

## CHAPTER 22

### SUBDIVISION AND LAND DEVELOPMENT

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Part 1  
General Provisions

§101. Title. This is a Chapter providing for the regulation of land subdivisions and land developments within the Borough of Stroudsburg, Monroe County, Pennsylvania. It shall be known and may be cited as "The 1991 Subdivision and Land Development Ordinance of Stroudsburg Borough." (Ord. 714, 11/13/1991, §101)

§102. Legislative Authority. This Chapter is enacted pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended by Act 170 of 1988. (Ord. 714, 11/13/1991, §102)

§103. Applicability.

1. All Subdivision and Land Developments Included. This Chapter shall apply to all subdivisions and land developments (wholly or partially) located within the Borough limits which are subdivided, developed and/or submitted after the effective date of this Chapter. This Chapter shall also apply to all subdivisions previously approved by the Borough when the required improvements and other approved or required aspects of the subdivision in accordance with the terms of such approval have not been substantially completed within five (5) years of their preliminary plan approval date.

2. No subdivision or land development of any lot, tract or parcel of land shall be made; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Chapter.

(Ord. 714, 11/13/1991, §103)

§104. Purpose. This Chapter has been adopted for the purpose of providing for conditions favorable to the health, safety, morals, general welfare, convenience, economy and preservation of the environment for the citizens of the Borough through regulations that will insure the harmonious development of the community. Borough growth should be orderly and consistent with the overall Stroudsburg Borough Comprehensive Plan. (Ord. 714, 11/13/1991, §104)

§105. Conflict and Severability.

1. Conflict with Other Ordinances. Whenever there is a difference between minimum standards or dimensions specified herein and those contained in a Zoning Ordinance [Chapter 27] or other official regulations, the highest and most restrictive standards shall apply.

2. Severability. If any article, Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

(Ord. 714, 11/13/1991, §105)

§106. Modifications. The provisions of this Chapter in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

A. Upon written request of an applicant the Borough Council, after review and recommendation by the Planning Commission, may grant a modification of requirements of provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in questions; provided, that such modification will not be contrary to the public interest and that the purpose and intent of the Chapter is observed.

B. The Borough Council may, upon review and recommendation of the Planning Commission, require more restrictive requirements necessary, in their judgment, to secure to the public interest the objectives and intent of this Chapter under peculiar or unique site or design conditions.

C. All requests for modification of any standards and requirements of this Chapter shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness of hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. Requests for the minimum modification shall be referred to the planning agency for advisory comments before action by the Borough Council. The Borough Council and the planning agency shall keep a written record of all action on all requests for modifications.

(Ord. 714, 11/13/1991, §107)

§107. Amendments. The Borough Council may, after public hearing, amend the provisions of this Chapter pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Ord. 714, 11/13/1991, §108)

§108. Remedies (Penalties).

1. Preventative Remedies.

A. 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 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.

B. 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 any ordinance adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

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

As an additional condition for issuance of a permit or the granting of an approval to any such owner, 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.

2. Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinances, the Municipalities Planning Code, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. 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.

(Ord. 714, 11/13/1991, §109)



Part 2  
Definitions

§201. Inclusions. As used in these regulations, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive, the words "shall" and "will" are mandatory. (Ord. 714, 11/13/1991, §201)

§202. Definitions. The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

ACCESS - the means by which vehicles or pedestrians obtain entrance or entry into a parcel, lot or building, or into a subdivision or land development.

A. EASEMENT OF ACCESS - an easement granted for use by the public for the purpose of providing vehicular and/or pedestrian access to a parcel, lot, building, subdivision or land development.

B. RIGHT-OF-ACCESS - the right of the public to have vehicular and/or pedestrian access over a specifically designated area, easement or property.

AGENT - any person other than the subdivider who, acting for the subdivider, submits subdivision plans to the Commission and Board for the purpose of obtaining approval thereof.

ALLEY - a public or private right-of-way having a right-of-way width of twenty (20) feet or less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main or principle building shall have its frontage on an alley. An alley may also be known as a court, place or lane.

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

BERM OR SHOULDER - that portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

BLOCK - a tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Borough, or by any combination of the above.

BOROUGH - Stroudsburg Borough, Monroe County, Pennsylvania.

BONA-FIDE BID - a bid secured by the subdivider, from a contractor or contractors, for the purpose of establishing the estimated cost to complete the required improvement or maintenance which is the responsibility of the

subdivider to provide under the terms of this Chapter. Said bona-fide bid shall include all costs and activities, as determined by the Borough which will guarantee the completion of all of the required improvements or maintenance, without any obligations to be assumed by the Borough in the case of a default by the subdivider or the contractor. Said guarantees shall be included in the contract between the subdivider and the contractor which shall include the following provisions and stipulations:

A. The contract shall include a clause which states that the contract may be assigned to the Borough in the event of a default on the part of the subdivider. This clause should indicate that the Borough will not incur any obligations or liabilities of the contractor, other than to tender payment for work satisfactorily completed in accordance with the specifications of this Chapter.

B. The contract should contain a "not-to-exceed" total contract price.

C. An estimated rock excavation quantity should be included where applicable.

D. The bid price must also include the cost and provision of a performance bond.

E. The contract should include a "waiver of right to file mechanics lien" which shall be duly filed with the appropriate courts.

F. The contractor must provide and maintain an acceptable level of comprehensive liability insurance.

G. All material and work submitted as part of the "bona-fide bid" must comply with the appropriate Borough specifications.

BOROUGH COUNCIL - the Borough Council of the Borough of Stroudsburg.

BOROUGH ENGINEER - a professional engineer licensed as such by the Commonwealth and appointed or hired on a consultant basis to provide engineering advice and services to the Borough of Stroudsburg.

BUILDING -

A. A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. A multi-family building divided by unpierced masonry walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for the purpose of this Chapter.

B. Any structure such as, but not limited to, those having a roof supported by columns, piers, or walls including tents, lunch structures, mobilehomes, trailers, dining cars, camp cars, or other structures on wheels, or having other supports; and, any unroofed platform, terrace or porch having vertical face higher than three (3) feet above the level of the ground over or upon which said structure is located.

CAMPGROUND - a planned development, under single ownership, for rental, license or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with recreational and service facilities, including central water and sewage.

CAMPSITE - a lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes.

CARTWAY - the term "cartway" shall include the portion of the entire right-of-way of a street which contains an improved travel way for vehicles, including space for shoulders and/or parking lanes.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUSTER SUBDIVISION - a subdivision approach in which several houses are grouped together on a tract of land. Each cluster of houses serves as a module which is set off from other clusters by open space.

COMMISSION - the Stroudsburg Borough Planning Commission.

COMMONWEALTH - the Commonwealth of Pennsylvania and any of its departments or agencies.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of the development. It does not include streets, rights-of-way or similar public facilities.

COMMON PROPERTY - all of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Borough for approval.

COUNTY - the County of Monroe, Commonwealth of Pennsylvania, and its Planning Commission.

CUL-DE-SAC - a local street having one (1) end open to traffic and being permanently terminated by a vehicular turn-around.

DEDICATION - the deliberate appropriation, by its owner, of land for any general or public uses. This shall not be construed as acceptance by the Borough of responsibility for maintenance and/or ownership of such land and attendant facilities, except where appropriate legal documents specifically relating to the same have been executed.

DER - the Pennsylvania Department of Environmental Resources.

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. The term "developer" is intended to include the term "subdivider."

DISTRICT - Monroe County Conservation District.

DRIVEWAY - a defined private access from an individual lot to a public or approved private right-of-way.

DWELLING - any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons as further defined below. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, bed and breakfast accommodation, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence.

A. DWELLING, SINGLE-FAMILY - a detached building designed for and occupied exclusively by one (1) family, except for a mobilehome as defined below.

B. DWELLING, TWO-FAMILY - a detached or semi-detached building where not more than two (2) individual family dwelling units are entirely separated by vertical walls and/or horizontal floor.

C. DWELLING, MOBILEHOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Prefabricated homes or sections thereof, which when assembled or combined are twenty (20) feet or more in width, and which are placed on a permanent foundation shall be classified according to dwelling type by the number and arrangement of dwelling units contained therein, and shall not be classified as mobilehomes.

D. DWELLING, MULTI-FAMILY - a building containing three (3) or more dwelling units per building and being designed for occupancy of families living independently of each other.

E. DWELLING UNIT - one (1) or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

EASEMENT - a limited right of use granted in private land for public or quasi-public purpose.

ENGINEER - a professional engineer licensed by the State of Pennsylvania.

EROSION - the removal of soil or soil material by the action of wind or water.

FLOODPLAIN - a relatively flat or low land area adjoining a river, stream or water course which is subject to partial or complete inundation or flooding. Floodplain boundaries have been delineated for floods having recurrence intervals of one hundred (100) and five hundred (500) years by FEMA.

FUTURE RIGHT-OF-WAY -

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

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

GROUP RESIDENCES - all structures, except rooming houses, used primarily for the housing of persons non-related by blood or marriage shall be considered group residences. Such group residences shall include, but not be limited to, dormitories, fraternities and sororities, and, also all other structures occupied by groups of non-related persons sharing a dwelling.

HALF or PARTIAL STREET - a street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

HIGHWAY - same as "street."

LAND DEVELOPMENT -

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. The following shall be excluded from review and approval as a land development under this Chapter:

(1) The addition of the first accessory building on a lot or lots subordinate to an existing principal residential building on a residential use lot.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase, a lessee if he is 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.

A. LOT AREA - the area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

B. LOT WIDTH - the average of the widths of a lot at the building setback line and the rear lot line.

C. LOT DEPTH - the average horizontal distance between the front lot line and rear lot line.

D. CORNER LOT - a lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees.

LOT LINE -

A. FRONT - that boundary of a lot which is along an existing or proposed right-of-way. The lesser dimension of two (2) along rights-of-way in the case of corner lots.

B. REAR - that boundary of a lot most distant from and most nearly parallel to the front line.

C. SIDE - any boundary of a lot not a front or rear lot line.

LOW DENSITY RESIDENTIAL - includes developments having a net project density of up to three (3) dwelling units per acre.

MEDIUM DENSITY RESIDENTIAL- includes residential developments having a net project density of more than three (3) dwelling units per acre. This generally defines the more urbanized or built-up area of the Borough requiring higher development standards and improvements than those which are located in the low density residential area.

MOBILEHOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Prefabricated homes or sections thereof, which when assembled or combined are twenty (20) feet or more in width, and which are placed on a permanent foundation shall not be classified as mobilehomes. The term mobilehome shall not include recreational vehicles or any unit less than forty (40) feet in length or ten (10) feet in width.

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances for the erection thereon of mobilehomes.

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

NET PROJECT DENSITY - the net project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street rights-of-way, open space and other nonresidential uses).

OPEN SPACE - land which is usually undeveloped and is devoted to plantings, patios, walkways and recreation areas, etc., but excludes areas covered by dwelling units, commercial buildings, industrial buildings, garages, carports, driveways, or street rights-of-way. In terms of ownership, there are basically three (3) types of open space: private, common and public.

A. PRIVATE OPEN SPACE - generally a small parcel of land located immediately adjacent to an individual dwelling unit owned and maintained by its residents and reserved for their exclusive use. Traditionally, this would include the front, rear, side yards and patio.

B. COMMON OPEN SPACE - generally a larger parcel of land reserved primarily for the leisure, recreational use and appreciation of a group of residents and owned and maintained in common by them generally through a homeowners' association.

C. PUBLIC OPEN SPACE - this differs from common open space only in terms of legal ownership. Public open space is dedicated in fee simple to the Borough Council and is operated and maintained by them.

PERSON - any individual, firm, trust, partnership, public or private association or corporation, or other entity.

PLAN or PLOT - map or chart indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

A. SKETCH PLAN - an informal plan, identified as such with the title "Sketch Plan" on the map, indicating salient existing features of the tract and its surroundings and the general layout of the proposed subdivision or land development, to be used as a basis for consideration by the Borough.

B. PRELIMINARY PLAN - a complete plan prepared by registered professional engineer or registered surveyor, 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.

C. FINAL PLAN - a complete and exact plan, identified as such with the wording "Final Plan" in the title, with professional engineer's or registered surveyor's seal affixed, and prepared for official recording as required by this Chapter, to define property rights and proposed streets and other improvements.

PLANNING COMMISSION - the Stroudsburg Borough Planning Commission.

PROFESSIONAL ENGINEER - a person registered and licensed to practice engineering with the Commonwealth of Pennsylvania. The "Borough Engineer" shall be an engineer officially retained by the Borough Council.

RECREATIONAL VEHICLE - a vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

RIGHT-OF-WAY - land reserved for use as a street, alley, interior walk, or for other public purpose.

A. ULTIMATE RIGHT-OF-WAY - the maximum width to which an existing or proposed right-of-way may be widened in accordance with the comprehensive plan or plans of the Borough or the Pennsylvania Department of Transportation, or other appropriate official agency.

SECRETARY - the Stroudsburg Borough Secretary to the Borough Council.

SET BACK or BUILDING LINE the line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The setback shall be measured from the edge of the right-of-way bordering the property.

SEWAGE DISPOSAL SYSTEM -

A. CENTRALIZED SEWAGE DISPOSAL SYSTEM - a publicly or privately owned and operated utility system or other system designed to collect, centrally treat with a sewage treatment plant, and dispose of sewage from users in compliance with regulations of the appropriate State agency and of the Borough.

B. COMMUNITY SEWAGE DISPOSAL SYSTEM - a publicly or privately owned and operated utility system or other system designed for the collection of sewage from two (2) or more lots and for the treatment and disposal of the sewage on one (1) or more lots or at any other site, by on-site subsurface (into the soil) disposal systems and techniques in compliance with regulations of the appropriate State agency and of the Borough.

C. INDIVIDUAL SEWAGE DISPOSAL SYSTEM - a utility system or other system designed for the collection, treatment and disposal of sewage from a single lot into the soil or into the waters of the Commonwealth or for conveyance to another site for final disposal.

SIGHT DISTANCE - the length of street, measured along the centerline, which is continuously visible from any point three and three-fourths (3-3/4) feet above the centerline to an object six (6) inches above the road surface at the centerline.

STREET - a strip of land designed for use by the public, including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.

A. PUBLIC STREETS - streets offered for dedication to the Borough and accepted by the Borough to insure permanent public ownership and maintenance by the Borough.

B. PRIVATE STREETS - streets not offered for dedication, or not accepted by the Borough, which remain in the private ownership of a group of designated users or owners and which are maintained by said private owners.

C. CLASSES OF STREETS - according to use, function and width shall be as designated in the Comprehensive Plan or if not so designated, shall conform with the following:

(1) MAJOR STREETS - those streets which serve internal Borough movements and provide connections between traffic generators serving or anticipated to serve unlimited traffic volumes at a design speed of sixty (60) miles per hour.

(2) COLLECTOR STREETS - those which intercept local streets, provide access to abutting properties and serve individual neighborhoods or areas, and their function is to collect and distribute traffic to the local streets and to feed traffic into the major streets. They are anticipated to serve an average daily traffic volume of five thousand (5,000) vehicles and shall have a design speed of fifty (50) miles per hour.

(3) LOCAL STREETS ( also called MINOR STREETS) - those used primarily to provide access to abutting property and to feed into the collector streets. They are anticipated to serve up to an average daily traffic volume of two thousand (2,000) vehicles and shall have a design speed of thirty-five (35) miles per hour.

(4) NONRESIDENTIAL STREETS - streets designed to serve and give access to commercial, industrial, public and other nonresidential uses.

(5) MARGINAL ACCESS STREET - parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

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

SUBDIVISION - the division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MINOR - subdivision of land under any of the following conditions:

A. A subdivision which contains no more than two (2) lots which have frontage on an existing public road or approved private street and involves no new street or extension of water and sewer lines.

B. A subdivision of any parcel of land to create a single lot which involves no new road or street or improvement of an existing road or street other than a private access drive as defined by this Chapter.

C. A division of any parcel of land for the purpose of joining or annexing a lot to an adjacent existing lot, parcel or tract of land providing a covenant running with the parcel to be conveyed joins it with and makes it an inseparable part of the parcel to which it is joined.

SUBDIVISION, MAJOR - any subdivision or land development not herein defined as a minor subdivision and in all cases where a new street or road is created, an existing street or road is extended or the extension of sewer or water lines is required.

SURVEYOR - a professional surveyor licensed by the State of Pennsylvania.

TRAVELWAY - that portion of a street or road which is intended for vehicular traffic.

WATERCOURSE - a discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground

spring(s) and be permanent in nature, or it may originate from temporary sources such as runoff from rain or melting snow.

WATER FACILITY - any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

YARD - an open space on the same lot with a building or group of buildings which lies between the principal building or group of buildings and the nearest lot line and which open space is unoccupied and unobstructed from the ground upward except as herein permitted. Where a street right-of-way abuts or is located within a lot or parcel, the yard shall be measured from the nearest edge of the street right-of-way to the nearest point of the building or structure. Yards shall not include any area within any existing or proposed or required future width of any public or private street right-of-way.

A. YARD, FRONT - a yard extending the full width of the lot between a building and the front lot line or abutting street right-of-way.

B. YARD, REAR - a yard extending the full width of the lot between a building and a rear lot line.

C. YARD, SIDE - a yard extending from the front yard to the rear yard between a building and the nearest side lot line.

ZONING ORDINANCE - any appropriate ordinance officially adopted by the Stroudsburg Borough Council as a Borough Zoning Ordinance and any and all amendments thereto [Chapter 27].

(Ord. 714, 11/13/1991, §202)

Part 3

Plan Submission and Review Procedures

§301. General Procedures.

1. Required Plans. Preliminary and final plans and required fees and supporting data for all proposed subdivisions and land development of land lying within Stroudsburg Borough limits shall be submitted by the applicant for review. Submission of a sketch plan is encouraged but shall not be considered a required plan. A preliminary plan shall not be required for minor subdivisions and minor land developments.

2. Submission Requirements. All plans, applications and supporting data shall be submitted by certified mail or delivered in person to the Borough Zoning Officer.

3. Submission Date. The date of submission of any preliminary or final subdivision or land development plan shall be the regular meeting date of the Commission next following the date of receipt of complete plans by the Borough Zoning Officer excepting that should the next regular meeting occur more than thirty (30) days following receipt of the plans, the submission date shall be the thirtieth (30th) day following the day of receipt by the Borough Zoning Officer.

4. Fees. Preliminary and final subdivision and land development plans shall be accompanied by an application fee as shall be set in a fee schedule as adopted by resolution of the Stroudsburg Borough Council. The applicant shall also be required to pay to the Borough the actual costs of any reasonable and necessary charges by the Borough's professional consultants or engineer for plan review and report thereon to the Borough.

(Ord. 714, 11/13/1991, §301)

§302. Sketch Plan Submission and Review.

1. The developer may, at his option, submit a sketch plan to the Borough Planning Commission before submitting preliminary or final plans. It is recommended that the subdivider or developer submit eleven (11) copies of the sketch plan including the items of information required in Part 4 to allow prompt review. The purpose of a sketch plan is to allow the applicant an opportunity to informally discuss in advance his overall objectives and the extent to which the plan conforms with this Chapter and any pending changes to this Chapter. The sketch plan procedure is intended to be a fast and inexpensive method for the applicant to make preliminary determinations on the feasibility of his plan in terms of this Chapter. Sketch plan review and comment does not constitute formal submittal of a proposed development or subdivision nor any approval or disapproval of the proposed project.

2. There shall be no fee charged for the Commission's review of a sketch plan. The Commission will normally comment on the sketch plan during the meeting at which it is presented or not later than the next regularly scheduled meeting if questions of legal or engineering interpretation require longer deliberation.

(Ord. 714, 11/13/1991, §302)

§303. Preliminary Plan Submission and Review.

1. Preliminary Plan Submission.

A. Applicants shall submit eleven (11) copies of the preliminary plan and application. The preliminary plan submission shall include all items of information and supporting data required in Part 4. The preliminary plan submission shall be accompanied by any required review fees.

B. All applications shall be submitted to the Borough Zoning Officer by certified mail or delivered in person to the Borough office at least ten (10) days prior to the date of the regularly scheduled meeting of the Borough Planning Commission.

C. The applicant shall concurrently submit copies of the proposed preliminary plan and applicable supporting data and any required fees to:

- (1) Monroe County Planning Commission.
- (2) Monroe County Conservation District.
- (3) Pennsylvania Department of Transportation (if applicable).

D. The applicant shall provide evidence of submission of the plans, supportive data and any fees to these parties to the Borough Planning Commission at its first meeting following submission of the plans.

2. Referrals.

A. Upon receipt of any preliminary plan and supporting data the Planning Commission shall refer the plan and appropriate supporting data as follows:

- (1) One (1) copy to the Borough Manager.
- (2) One (1) copy to the Planning Commission Chairman.
- (3) One (1) copy to the Borough Engineer.

B. Within five (5) days following the submission date (the first Commission meeting following receipt of a complete plan) the Commission may direct the plan and supportive data be referred to the following, if appropriate:

- (1) One (1) copy to the Borough Solicitor.
- (2) One (1) copy to the Water Authority.
- (3) One (1) copy to the fire company.
- (4) One (1) copy to others as applicable.

3. Planning Commission Review.

A. Preliminary subdivision and land development plans and supporting data submitted to the Borough shall be considered at the Planning Commission's next regularly scheduled meeting for completeness of submission. If the plans and supporting data, as

submitted, are incomplete in that they do not meet the preliminary plan requirements specified in Part 4 of this Chapter, the Planning Commission shall have authority to disapprove, and shall disapprove, the plan as incomplete and advise the Zoning Officer to return the plan to the applicant with a list of required items or supportive materials missing from the submission.

B. Resubmission of a disapproved incomplete plan shall be considered and treated as a new submission requiring adherence to full submission procedures.

C. The Planning Commission, upon determining that a preliminary plan submission is complete shall issue a submission receipt to the applicant specifying the submission date of the complete plan.

D. Upon receipt of a complete preliminary plan and issuance of a submission receipt, the Planning Commission shall review the preliminary plan to ascertain whether it complies with the standards and criteria of this Chapter. It shall consider the comments of the above referral agencies if received on a timely basis and may request additional information of the applicant if necessary for review.

E. The Planning Commission shall recommend to the Borough Council approval, approval subject to modification, or disapproval of the plan within forty-five (45) days from the submission date. The recommendation shall be in letter form. The Planning Commission should also submit five (5) signed copies of the preliminary plan and accompanying planning module for land development to the Borough Council. The Planning Commission shall retain a copy of the recommendation and all pertinent documentation.

#### 4. Borough Council Review.

A. The Borough Council shall review the preliminary plan for compliance with the standards and criteria of this Chapter and shall consider the recommendations of the Planning Commission and comments of any referral agency if received on a timely basis.

B. After such review, the Council shall determine the extent to which the plan complies with this Chapter and shall make a decision whether to approve the plan entirely, approve the plan conditionally, or disapprove the plan.

C. In those instances where the Borough Council approves a preliminary plan with specific conditions or required changes, the applicant shall communicate his acceptance or rejection of the subject conditions or required changes in writing to the Borough Office within seven (7) calendar days of receipt of the decision of the Council. Failure of the applicant to submit written notice of acceptance of the subject conditions or required changes within seven (7) calendar days following receipt of the Council's written decision shall result in the automatic rescinding of the Council's approval of the preliminary plan.

D. In those instances where a preliminary plan is approved with conditions or required changes or disapproved the Council shall, in communicating its decision to the applicant, specify the defects found

in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this Chapter relied upon.

E. The Council shall make its review, render its decision and communicate it to the applicant not later than ninety (90) days following the submission date. The decision of the Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the decision is communicated by mail, the decision shall be deemed to be communicated when postmarked.

F. Failure of the Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of communication shall have like effect.

G. The Council shall concurrently make its decision with respect to the planning module for land development to revise or supplement its official plan and, if approval is granted, said revision or supplement will promptly be forwarded to DER. Preliminary approval shall be conditional upon DER acceptance of the proposed revision or supplement.

H. No preliminary plan (or portions of such plan) shall remain valid for development of final plans after a period of five (5) years from preliminary approval and no final plans will be accepted for any subdivision or land development for which DER has not approved the necessary revision to the Official Wastewater Disposal Plan.

(Ord. 714, 11/13/1991, §303)

§304. Final Plan Submission and Review.

1. Final Plan Submission.

A. Applicants shall submit eleven (11) copies of the final plan and application for major subdivisions and land developments or eleven (11) copies of the final plan and application for minor subdivisions and land developments. The final plan submission shall include all items of information and supportive data and documents required in Part 4 of this Chapter and shall be accompanied by any required review fees. The applicant shall provide two (2) reproducible prints of the approval final plan on stable base mylar for signatures by the Borough for recording purposes.

B. All applications and plans shall be submitted to the Borough Zoning Officer by certified mail or delivered in person to the Zoning Officer at least ten (10) days prior to the date of the Planning Commission's regularly scheduled meeting.

2. Submission by Stages. If requested by the applicant, the Borough Planning Commission, at their discretion, may permit the undertaking of the required improvements and of the preparation of final plans to be completed in a series of sections or stages, each covering a portion of the

proposed subdivision as shown on the preliminary plan. If the final plan is submitted in sections or stages; each section or stage shall relate logically to provide continuity of access, extension of utilities and availability of amenities. The Council shall approve both the boundaries and configuration of stages or sections of a development.

3. Referrals. Upon receipt of any final plan and supportive data, referrals thereof shall be made by the applicant and Planning Commission in a manner similar to referrals of preliminary plans.

4. Review by Planning Commission.

A. The Planning Commission shall review the final plan application to determine that it conforms in all important respects with the approved preliminary plan and incorporates modifications and revisions specified by the Council in its approval of the preliminary plan. Otherwise, the plan shall be considered as a revised preliminary plan.

B. The final plan and supporting data shall comply with the provisions of Part 4 of this Chapter. The plan shall comply with any zoning ordinances or other applicable regulations adopted by the Borough.

C. The Commission shall review the recommendations of plan referral agencies. The Planning Commission shall review final plans of subdivisions and land developments and make its recommendations in writing to the Borough Council within forty-five (45) days of the submission date.

5. Review and Action by the Borough Council.

A. The Borough Council shall review and make final decision on all final plans for land areas located within Stroudsburg Borough. The Council shall consider the recommendations of the Commission and other referral agencies in making its decision to approve or disapprove final plans. The Council shall complete its review and communicate its decision to the applicant within fifteen (15) days of making its decision and within ninety (90) days following final plan submission date.

B. Failure of the Council to render a decision within the time set forth above and in the manner specified shall be deemed an approval of the final plan as presented unless the applicant has agreed in writing to an extension of time or change of the prescribed manner of notification. The Council shall not sign any final plan until all required improvements have been installed or until the applicant has entered into a development agreement with the Borough Council specifying the time and manner in which required improvements will be completed and deposit with the Borough Council a suitable financial security in an amount sufficient to cover the costs of the required improvements.

(Ord. 714, 11/13/1991, §304)

§305. Procedure for Installation of Guarantee of Required Improvements.

1. Improvements to be Provided by Applicant.

A. In all cases the subdivider or land developer shall be responsible for the installation of all required and developer-promised improvements in the manner specified below.

B. All required permits shall be secured and copies shall be provided to the Borough Council prior to signature of the final plans and prior to initiation of installation of any improvements or any site alterations.

C. The Borough Engineer or the Borough's designee shall make such inspections of the required improvements, and at such intervals, as may be reasonably necessary to assure compliance with the provisions of this Chapter. The reasonable cost of such inspections shall be borne by the subdivider or land developer. The required improvements and the design standards for constructing them are set forth in this Chapter.

2. Method of Providing Improvements.

A. No final subdivision plan or land development plan will be approved for signature by the Borough Council unless the streets shown on the plan have been improved to a mud-free and permanently passable condition. As used herein, the phrase "mud-free" and "permanently passable condition" shall refer to the street design standards of §502(8), Table 1, and the street construction standards of §603 referred to therein; provided, however, that phrase shall not refer to the obligation under §603 to install surface course road paving.

B. Nor shall any final plan (land development, major or minor subdivision) be approved for signature unless all other required improvements (including the surface course road paving) and promised improvements have been installed to the satisfaction of the Borough Council; provided, however, in lieu of completion of the improvements mentioned in the preceding clause of this sentence, the Borough Council will accept Federal or Commonwealth chartered lending institution irrevocable letters of credit and restricted or escrow accounts in such financial institutions or other financial security acceptable to the Borough Council (hereafter referred to as performance guarantee) accompanied by a signed development agreement in a satisfactory form.

C. Where submission of a final plan by sections or stages has been approved, Borough Council may require construction of, or guarantee of, improvements in future sections or stages before granting final approval to the plan under consideration, if such future improvements are essential for the protection of the stage or section under consideration.

3. Performance Guarantee.

A. It shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the Council's formal action of approval or in the executed developers agreement for completion of the improvements.

B. The amount of financial security to be posted shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually the Borough 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 ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this subsection.

C. The obligation shall be in favor of, and enforceable by, the Borough Council of Stroudsburg Borough and the ultimate grantees, lessees or licensees of the developer.

D. Security of Credit.

(1) The guarantee shall be secured by the credit of any of the following: a qualified corporate surety; the unconditional letter of credit of a lending institution; a restrictive or escrow account in a lending institution; or other escrow account in a lending institution; or other financial security acceptable to the Borough Council.

(2) The precise form of the security acceptable as a performance guarantee will depend upon what improvements have not been completed when the final plan is submitted; their anticipated cost; whether they are required or promised improvements; and the Council's evaluation of the financial risk of nonperformance.

E. Amount of Financial Security.

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

(2) If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of

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

4. Development Agreement.

A. All applicants proposing any subdivision or land development requiring the installation of improvements upon the plot map, shall be required to enter into a legally binding development agreement with the Borough of Stroudsburg guaranteeing the installation of the improvements in accordance with all Borough requirements prior to final plan approval for signature.

B. The development agreement (a form of which is attached as Appendix A) shall be in a form suitable for execution by the Borough Council and it shall consist of the following, where applicable:

(1) The construction depicted upon the plan in itemized format.

(2) Construction of streets with related curbs, street signs, drainage facilities and related improvements.

(3) Installation of utility lines.

(4) Dedication of streets, transfer of water and sewer lines and easements. In the event public water or sewer lines are offered for transfer to the Borough or a Borough authority, there shall be no charge, cost or payment of any nature imposed upon the Borough or Borough authority. In the event streets are offered for dedication to the Borough, the developer shall bear all reasonable cost of the Borough's inspection before acceptance of the offer of dedication and all costs of document preparation and recording.

(5) Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.

(6) Developer's responsibilities for damage to other property.

(7) A work schedule setting forth the beginning and ending and such other details as the Borough deems fit and appropriate for the improvements covered by the development agreement.

(8) The estimated cost of the improvements not yet completed, including a detailed breakdown in a form acceptable to the Borough Council, and the amount of the performance guarantee.

(9) Security, in the form of a maintenance bond or escrow deposit, for the repair or reconstruction of improvements which are found by the Borough Engineer to be defective within one (1) year from the date on which the engineer certified them to have been completed, shall be included together with provisions for disbursement thereof.

(10) The developer shall provide the Borough with a set of reproducible "as built" plans prepared by and certified by a professional engineer of all storm and sanitary sewers and water distribution facilities.

(11) Provisions for remedy of any violation of the development agreement.

(12) That developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy or other evidence of coverage shall be submitted to the Borough.

(13) A save harmless clause to protect the Borough from liability.

(14) Following construction, the developer shall provide the Borough with a certified statement prepared by a professional engineer to the effect that the sanitary sewers, sewage treatment facilities, and water supply and distribution facilities comply with the approved plans and have been constructed in accordance with all applicable rules and regulations.

(15) The developer shall be responsible for all reasonable engineering and legal costs and expenses for inspections, consultations, and preparation of agreements, to the extent that such costs and expenses exceed the moneys paid by the developer in accordance with the Stroudsburg Borough fee schedule.

5. Method of Approving Required Improvements.

A. The developer shall notify the Borough Council, with a copy thereof to the Borough Engineer, by certified or registered mail, that the required improvements have been made. Within ten (10) days of receiving this notice, the Borough Council shall direct the Engineer to inspect all of the aforesaid improvements. The Engineer shall make his inspection and file a report to the Borough Council, the Planning Commission and the developer within thirty (30) days of the date which the developer's notification was received by the Borough Council. If the Engineer finds any or all improvements to be not as required, he shall include a statement of reasons for their rejection in his report to the Council and to the developer.

B. Where appropriate, the Borough may require that periodic inspection be made of the aforesaid improvements, in which case the developer's failure to comply with the schedule of inspections shall be grounds for disapproval. The developer shall notify the Borough of the progress of construction to enable the Borough Engineer to make such inspections.

C. The Borough Council shall consider the Engineer's report and recommendations of the Planning Commission and render a decision to the developer by certified or registered mail within fifteen (15) days of receipt of the engineer's report.

6. Maintenance Bond.

A. A maintenance bond or other suitable security shall accompany final plan being submitted to the Commission. Said maintenance bond

shall be in the form approved by the Borough, to guarantee maintenance and repair of the streets and other improvements in the subdivision for one (1) year after completion of construction and acceptance thereof by the Borough. The amount of said maintenance bond or security shall be determined by the Borough but will generally not exceed ten (10) percent of the estimated costs of all required improvements. After the expiration of one (1) year from the date of formal acceptance of said improvements, the Borough shall release said maintenance bond or security to the subdivider or developer or party posting said maintenance bond or security.

B. Where the Borough Council accepts dedication of any improvement following completion, the Borough Council shall require posting of a maintenance bond or other suitable security to secure structural integrity of the dedicated improvements in the amount of fifteen (15) percent of the actual cost of installation for a period of eighteen (18) months from date of dedication.

(Ord. 714, 11/13/1991, §305)

§306. Approval of Final Plan for Recording. Following review and approval of the final plan submission and completion of required improvements or deposit of satisfactory guarantee and arrangement of development agreement for completion of required improvements, the final plan reproducible drawings submitted shall be approved for recording by the signatures of all members of the Borough Council. (Ord. 714, 11/13/1991, §306)

§307. Recording of Final Plan. Upon the signing of an approved final plan, the applicant shall, within ninety (90) days of such approval, unless an extension has been granted in writing by the Borough Council, record such plan in the Office of the Recorder of Deeds of the County. Any approved subdivision plans not filed in accordance with the provisions stated herein become null and void. (Ord. 714, 11/13/1991, §307)

§308. Records, Revisions and Resubdivisions.

1. Revisions and Resubdivisions. A revision or resubdivision of a recorded plan of an approved final plan shall be considered as a new subdivision and shall come under the jurisdiction of this Chapter. (A submission to correct erroneous data or omissions on recorded plans shall not be construed to be a revision or resubdivision.)

2. Borough Records.

A. The Planning Commission shall make a record of its findings, decisions and recommendations relative to all subdivision plans recommended for action by the Borough Council. Such records shall be open to the public for review.

B. The Secretary of the Borough Council shall also keep a record of the findings, decisions and recommendations relative to all subdivision plans filed for action by the Borough Council.

(Ord. 714, 11/13/1991, §308)

Part 4  
Plan Requirements

Preliminary and final plans submitted for approval shall meet the requirements outlined in the following Sections. (Note: Sketch plans are optional. They do not have to be prepared by an engineer or surveyor. The following criteria is suggested to make the sketch plan review meaningful.)

§401. Submission of Sketch Plans.

1. The sketch plan should show:

A. Proposed subdivision name, location, land owner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at scale of one (1) inch equals two thousand (2,000) feet. Show major roads, points of interest and Borough boundaries within five hundred (500) feet. Give name under which the subdivision is to be recorded. Identify the plan as sketch plan.

B. North arrow, true or magnetic, graphic scale (one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet preferred) and date.

C. Names of adjoining property owners including those across adjacent roads.

D. Proposed and existing streets, water/sewer, gas, power and other utility lines existing and proposed buildings and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within two hundred (200) feet distance from the project boundary lines.

E. Watercourses, lake and wetland locations and names (if any), rock outcrops and stone fields or any hazardous features. Give location and description of any certified historical site or structure or certified natural feature.

F. Location of permanent and seasonal high water table areas and one hundred (100) year flood zones.

G. Lot layout and existing topography (general). Lot width, depth and area (typical). Lot layout, lot width, depth and area and lot identification by number system. Street lines and names, lot lines, rights-of-way, easements, community or public areas and areas to be dedicated.

H. Site data: acreage, number of lots, average lot size, lineal feet of new roads.

I. Proposed uses of the various areas of the proposed subdivision or land development.

J. Location and extent of various soil types from U.S. SCS Soil Survey.

K. Location and type of rights-of-way, easements or other restrictive covenants which might affect development.

2. The following supportive information should be submitted with the sketch plan:

A. The latest U.S.G.S. Quadrangle map or portion thereof with the perimeter of the development accurately plotted thereon.

B. A map of the entire contiguous holdings of owner or developer showing sketch plan for roads and the location of the portion to be subdivided or developed.

C. The Planning Commission shall, at its discretion, require that evidence be presented indicating the manner in which the environmental protection requirements described in §502 are to be met.

(Ord. 714, 11/13/1991, §401)

§402. Submission of Preliminary Plan.

1. Preliminary plans for major subdivisions and major land developments shall be drawn at a scale of one (1) inch equals fifty (50) or one hundred (100) feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on standard sheet of twelve (12) inch by eighteen (18) inch, eighteen (18) inch by twenty-four (24) inch, twenty-four (24) inch by thirty-six (36) inch, except when the Commission approves other size plans. Identify the plan as preliminary plan. Preliminary plans shall be prepared by a professional engineer or registered surveyor as defined in Part 2 of this Chapter. Preliminary plans are not required for minor subdivisions and minor land developments.

2. Preliminary plans shall show:

A. Proposed subdivision name, location, land owner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at scale of one (1) inch equals two thousand (2,000) feet. Show major roads, points of interest and Borough boundaries within five hundred (500) feet. Give name under which the subdivision/ is to be recorded. The name shall not duplicate any other recorded subdivision in Monroe County.

B. North arrow, true or magnetic, graphic scale (one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet preferred) and date.

C. Names and tax parcels numbers of adjoining property owners including those across adjacent roads.

D. Proposed and existing streets, proposed and existing buildings and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within three hundred (300) feet distance from the project boundary lines.

E. Watercourses and Wetlands.

(1) Watercourse, lake and other surface waterbodies, rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature. Wetland area locations as delineated by a trained and

competent professional or as certified by the appropriate State and Federal agencies.

(2) In the event that the Borough questions the accuracy of the delineation of wetlands provided by the applicant, the Borough shall have the right to require the applicant to provide a judicial determination (or similar official confirmation) from the appropriate Federal or State regulatory agency.

F. Location and permanent and seasonal high water table areas, one hundred (100) year flood zones and proposed drainage easement.

G. Lot layout, lot width, depth and area (typical). Lot identification by number system. Street lines and names, lot lines, rights-of-way, easements, community or public areas and areas to be dedicated.

H. Site Data. Acreage, number of lots, average lot size, lineal feet of new roads.

I. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths. These boundaries shall be determined by accurate field survey, with an error of closure not to exceed one (1) in five thousand (5,000) and balanced.

J. Location and extent of various soil types, locations and log of soil test pits and soil percolation tests results (if applicable).

K. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose and nature and width of proposed easements. Location of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines and all other utility facilities above or below ground with direction of flow and pressure.

L. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths of lines, radii, arc lengths, street widths, rights-of-way, easements and community or public areas, to accurately and completely reproduce each and every course on the ground.

M. Proposed street names, road profiles, including grades, points of vertical curvature and tangency and length of vertical curve; typical cross-sections and specifications for streets.

N. Proposed areas for location of wells and subsurface sewage disposal fields (if appropriate).

O. Designs for sanitary sewer systems, water systems and storm-water system improvements.

P. Building setback lines and lot width at the front building setback line.

Q. A place on the plan for approval by the Planning Commission, Borough Council including a space for the date of approval. Space reserved for noting plan revisions.

R. All applicable zoning data. Zoning district and use classification.

S. Approximate final grades in areas of cut or fill.

T. Any lots designated for use other than residential shall be indicated.

U. Parcels to be dedicated to the public or reserved for their use, or to be reserved by covenant for residents shall be shown and marked as such.

V. Contour lines at an interval of two (2) to five (5) feet from a competent survey. In the event contour lines at a closer interval are available, such contours shall be shown. The Borough reserves the right to request greater detail when the scope or nature of the development demands the same.

W. Designs and location of proposed bridges and road culverts.

X. Any proposed landscaping including trees and other plantings and screening or buffer areas.

Y. The seal and signature of the professional engineer or registered surveyor responsible for preparation of the plan.

Z. A contour grading plan of all site alterations and improvements including ground and basement floor elevations of all buildings may be required if deemed necessary by the Borough Engineer to properly establish grading and drainage patterns. Where buildings are proposed to be developed by the subdivider, such a plan may be required to indicate building ground floor and basement floor elevations.

AA. Floor plans and elevations of all existing and proposed structures along with floor areas and proposed uses.

BB. Location and dimensions of parking areas and parking spaces.

3. The following supportive documents and information shall be submitted with preliminary plans for land development or major subdivisions:

A. Copies of the proposed deed restrictions, protective and restrictive covenants referenced to the drawing.

B. Proposed offers of dedication and reservation of rights-of-way and land areas with conditions attached.

C. If the developer proposes to install private amenities or facilities (for example, private roads, recreation facilities, open spaces, central sewer or water system, etc.) the developer shall submit a narrative description of the type of organization or legal entity which will be responsible for the future operation and maintenance of such amenities and how responsibility for maintenance and care and ownership of those amenities or facilities will be transferred to the persons or organization which will own them. If the developer proposes to dedicate all or some portion of the amenities or facilities to the Borough at some future date, the developer must submit a narrative description of how responsibility for maintenance and care of these amenities or facilities will be handled during the period before the offer of dedication to the Borough. In no event will the Borough accept a dedication of such amenities or facilities if, at the time of the dedication, they do not meet the then existing standards of the Borough.

D. Certification of Central Water Supply System. All new or expanded or renovated subdivisions and land developments shall be served by the Stroudsburg Municipal Authority or its successor. The developer or applicant shall submit two (2) copies of a letter from the Authority which states that the Authority can adequately serve the proposed development.

E. Certification of Central Sewage Disposal System. Wherever possible all new, expanded or renovated subdivisions and land developments shall be connected to and served by the Stroudsburg sewer system.

F. Certification of On-Lot Sewage System. When the subdivision or development is to be served by individual on-lot sewage disposal systems upon approval of Borough Council of a written request for modification by the applicant:

(1) The developer shall submit four (4) copies of a completed planning module for land development concurrent with the preliminary plan.

(2) The approval of the subdivision shall be conditioned upon the receipt by the Borough of the approval of land planning module by the appropriate agencies.

(3) Failure to submit the approvals of the land planning modules by the appropriate agencies shall render any conditional preliminary plan approval null and void.

G. The Planning Commission or Council may, at its discretion, require the evidence be presented indicating the manner in which the environmental protection requirements described in §502 are met. Soil erosion and sedimentation control plans shall be prepared in cooperation with the County Soil Conservation District and submitted with the preliminary plan application.

H. Map of entire contiguous holdings and all other holdings of the owner within two thousand (2,000) feet, indicating area of proposed subdivision. A sketch plan of the proposed road system will be required for any contiguous area not included in the preliminary plan.

I. A stormwater drainage plan consisting of location, type, size and character of storm sewers, culverts, natural watercourse, drainage easements, impoundment areas, existing and proposed topographic contours shall be prepared in compliance with the requirements of any local stormwater management ordinances adopted by the Borough.

J. A properly executed application on a form provided by the Borough.

K. State Highway Access Permit.

(1) In those cases where proposed subdivision roads or proposed lots abut or access directly to State highways the applicant shall submit an application to PennDOT for a State highway access permit at or prior to the time preliminary subdivision or land development plans are submitted to the Borough. A copy of this application shall be submitted to the Borough with

the preliminary plans along with evidence of submission of the application to PennDOT.

(2) PennDOT approval of an access permit, where applicable, shall be a requirement or condition for preliminary plan approval.

(Ord. 714, 11/13/1991, §402)

§403. Submission of Final Plans for All Subdivisions.

1. Final plans for subdivisions and land developments shall be drawn at a scale of one (1) inch equals fifty (50) or one hundred (100) feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of twelve (12) inches by eighteen (18) inches, eighteen (18) inches by twenty-four (24) inches, or twenty-four (24) inches by thirty-six (36) inches, except when the Commission approves other size plans. The plan for recording shall be a clear, legible, reproducible original or print on stable base mylar or comparable quality material. Identify the plan as final plan. Final plans shall be prepared by a professional engineer or registered surveyor as defined in Part 2 of this Chapter.

2. The final plan for subdivision and land development shall show:

A. Proposed subdivision name, location, landowner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at scale of one (1) inch equals two thousand (2,000) feet. Showing major roads, points of interest and Borough boundaries within five hundred (500) feet. Give name under which the subdivision is to be recorded.

B. North arrow, true or magnetic, graphic scale (one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet preferred) and date.

C. Names of adjoining property owner including those across adjacent roads.

D. Proposed and existing streets, existing and proposed buildings and lot layout on immediately adjoining tracts, including name and right-of-way width that fall within three (300) feet distance from the project boundary lines.

E. Watercourses and Wetlands.

(1) Watercourse, lakes and other surface water bodies, outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature. Wetland area locations as delineated by a trained and competent professional or certified by the appropriate State and Federal agencies.

(2) In the event that the Borough questions the accuracy of the delineation of wetlands provided by the applicant, the Borough shall have the right to require the applicant to provide a judicial determination (or similar official confirmation) from the appropriate Federal or State regulatory agency.

F. Location of permanent and seasonably high water table areas and one hundred (100) year flood zones.

G. Lot layout, lot width, depth and area and lot identification by number system. Street lines and names, lot lines, rights-of-way, easements, community or public areas and areas to be dedicated.

H. Site Data. Acreage, number of lots, average lot size, lineal feet of new roads.

I. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths. These boundaries shall be determined by accurate field survey, with an error of closure not to exceed one (1) in five thousand (5,000) balanced.

J. Location and extent of various soil types, location and log of soil test pits and soil percolation tests results (if applicable).

K. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose and nature and width of proposed easements, utilities and improvements, with calculations.

L. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths and rights-of-way, easements and community or public areas, to accurately and completely reproduce each and every course on the ground.

M. Proposed areas for location of wells and subsurface disposal fields (if appropriate).

N. Designs for sanitary sewer systems, water systems and storm water system improvements, with calculations.

O. Building setback lines.

P. A place on the plan for approval signatures of the Planning Commission and Borough Council including a space for the date of approval. A space to note plan revisions. A place for notation of review by the Monroe County Planning Commission.

Q. Contour lines, at an interval of two (2) to five (5) feet from a competent survey. In the event contour lines at a closer interval are available, such contours shall be shown.

R. Designs and locations of proposed bridges and road culverts.

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

T. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one (1) second of arc. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) of adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated.

U. Block and lot numbers.

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\* Ord. 714 read "preclusion."

V. Location and type of permanent monuments and markers which have been set in place.

W. Lot area, size of each lot in square feet or acres.

X. The deed book volume and page number, as entered by the County Recorder, reference to the latest source of title to the land being subdivided.

Y. The seal and signature of the professional engineer or registered surveyor responsible for preparation of the plan.

Z. Proposed landscaping including trees and other plantings and screening or buffer areas.

AA. Zoning district and type of use.

BB. A contour grading plan of all site alteration and improvements including ground and basement floor elevations of all buildings may be required if deemed necessary by the Borough Engineer to properly establish grading and drainage patterns. Where buildings are proposed to be developed by the subdivider, such a plan may be required to indicate building ground floor and basement floor elevations.

CC. Location and dimensions of parking areas and parking spaces.

DD. Floor plans and elevations of all existing and proposed structures along with floor areas and proposed uses.

3. The following items shall be on all final plans in the form of protective covenants:

A. Building setbacks.

B. Corner lot sight easements.

C. Utility, drainage and slope easements.

D. In the event the subdivision qualifies under subsection (C) of the definition of "minor subdivision" in this Chapter, the following: "Lot number \_\_\_\_\_ shall be joined to and become an inseparable part of lands of \_\_\_\_\_ as recorded in Deed Book Volume \_\_\_\_\_, Page \_\_\_\_\_, and cannot be subdivided or conveyed separately or apart therefrom without Borough approval."

E. Subdivision and land development final plans requiring access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall contain the following notice: "The plan requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation and a highway occupancy permit is required pursuant to §420 of Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before any driveway access to a State highway is permitted." Final plans shall also be noted to indicate that access to the State highway shall be provided only as authorized by a highway occupancy permit.

4. The following information shall supplement the final plan:

A. Final profiles, cross-section and specifications for street improvements. Final designs of bridges and road culverts.

B. Final plans of drainage, storm sewer, sanitary sewer and water distribution system.

C. Final grading and finish contours for proposed developments which grading shall be consistent with §502.

D. Approval by the appropriate agencies for the water supply, sewage, stormwater runoff, and soil and erosion control plans.

E. Proof of the formation of any property owners association, similar organization or other legal entity which is to assume responsibility for maintenance and care of the amenities and facilities along with bylaws and/or articles of incorporation. Also, a narrative description of how control of the owners association will pass to the lot purchasers.

F. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.

G. Evidence of actual arrangements and legal agreements with utility companies or authorities for providing services to each lot in the subdivision or to the land development.

H. In those cases where final plans propose water supply to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall provide evidence with the final plan that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

I. In those cases where subdivision or land development roads or proposed lots abut or access directly to State highways, the applicant shall secure from PennDOT a State highway access permit as a requirement for final plan approval. A copy of the approved permit shall be submitted to the Borough with the final plan.

J. An affidavit or notarized statement that the applicant is the owner or equitable owner of the land proposed to be subdivided and that the subdivision or land development as shown on the final plan is made with his or her free consent and that it is desired to record the same.

5. After all signatures have been affixed to the reproducible print of the final plan, the developer shall supply one (1) reproducible mylar copy and four (4) black line or blue line prints to the Borough. The developer or subdivider shall also provide one (1) reproducible mylar copy and one (1) print to the Recorder of Deeds office.

(Ord. 714, 11/13/1991, §403)

§404. Submission of Land Development Plans.

1. Minor Land Development Plans.

A. Land development plans proposing new construction or change of use residential developments of five (5) dwelling units or less or

for other residential and nonresidential uses involving two thousand five hundred (2,500) square feet of gross building floor space or less or any proposed changes of use of plan not involving any buildings or structures shall meet all applicable requirements of §403 for the submission of final plans, for all subdivisions.

B. These land development plans shall be identified in the plan title block as minor land development plans.

2. Major Land Development Plans.

A. Land development plans submitted for residential developments of six (6) dwelling units or more and for public services, commercial and/or industrial uses involving in aggregate more than two thousand five hundred (2,500) square feet of gross building floor space shall meet all applicable requirements of §§402 and 403 for preliminary and final plans for major subdivisions.

B. These land development plans shall be identified in the plan title block as major land development plans.

(Ord. 714, 11/13/1991, §404)

Part 5  
Design Standards

§501. Application. The design standards and requirements set forth in this Part shall be observed as minimums by the subdivider or developer of each subdivision and land development within Stroudsburg Borough. Table 5-1, at the end of this Part, is a part of the design standards within this Part 5. The Borough may require more restrictive standards where necessary to protect health, safety and welfare of the public and where unique site or design conditions so dictate. (Ord. 714, 11/13/1991, §501)

§502. Design Standards Applicable to All Types of Development.

1. General Standards.

A. Land shall be suited to the purpose of which it is to be subdivided. Land subject to hazards against life, health or property shall not be subdivided or developed unless adequate safeguards are provided as approved by the Commission and the Borough Council.

B. Zoning Ordinance and Comprehensive Plan.

(1) The subdivision or development shall fully comply with the provisions of the Stroudsburg Borough Zoning Ordinance [Chapter 27] and conform to the Borough Comprehensive Plan.

(2) In addition to the Zoning Ordinance [Chapter 27] and Comprehensive Plan, information for determining and evaluating potential hazards may include references to historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies, and Federal, State or local policies such as, but not limited to, established floodplain lines.

C. All portions of a tract being subdivided shall be taken up in lots, streets, public land, or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.

D. Solar orientation and energy conservation should be encouraged. All developers are required to use recognized solar design principles and features to the greatest extent possible. Such solar principles include the following:

- (1) Layout of streets to provide a maximum number of sites with a southern orientation to maximize solar heat gain.
- (2) Minimum use of north facing building exposures.
- (3) Protection of solar access.
- (4) Landscaping to complement use and to promote control in the summer.
- (5) Protection of trees.

(6) Shading for summer solar exposures.

Application of these principles will enhance passive solar heat gain, enhance active solar heat and photo voltaic electric potentials, as well as making the living environment brighter, airy and in tune with the environment.

E. Wherever possible, lot lines shall follow municipal and County boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public land or adjacent private lands are prohibited.

2. Land Requirements.

A. Minimum lot or parcel area and dimensional requirements for residential and nonresidential subdivisions and land developments shall be as set forth in the Stroudsburg Borough Zoning Ordinance [Chapter 27].

B. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the minimum required front yard; provided, that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70) percent of the minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than one hundred fifty (150) feet radius where the lot frontage measured at the street right-of-way line shall not be less than forty (40) percent of the minimum lot width.

C. Street or Road Rights-of-Way.

(1) Areas within public or private street or road rights-of-way shall not be included in the calculations of, or used to meet the minimum lot sizes for any proposed residential or nonresidential use.

(2) The minimum required lot area shall generally be designed and plotted as a contiguous area of land not separated or interrupted by permanent drainage or utility rights-of-way or street rights-of-way. Separation or interruption of this required minimum contiguous lot area by drainage or utility rights-of-way or street rights-of-way shall be avoided wherever possible and shall be permitted in all subdivisions and land developments only upon grant of a modification by the Borough Council upon written request by the applicant.

3. Natural and Historic Feature Preservation. The Planning Commission and the Borough Council shall, at their discretion, require that the design and development of all subdivisions and land developments shall preserve insofar as possible, all natural, scenic, and historic features, which will add attractiveness by providing parks, adequate open space for recreation, light and air by proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the Borough. Some of these features are the natural terrain and natural drainage, large trees or groves, watercourses and falls, historic areas and structures, exceptional scenic views and landmarks, and other community assets. Land subject to hazardous conditions such as open quarries, unconsolidated fill,

floods, excessive erosion, precipices, and water supply which does not meet State and local adequacy requirements or the U.S. Public Health Service standards, shall not be subdivided until the hazards have been eliminated or overcome by the subdivision and proper construction.

A. Soil Protection.

(1) If required by regulations of the Department of Environmental Resources, a developer shall submit with the preliminary plan an erosion and sedimentation control plan prepared by a person trained and experienced in erosion and sedimentation control methods and techniques as provided for under Title 25, "Rules and Regulations," Chapter 102, issued by the Department of Environmental Resources. Such plans shall be submitted by the applicant to the Monroe County Soil Conservation District for review and recommendation of the District directors. Three (3) copies of the erosion and sedimentation control plan with any required approval or permit by the appropriate agency shall be submitted to the Borough Planning Commission with the preliminary plan.

(2) In those cases where site grades, concentrations of surface water runoff, etc., exist, the Borough Codes Officer and/or the Borough Engineer may recommend, and the Planning Commission or Borough Council may require that site development plans and stormwater drainage plans be prepared and certified by a registered engineer competent and well versed in stormwater management methods.

B. Uninhabitable Land. Land subject to flooding or subsidence, hazardous excessive erosion, precipices and land deemed by the Commission or the Borough Council to be uninhabitable for other reasons shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but, such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions; such land may be incorporated as additional areas in plotted lots.

C. Water and Wetland Areas. Damming, filling, relocating or other interference with the flow of surface water along any surface water drainage channel or natural watercourse or wetland shall not be permitted except with the approval of the Borough and, where appropriate, the Pennsylvania Department of Environmental Resources.

4. Water Supply and Sewage Disposal Requirements.

A. All subdivision and land developments shall be connected to and served by the municipal water supply and sewage systems. Facilities proposed within the development to provide connection to these systems shall be acceptable to the Municipal Authority, Borough Council and Pennsylvania Department of Environment Resources.

B. Plans and specifications for central water and/or sewage systems shall be prepared by a registered professional engineer well versed in the design of such systems and duly licensed to practice

within the Commonwealth of Pennsylvania. A minimum of four (4) complete sets of preliminary plans for such systems shall be submitted to the Planning Commission with the application for review of preliminary plans. A minimum of four (4) complete sets of approved plans and specifications shall be submitted to the Planning Commission with the application for review of the final plan.

C. Four (4) copies of a completed planning module for land development shall be submitted concurrent with the preliminary plan. The Borough Council will submit copies of the module and necessary documentation to the Pennsylvania Department of Environmental Resources (DER) for review. DER approval of the module and any required Borough Official Sewage Facilities Plan revision or supplement will be required prior to final plan approval.

5. On-Lot Sewer System. Where connection to a centralized sewer system is not required, on-lot sewer systems shall be constructed in accordance with criteria set forth by the Pennsylvania Department of Environmental Resources. The Borough Engineer's site and soils investigation and favorable report is required prior to unconditional preliminary plan approval. An adequate number of test pits and soil percolation tests, as determined by the Borough Engineer, shall be undertaken to determine the general suitability of soils throughout the subdivision or development for on-lot subsurface sewage disposal.

6. Stormwater Drainage. The applicant shall furnish three (3) copies of a stormwater drainage plan and associated calculations to the Commission for review and analysis. Said plan shall conform with the requirements of the Pennsylvania Stormwater Management Act (P.L. 864), as amended. Proposed stormwater drainage plans for development throughout the Borough of Stroudsburg shall conform to the standards and requirements for the watershed which the developed is located in. The application shall conform with the requirements of the McMichaels Creek Watershed Stormwater Management Plan or the Brodheads Creek Watershed Stormwater Management Plan until such time as management plans are adopted for other watersheds within the Borough by Borough Council. Following are additional stormwater drainage planning requirements: [Ord. 716]

A. Lots shall be laid out and graded to prevent cross lot drainage and to provide possible drainage away from proposed building areas. Natural drainage courses shall be maintained.

B. If it can reasonably be anticipated that there will be an increase in the flow of water onto the property of some other person as a result of development action, a drainage release shall be submitted with the application. The drainage releases will be obtained, by and at the expense of the applicant, from all property owners over the land additional drainage will flow. All drainage releases shall be notarized and recorded, by and at the expense of the applicant, in the County Office of the Recorder of Deeds.

C. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structure on other private properties or public lands, with complete approval of provisions being made by the developer properly handling such conditions, including water runoff impoundments, if necessary.

D. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.

E. Where a subdivision is traversed by a watercourse there shall be provided a drainage easement conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.

F. Storm sewers, culverts and related installations shall be provided:

(1) To permit unimpeded flow of natural watercourses.

(2) To insure adequate drainage of all low points along the line of streets.

(3) To intercept stormwater run-off along streets at intervals reasonably related to the extent and grade of the area drained.

G. Storm drainage systems shall be designed separately from any sanitary sewer systems and such storm systems shall be installed in accordance with sound and established engineering practices as determined by the Borough Council. Such storm systems shall be designed to accommodate any storm discharges from the property being subdivided and shall consider run-off which may occur from higher elevations within the same watershed when it is fully developed. Such storm systems shall not overload existing storm drainage systems or create flooding hazards.

H. Facilities such as bridges, culverts, dams and other drainage facilities affecting the flow of water in a watershed shall meet the requirements and be approved by any State and/or Federal agency having jurisdiction over such facilities.

7. Easements.

A. Easements with a minimum width of ten (10) feet plus the width of any physical improvement, or with the minimum width of any natural swale shall be provided as necessary for utilities and drainage facilities.

B. Above ground utilities shall be placed along the rear or side lot lines unless they are existing along the street prior to the submission of the preliminary plan to the Borough Manager for Borough Council consideration.

C. Easements for installation of underground conduits for electric power, telephone and television cable lines shall be provided so that each lot or leased unit can be practically served.

D. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

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

F. When utility easements are established, the Council may give consideration to the requirements and objectives of the appropriate utility company.

8. Streets.

A. Classification of Ownership of Streets. All streets shall be classified as "major," "collector," "local," "nonresidential," or "marginal access" streets as defined herein.

(1) All streets shall be "public streets" suitable for dedication to the Borough except for the following which may be designed as "private streets":

(a) Industrial park, office park or shopping center nonresidential streets, specifically permitted as "private streets" by Borough Council.

(b) Other streets specifically designed and permitted as "private streets" by the Borough Council based on individual consideration in each case of the special factors involved.

(2) In all cases where "private streets" are permitted, responsibility for improvement and continuing maintenance shall be the responsibility of the subdivider and the owner of each abutting parcel and the Borough does not imply any acceptance of responsibility for improvement or maintenance of "private streets."

(3) In all cases where private streets are permitted, a note shall be added to the plan indicating the following:

(a) Who owns the streets.

(b) Who is responsible for construction and for continued maintenance.

(c) That the Borough has no responsibility for ownership, construction or continued maintenance of said streets.

B. Design Standards for Streets. Street dimensions and design standards for all streets shall be in accordance with Table 1.

C. Street System Layout.

(1) Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough and they shall further conform to such State, road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

(2) The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Borough Council deems such extension undesirable for specific reasons of topography or design.

(3) Streets shall be logically related to the topography to produce usable lots and reasonable grades.

(4) Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.

(5) Proposed streets shall be extended to provide access to adjoining property where necessary.

(6) Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.

(7) New half or partial streets or new alleys will not be permitted, except where essential to reasonable subdivision of a tract in conformance with other requirements, and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street or alley can be secured.

(8) Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

(9) Dead-end streets shall be permitted only when they are designed as stubs for temporary use to permit future street extension into adjoining tracts, or when they are designed as cul-de-sacs to serve residential areas.

(10) New reserve strips, including those controlling access to streets, shall be prohibited.

D. Street Intersections.

(1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (50) degrees.

(2) Multiple intersections involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

(3) Clear sight triangles shall be provided at all street intersections within which no obstruction to vision shall be permitted between a height of two (2) to ten (10) feet above the centerline grade of each street. Such clear sight triangles shall be established from the point of intersection of the centerlines of the intersecting streets for a distance of seventy-five (75) feet where both streets are local streets, one hundred (100) feet where one (1) or both streets are collector, and one hundred fifty (150) feet where one (1) or both streets are major streets.

(4) To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.

(5) Two (2) streets intersecting a third street from opposite sides shall be laid out directly opposite one another or with a minimum centerline off-set of one hundred twenty-five

(125) feet when all streets are local streets, or with a minimum centerline off-set of three hundred (300) feet when one (1) or more of the streets is a collector street or a major traffic street.

(6) Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only local streets, thirty-five (35) feet for intersections involving collector streets and fifty (50) feet for intersections involving major traffic streets.

(7) Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than five (5) percent grades for a distance of thirty-five (35) feet measured from the nearest right-of-way lines of the intersecting street.

E. Uses Fronting on Major Streets.

(1) Service Streets. Where a subdivision fronts or abuts a major street as defined in Part 8, the Borough Council may require any of the following measures:

(a) A service street approximately parallel to the major street at a distance suitable for the appropriate use of the intervening land.

(b) Marginal access street, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street and separation of local and through-traffic.

(2) Controlled Access. Driveway and parking lot entrances and exits to nonresidential subdivisions from a major street shall be designed so as not to interfere with through traffic. In general, such entrance and exit points shall not be located closer to one another than two hundred (200) feet except when such entrance or exit points are one-way in or out, in which case they may be located no closer than one hundred (100) feet to one another. Such entrances or exists shall not exceed twenty-four (24) feet in width at any such point.

Table 5-1  
Minimum Design Standards for Streets (a)\*

Design Specifications	TYPE OF STREET					
	Major Street	Low Density Residential Collector	Area (f) Local	Medium Density Residential Collector	Area(g) Local	Nonresidential Street
A. Right-of-way width (feet)	80	60	50	60	50	50
B. Cartway width (feet)	44	34	32	36	32	40
Minimum improved portion	44	22	20	36	32	24
Shoulders (each side) (b)	--	6	6	--	--	8 (b)
C. Minimum centerline radii for horizontal curved (feet) (c)	700	400	200	400	200	200
D. Minimum sight stopping distance (feet) (d)	475	350	325	350	235	350
E. Minimum corner intersection sight distance (d)	950	500	350	500	300	500
F. Maximum grade (%)	5	7	10	7	10	7
G. Minimum grade (%)	0.5	0.5	0.5	0.75	0.75	0.75
H. Sidewalk width (feet) (e)	4	4	4	6	5	6

FOOTNOTES FOR TABLE 5-1 ON PRECEDING PAGE

(a) The above standards are the minimum requirements for all public or private subdivision and land development streets. Designers should refer to PennDOT publication entitled "Guidelines for Design of Local Roads and Streets, Publication 70," for more detailed design criteria. Low and very low density residential in Table 5-1 generally corresponds with the "rural" design criteria of that publication, while medium density residential corresponds with the "urban" design criteria.

All streets shall be "public streets" suitable for dedication to the Borough, except for the following which may be designated as "private streets":

Industrial park, office park or shopping center nonresidential streets specifically permitted as "private streets" by Borough Council.

Other streets specially designated and permitted as "private streets" by the Borough Council based on individual consideration in each case of the special factors involved.

(b) The Borough Council may require shoulder areas to be fully paved if warranted by individual street requirements or function.

(c) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. Except on "local" streets, a one hundred (100) foot minimum tangent shall be required between curves.

(d) Stopping sight distance is measured with the height of the eye at two and three quarters (2.75) feet to the height of the object on the road at one-half (0.5) feet. Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed as above.

(e) Sidewalks shall be provided by the developer or subdivider along all streets unless otherwise approved as a modification by Borough Council. Sidewalks shall also be located and installed within residential and nonresidential developments by the applicant as deemed necessary to facilitate pedestrian traffic through the development to parking areas, public streets and to existing pedestrian ways.

(f) Low density includes development having a new project density of up to three (3.0) units per acre.

(g) Medium density includes developments having a net project density of more than three (3.0) units per acre.

9. Other Utilities.

A. A plan for providing all necessary utility services to the proposed subdivision and land development shall be prepared by the developer in cooperation with the appropriate public utility companies and governmental agencies.

B. Fire hydrants shall be required throughout the Borough. Spacing of hydrants shall be such that no residential structures shall be farther than five hundred (500) feet and no nonresidential structure shall be farther than four hundred (400) feet from a hydrant and shall be reviewed by the Fire Chief of the Borough. Additional standards published by the Insurance Services Office of Pennsylvania may also be applied by the Borough Council.

C. In accordance with a Pennsylvania Public Utility Commission order of July 8, 1970, all electric utility distribution lines shall be installed underground in subdivisions or land developments of five (5) or more dwelling units. Wherever practicable, telephone and cable TV utilities shall also be installed underground.

D. Wherever practicable, in accordance with good engineering practice, utility easements and trenches shall be occupied jointly by compatible utilities.

E. All public and/or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the regulatory flood elevation.

(Ord. 714, 11/13/1991, §502; as amended by Ord. 716, 4/1/1992, §1)

§503. Residential Design Standards.

1. Application. All subdivision and land developments proposed for residential use shall conform with the provisions of this Section.

2. Blocks.

A. Residential blocks shall not normally be less than four hundred (400) feet in length nor exceed eight hundred (800) feet in length.

B. Blocks normally shall be of sufficient width to permit two (2) tiers of lots except where access is limited by virtue of adjoining arterial or connector streets or by virtue of topographic limitations.

3. Lots. The minimum lot sizes, lot widths and yard requirements shall be as set forth in the Stroudsburg Borough Zoning Ordinance [Chapter 27] and further shall conform to the following:

A. All lots shall front on a public street or on a private street approved under provisions of this Chapter and constructed in accordance with the standards of this Chapter.

B. Side lines of lots shall be at right angles to straight streets and on radial lines to curved streets. At the discretion of the Commission some variation from this rule will be permitted but pointed or very irregular lots shall be avoided.

C. Double frontage lots shall ordinarily not be platted.

D. If remnants of land other than rights-of-way or buffer strips exist after subdividing, they shall be incorporated in existing or proposed lots unless proposed and suitable for common open space or recreation uses.

E. The building site on each residential lot shall be accessible from the existing or proposed street by means of a driveway or private access drive having a maximum grade of fifteen (15) percent.

F. Pedestrian interior crosswalks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

4. Cul-de-Sac Streets.

A. Cul-de-sac streets, permanently designed as such, within residential developments shall not exceed eight hundred (800) feet in length. The length of a cul-de-sac street shall be measured from the point of center line intersection with an approved through road that has an alternate access to an existing public road to the centerline point of radius of the cul-de-sac turnaround curve.

B. Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet, and one hundred (100) feet diameter to the outer pavement edge or curb line.

C. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an easement arc having a radius of not less than thirty (30) feet.

D. The circular paving of the cul-de-sac shall be connected to the approach paving any an easement arc having a radius of not less than forty (40) feet.

E. The Borough recognizes that geometric configurations other than that set forth in the subsections above may function satisfactorily and, upon recommendation of the Planning Commission, will consider a request for a modification of the requirements under appropriate circumstances.

5. Off-Street Parking. Every type of residential land development or subdivision shall provide for off-street parking space as required in the Stroudsburg Borough Zoning Ordinance [Chapter 27].

6. Driveways. Driveways and location of their access points to public streets and shall be subject to review and permit by the Borough and, where applicable by the Pennsylvania Department of Transportation through issuance of a highway occupancy permit.

7. Private Access Drives. Private access drives may be utilized to provide access to residential lots in a minor subdivision which does not abut or have frontage on a public or approved private road. A private access drive may serve a maximum of two (2) dwelling units. Private access drives shall have a minimum right-of-way width of twenty (20) feet. A private access drive shall not exceed five hundred (500) feet in length or fifteen (15) percent in grade. Use of private access drives shall be avoided whenever possible in major subdivisions and only permitted upon grant of a waiver by the Borough upon written request by the applicant.

8. Setbacks or Yards. Minimum yards as set forth in the Borough Zoning Ordinance [Chapter 27] shall be provided for all single-family and two-family residential lots.

(Ord. 714, 11/13/1991, §503)

§504. Commercial and Industrial Development Standards.

1. Application. All commercial and industrial subdivisions and developments shall conform with the Schedule of Required Improvements, Table 6-1, and the requirements of the Borough Zoning Ordinance [Chapter 27].

2. Size. Approval of lot or parcel size will be determined by the following factors:

A. Requirements of the Stroudsburg Borough Zoning Ordinance [Chapter 27].

B. The total lot area shall be sufficient to provide adequate space for required yards, proposed buildings, off-street parking and loading, landscaping, sewer and water systems, and other facilities; but in no case less than required by the Zoning Ordinance [Chapter 27].

C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned developed, and operated as a unit. Narrow, highway ribbon developments should be avoided.

3. Street System.

A. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas. The plan shall indicate ingress and egress points to existing public roads in conformance with Pennsylvania Department of Transportation regulations and standards.

B. The design of streets, service drives and pedestrian ways should provide for safe and hazard free internal circulation.

C. Streets and service drives shall be designed in accordance with Table 5-1 and §502(8) of this Chapter.

4. Block Layout. Block layout shall conform with due consideration of site conditions, best possible sewer and water system service, traffic parking circulation, and pick-up and delivery services. In no case shall block length be less than eight hundred (800) feet.

5. Off-Street Parking. Adequate off-street parking shall be provided in conformance with the Stroudsburg Borough Zoning Ordinance [Chapter 27].

6. Setbacks. Minimum yards or setbacks for all commercial and industrial development shall be as set forth in the Borough Zoning Ordinance [Chapter 27]. Additional yard widths and buffer strips and screening may be required by the Commission and Borough Council in cases where deemed appropriate and necessary to protect adjacent development.

(Ord. 714, 11/13/1991, §504)



## Part 6

## Required Improvements and Construction Standards

§601. Application. The minimum improvements required for all subdivisions and land developments which shall be provided and installed by the subdivider as a condition for final approval of any plan shall be as set forth in this Part. Alternate improvement standards may be permitted if the Borough Council deems them equal or superior in performance characteristics to any specified improvements. All improvements are subject to the review, approval, advice and inspection of the Borough Council. Additional or higher type improvements may be required in specific cases where the Borough Council finds them to be necessary to create conditions essential to the public health, safety and general welfare of the citizens of the Borough. (Ord. 714, 11/13/1991, §601)

§602. Summary of Required Improvements. Minimum improvements to be required of the subdivider, where applicable, shall include the following:

Table 6-1

Type of Improvement Required	Medium Density Residential and Nonresidential Areas (a)	Low Density Residential (b)
Improved street	X	X
Curbs	X	-
Gutters	(d)	(d)
Adequate drainage and/or storm sewers	X	X
Sidewalks	X	(c)
Monuments and markers	X	X
Street name signs	X	X
Street lighting	X	X
Fire hydrants	X	X
Electric and telephone	X	X
Central water and sewer	X	X

(a) Medium density includes development having a net project density of more than three (3) units per acre.

(b) Low density includes development having a net project density of up to three (3) units per acre.

(c) Sidewalks will not normally be required except where needed to facilitate traffic to school, shopping, park or other uses which generate pedestrian traffic, or to facilitate pedestrian safety, or in developments having a net project density of three (3) or more units per acre.

(d) Sod, bituminous paving, stone or concrete gutter shall be provided in accordance with sound design and maintenance standards, where required to adequately control stormwater.

X indicates that the improvement is required.

(Ord. 714, 11/13/1991, §602)

§603. Street and Shoulder Construction Standards.

1. Streets (and alleys where provided) shall be graded, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the subdivider and approved by the Borough Council.

2. Surfaces.

A. Entire cartway width shall be graded to the approved cross-section, plus any additional portion of the right-of-way as required by Borough Council to facilitate adequate drainage, vehicular and pedestrian circulation. All trees, stumps and other material deemed unsuitable by the Borough Council shall be removed to a depth of two (2) feet below subgrade and the excavation shall be backfilled and suitably compacted.

B. The finished road surface, both tangent and curve, shall be crowned at one-quarter (1/4) inch per foot away from the centerline. A proper superelevation shall be required on major traffic streets and collector streets when the curb radii are less than one thousand two hundred (1,200) feet on major streets and less than six hundred (600) feet on collector streets.

C. Prior to placing the street surface, the subgrade shall be graded parallel to the finished crown to permit the proper drainage of the subbase. The subbase shall be properly outletted. Adequate subsurface drainage for the streets and all subsurface utilities as acceptable to the Borough Council shall be provided or installed by the subdivider.

D. Minimum slopes of banks measured perpendicular to the centerline of the street shall be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

3. Material.

A. A portion of cartway required to be paved shall be provided by the subdivider with a suitable base and subbase material placed on a well compacted and prepared subgrade. A surface course will be provided on all streets. The base, subbase and surface course shall conform with PennDOT requirements contained in their publication entitled "Guidelines for Design of Local Roads and Streets, Publication 70" or shall have an equivalent paving strength.

B. Subbase material shall be native gravel, or an equivalent strength of crushed stone, as per the specifications of the Pennsylvania Department of Transportation and approved by the Borough Council.

C. If the subgrade material has adequate bearing capacity and is well drained, the subbase may be omitted, if approved by the Borough Council.

4. The portion of the cartway designated as a shoulder shall be improved as follows:

A. In medium density areas, shoulders may not be used.

B. In very low density and low density residential and in nonresidential areas, all shoulders shall be constructed of native crushed stone or gravel or other equivalent material at least six (6) inches thick, except that Borough Council may require shoulder areas to be fully paved if warranted by street requirements, traffic, or other functional requirement.

C. Slopes of shoulders shall be one (1) inch per foot in fill areas and one and one-half (1-1/2) inch per foot in cut areas.

5. In all respects in which standards for required improvements are not set forth herein or specified by the Borough Council, the applicable standard requirements of the Pennsylvania State Department of Transportation shall govern, performed in the manner prescribed in the standard specifications for road construction of said Department for the type of construction under consideration.

6. Driveway entrances or aprons within the street right-of-way shall be improved to their full width.

(Ord. 714, 11/13/1991, §603)

§604. Curbs and Gutters. Curbs where required shall be vertical cement, vertical stone or rolled curb and gutter as follows:

A. Plain cement concrete curb, six (6) inches at the top, eight (8) inches at the bottom and eighteen (18) inches in height from top to bottom with the slope to the street side.

B. Rolled cement concrete curb and/or valley type cement concrete gutter, twenty-four (24) inches wide by twelve (12) inches from top to bottom.

C. Gutters, where required, shall be of sod, bituminous paving stone or concrete in accordance with sound design and maintenance criteria. All curbs and gutters shall be in conformance with good engineering practice and subject to the approval of the Borough Council.

(Ord. 714, 11/13/1991, §604)

§605. Sidewalks and Crosswalks.

1. Sidewalks where required shall be located within the street right-of-way and shall not be closer than one (1) foot from the right-of-way line, nor closer than three (3) feet from the curb or shoulder line.

2. Sidewalks and crosswalks shall be a minimum of forty-two (42) inches wide and shall be constructed of concrete four (4) inches thick in residential areas and six (6) inches thick in commercial and industrial

areas, places on a suitable subbase. Sidewalks at driveway crossing shall be at least eight (8) inches thick.

3. All sidewalks shall be designed in accordance established engineering practice and subject to the approval of the Borough Council.

(Ord. 714, 11/13/1991, §605)

§606. Street Lights.

1. Street lights, where required, shall be installed with underground lines wherever possible and the subdivider shall provide or make arrangements for a complete energy efficient street lighting system within the subdivision.

2. Such systems shall provide a safe level of illumination and shall be reviewed by the appropriate utility company.

(Ord. 714, 11/13/1991, §606)

§607. Sewer and Water Facilities. Sewer and water facilities shall meet the requirements of §502(4) and shall also conform with the following:

A. Public water lines and sanitary sewer lines shall be required in all cases.

B. Sanitary sewers shall have a minimum inside diameter of eight (8) inches and a minimum grade of four tenths (0.4) percent unless pressure sewers are used. Manhole spacing shall meet the regulations of the appropriate agency. The manhole frames, covers and steps shall be designed in accordance with accepted specifications approved by the Borough Council.

C. Where a subdivision is provided with a complete water main supply system, fire hydrants shall also be installed in accordance with the requirements of the Insurance Services Office of Pennsylvania, subject to approval by the Borough Council.

(Ord. 714, 11/13/1991, §607)

§608. Storm Drainage and Other Utility Facilities. Storm drainage and other utility facilities shall be provided as required in Part 5 of this Chapter and in accordance with sound engineering practice and subject to the approval of the Borough Council. (Ord. 714, 11/13/1991, §608)

§609. Monuments and Markers.

1. Monuments shall be of concrete or stone with a minimum size of four (4) inches by four (4) inches by thirty-six (36) inches and shall be marked on top with one-half (1/2) inch round brass pin, or a drilled hole. Markers shall consist of iron pipes or iron or steel bars at least twenty-four (24) inches long, and not less than three-quarter (3/4) inch in diameter.

2. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground and the elevation permanently recorded on at least one (1) monument using the U.S.C. & G.S. datum.

3. Monuments shall be set in readily accessible locations at all corner and angle points of the boundary of the original tract being subdivided and at a minimum of two (2) points of intersection of the right-ofway lines and at all street intersections so as to permanently locate or provide reference for all property lines.

4. Markers shall be set:

A. At the beginning and end of all curves along street property lines.

B. At all points where lot lines intersect curves, either front or rear.

C. At all angles in property lines of lots.

D. At all other lot corners.

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

(Ord. 714, 11/13/1991, §609)

§610. Bridges and Stream Crossings. Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with current PennDOT standards and specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania Department of Environmental Resources, shall be provided, if applicable. (Ord. 714, 11/13/1991, §610)

§611. Street Name Signs. The developer shall provide the subdivision or land development with adequate street signs at the intersections of all streets. Sign style and characteristics, i.e., color and lettering, shall be acceptable to the Borough Council. (Ord. 714, 11/13/1991, §611)

§612. Traffic Signals and Signs. Traffic signals and signs may be required where traffic studies determine them necessary to provide safe traffic circulation. Such traffic signals and signs shall meet the design standards as established by the Pennsylvania Department of Transportation in PennDOT Bulletin #42 or latest edition. (Ord. 714, 11/13/1991, §612)

§613. Landscaping. In an attempt to preserve and enhance the environment of Stroudsburg Borough, all new construction should be carried out in a manner that would preserve the desirable natural growth of the construction site. Where a residential subdivision or residential land development will be cleared and made substantially void of trees, the subdivider shall be required to plant shade trees adjacent to all street rights-of-way.

A. Commercial subdivision or commercial land development shall provide landscaping in accordance with the applicable standards below:

(1) Compliance. The plan shall comply with the provision of this Section, including the number, type, location and size of trees.

(2) Plant Species. The plan shall include plant species that are suitable for local soil and climate conditions, are reasonably resistant to disease, insects and road salt and are in a healthy condition when planted.

(3) Sight Distance Requirements. The plan shall comply with the sight distance requirements of this Chapter, including intersections of public streets and access drives of commercial, industrial and multifamily developments. The Borough may permit some landscape material to be placed in the clear sight triangle when it determines that the type of material and its location will not create a hazard to motorists or conflict with utility locations.

(4) Ground Cover. The plan shall show natural year-round ground cover on at least fifteen percent (15%) of the lot. This natural ground cover shall be capable of preventing soil erosion and the emanation of dust during dry weather.

(5) Topsoil Protection. Topsoil shall not be permanently removed from a lot except from areas that will be covered with buildings or paving. This shall not prohibit the temporary movement and storage of topsoil during construction.

(6) Healthy Trees Over Six (6) Inches. Existing healthy trees over six (6) inches in trunk diameter shall be preserved insofar as possible, as determined by the Planning Commission and Borough Council. Existing healthy trees shall be protected during construction by a protection barrier located at least twelve (12) feet from the tree in all directions.

(7) Tree Removal. All desirable trees six (6) inches or more in diameter shall not be removed as part of or in preparation for a subdivision or land development unless they are located within ten (10) feet of a proposed cartway or within a utility corridor, stormwater detention basin, parking area, loading or unloading area, sidewalk portion of the right-of-way, driveway, onsite sewage system or within twenty (20) feet of the foundation area of a new structure, or unless these trees are diseased or are (as determined by the Planning Commission and Borough Council) excessive in number and thinning will promote and enhance the healthy development of the remaining trees.

(8) Tree Measurements. Unless otherwise noted, all measurements of tree diameter shall be taken four and one-half (4-1/2) feet above natural grade level.

(9) Number of Trees Required for Each Building Site. Each building site shall include a minimum of twelve (12) deciduous or evergreen trees for each one (1) acre. Each deciduous tree shall be three and one-half (3-1/2) inch caliper or greater, and each evergreen tree shall be six (6) to seven (7) feet in height or greater. As an alternate, ten (10) trees for each one (1) acre shall be required if deciduous trees are four (4) inches in caliper or greater and evergreen trees are eight (8) to ten (10) feet in height or greater. Five (5) shrubs two and one-half (2-1/2) feet in height or greater may be substituted for one (1) tree two and one-half (2-1/2) inch caliper for a maximum of twenty percent (20%) of the tree requirement.

(10) Paved Area Landscaping Size and Type of Trees.

(a) A minimum of one (1) tree shall be required for every three thousand (3,000) square feet of paved area within a lot.

(b) Shade trees shall be a minimum of three and one-half (3-1/2) inch caliper and of a species approved by the Borough.

(c) Ornamental trees shall be a minimum of three and one-half (3-1/2) inch caliper and of a species approved by the Borough.

(d) Evergreen trees shall be a minimum of six (6) feet in height and of a species approved by the Borough.

(e) Shrubs shall be a minimum of twenty-four (24) inches in height and of a species approved by the Borough.

(f) Trees required by this Section shall be planted around the perimeter of the paved area, along internal driveways and access drives and/or within the paved area. All trees within the paved areas shall be shade trees as enumerated in the Borough Shade Tree Ordinance.

(g) Any lot with more than the twenty thousand (20,000) square feet of paved area shall include shade trees within islands within the paved area; these islands shall include an area equal to at least five percent (5%) of the paved area. Such islands and curbing shall be used to carefully channel vehicular traffic through the paved areas.

(h) A maximum of fifteen (15) consecutive and continuous parking spaces in a row shall be permitted without being separated by a shade tree.

(i) All landscaping materials required by this Section shall be installed in accordance with the approved landscape plan.

(j) Newly planted trees that die, become diseased or pest-ridden shall be replaced by the developer until the developer sells an individual lot to a private property owner. The owner will then be responsible for the tree.

(k) Trees within the street right-of-way are under the control of the Borough of Stroudsburg, and all other required plantings shall not be removed without a permit from the Zoning Officer, except for trees removed by the Borough or the State and for trees approved to be removed under this Chapter.

(l) No prohibited vegetation shall be planted. The Zoning Officer shall maintain a list of prohibited vegetation.

(11) Credit for Existing Trees.

(a) If healthy, existing trees are to be preserved that will generally meet the requirements of this Section, the Borough may, in its discretion, permit the existing tree(s) to serve as a credit toward the number of shade trees required to be planted. In addition, the Borough, in its discretion, may permit existing trees that would otherwise be required to be maintained by this Chapter to be removed in exchange for

the developer planting replacement trees in accordance with this Section. The following standards shall be used to determine the extent of credit:

Diameter of Tree Trunk of an Approved Preserved Tree (measured at 4-1/2 feet above the natural grade)	Number of Credited Trees
Greater than 30 inches	6
15 to 29 inches	4
7 to 14 inches	2
2 to 6 inches	1

(b) To be eligible for use as credit toward a required tree, a preserved tree shall be maintained in such a manner that a minimum of fifty percent (50%) of the ground area under and within the outer perimeter of the tree shall be maintained in natural ground cover and at the existing natural ground level.

(12) Buffer Strips.

(a) See the requirements for buffer strips and evergreen screening in §617 of the Borough Zoning Ordinance [Chapter 27]. The required landscaping in this subsection shall be in addition to the landscaping required within buffer yards.

(b) Buffer strips shall be eight (8) feet in width and shall be required to screen truck parking, loading areas, outdoor storage, refuse containers or similar activities from view from any surrounding street or abutting residential district.

(c) Buffer strips shall include a dense screen planting of trees, shrubs or other plant material to serve as a barrier to visibility and shall consist of evergreen plant material.

(d) Plant materials selected for buffer strips shall achieve a size greater than the height of the activity to be screened.

B. Street Trees and Residential Subdivisions.

(1) Street Trees. It is required that street trees are planted under this Section within all land developments and major subdivisions.

(2) Size, Types, Planting and Maintenance. All required street trees shall meet the requirements for trees as enumerated in the Borough Shade Tree Ordinance.

(a) Within and abutting all land developments, along any public street or street intended to become public, or along any private street or access drive, one deciduous street tree shall be required for every thirty (30) or forty (40) feet of total distance along each side of all such streets.

(b) The trees required within this Section shall be generally, but not necessarily exactly, evenly spaced apart. If trees are to be planted on both sides of a street, consideration should be given to creating a pattern or interesting design by examining the relationship of the trees on both sides of the street to each other, as well as the trees on the adjacent property.

(c) The distance that trees shall be planted from the curb, cartway or shoulder shall be determined by the Borough in consideration of the particular development and types of trees being planted. The Borough may require a specific location to match street tree layout of adjoining properties or to ensure adequate sight distance or provide adequate width for future street widening.

(3) Residential Subdivisions. The Borough shall apply this Section to residential developments or subdivisions one-half (1/2) acre or larger in size.

(Ord. 714, 11/13/1991, §613; as amended by Ord. 824, 9/10/2002)

§614. Ground Cover Requirements. Exposed ground surface in all parts of the subdivision shall be paved or covered with stone screening, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The vegetative cover shall not be poisonous in nature. (Ord. 714, 11/13/1991, §614)

§615. Parking.

1. Minimum dimensions of required parking spaces shall be ten (10) feet wide and twenty (20) feet in depth. When more than ten (10) parking spaces are provided on any one (1) lot, one-third (1/3) of the spaces may be a minimum of nine (9) feet wide and eighteen (18) feet deep. Aisle widths providing access to parking spaces shall be adequate to provide for safe and convenient turns into and from parking spaces based upon standard engineering practices. Minimum aisle widths shall be twelve (12) feet for zero (0) degree angle (parallel) parking, eleven (11) feet for thirty (30) degree angle parking, thirteen (13) feet for forty-five (45) degree angle parking, eighteen (18) feet for sixty (60) degree angle parking and twentyfour (24) feet for ninety (90) degree angle parking.

2. Handicapped parking spaces shall be provided as required by State and Federal regulations.

(Ord. 714, 11/13/1991, §615)

§616. Flood-Prone Area Requirements.

1. Floodplain Ordinance.

A. All subdivisions and land developments located in a designated flood-prone area shall conform with the requirements and definitions of the Borough of Stroudsburg Ordinance No. 567 entitled "Floodplain Ordinance."

B. All such proposed development shall be designed in accordance with the floodplain management principles and requirements of said

ordinance.

2. As a basis for determining conformance with these requirements, the Borough Council may utilize information provided by recognized applicable authorities or studies.

3. If the Borough Council determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(Ord. 714, 11/13/1991, §616)

Part 7

Mobilehome Park Standards and Required Improvements

§701. Application. Applications for proposed development of mobile-home parks shall meet all requirements and standards for a single-family residence residential subdivision as set forth in this Chapter. (Ord. 714, 11/13/1991, §701)

§702. General Standards and Requirements.

1. All mobilehome parks shall have a total contiguous land area of not less than ten (10) acres.

2. The site of any proposed mobilehome park shall not be located within or upon a one hundred (100) year frequency floodplain as defined by the Federal Flood Insurance Program.

3. The site of any proposed mobilehome park shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

4. Mobilehome parks shall not be located on soil areas having a seasonal high water table or limiting zone within twenty (20) inches of the ground surface; the average natural slope of the area of the site intended for development shall not exceed fifteen (15) percent.

(Ord. 714, 11/13/1991, §702)

§703. Submission of Application and Compliance.

1. All provisions of Part 3 of this Chapter shall apply with respect to submission, application and approval. Fees shall be charged in accordance with the approved fee schedule.

2. The plans of the proposed mobilehome park shall conform in content to the requirements for preliminary plans and final plans as set forth in this Chapter.

(Ord. 714, 11/13/1991, §703)

§704. Design and Improvement Installation Standards.

1. General. All plans for proposed new mobilehome parks or expansion of existing mobilehome parks shall meet the design standards applicable to all types of development contained in §502 of this Chapter.

2. Lot Size. Each mobilehome space shall meet the minimum lot area of a single-family detached residential structure of the respective zoning district as set forth in the Stroudsburg Borough Zoning Ordinance [Chapter 27].

3. Site Drainage Requirements.

A. 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 this Chapter.

B. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Resources and the Borough.

4. Soil and Ground Cover Requirements.

A. Exposed ground surfaces in all parts of every mobilehome park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

B. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

5. Park Areas for Nonresidential Uses. No part of any park shall be used for nonresidential purposes, except that such uses that are required for the direct servicing well-being of park residents and for the management and maintenance of the park.

6. Required Setbacks, Buffer Strips and Screening.

A. All mobilehomes shall be located at least seventy-five (75) feet from any park property boundary line butting upon a public street or highway and at least fifty (50) feet from other park property boundary lines.

B. There shall be a minimum distance of thirty (30) feet between individual mobilehomes, and adjoining right-of-way of a park street, or common parking area or other common areas and structures.

C. All mobilehome parks shall be required to provide screening such as fences or plant materials along the property boundary line separating park and such adjacent use. These plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

D. Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback and buffer areas; provided, that a fire lane of at least ten (10) feet in width is maintained, clear of all obstacles, on each side of each mobilehome. No structures of any kind may be erected within fifteen (15) feet of the mobilehome lot line.

7. Streets.

A. All streets within proposed mobilehome parks shall conform to the requirements for streets as set forth in Parts 5 and 6 of this Chapter. Right-of-way width shall be a minimum of fifty (50) feet. The Borough will not accept any street in a mobilehome park which is offered for dedication.

B. All streets or roads providing access from the public highway system into and/or through a proposed mobilehome park shall conform to the requirements for streets as set forth in Parts 5 and 6 of this Chapter. Street signs acceptable to the Borough Council shall be provided at all intersections.

C. There shall generally be at least two (2) points of ingress and/or egress in each mobilehome park but no more than two (2) accesses to a mobilehome park from any one (1) public right-of-way (emergency accesses excepted), and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred fifty (150) feet where they intersect with a public street.

8. Lot Frontage. Mobilehome sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobilehome 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 mobilehome park and providing access to other parcels or developments.

9. Illumination. Required illumination of park street systems. All parks shall be furnished with lighting units so placed 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.

10. Off-Street Parking. Off-street parking for two (2) motor vehicles shall be provided at each mobilehome lot and 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 five (5) percent and shall be paved with a minimum six (6) inches depth of select material approved by the Borough Engineer.

11. Walks.

A. General Requirements. All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobilehomes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. 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 (4) feet.

C. Individual Walks. All mobilehome 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 two (2) feet.

12. Recreational Areas. A common recreational area of land, consisting of ten (10) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall be of suitable configuration less than ten (10) percent grade and free of hazards to permit recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for active recreational use in the mobilehome park. Plans for development of the recreational area and facilities shall be submitted to the Borough for their approval.

13. Landscaping and Outdoor Living Requirements.

A. Private Area. Private outdoor living and service space shall be provided for each mobilehome and shall be partially paved for

garden furniture. The minimum area shall be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet. The paved area shall not be less than one hundred (100) square feet with at least dimension of ten (10) feet.

B. Screen Planting. Screen plantings of evergreen shrubs and trees shall be provided of a width and height adequate to immediately screen objectionable views effectively. Views to be screened include laundry drying yards, garbage and trash collection stations, nonresidential uses, and rear yards of adjacent properties.

C. Other Planting. Other plantings shall be adequate in size, quantity and character to provide an attractive setting for the mobilehomes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

14. Sewer and Water Systems. All mobilehome lots and service buildings in proposed mobilehome parks shall be provided with connection to a public water supply system and a public sewer system as required in this Chapter.

15. Underground Utilities. All mobilehome lots in proposed mobilehome parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

16. Mobilehome Foundation. Each mobilehome lot shall be improved to provide a permanent foundation for the placement and tiedown of the mobilehome thereby securing the structure against uplift, sliding, rotation and overturning. Mobilehomes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on a foundation of poured concrete, block construction or a concrete slab.

A. The mobilehome site shall not heave, shift or settle unevenly under the weight of the mobilehome, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

B. The mobilehome site shall be provided with anchors and tiedowns, such as cast-in-place concrete "deadmen," eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobilehome.

C. Anchors and tiedowns shall be placed at least at each corner of the mobilehome site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

Mobilehome park developers shall require that all mobilehomes be enclosed from the bottom of the mobilehome to the ground or paving using industry approved fire resistant skirting material within sixty (60) days of their placement.

17. Central Fuel System. Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

(Ord. 714, 11/13/1991, §704)

§705. Exceptions.

1. Mobilehome Sales. None of the provisions of this Chapter shall be applicable to the business of mobilehome sales; provided, that the mobilehome on such sales lots shall not be occupied.

2. Storage of Recreation Vehicles. None of the provisions of this Chapter shall be applicable to the storage or garaging within a building or structure of recreational vehicles not being used for living or sleeping purposes or to the storage of one (1) unoccupied recreational vehicle on the premises occupied as principal residence by the owner of such recreational vehicle; provided, however, that such unoccupied recreational vehicle shall not be parked between the street line and the front building line of such premises, but shall be parked within the lot, within the same setbacks as required for accessory buildings in any Zoning Ordinance [Chapter 27].

3. Construction Project. None of the provisions of this Chapter shall be applicable to a mobilehome 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 in connection with such project; provided, such mobilehome is removed from said site within thirty (30) days after the completion of such project.

(Ord. 714, 11/13/1991, §705)



Appendix A  
Development Agreement Sample Form

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between the Council of Stroudsburg Borough, Monroe County, Pennsylvania, (hereinafter referred to as "Council"),

AND

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(hereinafter referred to as "Developer").

The background to this Agreement is that Developer is the owner of a certain tract or parcel of land situated in Stroudsburg Borough, Monroe County, as shown on a certain plot or plan entitled \_\_\_\_\_ (hereafter sometimes called "the final plan") which has been submitted to the Council for final approval in accordance with the applicable ordinances of Stroudsburg Borough. In addition, the Developer has submitted supporting data and information as a supplement to the final plan.

Attached as Exhibit A to this Agreement is a narrative description of the improvements required under the ordinances of Stroudsburg Borough (sometimes referred to as "required improvements") which have not yet been completed at the time the final plan was submitted for approval. And attached as Exhibit B is a narrative description of certain other improvements which the Developer has depicted upon the plan (sometimes referred to as "promised improvements") and which have not been completed.

The Developer seeks approval of the final plan before completing the improvements described in Exhibits A and B. The Council, on the other hand, seeks to assure that the improvements will be made. Accordingly, the Developer and Council have agreed as follows:

NOW, THEREFORE, in consideration of the mutual premises, promises, covenants and conditions set forth below, the parties agree as follows:

1. Plan Approval. Developer shall record the said plan within ninety (90) days of the execution of this Agreement in the Monroe County Office for the Recording of Deeds. The Council's execution of the final plan constitute their acknowledgement that the plan and supporting data comply with applicable ordinances and regulations of Stroudsburg Borough. Developer agrees to the strict and timely performance of the conditions of this Agreement and the posting by Developer of a performance guarantee as required by the pending Subdivision and Land Development Ordinance [this Chapter] of Stroudsburg Borough.

2. Security of Performance Guarantee. The Developer agrees to complete the improvements in a workmanlike manner and in accordance with the design criteria of applicable Stroudsburg Borough ordinances or in accordance with the plans and specifications submitted by the Developer to the Council, whichever standard is the more stringent. The improvements shall be completed within the following time periods:

A. Required Improvements: \_\_\_\_\_

\_\_\_\_\_

B. Promised Improvements: \_\_\_\_\_

\_\_\_\_\_

Time shall be of the essence of Developer's agreement to construct or install the improvements by the date(s) specified; and, the failure or forbearance of the Council, or a third party, in not acting upon Developer's failure to complete the improvements as promised shall not be deemed a waiver of their right to insist upon such performance. No extension of the time limits set forth above shall be binding unless it is in writing and signed by the Council.

3. Security of Performance Guarantee. The parties acknowledge that the Council has accepted as security for the performance of Developer's promises under this contract the following: \_\_\_\_\_

\_\_\_\_\_

The aforesaid security is referred to in this Agreement as a "performance guarantee." The performance guarantee shall be collateral security for Developer's performance obligations under this Agreement. The parties further agree that the fair and reasonable estimate of the current cost to complete the required improvements described in Exhibit A is \$ \_\_\_\_\_; and, the fair and reasonable cost of completing the promised improvements described in Exhibit A is \$ \_\_\_\_\_. The amount of the performance guarantee shall be \$ \_\_\_\_\_. Upon the Developer's default, the Council shall have the right to pursue their remedies under the performance guarantee; and, in addition, to bring action under this Agreement if the fund available from the performance guarantee reasonably appears to be insufficient to pay for completion of the improvements.

4. Methods of Approving Installation of Improvements and Cost Thereof. The Developer shall notify the Council, with a copy to the Borough Engineer, by certified or registered mail when any improvement has been completed. Within ten (10) days of receiving this notice, the Council shall direct the Engineer to inspect the improvement. The Engineer shall make his inspection and file a report to the Council, the Stroudsburg Borough Planning Commission and the Developer within thirty (30) days of the date on which the Developer's notification was received by the Council. If the Engineer finds any or all improvements to be not as required or promised, he shall include a statement of reasons for their rejection in his report to the Council and to the Developer.

Where appropriate, the Borough may require that periodic inspections be made of the improvements, in which case the Developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The Developer shall notify the Borough of the progress of construction to enable the Borough Engineer to make such inspections.

The Council shall consider the Engineer's report and recommendation of the Planning Commission and render a decision to the Developer by certified or registered mail within forty (40) days after the Developer's official letter of notification to the Board of his completion of the improvements. Upon approval of all the improvements, the Developer's collateral under the performance guarantee shall be released to Developer and the performance guarantee shall be of no further force and effect.

The Developer agrees to pay the fair and reasonable cost of inspections and reports performed or made by the Borough Engineer or other designee.

Notwithstanding any other provision of this paragraph, Developer agrees that no blacktopping or asphalt material shall be applied to a required improvement unless prior notice is given to the Council, or their authorized representative, and approval is obtained.

5. Non-Assignment. The Developer shall not assign, transfer, sub-lease, pledge, hypothecate, surrender or otherwise dispose of this Agreement or of any rights created by the Agreement, or permit any other person or persons, company, or corporation to assume Developer's obligations hereunder without the written content of the Council of Stroudsburg Borough first being obtained.

6. Developer to Provide As-Built Drawings. Upon request of the Council, the Developer shall, upon completion of installation of a required improvement, submit "as built" drawings of the improvement for the records of Stroudsburg Borough.

7. Developer to Indemnify, Etc.. Developer hereby agrees to indemnify, defend and hold harmless the Borough of Stroudsburg, their successors and assigns and their agents, servants and employees, from any and all actions, claims or demands arising from or by virtue of this Agreement and the installation of required or promised improvements as provided herein.

8. Additional Assurances of Completion. The Developer, upon request of the Council, shall provide such additional security or such additional documentation as the Council may from time to time reasonably require in order to effect the terms of this contract. In the event the Council reasonably requests additional security under the performance guarantee, the Developer's failure to provide additional security shall be deemed a breach of this Agreement.

9. Maintenance Bond. In addition to the performance guarantee, developer shall post with the Council a bond or other acceptable security to secure the cost of repair or replacement of any required improvement for a period one (1) year or eighteen (18) months after the date of its completion.

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\* Ord. 714 read "Board of Council."

10. No Offer of Dedication. Nothing in this Agreement shall be construed as an offer by the Developer to dedicate any improvement to the Council of Stroudsburg Borough and nothing herein shall be deemed to be an acceptance of an offer of dedication. In the event the Developer, or Developer's heirs, administrators, successors or assigns, offers to dedicate an improvement to Stroudsburg Borough, there shall be no payment or compensation of any kind paid to Developer or Developer's heirs, administrators, successors or assigns, and this Agreement shall constitute a full and complete release from any such claim or demand for payment. Developer shall bear all of the Borough's costs incidental to the dedication of a required improvement.

11. Default. If Developer fails or neglects to do or perform or observe any of the covenants contained herein, and such failure or neglect continues for a period of not less than thirty (30) days after the Council has notified Developer in writing of Developer's default hereunder, and Developer has failed to correct such default within said thirty (30) days, or if Developer shall be declared to be bankrupt or insolvent according to law, or if any assignment of Developer's property shall be made to the benefit of creditors, then in any such case, or event, the Council may, at their option, immediately or at any time thereafter without demand or notice, declare this contract to have been breached and exercise their remedies, in law or equity, and simultaneously therewith to exercise their right under the performance guarantee to complete such work or as much thereof as may be completed from the available resources of the performance guarantee. The Council's exercise of their rights under the performance guarantee shall not bar them from pursuing their rights under this contract, it being agreed that those rights are cumulative and not exclusive.

12. Attorney Fees. In the event any action, suit or proceeding is brought by the Council against the Developer for Developer's failure to observe any of the covenants of this Agreement, Developer agrees to pay to the Council such sum as the court may judge reasonable as attorney fees to be allowed in said suit, action or proceeding.

13. Third Parties to Benefit. This Agreement shall inure to the benefit of the grantees, lessees, and licensees of the Developer; provided, however, in no event may such third party beneficiary, alone or together, bring action for breach of this Agreement without the prior written approval of the Council.

14. Insurance. Developer shall secure and maintain public liability insurance for the duration of the construction of the improvements and evidence of such coverage shall be submitted to the Borough.

15. Adequacy of Plans. Nothing in this contract shall be construed as approval by the Council or their agents, servants, independent contractors or employees, of the adequacy or fitness of purpose or intended use of the improvements depicted upon the plans and supporting documentation submitted to the Borough, it being agreed that the Council's approval constitutes no more than their acknowledgement that minimum standards of Borough ordinances have been met.

(Ord. 714, 11/13/1991, Appendix A)

COMMENTS TO GENERAL FORM OF DEVELOPMENT AGREEMENT

1. This form is designed as a model of an acceptable Development Agreement and may be modified as circumstances warrant.

2. No form of performance guarantee is provided because there are a number of types of collateral that may be acceptable. Refer to the Stroudsburg Borough Subdivision and Land Development Ordinance [Chapter 22] for a list of acceptance forms of security.

3. In no event will the Borough approve final plans of a subdivision until the roads shown on the plan have been installed to a "mud free and permanently passable" condition.

4. The Developer should obtain estimates from reputable contractor(s) to substantiate the present cost of the required and promised improvements.

5. It is suggested that the Developer or his attorney contact the Borough's Solicitor to obtain approval of modifications of the sample form of Development Agreement.

