e) Lifts. Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
 - (f) Watercourses or Constructed Channels. Fills shall not encroach on natural watercourses or constructed channels; and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
 - (g) Grading. Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner.
 - (h) Dust Control. During grading operations, necessary measures for dust control shall be exercised.
 - (i) Water/Wetland Crossing. Grading equipment shall not be allowed to cross streams, wetlands, or other waters of the Commonwealth except by PA DEP permit; and adequate provisions shall be made for the installation of culverts and bridges.
- S. Sub-Grade, Base and Surface.
- (1) Sub-Grade.
 - (a) The design and construction of the roadbed shall take into consideration the supporting capacities of the subgrade, with attention to those soils which are subject to frost heave.
 - (b) No forest mat, roots, or stones larger than six inches shall be incorporated into the subgrade.
 - (c) The subgrade shall be compacted to not less than 100 percent of the determined dry weight (dry mass) density of the material on the site as determined in accord with Pennsylvania Test Method No. 106, Method B.
 - (d) Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed, and installed to maintain proper drainage.
 - (e) Unsuitable soils and materials, as identified by the Project Engineer and confirmed by the Borough Engineer, shall be removed and replaced, drained, or otherwise stabilized to provide adequate support for the roadbed and anticipated loads. If construction of a roadbed in such locations, and particularly, on soils identified in the Carbon County Soil Survey as subject to frost heave is proposed, the Borough MAY require such drainage facilities and/or underdrains and subgrade drains

as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Borough.

- (2) Subbase and Base Course. Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table 390-51-2 in accord with the latest specifications of PA DOT (Form 408) and the requirements of the Borough.
- (3) Surface Course. The bituminous surface course shall conform in type and be compacted to the depths shown in Table 390-51-2 in accord with the latest specifications of the PA DOT (Form 408) and the requirements of the Borough.
- (4) Shoulders. Where curbs are not required or provided, shoulders shall be provided and shall be constructed of the material and compacted to the width and depth shown in Table 390-51-2.
- (5) Commercial/Industrial Areas. Any road serving a commercial or industrial area shall be designed and constructed to a minimum of collector road standards shown in Table 390-51-2.
- (6) Parking Lanes. Where curbs are required and/or provided for collector roads, if a parking lane (between the travelway and the curb) is approved by the Borough, it shall be not less than nine feet wide and shall be constructed to the same standards as the cartway.
- (7) Alternative Designs. Alternative roadbed designs may be proposed and shall be considered in accord with §390-87. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs shall be reviewed based on design recommendations of the Asphalt Institute.

T. Walls, Slopes, and Guide Rails.

- (1) Walls, Slopes. Where the grade of the road is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough to support the road or the adjacent land. The design and construction of walls may require the certification of a registered professional engineer. Guide rails and/or handrails or other restraints may be required.
- (2) Guide Rails. Streets shall be designed to preclude or minimize the need for guide rails. Guide rails shall be required where the adjoining embankment has a slope exceeding three feet horizontally to one foot vertically and the grade of the road is two feet or more above the grade of the adjacent land. However, the Borough may require guide rails to be placed for protection on embankments when a barrier is indicated by the most current PennDOT standards. The required guide rail shall be installed in accord with most current PennDOT standards.

U. Curbs, Gutters, and Swales.

- (1) Curbs Required. In nonresidential developments, or higher density residential developments, or where other similar intensive uses exist or are anticipated, curbs shall be required if deemed necessary by the Borough Council for public safety.
- (2) Intersections Radii. The minimum curb or pavement edge radii at road intersections shall equal that required for the cartway edge.

- (3) Existing Curbs. Where curbs exist on abutting properties, their extension shall ~~ordinarily~~ be required throughout the proposed subdivision.
 - (4) Gutters. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing.
 - (5) Construction. Curbs shall be constructed in accord with the most current PennDOT RC64M standard for plain concrete curbs and Americans with Disabilities Act standards.
 - (6) Design. If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Borough Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accord with the most current PennDOT *Design Manual, Part 2, Highway Design (Publication 13M)*. The invert of the swale shall be below the subbase course to prevent saturation of the street. Swales shall be deep enough to accommodate access drive, driveway, and other culverts.
 - (7) Velocity Calculation. Velocity calculation shall be placed on the centerline profile drawings or shall be submitted separately.
- V. Sidewalks; Crosswalks. Sidewalks and road crosswalks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the road right-of-way immediately adjacent to the curbs, except as may be approved by the Borough to accommodate road trees or other landscaping. Sidewalks and road crosswalks shall be constructed in accord with the most current PennDOT RC67M standard and *Americans with Disabilities Act* standards.
- W. Parking on Roads. Off-road parking for all uses shall be provided in accord with this chapter; and, roads shall not be designed to accommodate on-road parking except in accord with §390-51S(6).
- X. Access Drive/Driveway and Cross Drainage.
- (1) At each point where a road is intersected by an access drive or driveway that requires surface drainage water to be carried under the intersection, a culvert pipe shall be installed across the width of the access drive or driveway to meet the drainage requirements determined in accord with §390-53.
 - (2) Such cross drains as may be necessary shall also be installed under the road in accord with the drainage plan.
 - (3) Pipes shall be installed at such depth and in such manner as dictated by the site with a minimum 0.5 percent slope for cross drainage.
 - (4) The minimum size of any drainage pipe shall be 18 inches in diameter. The developer shall obtain approval from the Borough Council and the Borough Engineer prior to the installation of the smaller pipe. (See §390-53 for additional requirements.)
- Y. Alleys. Alleys shall not be permitted unless approved for multi-family and conservation design development, where lot sizes are small, to improve the subdivision design and lot layout, reduce the number of driveways entering roads, and maintain a pedestrian-scaled community by providing for rear access to lots.

Z. Reserved.

- AA. Traffic Signs, Signals and Pavement Markings. Traffic signs, traffic signals and pavement markings shall be required when considered necessary by the Borough Council to ensure safe traffic or pedestrian circulation. All traffic signs, traffic signals, and pavement markings shall meet the most current requirements of PennDOT and the Federal Highway Administration including the *Manual for Uniform Traffic Control Devices*. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long-term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings via a recorded agreement with the Borough.
- BB. Road Striping. All roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.
- CC. Applicability of PennDOT Standards. For any required road improvements for which standards are not provided in this chapter, the minimum standards shall be as set forth in the latest edition of PennDOT *Publication 408 - Specifications* and PennDOT *Publication 72M - Standards for Roadway Construction*.

§390-52 Survey Monuments and Markers

Monuments and markers shall be placed so that the center, a scored, or marked point shall coincide with the intersection of the lines to be marked and shall be set to an accuracy of 0.03 feet; and shall be certified by the project surveyor.

A. Monuments.

(1) Monuments shall consist of either:

- (a) Solid steel rods a minimum of 0.5 inches in diameter and a minimum of 24 inches in length, centered in a cylinder of concrete a minimum of nine inches in diameter and a minimum of 24 inches in depth, poured in place.
- (b) Steel pipes a minimum of 0.75 inch in diameter and a minimum of twenty-four (24) inches in length, centered in a cylinder of concrete a minimum of nine (9) inches in diameter and a minimum of 24 inches in depth, poured in place.
- (c) Precast (i.e., manufactured) reinforced concrete monuments measuring a minimum of four inches by four inches by and a minimum of 24 inches in length.
- (d) Such other monuments as the Borough may approve.

(2) Monuments, including the rod or pipe and the concrete, shall be placed flush with the ground.

(3) Monuments shall not be placed until road grading has been completed.

(4) Monuments shall be set at all tract perimeter locations where permanent monuments did not exist at the time of the perimeter survey unless site conditions preclude the installation, and the missing monument shall be noted on the final plan. Existing monuments shall not be removed.

B. Markers.

- (1) Markers shall consist of solid steel rods a minimum of 0.5 inches in diameter and 20 inches long.
- (2) Such other marker as the Borough may approve.
- (3) Markers shall be set two inches above the surrounding grade.
- (4) Markers shall be set at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be noted on the final plan.
- (5) A wooden stake or other suitable object shall be placed near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

§390-53 Stormwater and Drainage ControlA. Stormwater.

- (1) Compliance. All subdivisions and/or land developments, campgrounds, and manufactured home parks shall comply with Chapter 377 (Stormwater Management). Any development in the Borough outside the areas regulated by Chapter 377 shall provide stormwater management to comply with the requirements of Chapter 377 or similar stormwater management as approved by the Borough Engineer. The regulations in this §390-53 are in addition to those outlined in Chapter 377.
- (2) Alterations to Installed Stormwater Management Facilities. The following note shall be provided on all plans proposing stormwater management facilities.

“Stormwater Management Alteration Note: No person shall remove, fill or alter any stormwater management facility installed as part of this plan unless a Stormwater Management Plan has been submitted to and approved by the Borough Council for such removal, filling or alteration.”

- (3) Basin Anti-Seep Collars.
 - (a) All pipes and culverts through basin embankments shall have properly spaced concrete cutoff collars or factory welded anti-seep collars.
 - (b) Design calculations for anti-seep collars shall be provided.
 - (c) Construction details for anti-seep collars shall be provided on the plan.
- (4) Basin Earth Fill Dams. Basins that are designed with earth fill dams shall incorporate the following minimum standards:
 - (a) The maximum water depth shall not exceed eight (8) feet.
 - (b) The minimum top width of all dams shall be eight (8) feet.
 - (c) The inside slopes of basin embankments shall not be steeper than three (3) horizontal to one (1)

vertical.

(5) Basin Embankment Requirements.

- (a) All basins greater than six (6) feet in depth, as measured from the lowest point within the basin to the top of embankment elevation, shall have a clay core and key trench each consisting of impervious material.
- (b) An embankment detail showing dimensions and materials for the core and trench shall be provided on the plan.

(6) Basin Emergency Spillways.

- (a) All basins shall be designed to safely discharge the peak basin inflow rate of a post-development 100-year frequency storm event through an emergency spillway in a manner which will not damage the integrity of the basin.
- (b) Design calculations for all basin emergency spillways shall be provided.
- (c) The emergency spillway shall not be considered to function as part of the primary outlet structure. The primary outlet structure shall control the flow from all storm events up to and including the 100-year event.
- (d) A minimum of one foot of freeboard above the routed 100-year storm peak water surface elevation to the invert of the emergency spillway shall be provided.

(7) Basin Fencing.

- (a) All basins greater than six (6) feet in depth, as measured from the lowest point within the basin to the top of embankment elevation, shall be completely surrounded by fencing.
- (b) The height and type of fence shall be indicated on the plan.

(8) Basin Outlets.

- (a) All proposed stormwater management basins shall discharge to an existing watercourse or into an existing storm sewer system. If neither of these is available, the Applicant shall obtain a drainage easement from the downstream Landowner to allow for the discharge of stormwater runoff from the 100-year storm event to be conveyed through the adjacent Landowner's property to a natural watercourse or existing storm sewer system.

[1] Where the downstream Landowner will not grant such an easement, the stormwater management design for the project shall be revised such that runoff will flow onto the adjacent property in a manner similar to the characteristics of the pre-developed condition.

[2] Where the downstream Landowner will grant such an easement,

[a] All existing features within the easement area shall be shown and labeled on the plan.

- [b] Drainage easement delineation lines shall be shown and labeled on the plan.
 - [c] All features of proposed construction shall be shown and labeled on the plan.
 - [d] A copy of a signed, executed, and recorded drainage easement agreement must be provided to the Borough as part of the Preliminary Plan submittal.
- (b) No outflow from a stormwater management basin shall discharge directly onto or be conveyed onto a street. Discharge into a culvert under a street, or storm sewer along a street is acceptable provided that the applicant provides evidence of adequate capacity in the culvert or storm sewer.
- (9) Deferment. Residential lots can defer the requirement to prepare a Stormwater Management Site Plan/Analysis if the lot is part of a Minor Subdivision. The following note shall be included on the plan:
- “Stormwater Management Site Plan Deferment Note: A Stormwater Management Site Plan for Lot(s) _____ is(are) required to be provided to the Borough Zoning Officer at the time of any Zoning Permit application. The Plan shall meet all design criteria contained within the SALDO and Stormwater Management Ordinance and be reviewed and approved by the Borough Engineer prior to the issuance of any Zoning Permit.”
- (10) Easement for Natural Watercourses.
- (a) When Required. Where a subdivision or land development is traversed by any natural watercourse, drainageway, channel or stream, etc., a drainage easement conforming substantially to the line of such conveyance shall be provided.
 - (b) Dimensions.
 - [1] The drainage easement width shall be adequate to preserve the unimpeded flow of drainage; or for the purpose of widening, deepening, relocating, maintaining, improving, or protecting such drainageway; or for the purpose of protecting such watercourse for the purpose of stormwater management or installation of a storm sewer or for the protection of adjacent lands from overflows.
 - [2] The drainage easement shall have a minimum width that extends 10 feet on either side from the top of streambank.
 - (c) All natural watercourse drainage easement delineation lines shall be shown and labeled on the plan.
 - (d) The following note shall be provided on the plan:

“Natural Watercourse Easement Note: Areas within the natural watercourse drainage easement as depicted on this plan shall be kept in natural conditions (i.e., not maintained as lawns, and without removal or trimming of existing vegetation).”
- (11) Elevations, Adjacent Building Floor. Minimum floor elevations of the lowest floor, for all buildings that would be affected by a basin, other temporary impoundments, or open conveyance systems where ponding may occur, shall be at least two feet above the 100-year water surface elevation.

- (12) Encroachments to Watercourses. Any change or encroachment proposed into an existing watercourse, drainage way, channel or stream, wetland, etc., shall be approved by the appropriate Federal or State Agency prior to Preliminary Plan approval. Copies of all applicable permits obtained shall be provided to the Borough.
- (13) PennDOT Approval.
- (a) Any proposed stormwater management facility that would be located within a State highway right-of-way or that directs runoff into a State highway right-of-way must be approved by the Pennsylvania Department of Transportation (PennDOT) prior to Preliminary Plan approval of a proposed subdivision and/or land development.
- (b) A copy of an approval letter and/or permit from PennDOT shall be provided.
- (14) Plan Preparer. A Stormwater Management (SWM) Site Plan shall be prepared by a registered professional engineer, registered professional land surveyor, landscape architect or other qualified individual, for all subdivisions and/or land developments, campgrounds, and manufactured home parks.
- (15) Points of Analysis. Points of analysis shall be distinct points where runoff is concentrated and leaves the site. In the case where contour lines are approximately parallel to the property line, the property line itself shall be considered the point of analysis.
- (16) Review by Adjacent Municipalities. When stormwater runoff is to be directed into an adjacent municipality, all provisions for accommodating such drainage shall be submitted to the governing body of that municipality for review and approval.
- (17) Watershed Plans.
- (a) Pre- and Post-Developed Watershed Plans shall be provided showing watershed lines, time of concentration paths, contour lines, soil type boundary lines, existing and proposed cover types, points of analysis, etc.
- (b) All stormwater runoff flowing over the site within the limits of the project shall be considered in the design of the stormwater management facilities.

B. Collection and Conveyance.

(1) Channels.

- (a) Conveyance along streets shall not extend onto the shoulder. All flow shall be contained within a channel adjacent to the shoulder.
- (b) Design calculations shall be provided for all channels.
- (c) Cross-section details for all proposed channels shall be provided on the plan.

(2) Connection to Existing Facilities / Off-Site Downstream Analysis.

- (a) Pipes. If the plan proposes to connect proposed drainage pipes to an existing drainage conveyance system, computations shall be provided to verify that the existing system has the capacity to handle the proposed flows. This analysis shall be continued downstream to the outlet of the system.
 - (b) Channels. If the plan proposes to discharge proposed drainage facilities to an existing channel at the perimeter of the site, computations shall be provided to verify that the existing channel has the capacity to handle the proposed flows. This analysis shall be continued downstream a distance of 100 feet.
- (3) Energy Dissipators.
- (a) Energy dissipators shall be placed at the outlets of all drainage pipes, culverts, and channels. Design computations shall be provided for these facilities.
 - (b) Construction details for these facilities shall be provided on the plan.
- (4) Manning “n” Values.
- (a) Manning “n” values for all applicable drainage design shall be determined according to accepted engineering practice and manufacturer’s recommendations.
 - (b) Backup data regarding the choice of Manning “n” value shall be included within all design computations.
- (5) Structures.
- (a) Culverts.
 - [1] Culvert design shall consider either inlet/outlet control or a combination of hydraulic losses through the system, whichever is greater.
 - [2] Design computations for all culverts shall be provided utilizing the United States Department of Transportation, Federal Highway Administration (FHWA) Offices of Bridge Technology and Technical Services HY-8 Culvert Hydraulic Analysis Program or other analysis method approved by the Borough Engineer.
 - (b) Endwalls.
 - [1] Endwalls shall be provided where stormwater runoff enters or leaves the storm sewer horizontally from a natural or manmade channel.
 - [2] Endwalls shall conform to PennDOT Standards for Roadway Construction, RC-31M “Endwalls”, as amended.
 - (c) End Sections.
 - [1] End sections shall be provided at all pipe inlets and outlets, except where endwalls are required.

- [2] End sections shall conform to PennDOT Standards for Roadway Construction, RC-33M "End Sections", as amended.

(d) Inlets.

- [1] Grate Capacity. Inlet capacity shall be based on design data provided by the manufacturers. Where ponding occurs, inlet capacity shall be based on accepted engineering design practices.
- [2] Grate Elevation. Inlets shall be depressed two inches below the grade of the street gutter or ground surface. Inlets used in ground areas will have their tops installed level. Inlets used along curbed streets shall have their tops installed at a grade equal to the street or curb grade.
- [3] Grate Type. All inlets shall have structural steel, bicycle safe grates as per PennDOT Standards for Roadway Construction, RC-45M "Inlet Tops, Grates, and Frames", as amended.
- [4] Boxes. Inlet boxes shall conform to PennDOT Standards for Roadway Construction, RC-46M "Inlet Boxes", as amended.

- (e) Manholes, Storm. Storm manholes shall be concrete cast-in-place or precast and shall conform to PennDOT Standards for Roadway Construction, RC-39M "Standard Manholes", as amended.

(f) Pipes.

- [1] Anchors. Where storm sewers exceed 15 percent slope, properly spaced concrete anchors shall be required. The locations of these items shall be shown and detailed on the plan.
- [2] Backfill.
- i. Backfill of pipe trenches shall be performed in accord with PennDOT Standards for Roadway Construction, RC-30M "Subsurface Drains", as amended.
 - ii. A backfill pipe trench detail shall be provided on the plan.
 - iii. Where pipe installation depths exceed 15 feet from ground surface to the crown of the pipe, structural calculations that address the actual design requirements shall be provided.
- [3] Bends/Curves.
- i. Bends and/or curves in pipes are prohibited. A drainage structure must be provided when there is a proposed change in pipe direction.
 - ii. Tee joints, elbows, and wyes are also prohibited except for use in smaller diameter pipes associated with roof drain collection systems and special designs such as within underground infiltration facilities.
- [4] Cover. All storm sewer pipes and culverts shall be placed to provide a minimum depth of one foot from finished subgrade to the crown of pipe in all areas.
- [5] Outlet Location into Basins. Drainage pipes that discharge into a basin shall outlet at the bottom

of the basin.

[6] Size, Minimum.

- i. Minimum allowable drainage conveyance pipe size shall be 15 inches in diameter.
- ii. Smaller diameter pipes may be proposed for roof drain collection systems and special designs such as within underground infiltration facilities.

[7] Type. Drainage pipes shall consist of reinforced concrete or high-density polyethylene.

[8] Profiles. Profiles for all proposed drainage pipes shall be provided on the plan.

(g) Spacing and Location of Structures.

[1] Drainage structures shall not be spaced more than 400 feet apart.

[2] Drainage Structures shall be placed at points of abrupt changes in the horizontal or vertical direction of drainage pipes.

(h) Standards, Conformance with PennDOT. All drainage pipes, culverts, manholes, inlets, endwalls, and end sections shall be constructed in accord with PennDOT Specifications, Publication 408, as amended.

§390-54 Soil Erosion and Sedimentation Controls

- A. Plan Required. When earth disturbance activities are proposed as part of a subdivision and/or land development plan, an *Erosion and Sediment Control Plan* (E&S Plan), as outlined and required in the current edition of the PA DEP's *Erosion and Sediment Pollution Control Program Manual* and Pennsylvania Code, Title 25, Environmental Protection, Chapter 102, Erosion and Sediment Control, as amended, shall be prepared by a qualified individual.
- B. Submission with Preliminary Plan. When such E&S Control Plan is required, the plan shall be submitted to the Borough along with the Preliminary Plan.
- C. Conservation District Review. The Applicant shall submit the E&S Control Plan to the Carbon County Conservation District for review and approval by the District shall be a condition of Preliminary Plan approval.
- D. NPDES Permit. If required by the Carbon County Conservation District and/or the PA DEP, an NPDES Permit for Stormwater Discharges Associated with Construction Activities must be obtained and shall be a condition of Preliminary Plan approval.
- E. Plan Note. For Subdivisions which do not propose or require any earth disturbance activities by the Developer to be performed within individual lots, the following note shall be provided on the plan:

Erosion and Sediment Pollution Control Note: No building permit shall be issued to a Landowner in this subdivision until a copy of an Erosion and Sediment Control Plan is provided with a copy of an adequacy letter of such plan from the Carbon County Conservation District for earth disturbance activities within the lot

where the building is proposed.

§390-55 Water Supply and Sewage Disposal

In all cases where available and with the approval of the Borough Water Department and the Jim Thorpe Sewer Authority, subdivisions and land developments shall be connected to the public water supply and sewage disposal system in accord with Chapter 431 (Water) and Chapter 355 (Sewers), respectively. In cases where public service is not possible, the provisions of this §390-55 and Chapter 447 (Wells) shall apply.

- A. Adequate Systems. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system. The developer shall provide evidence documenting its adequacy.
- B. Public Utility Commission. All suppliers of non-municipally owned, centralized water and/or sewer services shall be organized in such a fashion as may be required by the Pennsylvania Public Utility Commission. The Developer shall provide for operation, maintenance, and continuity of services in a manner which is acceptable to the Borough.
- C. Documentation. Three copies of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Borough as a part of the public record. One copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Borough as a part of the public record.
- D. Use of Existing System. In the case of utilization of a publically owned or other existing centralized water supply and/or sewage disposal system the developer shall submit, at the preliminary stage, a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. Before final approval an executed agreement with the service supplier shall be submitted.
- E. Compliance with Other Approvals. All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of final plan approval.
- F. Design. All water supply and sewage disposal systems shall be designed and certified by a PA Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state, and local standards.
- G. Pressure Testing. Pressure testing of all collection/conveyance of any centralized water supply or centralized sewage disposal system lines shall be required as part of the inspections required in accord with Article V. All such testing shall be conducted in accord with the procedures specified by the Borough Engineer.
- H. Sewage Facilities Plan. All sewage disposal systems shall be consistent with the Borough Sewage Facilities Plan.
- I. Well Setbacks. All wells shall comply with the setback requirements of the Borough well ordinance. Proposed well locations shall be shown on the plan to confirm compliance.
- J. On-Lot Water Supply. All on-lot water supply systems shall comply with the requirements of Pennsylvania

Department of Environmental Protection requirements, Chapter 447 (Wells) and other applicable Borough Chapter 500 (Zoning). Prior to preliminary plan approval, the requirement for the installation of on-lot wells in accord with Chapter 447 (Wells) shall be noted on the development plan.

K. Reserved.

L. Centralized Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the Applicant shall submit with the preliminary plan written evidence of compliance with all Borough, State, and other applicable regulations. If the proposed system is not regulated by PA DEP, it shall comply with the latest edition of the *Recommended Standards for Water Works, Policies for the Review and Approval of Plans and Specifications for Public Water Supplies, A Report of the Water Supply Committee of the Great Lakes--Upper Mississippi River Board, of State and Provincial Public Health and Environmental Managers, Latest Edition.*

M. On-Lot Sewage Disposal.

(1) Standards. All on-site sewage disposal systems shall comply with the applicable PA DEP, Borough, and all other applicable standards.

(2) Site Suitability.

(a) All residential lots in developments proposing the use of on-site sewage disposal shall contain a primary and a replacement sewage absorption area as tested by the Borough SEO in accord with DEP requirements and this §390-55M. Such areas for sewage absorption must be determined to be suitable by proper testing. Such areas shall be shown on the Preliminary Plan and Final Plan. All sewage disposal areas shall remain undisturbed, and this shall be assured via a covenant placed on the plan.

(b) Prior to preliminary plan approval, the requirement for the installation of on-lot sewage disposal systems in accord with Chapter 355 (Sewers) shall be noted on the development plan.

(c) Should the Applicant propose the use of individual systems which do not require soil testing, documentation shall be provided that the affected lots are suitable for the proposed system. In addition, a note shall be placed on the Preliminary Plan and Final Plan detailing the type of system(s) proposed and stating that the affected lots have not been tested for a soil-based system.

(3) Conservation Design Subdivisions. In the case of conservation design subdivisions, the primary and reserved sewage disposal areas may be located on common land provided the necessary easements for construction and maintenance of such systems are provided.

N. Centralized Sewage Disposal System.

(1) Available Sewage Disposal. If a centralized sewage disposal system is proposed and an existing public sewage disposal system, or an existing private sewage disposal system identified as a *regional system* by the Borough Sewage Facilities Plan, said development shall connect to such system in accord with the requirements of the Borough Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.

(2) Project System. If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the Applicant shall, upon submission of the subdivision or land

development plan, submit written evidence that he has complied with all Borough, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

- (a) All centralized sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Borough.
- (b) All sewage collection and treatment facilities shall be designed and constructed in accord with regulations and requirements of PA DEP and applicable Borough Chapter 500 (Zoning).
- (c) All centralized sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development.
- (d) All centralized sewage disposal systems using subsurface, or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and a suitable replacement area for the effluent disposal area shall be provided.

O. Community System Maintenance. To extend the useful life of community sewage disposal systems and minimize disposal system problems, the developer shall, for all subdivisions or land developments using a community system, provide for system maintenance via the creation of a Property Owners Association. Such POA shall be created in accord with §390-41 providing for the inspection of the community system each year and the pumping of septic tanks at intervals as required by Chapter 355, Article V (On-Lot Sewage Management Program). The POA shall file with the Borough an annual report detailing which systems have been inspected and pumped, showing receipts for the same, from a septage hauler disposing of the septage at a DEP licensed facility. Failure of the POA to comply with this §390-55O shall be considered a violation of Chapter 500 (Zoning).

§390-56 Reserved

§390-57 Other Utilities

A. Power, Telephone, Television Cable and Internet Lines.

- (1) All subdivisions and land developments shall have easements provided for the installation of power and telephone utility lines to serve each lot, and provision shall be made when necessary for the location of television cable lines to be installed in said easements.
- (2) Electric distribution lines shall be installed in accord with PPL requirements.

B. Gas Transmission Lines. When proposed, gas transmission lines shall be installed between the curb line and the property line of any street right-of-way located on the opposite side of the street from waterlines.

B. Plan Requirements. All existing and proposed utility lines shall be shown on the plan.

§390-58 Sidewalks

See §390-51V.

§390-59 Landscape Requirements

A landscaping plan for any major subdivision or land development shall be submitted by the developer for

review and approval by the Borough. Where the project involves landscaping of more than 0.5 acre the plan shall be prepared by a qualified registered landscape architect. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be used and details of installation. Following the completion of any land development project, the ongoing maintenance of the landscaping shall comply with the requirements of this §390-59 and violations shall be subject to the enforcement provisions of this chapter. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan. Those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four feet in width.
- C. Plants shall be species which are native to Pennsylvania, or are suitable for local growing conditions, and which are not included on the Invasive Plants list maintained by the PA Department of Conservation and Natural Resources.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions, or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one inch as measured one foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris, and brush.

§390-60 Street, Parking Area, and Building Lighting

A lighting plan shall be provided by the Developer and shall include details for lighting of streets, parking areas and buildings. Streetlights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary, and a modification is granted by the Borough Council. All lighting shall comply with the standards in Chapter 500 (Zoning, §500-67).

§390-61 Reserved**§390-62 Wetlands**

- A. Identification. If a proposed subdivision or land development includes any area that is suspected of being a wetland, the Applicant may be required to provide a wetland delineation conducted by a qualified professional. The Borough may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers. Until the Board of Supervisors has approved the application, the wetland limits shall be visibly identified in the field.
- B. State and Federal Regulations. Any approval under this chapter shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- C. Buffers. The wetland buffers required by Chapter 116 (Zoning) shall be provided and shall be shown on the plan.
- D. Mitigation. Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area shall not be altered and is considered a jurisdictional wetland by the federal and state governments. Lot owners may be responsible for maintenance of mitigation areas. To help ensure the long-term viability of wetland mitigation efforts, the Borough discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified on the plan.
- E. Protection. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of 20 feet outside the delineated boundary, prior to any construction or issuance of building permits. No land shall be disturbed within any required buffer area except in accord with Borough requirements. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

§390-63 Firefighting -- Adequate and Reliable Water Source

Each major residential subdivision or residential land development shall provide an adequate and reliable water source for firefighting purposes which shall be available for firefighting in other areas and for training. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Borough for compliance with this chapter. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof.

- A. Pressurized System. When proposed, a pressurized water distribution system shall be designed in accord with accepted engineering practice.
- B. Static Water Sources. When a static water source is proposed, access to the water source shall be provided within 0.50 mile street distance (not point to point) of any buildable point within the subdivision. This may be met either using ponds, cisterns, above or below ground water tanks, or a combination thereof. Access to the water source shall be guaranteed with a recorded agreement between the owner of the water source and the Borough. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Borough requires stricter standards.

- (1) Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least 1,500 gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the 0.50-mile requirement.
- (2) The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at 100 percent capacity at 150 pounds per square inch through 10 feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head with six-inch male *nst* threads and a cap. The centerline of the head shall be three feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
- (3) The piping for the dry hydrant shall be installed a minimum of three feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water at a depth that is greater than three feet below the average ice depth of the water (and the water surface) and no less than two feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed 10 feet.
- (4) Adequate street access shall be provided as determined by the Borough.

§390-64 Fire Access

Fire apparatus access roads and fire lanes shall be provided within all major subdivisions and all land developments in accord with the minimum standards set forth in this section.

- A. Fire Apparatus Access Roads. A road providing access for fire apparatus from the fire station to every facility, building or portion of a building within all major subdivisions and all land developments approved under this chapter shall be provided and maintained in accord with the following requirements:
- (1) The fire apparatus access road shall comply with the requirements of this §390-64 and shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first story of any building, as measured by an approved route around the exterior of the building or facility, except as follows:
 - (a) If the building is equipped throughout with an approved automatic sprinkler system, the Borough may allow an increase to the 150-foot dimension.
 - (b) Where fire apparatus access roads cannot be installed due to location on the property, topography, waterways, nonnegotiable grades or similar conditions, and an alternative means of fire protection is provided.
 - (2) Specifications. Fire apparatus access roads shall be designed, installed, and maintained in accord with the following criteria:
 - (a) Existing Public Roads. All roads and bridges which are public at the time of adoption of Chapter 500 (Zoning) shall be considered adequate to meet the required specifications of this section.
 - (b) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet,

and an unobstructed vertical clearance of not less than 14 feet. The portion of a fire apparatus access road adjacent to a fire hydrant or adjacent to a building with a height exceeding 30 feet shall have a minimum width of 26 feet.

- (c) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities.
 - (d) Turning Radius. The minimum turning radius of any fire apparatus access road shall be determined by the Borough depending upon specific conditions but shall not be less than 30 feet for the inside radius.
 - (e) Dead End Roads. Dead end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus, with a minimum constructed diameter of 100 feet, or such other configuration as may be approved by the Borough.
 - (f) Bridges. Where a bridge is part of a fire apparatus access road, the bridge shall be constructed, maintained, and posted in accord with AASHTO *Standard Specifications for Highway Bridges*.
 - (g) Grade. Except for any public road portion, the grade of a fire apparatus access road shall not exceed 12 percent, unless a steeper grade is approved by the Borough.
 - (h) Marking. Where required by the Borough, approved signs shall be provided for the fire apparatus access roads to identify such roads and to prohibit the obstruction thereof.
 - (i) Obstructions. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established above must be maintained at all times.
 - (j) Gates. The Borough may require or approve the installation and maintenance of gates or otherwise approved barricades. Such gates shall comply with the following criteria:
 - [1] The minimum gate width shall be 20 feet clear when opened.
 - [2] Gates shall be of the swinging or sliding type.
 - [3] Gates shall be properly maintained in a fully operational condition.
 - [4] Electric gates shall have a manual override.
 - [5] Locking devices shall be approved by the Borough and keys provided to all emergency service units.
- (3) Multiple Fire Apparatus Access Roads. The Borough may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access, in addition to the criteria below, for which multiple fire apparatus access roads are required:
- (a) Buildings exceeding 20,000 square feet gross floor area shall be provided with at least two separate means of fire apparatus access.
 - (b) Projects containing more than 12 dwelling units shall be provided with at least two separate means of fire apparatus access.

- (c) When such multiple fire apparatus access roads are required, they shall be separated by a minimum of 0.50 the length of the overall diagonal dimension of the property or area to be served.
- B. **Fire Lanes.** Except for single-family and two-family dwellings, fire lanes shall be provided for all buildings which are set back more than 150 feet from a fire apparatus access road, for buildings which exceed 30 feet in height and are set back more than 50 feet from a fire apparatus access road, and for buildings which exceed twenty thousand 20,000 square feet gross floor area, in accord with the following criteria:
- (1) **Exceptions.** When a combination of private fire protection facilities and methods, including but not limited to fire-resistive roofs, fire separation walls, space separation and fire extinguishing systems, are provided by the Applicant, and approved by the Fire Chief as an acceptable alternative, fire lanes shall not be required.
 - (2) **Width.** Fire lanes shall have a minimum width of 24 feet.
 - (3) **Locations.** Fire lanes shall provide access to the main entrance to the building (in the case of multiple occupancy, to the main entrance of each occupancy), to entrances to equipment areas and to shipping/loading docks.
 - (a) Fire lanes shall be a minimum of 10 feet from any exterior wall or building overhang, and a maximum of 50 feet from the exterior wall if one or two stories, and a maximum of 30 feet from the wall if more than two stories.
 - (b) Fire lanes shall run along the front of the building as determined by the primary entrance(s) and the side(s) where there are equipment areas and/or shipping/loading docks. Where there is more than one primary entrance, each entrance shall be served by a fire lane.
 - (c) For buildings with a gross floor area of 10,000 square feet or less, parking may be provided between the building and the fire lane, provided that unobstructed emergency services access shall be provided in the parking rows at intervals not exceeding 100 feet.
 - [1] Handicap parking may be permitted to be included as an emergency services access.
 - [2] Parking shall be prohibited in front of the primary entrance(s) for a minimum width of 10 feet, and in front of any secondary entrance(s) for a minimum width of five feet.
 - (d) For buildings with a gross floor area exceeding 10,000 square feet, parking shall not be permitted between the building and the fire lane.
 - (e) For buildings with a gross floor area exceeding 20,000 square feet of gross floor area, fire lanes shall be provided around the perimeter of the building.
 - (f) Fire lanes exceeding 150 feet in length shall be provided with an approved area for turning around of fire apparatus.
 - (g) Marking and identification of fire lanes shall be provided as approved by the Borough.
- C. **Additional Reviews.** Where fire lanes are required by §390-64B, the Borough may require the applicant to provide such number of additional sets of the land development plans as it deems necessary for the

information and potential review of emergency services providers.

§390-65 Public Safety and Convenience

For each major residential subdivision and each major residential land development, safe and convenient areas for appropriate services, including but not limited to U.S. Postal Service and school bus pick-up and drop off must be provided.

- A. Access. Where private roads and/or access drives will be provided within the development, access shall be provided from a public road to a suitable common services area from which the above-referenced services can be safely and conveniently provided.
- B. Services. A suitable common services area shall be designed, constructed, and maintained for at least the following services:
 - (1) School Bus Stop. An approved school bus stop shall be provided at a safe location within or adjacent to the common services area unless the development is age restricted with no school age children.
 - (2) U.S. Postal Service. An area approved by the U.S. Postal Service shall be provided within the common services area for the location of centralized or cluster mailboxes for the residents of the development.
- C. Parking Area. For any residential development which contains 10 or more dwelling units, a parking area must be provided and maintained adjacent to the school bus stop and mailbox areas for the convenience of residents. The parking area must provide an adequate number of parking spaces for the use of residents waiting at the school bus stop and for depositing or picking up mail.
 - (1) A minimum of one parking space for each five dwelling units shall be provided, with an absolute minimum of four parking spaces.
 - (2) The parking area shall be designed, constructed, and maintained in accord with the requirements of Chapter 500 (Zoning).
 - (3) The parking area shall include a safe waiting area for school bus pick-up and shall provide safe pedestrian access to and from the school bus stop.
 - (4) For developments of 50 or more dwelling units, the parking area aisles shall be designed to accommodate buses.

§390-66 Recreation Areas (This §390-66 shall not apply to manufactured home parks.)

A. Recreation Needs. In reviewing subdivision and land development plans, the Borough shall consider the adequacy of existing and proposed recreation facilities within the Borough to serve the additional dwelling units proposed by the subdivision or land development. Except as set forth in §390-66F and §390-66G, to provide for the recreation facilities necessary to serve the needs of the future residents of the proposed dwelling units, the Borough shall require the public dedication of lands suitable for recreation areas accessible to the subdivision or land development. The recreation area shall be provided in accord with a

Gross Density of Tract in Dwelling Units Per Acre	Percentage of Total Area of Project to be Dedicated for Public Recreation Areas
Up to 1.00	5%
1.01 to 2.00	10%
2.01 to 3.00	15%
3.01 and greater	20%

plan submitted to the Borough by the developer and approved by the Borough, and in accord with the adjoining schedule.

- B. Five or Fewer Dwelling Units. Notwithstanding the foregoing, if the proposed subdivision or land development, in addition to any existing or proposed subdivision or land development of which the subject tract is a part, will allow for five or fewer dwelling units, the area to be dedicated for recreation area shall be the lesser of one acre or five percent of the total area of the subdivision or land development. In determining whether a subdivision or land development qualifies under this subsection, the enumeration of dwelling units allowed shall include all dwelling units allowed from the effective date of this chapter.
- C. Plan Notes. The recreation areas shall be shown on the preliminary plan and final plan and shall be designated "Recreation Areas Offered for Dedication to Jim Thorpe Borough
- D. Ownership and Maintenance. In conjunction with the preliminary and final plans, the developer shall submit for Borough approval provisions for the ownership and maintenance of the recreation areas until the Borough accepts the offer of dedication.
- E. Standards. Areas dedicated for recreation purposes shall meet the following standards:
- (1) The recreation area shall be readily accessible to residents of the subdivision or land development.
 - (2) At least one side of each recreation area should abut a Borough or state street for a minimum distance of 100 feet.
 - (3) The size, surface conditions, shape, topography, and location of the parcels shall be suitable for the intended recreational purpose. Designated purposes are subject to Borough approval.
 - (4) The maximum slope of the land shall be 15 percent, and at least 50 percent of the land shall have a slope of less than 8 percent.
 - (5) Other than those recreation areas to remain in their existing condition, recreation areas shall be improved and equipped to a usable state in accord with plans to be approved by the Borough. Such improvement and equipping shall be guaranteed through the subdivision improvements agreement.
- F. Private Reservation. Upon agreement with the developer, the Borough may allow the developer to privately reserve the aforesaid recreation areas, rather than dedicate them to the Borough. The recreation areas shall be designated *Reserved for Recreation Areas* on the preliminary and final plans. Additionally, the developer shall submit with the preliminary and final plans provisions for the perpetual ownership and maintenance of the recreation areas. Otherwise, privately reserved recreation areas shall comply with the same standards as recreation areas dedicated to the Borough.
- G. Cash Contribution.
- (1) Upon agreement with the developer, the Borough may accept a cash contribution in lieu of the aforesaid dedication. The cash contribution for each dwelling unit proposed in the subdivision or land development shall be set by resolution of the Borough Council. Any change in the fee shall only be effective as to subdivisions or land developments filed after the date the resolution is adopted.
 - (2) A credit shall be allowed for any cash payment previously paid under this section for any dwelling units

proposed on an earlier subdivision or land development of which the subject tract is a part.

- (3) Payment shall be a condition of final approval and must be received by the Borough before the final plan is signed.
- (4) Such cash contributions shall be used solely for the purchase or development of recreation land within the Borough which will be reasonably usable by and accessible to the residents of the subdivision or land development. The timing of cash outlay(s) and location of area(s) chosen are at Borough discretion, subject to the provisions of the Pennsylvania Municipalities Planning Code.

§390-67 Reserved

ARTICLE VII
MANUFACTURED (MOBILE) HOME PARK STANDARDS AND REQUIRED IMPROVEMENTS

§390-68 Application

- A. Parks for Sale or Longer-Term Lease. Applications for proposed development of manufactured home parks with lots proposed for sale or lease exceeding 12 months shall meet all requirements and standards for a single-family residence residential subdivision in this chapter and Chapter 500 (Zoning).
- B. Parks to be Held under Single Ownership. Applications for proposed development of manufactured home parks that are proposed to be held under single ownership and to provide manufactured home sites on a maximum 12-month lease period or rental basis only shall meet the design standards and required improvements set forth in this Article.

§390-69 General Standards and Requirements

In accord with §501 of the Pennsylvania Municipalities Planning Code, provisions regulating manufactured home parks shall be separate and distinct. The standards and regulations provided herein shall apply to both the development and expansion of manufactured home parks. The development and/or expansion of a manufactured home park shall be deemed a subdivision or land development and shall be subject to design standards in Article VI and regulations provided within this article.

- A. Acreage. All manufactured home parks shall have a total land area of not less than five acres.
- B. Floodplain. The site of any proposed manufactured home park shall not be located within a 100-year frequency floodplain as defined by the Federal Flood Insurance Rate Maps.
- C. Nuisances. The site of any proposed manufactured home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.
- D. Soils and Slope. The site of any proposed manufactured home parks shall be located on well drained land; and the average natural slope of the area of the site intended for development shall not exceed 10 percent.
- E. Access. Any proposed manufactured home park shall have direct access to a public street.
- F. Home Sales. The commercial sale of manufactured homes within a manufactured home park is prohibited. This shall not prohibit the individual sale by the owner of a home located on a lot in the park.

§390-70 Submission of Application and Compliance

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application, and approval. Fees shall be charged per the approved fee schedule.
- B. Conformity. The plans of the proposed manufactured home park shall conform in content to the requirements for Preliminary Plans and Final Plans in this chapter.

§390-71 Design Standards

- A. General. All plans for proposed new manufactured home parks or expansion of existing manufactured home parks shall be designed in accord with the four-step process in §390-46 and meet the design standards applicable to all types of development contained in Article VI.
- B. Lot Size and Lot Setbacks.
- (1) Each manufactured home lot shall have a minimum area of 5,000 square feet.
 - (2) Structures on any lot in a manufactured home park shall meet the following setbacks:
 - (a) Front: 25 feet
 - (b) Each side: 15 feet
 - (c) Rear: 20 feet
 - (a) The minimum side clearance between any two adjacent homes shall be 30 feet.
 - (3) The clustering of units on a lesser-sized area may be permitted, provided that the objectives of this section are satisfied and the overall average lot area per unit of the park shall not be less than 5,000 square feet.
- C. Open Space. Open space consisting of 25 percent of the total area of the park shall be maintained for the use of all park residents.
- D. Site Drainage Requirements. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in §390-53.
- E. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings or other solid material, or protected with a vegetative growth that can prevent soil erosion and the emanation of dust during dry weather.
- F. Park Areas for Nonresidential Uses. No part of any park shall be used for nonresidential purposes, except for such uses that are required solely for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- G. Buffer and Screening.
- (1) Buffer. No lot or other park buildings shall be located within 50 feet of the perimeter of the manufactured home park. This 50-foot area shall be separate from and in addition to the individual manufactured home setback requirements and shall be maintained as a buffer. At the discretion of the developer, this area can be counted toward the open space requirement set forth in §390-71C.
 - (2) Setbacks from Common Areas and Structures. There shall be a minimum distance of 20 feet between an individual manufactured home, including accessory structures attached thereto, and adjoining right-of-way of a park street, or common parking area or other common areas and structures.
 - (3) Screening. All proposed new and proposed expansions of manufactured home parks existing may be required to provide screening such as fences or plant materials along the property boundary line

separating the park and an adjacent use. These plantings shall provide an effective screen to a height of five feet at the time of planting and an effective screen to a height of eight feet within five years. These buffer strips shall always be properly maintained.

- H. Streets. All streets shall conform to the requirements for local streets per §390-51. All streets or roads providing access from the public highway system into and/or through the development park shall conform to the requirements for streets as set forth in §390-51.
- I. Lot Frontage. Manufactured home sites and parking spaces shall have direct access and frontage on the interior park street system. Home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the park and providing access to other parcels or developments.
- J. Illumination. All parks shall be furnished with lighting units spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- K. Off Street Parking. Off-street parking for two motor vehicles shall be provided at each manufactured home lot. Off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade not greater than eight percent and shall be paved with a minimum six inches depth of select material approved by the Borough Engineer.
- L. Walks.
- (1) General Requirements. All parks shall be provided with sidewalks per §390-51V between individual homes, the park streets, and all community facilities. Sudden changes in alignment and gradient shall be avoided.
 - (2) Common Walk System. Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four feet.
 - (3) Individual Walks. All lots shall be connected to common walks or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three feet.
- M. Landscaping and Outdoor Living Requirements.
- (1) Private Area. Private outdoor living and service space shall be provided for each manufactured home. It shall be walled, fenced, or planted as necessary to assure reasonable privacy and shall be partially paved for garden furniture. The minimum area shall be not less than 300 square feet with a least dimension of 15 feet. The paved area shall be not less than 100 square feet with a least dimension of 10 feet.
 - (2) Other Planting. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare, and to afford summer shade.
- N. Sewer and Water Systems. All lots shall be provided with connection to a centralized supply of potable water and connection to a centralized sewer system designed and constructed as required in §390-55. When a community subsurface sewage disposal system is proposed, a replacement area meeting the most

current state and Borough standards shall be provided.

- O. Underground Utilities. All lots shall be provided with underground electric, telephone, and TV cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.
- P. Manufactured Home Foundation. Each lot shall be improved to provide an adequate foundation for the placement of the home. The foundation shall comply with Pennsylvania Uniform Construction Standards.
- Q. Skirting. Each home shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill flush with ground level or one normal step height below the first-floor elevation. If masonry walls are used, a proper service access area shall be provided.
- R. Central Fuel System. Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.
- S. Attached Accessory Structures. Individual tenants may construct attached enclosures to individual homes provided such enclosures do not exceed 50 percent of the floor area of the home. Individual building and zoning permits shall be required for each enclosure.

§390-72 Exceptions

- A. Manufactured Home Sales. None of the provisions of this chapter shall apply to the business of manufactured home sales provided that no manufactured home is occupied.
- B. Construction Project. None of the provisions of this chapter shall be applicable to a manufactured home located on the site of a construction project, survey project, or other work project and used solely as a field office, or work or tool house provided such manufactured home is removed from said site within 30 days after the completion of such project.

§390-73 Reserved

ARTICLE VIII
CAMPGROUND DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS

§390-74 Applicability; Occupancy

The provisions of this article VIII shall apply to campgrounds and recreational vehicle parks as defined in Article III (herein referred to as *campgrounds*) and to expansions of campgrounds and recreational vehicle parks. The development and/or expansion of a campground shall be deemed a subdivision or land development and shall be subject to design standards in Article VI and regulations provided in this article.

- A. Applicability. The design standards and required improvements set forth in this Article will be applied by the Planning Commission and the Borough Council in evaluating applications for campgrounds that are in single ownership and provide camp sites on a maximum 12-month lease, or rental basis only. Camp sites are permitted in approved campgrounds only. Campgrounds proposed for sale or lease exceeding a 12-month period shall meet all standards and requirements of a single-family residence, residential subdivision.
- B. Occupancy; Transportable Condition.
- (1) Occupancy. Campsites shall be used only for camping purposes and not as a residence. No improvement, tent, or recreational vehicle designed for long-term residency shall be erected or placed on any campsite. Occupancy shall be for periods of less than 180 days, the site shall not serve as the legal address for the occupant(s), and no children who occupy the site at any time shall attend any local school.
- (2) Transportable Condition. All recreational vehicles in the RV Park shall be maintained to meet PA Department of Transportation vehicle/trailer registration requirements and in a road worthy, transportable condition at all times. Any action toward removal of wheels is prohibited.

§390-75 General Standards and Requirements

- A. Required Acreage. All campgrounds shall have a total land area of not less than 10 acres.
- B. Soils and Slope. All campgrounds shall be located on moderately well or better drained land with the average natural slope of the area to be improved for camp sites not to exceed 12 percent.
- C. Borough Comprehensive Plan. The location and layout of the proposed campground shall be consistent with the Borough Comprehensive Plan.
- D. Floodplain. No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined 100-year floodplain area.
- E. Access. The proposed campground shall have direct access to an existing public street or road.
- F. Improved Area. The area improved for camping sites shall not exceed 50 percent of the total gross area of the tract being developed as a campground.

§390-76 Submission, Application and Compliance

- A. Procedure. All provisions of Article III and Article IV shall apply with respect to submission, application and approval, and fees shall be in accordance with the Borough fee schedule.

- B. Design Requirements. The design of the campground shall conform to the requirements of this chapter and/or the requirements of PA Code Title 28, Part II, Chapter 19, Organized Camps and Campgrounds, whichever is more restrictive. The applicant shall submit proof of approval of the proposed plan per Chapter 19 before the plan will be considered for final approval by the Planning Commission and the Borough Council.

§390-77 Design Standards

All plans for proposed new mobile campgrounds or expansion of existing campgrounds shall be designed in accord with the four-step process in §390-46 and meet the design standards applicable to all types of development contained in Article VI.

- A. Required Area. Each camping site shall have a minimum area of 2,000 square feet exclusive of street rights-of-way and walkways and a minimum width of 40 feet.
- B. Density. The maximum gross density of development in the area improved for campsites shall not exceed 10 sites per acre of the adjusted tract acreage of the parcel determined in accord with Chapter 500 (Zoning).
- C. Existing Trees and Shrubbery. To the extent possible, existing trees and shrubbery shall be retained by the campground developer.
- D. Buffers. No individual campsite may be located closer than 100 feet to any exterior property line of the campground or public road right-of-way. The 100-foot buffer shall remain undisturbed except for required accesses and additional planted trees and/or shrubbery may be required to screen the campground from adjacent land.
- E. Electric Service. Electric service shall be provided to at least 50 percent of the campsites. Such electric service shall be installed underground.
- F. Centralized Sewage. At least 50 percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a centralized sewage system.
- G. Non-Centralized Sewage. All campsites not connected to a centralized sewage system shall be located within 500 feet of a bathhouse/toilet facility which shall be equipped with toilets, urinals, and lavatories in accordance with Department of Environmental Protection regulations.
- H. Off-Street Parking. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved provided there is a minimum depth of six inches of compacted crushed stone, bank run gravel or shale.
- I. On-Site Parking. All campsites designed for tenting may be provided with on-site parking spaces in accordance with Chapter 500 (Zoning) or may have a common parking area not over 500 feet from the most distant campsite. Common parking areas shall provide at least 1.50 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.
- J. Centralized Water and Sewage Systems. Centralized water and centralized sewage systems shall be designed in accord with the requirements of this chapter and the Department of Environmental Protection.

- K. Sewage Dumping Stations. The campground shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Protection requirements.
- L. Access Drives and Streets. The access drive(s) and streets serving the campground shall be designed and constructed in accord with the standards set forth for Local Streets in Table 390-51-1 and Table 390-51-2.
- M. Other Improvements. There shall be provided in each campground such other improvements as the Borough Council may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the Department of Environmental Protection, adequate park lighting system, and maintenance of all areas.
- N. Code Compliance. All improvements in the campground shall comply with the PA Uniform Construction Code and other applicable Borough codes.

§390-78 **Reserved**

ARTICLE IX
NONRESIDENTIAL LAND DEVELOPMENTS AND
COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

§390-79 Nonresidential Land Developments and Commercial and Industrial Subdivisions

All nonresidential land developments and commercial and industrial subdivisions shall comply with the applicable requirements of this chapter unless otherwise specified in this Article IX.

§390-80 General Design and Site Standards

A. Land Development. Any proposed commercial establishment shall be considered a *land development* as defined by this chapter and shall comply with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Borough may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Borough ordinances.

- (1) A traffic and pedestrian exhibit showing circulation patterns from the public right-of-way and within the confines of the development.
- (2) Location and dimensions of vehicular drives, entrances, exits, acceleration, and deceleration lanes.
- (3) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
- (4) Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
- (5) Location and dimensions of pedestrian entrances, exits, walks.
- (6) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- (7) Preliminary drawings for all buildings.
- (8) Location, size, height, and orientation of all signs other than signs flat on building facades.

B. Design of Commercial Establishments and Nonresidential Uses. It is the intent of this §390-80B to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Borough. This shall be accomplished by:

- (1) Siting buildings, parking areas and other facilities and improvements based upon the topography of development site;
- (2) Providing safe and convenient access for vehicles and pedestrians from the public right-of-way and to adjacent development based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- (3) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;

- (4) Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- (5) Considering the impact of storm water, noise, traffic, and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- (6) Being consistent with any design guidelines adopted by the Borough.

C. Design Considerations. The design shall to the greatest extent possible ensure:

- (1) Desirable land utilization and aesthetics.
- (2) Convenient traffic circulation and parking. Turning movement diagrams shall be provided to demonstrate that the largest truck or emergency vehicle servicing the development can safely and conveniently navigate the proposed roads, drives and parking and loading areas, but in any event for not less than a WB-50 truck.
- (3) Adequate service, delivery, and pickup.
- (4) Design coordination with adjacent parcels of land.
- (5) The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system.
- (6) Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Borough.

D. Four-Step Design. All land developments and all commercial and industrial subdivisions shall be designed in accord with the four-step design process in §390-46 with respect to conservation areas and development sites. The applicant shall demonstrate to the Borough by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- (1) Mapping of Primary and Secondary Conservation Areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- (2) Locating the building site.
- (3) Locating required buffers.
- (4) Laying out street access, parking/loading areas, and other required or proposed improvements.

E. Ownership. The site proposed for any multiple-occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Borough evidence of said ownership and/or control.

§390-81 Unified Development

Wherever possible, commercial, and industrial parcels shall include enough land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved. Individual access drives shall not be permitted, and interior service

roads shall be required.

§390-82 **Roads**

Roads in commercial and industrial developments shall comply with the requirements of §390-51 and shall be constructed to a minimum of collector road standards as required by this chapter.

§390-83 **Reserved**

§390-84 **Reserved**

**ARTICLE X
ADMINISTRATION**

§390-85 Purpose

The purpose of this Article is to establish the procedures for the amendment, administration, and enforcement of this chapter.

§390-86 Amendment

Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the MPC.

§390-87 Waivers/Modifications

- A. Intent. The provisions of this chapter are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Borough Council, to be unreasonable or to cause undue hardship as it applies to a particular property; or, if the applicant shows that an alternative proposal will allow for equal or better results, the Borough Council may grant a waiver or modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable use of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this chapter.
- B. Conditions. In granting waivers/modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
- C. Procedure. All requests for waivers/modifications shall be in writing, shall accompany and be made a part of the development application, and shall include:
- (1) The specific sections of this chapter in question.
 - (2) Provisions for the minimum modification necessary as an alternative to the requirements.
 - (3) Justification for the waiver/modification, including the full grounds and facts of unreasonableness or hardship.
- D. Planning Commission Review. The Planning Commission shall review all waiver/modification requests in conjunction with the development application and make a specific recommendation to the Borough Council.
- E. Action.
- (1) If the Borough Council denies the request, record of the waiver/modification shall be included in the minutes of the meeting at which the waiver/modification was denied.
 - (2) If the Borough Council grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.
 - (3) In any case, the Borough Council shall keep a written record of all actions on all requests for waivers/modifications.

§390-88 Preventive and Enforcement Remedies**A. Preventive Remedies.**

- (1) In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The Borough 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 chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violation.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee 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 Borough 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.

- (3) In the event that any applicant or owner of any property fails to obtain the proper sewage permit for any required on-site sewage disposal system, or takes such action or causes any action which results in the revocation of any sewage permit by the Borough Sewage Enforcement Officer, the Borough shall have the authority to withhold the issuance of any certificate of use for any structure on the said property and/or to take any appropriate actions by law or in equity to prohibit the occupancy of any such structure.

B. Enforcement Remedies.

- (1) Any person, partnership, or corporation who or which has violated the provisions of this chapter or prior enabling laws shall, upon being found liable for the violation in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney, witness, and consultant fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magisterial Judge. If the defendant neither pays nor timely appeals the judgment, the Borough 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 Magisterial Judge further determines that there was a good faith basis for the person, partnership or

corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the initial determination of a violation by the District Magisterial Judge and, thereafter, each day that a violation continues shall constitute a separate violation.

(2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

(3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section including, but not limited to, injunctive relief.

- C. Jurisdiction. District Magisterial Judges shall have initial jurisdiction in proceedings brought under §390-88B.
- D. Transfer. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- E. Construction. In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this chapter. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with §390-21J. No deeds shall be executed or recorded for the transfer of any lots or units before the Borough has approved the Final Plan and such Plan is filed with the Carbon County Recorder of Deeds.

§390-89 Fees

- A. Establishment of Fees. Fees to be paid by the Applicant shall be established by resolution of the Borough Council to cover all costs incurred by the Borough associated with the processing and review of all plans and documents and all plan and document revisions. Such costs may include, but not be limited to, Borough administrative costs and the reasonable and necessary charges by the Borough's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants, shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.
- B. Application Fees. At the time of the filing of any application, the Applicant shall pay to the Borough a fee sufficient to cover the administrative costs associated with the review of the application.
- C. Review and Inspection Fees.
- (1) At the time of the filing of any application, the Applicant shall pay to the Borough a fee deemed by the Borough sufficient to cover the cost of:
- Reviewing compliance with ordinance and engineering details.
 - Inspecting the site for conformance.
 - Evaluating cost estimates of required improvements.
 - Inspection of required improvements during installation.
 - Final inspection or re-inspection on completion of installation of required improvements.
 - Fees charged for other related consulting services.
 - Any other review costs incurred by the Borough.

- (2) Supplemental Fees and Adjustment. The collected fees shall be held in escrow by the Borough. If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Borough, an additional fee shall be collected from the Applicant prior to the signature of any plan. If any review fees remain after completion of the project and final release of any construction guarantees, a refund shall be made to the Applicant of the balance within 30 days.
- D. Disputes. Disputes between the Applicant and the Borough regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.
- E. Failure to Pay Fees. Any failure by the Applicant to pay any required fees shall be deemed a violation of this chapter and shall make null and void any approval granted by the Borough and the Borough shall have the right to collect any unpaid fees and costs of collection in accord with applicable law.

§390-90 Records

The Borough shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

§390-91 Change of Name of Subdivision

Any subdivision owner or homeowners association proposing to change the name of any subdivision, whether the subdivision occurred before or after the effective date of this chapter, or any amendment thereto, shall first obtain the approval of the Borough Council to the change of name by applying in writing, and once the request is approved by the Borough Council, the Applicant shall record said change of name of the subdivision in the office of the Recorder of Deeds of Carbon County by setting forth in affidavit form the name of the old subdivision and the new name of the subdivision.

**ARTICLE XI
ADOPTION**

This Ordinance ordained and enacted this 12th Day of September 2024, by the Borough Council of Jim Thorpe Borough, Carbon County, Pennsylvania, to be effective five days from adoption.


JIM THORPE BOROUGH


Gregory Strubinger, President of Council

ATTEST:


Brooke Klotz, Secretary

APPROVED this 12th Day of September, 2024.


Eric Cinicola, Mayor