

Exhibit “F-1”

Chapter 215
SUBDIVISION AND LAND DEVELOPMENT

GENERAL REFERENCES

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|--|--|
| Planning Commission – See Ch. 30. | Property maintenance – See Ch. 170. |
| Building construction – See Ch. 82. | Sewers and sewage disposal – See Ch. 180. |
| Dangerous buildings – See Ch. 105. | Stormwater management – See Ch. 200. |
| Floodplain management – See Ch. 125. | Streets and sidewalks – See Ch. 205. |
| Mobile homes and mobile home parks – See Ch. 145. | Trees – See Ch. 230. |
| Numbering of buildings – See Ch. 150. | Zoning – See Ch. 250. |

ARTICLE I

General Provisions

**[Amended 3-7-1984 by Ord. No. 87; 6-5-1991 by Ord. No. 104;
10-7-2009 by Ord. No. 2009-6]**

§ 215-1. Title.

- A. Long title: "An ordinance of Jacobus Borough, York County, Pennsylvania, providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on streets and improvements; financial security requirements for improvements; the administration of this chapter by the Jacobus Borough Planning Commission and Borough Council; and penalties for the violation of this chapter."
- B. Short title. This chapter shall be known and may be cited as the "Jacobus Borough Subdivision and Land Development Ordinance of 2009."

§ 215-2. Purpose.

The purpose of this chapter is to create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- A. Assisting in the orderly and efficient integration of subdivisions;
- B. Ensuring conformance of subdivision plans with the public improvement plans of the Borough;
- C. Ensuring sites suitable for building purposes and human habitation;
- D. Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion;
- E. Securing equitable handling of all subdivision plans by providing uniform procedures and standards;
- F. Improving land records by establishing standards for surveys and plans;
- G. Safeguarding the interests of the public, the homeowner, the subdivider and the municipality;
- H. Preserving natural and historic features; and
- I. Carrying out the goals and objectives of the Comprehensive Plan and the Pennsylvania Municipalities Planning Code.¹

1. Editor's Note: See 53 P.S. § 10101 et seq.

§ 215-3. Applicability.

- A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision or land development, and no building that first needs land development approval shall be constructed, except in accordance with this chapter.
- B. A lot or parcel that was not a legal lot of record prior to adoption of this chapter shall not be created, sold or transferred, and no land development may occur on a lot unless and until the subdivision of the lot and/or the approval of the land development, as applicable, has been granted final plan approval and any subdivision has been recorded and either of the following occurs, as provided in § 215-59:
- (1) The Borough has been assured, by means of a development agreement and guarantees acceptable to the Borough Council, that the improvements will subsequently be installed; or
 - (2) The required improvements in connection therewith have been entirely completed.
- C. Landowner. No subdivision or land development shall be submitted to the Borough for review except by the landowner of such land or his/her specifically authorized agent. (See definition of "landowner" in Article II, which includes "equitable owner.")
- D. Zoning. All subdivisions and land developments shall comply with Chapter 250, Zoning, of the Code of the Borough of Jacobus and other relevant Borough codes and ordinances.

§ 215-4. Revisions to Borough regulations after submittal of application.

Section 508(4) of the Pennsylvania Municipalities Planning Code shall apply.²

§ 215-5. Interpretation.

- A. Standards.
- (1) The provisions of this chapter shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, convenience and general welfare.
 - (2) Where provisions, standards, and specifications of this chapter conflict with those of any state statute, other ordinance or

2. Editor's Note: See 53 P.S. § 10508(4).

regulations, the more restrictive requirement shall apply, regardless of its source, unless specified to the contrary.

- B. Illustrations. The illustrations in this chapter are for general illustrative purposes and are not part of the regulations of this chapter.

§ 215-6. Modifications and waivers.

- A. An applicant seeking a modification or waiver to a provision of this chapter shall submit to the Borough offices a request, in writing, that states the specific chapter section(s) involved and the reasons for the request. The Planning Commission may provide a recommendation. The Borough Council may, in writing, grant a waiver or modification to the specific requirements of this chapter. This section is established under Section 503(8) of the Pennsylvania Municipalities Planning Code,³ which authorizes waivers and modifications when the literal compliance with mandatory provisions is shown, to the satisfaction of the Borough Council, to be unreasonable or to cause undue hardship or when an alternative standard can be demonstrated to provide equal or better results.
- B. The applicant must prove that the request will meet one or more of the following conditions:
- (1) Avoid an undue hardship that was not self-created and that is not financial in nature and that results from the peculiar and uncommon conditions of the property;
 - (2) Avoid a clearly unreasonable requirement; or
 - (3) Allow an alternative standard that is clearly proven by the applicant to provide equal or better results.

§ 215-7. Fees.

- A. See § 215-22.
- B. The applicant is also required to pay any review fees and/or permits required by the Borough, York County Planning Commission, the Sewer Authority, the water company and the York County Conservation District, as well as any other applicable agencies.
- C. Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- D. If the expenses of the Borough for reviews of a subdivision or land development exceed the total fees that have been paid or placed in escrow by an applicant, additional funds shall be required to be deposited by the applicant. If expenses exceed the amount placed into escrow, such excess expenses shall be paid by the applicant prior to

3. Editor's Note: See 53 P.S. § 10503(8).

release of the final plans by the Borough for recording. If the funds exceed the amount of the expenses, the excess shall be refunded to the applicant.

- E. If the applicant disputes the fees, the applicant can appeal in accordance with Sections 503 and 510 of the Pennsylvania Municipalities Planning Code, as amended.⁴

§ 215-8. Alternate plans; revisions and resubdivisions.

- A. Alternate plans. Only one plan concerning any one area of land shall be before the Borough for review at any one moment in time, unless specifically authorized by the Borough. Simultaneously submitted alternate plans will not be considered.

- B. Revisions and resubdivisions.

- (1) Until a submission is approved or rejected by the Borough Council, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures which apply to that plan. For any submittal of a revision of a previously submitted plan, the Borough may require the applicant to submit additional amounts into an escrow account, or other fees, if needed, based upon the Borough's expenditures on the review up to that time.
- (2) A revision or resubdivision of a recorded plan or a final plan approved by the Borough Council shall be considered as a new subdivision and shall comply with all of the regulations of this chapter.
- (3) If the Borough staff determines that a revision of a previously approved plan is only to correct erroneous data or minor omissions or supporting documentation, the plan may be submitted under the simplified requirements and procedures that apply to a minor subdivision.

§ 215-9. Amendments.

- A. The regulations set forth in this chapter may, from time to time, be amended by the Borough Council, following the procedures of the Pennsylvania Municipalities Planning Code,⁵ as amended, including a Borough Council public hearing (with public notice required by the Pennsylvania Municipalities Planning Code) and the required legal advertisement.
- B. Reviews. The Borough shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the Borough Planning Commission for

4. Editor's Note: See 53 P.S. §§ 10503 and 10510.

5. Editor's Note: See 53 P.S. § 10101 et seq.

recommendations at least 30 days prior to the date of the public hearing. The Borough shall submit any proposed amendment to the York County Planning Commission at least 30 days before the public hearing on such amendment.

§ 215-10. Appeals to courts.

Decisions of the Borough Council may be appealed in accordance with the Pennsylvania Municipalities Planning Code, as amended.⁶

§ 215-11. Enforcement.

- A. Inspectors. The Borough Council shall authorize one or more persons, which may include the Zoning Officer, Codes Administrator and the Borough Engineer and his/her representatives, to enforce the provisions of this chapter and the accompanying design standards and improvement specifications.
- B. Inspection. Any action under this chapter is subject to on-site inspection by the Borough or its authorized representatives to ensure compliance with this chapter, other Borough ordinances and the approved plans.
- C. Remedies. Any action inconsistent with the provisions of this chapter shall be subject to an enforcement notice, which may include a cease and desist order, and other appropriate measures by the Borough Council or its authorized representatives.

§ 215-12. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated any provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough Council or its authorized representatives, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees incurred by the municipality as a result thereof, unless a higher penalty is established under state law. This shall include, but not be limited to, any person, partnership or corporation that accomplishes any act listed under § 215-3, Applicability, without following the applicable procedures of this chapter.
- B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- C. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining

6. Editor's Note: See 53 P.S. § 10101 et seq.

that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. Imprisonment shall not be authorized as a penalty under this chapter.

- D. See also the remedies provisions of § 215-11C of this chapter. All fines collected for such violations shall be paid over to the Borough.

§ 215-13. Borough liability.

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, stormwater runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this chapter involving any land governed by the provisions of this chapter by an officer, employee, consultant or agency of the Borough shall constitute a representation, guarantee or warranty of any kind by the Borough or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against, any Borough body, consultant, official or employee for any damage that may result pursuant thereto.

ARTICLE II
Terminology

§ 215-14. Word usage.

- A. As used in this chapter, 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, subject to the provisions of § 215-64 hereof.
- B. If a word is not defined by this chapter, but is defined by Chapter 250, Zoning, of the Code of the Borough of Jacobus, as amended, then the Chapter 250, Zoning, definition shall apply to this chapter. **[Added 10-7-2009 by Ord. No. 2009-6]**

§ 215-15. Definitions. [Amended 3-7-1984 by Ord. No. 87; 6-5-1991 by Ord. No. 104]

The following words or phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AGENT — Any person, other than the subdivider, who, acting for the subdivider, submits to the Planning Commission subdivision plans for the purpose of obtaining approval thereof. **[Amended 10-7-2009 by Ord. No. 2009-6]**

ALLEY — A right-of-way providing secondary vehicular access to the side or rear of two or more properties.

APPLICANT — Any person or municipality who submits to the Planning Commission subdivision plans for the purpose of obtaining approval thereof. **[Amended 10-7-2009 by Ord. No. 2009-6]**

ARTERIAL STREET — A street serving large volumes of comparatively high-speed and long-distance traffic and including highways of the Pennsylvania Department of Transportation, where applicable.

BLOCK — An area bounded by streets.

BUILDING SETBACK LINE — A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line.

CARTWAY — The portion of a street or alley intended for vehicular use.

CHAIRMAN — The Chairman of the Jacobus Borough Planning Commission.

CHAPTER, THIS — The Jacobus Borough Subdivision and Land Development Ordinance, as amended, and any provisions thereof, enacted by the Borough Council. **[Added 10-7-2009 by Ord. No. 2009-6]**

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

COMMISSION STAFF — The technical personnel retained by the Jacobus Borough Planning Commission.

CROSSWALK or INTERIOR WALK — A right-of-way easement for pedestrian travel across or within a block.

CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

DEP — The Pennsylvania Department of Environmental Protection and its successor agencies. The term "DEP" or "Pennsylvania Department of Environmental Protection" shall replace any reference to "DER" or the "Pennsylvania Department of Environmental Resources" throughout. **[Added 10-7-2009 by Ord. No. 2009-6]**

DEVELOPER — A person or entity proposing to develop land. Where appropriate, the term will have the same meaning as "subdivider."

DOUBLE FRONTAGE LOT — A lot with front and rear street frontage.

DRAINAGE FACILITY — Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

DRIVEWAY — A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DWELLING UNIT — Any structure or part thereof designed to be occupied as living quarters as a single housekeeping unit.

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

FUTURE RIGHT-OF-WAY —

- A. The right-of-way width required for the 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.

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.

IMPROVEMENTS — Those physical additions, installations and changes required to render land suitable for the use proposed.

LAND DEVELOPMENT —

- A. Any of the following activities:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. The term "land development" shall not include:

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

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

LOT AREA — The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

LOT LINE ADJUSTMENT **[Added 10-7-2009 by Ord. No. 2009-6]** —

- A. The revision or deletion of one or more lot lines in such a way that all of the following are true:
 - (1) No new lots will be created beyond what was previously approved;
 - (2) No additional road/street segments or significant changes in alignment are proposed other than what was previously approved; and
 - (3) No additional nonconformities will be created under Chapter 250, Zoning, of the Code of the Borough of Jacobus.

B. A lot line adjustment shall still need approval under this chapter.

MAINTENANCE AGREEMENT — An agreement, in a form and manner acceptable to the Borough Council, requiring the developer of required

public improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.**[Added 10-7-2009 by Ord. No. 2009-6]**

MAINTENANCE GUARANTEE — Financial security which is acceptable to the Borough to secure the promise made by a developer in the maintenance agreement that required public improvements shall be maintained by the developer. (Note: These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements.)**[Added 10-7-2009 by Ord. No. 2009-6]**

MARGINAL ACCESS STREET — Minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic street.

MULTIPLE-DWELLING BUILDING — A building providing separate living quarters for three or more families.

MUNICIPALITIES PLANNING CODE — The Pennsylvania Municipalities Planning Code, as amended.⁷**[Added 10-7-2009 by Ord. No. 2009-6]**

MUNICIPALITY — Township of the first or second class, Borough or city.

OWNER — The owner of record of a parcel of land.

PENNDOT — The Pennsylvania Department of Transportation.**[Added 10-7-2009 by Ord. No. 2009-6]**

PERFORMANCE GUARANTEE — Financial security which is acceptable to the Borough Council to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements.)**[Added 10-7-2009 by Ord. No. 2009-6]**

PLAN, FINAL — A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

PLANNING COMMISSION — Unless otherwise stated, the Jacobus Borough Planning Commission.**[Added 10-7-2009 by Ord. No. 2009-6]**

PLAN, PRELIMINARY — A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, RECORD — An exact copy of the approved final plan on map material acceptable to the York County Recorder of Deeds.

PLAN, SKETCH — An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

7. Editor's Note: See 53 P.S. § 10101 et seq.

PUBLIC NOTICE — As defined by the Pennsylvania Municipalities Planning Code.⁸**[Added 10-7-2009 by Ord. No. 2009-6]**

RECREATION LAND — Land intended for noncommercial recreation by residents of a development or by the general public and which meets the requirements of this chapter for such land.**[Added 10-7-2009 by Ord. No. 2009-6]**

RESUBDIVISION — Any subdivision or transfer of land laid out on a plan which has been approved by the Planning Commission which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.**[Amended 10-7-2009 by Ord. No. 2009-6]**

REVERSE FRONTAGE LOT — A lot extending between and having frontage on a major street and a minor street, with vehicular access solely from the latter.

RIGHT-OF-WAY — Land set aside for use as a street, alley or other means of travel.

SEWAGE FACILITY — Any sewer, sewage system, sewage treatment works or part thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste, including industrial waste.

SEWAGE SERVICE — The definitions in Chapter 250, Zoning, of the Code of the Borough of Jacobus shall apply.**[Added 10-7-2009 by Ord. No. 2009-6]**

SIGHT DISTANCE — The length of a street, measured along the center line, which is continuously visible from any point three feet above the center line.

STREET — A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Streets are further classified as follows:

- A. MINOR STREET — Streets which are used primarily for access to abutting properties and generally serve internally developed areas.
- B. COLLECTOR STREET — Streets which, in addition to giving access to abutting properties, intercept minor streets and provide routes to community facilities and to major traffic streets.
- C. ARTERIAL STREET — A street serving large volumes of traffic that provides a primary traffic connection between the Borough and other municipalities. The only arterial street within Jacobus is Main Street.**[Amended 10-7-2009 by Ord. No. 2009-6]**

SUBDIVIDER — A person or entity proposing to subdivide. Where appropriate, the term will have the same meaning as "developer."

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether

8. Editor's Note: See 53 P.S. § 10101 et seq.

immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION ADMINISTRATOR or PLANS ADMINISTRATOR — The staff person(s) charged by the Borough Council with the responsibility of administering the subdivision application submission procedure. Said staff person shall be the Zoning Officer of Jacobus Borough to and until the Borough Council may designate an alternative person.**[Added 10-7-2009 by Ord. No. 2009-6]**

UNDEVELOPED LAND — Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

WATER FACILITY — Any waterworks, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SERVICE — The definitions in Chapter 250, Zoning, of the Code of the Borough of Jacobus shall apply.**[Added 10-7-2009 by Ord. No. 2009-6]**

ARTICLE III
Plan Procedures

§ 215-16. Submission of plans. [Amended 6-5-1991 by Ord. No. 104; 10-7-2009 by Ord. No. 2009-6]

- A. Preliminary and final plans for all proposed subdivisions of land and land development lying within the Borough shall be filed with the Planning Commission for review or approval.
- B. In addition to filing with the Planning Commission, such plans should also be concurrently submitted to the appropriate officials of the county for action or information of such officials, as appropriate.
- C. Provided that plans and necessary supporting data are filed not less than 10 calendar days in advance of the meeting, plans will be considered by the Planning Commission at its next regular meeting subsequent to filing.
- D. The initial plan filed with the Planning Commission for subdivision of a tract shall be considered as a preliminary plan. However, if the plan and supporting data comply in all respects with the requirements for final plans (Article VIII), the Planning Commission may, in the case of small subdivisions involving no new streets, proceed to final action at the first consideration of the plan.

§ 215-17. Sketch plan.

- A. Subdividers are urged to discuss possible development sites with the Jacobus Borough Planning Commission prior to submission of the preliminary plan.
- B. If desired, a sketch plan may be prepared and presented for review and discussion at that time. Sketch plans should generally include:
 - (1) Tract boundary.
 - (2) Location map.
 - (3) North point.
 - (4) Streets on and adjacent to the tract.
 - (5) Topographical and physical features.
 - (6) Proposed general street layout.
 - (7) Proposed general lot layout.
- C. Such discussions and/or sketch plan review will be considered as confidential between the subdivider and the Planning Commission. Submission of a sketch plan shall not constitute formal filing of a plan with the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-18. Preliminary plan. [Amended 6-5-1991 by Ord. No. 104]

- A. Submission of preliminary plan. The preliminary plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this chapter. It is the responsibility of the subdivider to coordinate his plans pursuant to the provisions of this chapter with the respective private and public service agencies.
- B. Approval of preliminary plan.
- (1) The Planning Commission will discuss the preliminary plan with the subdivider or his agent and will review the plan to determine if it meets the standards as set forth in this chapter. Review as applicable by the County Planning Commission and approval by the Borough Planning Commission shall jointly be required prior to approval of the plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - (2) The Borough Planning Commission shall provide its recommendations to the applicant or his/her representative and to the Borough Council in writing. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - (3) See the submission requirements in § 215-60. See § 215-6 if the applicant is seeking any modifications or waivers of requirements of this chapter. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - (4) Approval of the preliminary plan shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize sale of lots.
 - (5) Should approval of the preliminary plan be subject to conditions, the subdivider shall deliver or cause to be delivered to the Borough a written acceptance or rejection of any conditions which were imposed. Such written acceptance or rejection shall be delivered to the Borough on or before the 15th day subsequent to the communication of or mailing of the written decision containing the conditional approval of the subdivision. Should the subdivider fail to so accept or reject such conditions, approval of the preliminary plan shall be rescinded automatically.
 - (6) After a review by the Borough Planning Commission, the Borough Council shall decide whether to approve the preliminary plan, with or without reasonable conditions, or whether to deny the application. The procedures for notification of the applicant in the Pennsylvania Municipalities Planning Code⁹ shall be met. **[Added 10-7-2009 by Ord. No. 2009-6]**

§ 215-19. Final plan. [Amended 6-5-1991 by Ord. No. 104]

9. Editor's Note: See 53 P.S. § 10101 et seq.

- A. Within 48 months after Borough Council action on the preliminary plan, a final plan and necessary supporting data shall be submitted to the Planning Commission for final approval. Otherwise, the plan submitted shall be considered as a new preliminary plan, unless an extension of time has been granted by the Planning Commission upon written request. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. The final plan shall conform in all important respects with the preliminary plan as previously reviewed by the Planning Commission and shall incorporate modifications and revisions specified by the Planning Commission in its conditional approval of the preliminary plan. Otherwise, the plan shall be considered as a revised preliminary plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- C. No plan shall be considered by the Borough Council unless it complies with the provisions of Article VIII of this chapter. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- D. The Borough Council or its designee shall send or provide written notice to the applicant or his/her representative concerning the date of the initial meeting at which the application is scheduled for review. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- E. The Planning Commission shall review the final plan at a scheduled meeting. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- F. Whenever a plan is not approved or is recommended not to be approved, reasons for such action or recommendation shall be explicitly stated. The reasons shall cite to the provisions of the statute or ordinance relied upon. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- G. The Planning Commission may permit submission of the final plan in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- H. Should approval of the final plan be subject to conditions, the subdivider shall deliver or cause to be delivered to the Borough a written acceptance or rejection of any conditions which were imposed. Such written acceptance or rejection shall be delivered to the Borough on or before the 15th day subsequent to the communication of or mailing of the written decision containing the conditional approval of the subdivision. Should the subdivider fail to so accept or reject such conditions, approval of the final plan shall be rescinded automatically.
- I. After a review by the Borough Planning Commission, the Borough Council shall decide whether to approve the final plan with or without reasonable conditions or whether to deny the application. The procedures for notification of the applicant in the Pennsylvania

Municipalities Planning Code¹⁰ shall be met. **[Added 10-7-2009 by Ord. No. 2009-6]**

§ 215-20. Record plan. [Amended 6-5-1991 by Ord. No. 104]

- A. Within 90 days after Borough Council approval of a final plan, the plan must be filed for recording by the subdivider with the York County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Borough Council shall become null and void. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. The record plan shall be an exact copy of the approved final plan on map material acceptable to the York County Recorder of Deeds, prepared in accordance with the provisions of Article VIII of this chapter.
- C. All signatures on the record plan shall be original and shall be written in black ink, and all seals shall be impressed or raised seals.
- D. When presented for the signatures of the President of the Borough Council, the record plan shall already bear all other endorsements required by law.¹¹ **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-21. Replatting and resubdivision procedures.

For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision, except that lot sizes may be varied on an approved plan after recording, provided that:

- A. No lot or tract of land shall be created or sold that is smaller than the size as shown on the approved plan;
- B. Drainage easements or rights-of-way shall not be changed;
- C. Street alignment and block sizes shall not be changed;
- D. The property lines between the backs of the lots shall not be changed;
- E. The rear portion of lots shall not be subdivided from the front part; and
- F. The character of the area shall be maintained.

§ 215-22. Fees. [Added 5-1-2002 by Ord. No. 2002-153]

- A. Fee resolution.
 - (1) The Borough Council shall establish by resolution a collection procedure and schedule of fees to be paid by the applicant at the

10. Editor's Note: See 53 P.S. § 10101 et seq.

11. Editor's Note: Original § 306, Auction sales, was repealed 6-5-1991 by Ord. No. 104.

time of submission of all plans. **[Amended 10-7-2009 by Ord. No. 2009-6]**

- (2) Fees for all other permits required for and by the Borough shall be established by the resolution.
 - (3) Said schedule of fees shall be posted in the Borough office.
- B. Engineering fees. Engineering fees required to be paid in accordance with this chapter shall be paid to the Borough by the applicant for the below-listed services:
- (1) Reviewing all information submitted in conformance with the provisions of this chapter. This includes all originally submitted and revised plans, reports and specifications.
 - (2) Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.
 - (3) Reviewing planning modules for land development.
 - (4) Reviewing cost estimates of required improvements as submitted by the developer.
 - (5) Inspecting required improvements during construction.
 - (6) Final inspections of completion of installation of the required improvements.
 - (7) Such other technical services as deemed necessary or required by the Borough and/or the Jacobus Borough Sewer Authority.
- C. Legal fees. Legal fees incurred by the Borough for the review of all information submitted for conformance with the provisions of this chapter, or other similar services, shall be paid to the Borough by the applicant.

ARTICLE IV
Required Improvements

§ 215-23. General requirements. [Amended 10-7-2009 by Ord. No. 2009-6]

- A. The following improvements contained in this article shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (Appendix C¹²) and in a manner approved by the Borough Council, consistent with sound construction and local practice. Where specific standards and specifications are required in other sections of this chapter, they shall apply.
- B. In all respects in which standards for required improvements are not set forth herein or specified by the Borough Council hereunder, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern, and all work shall be performed in the manner prescribed in the standard specifications for road construction of said Department for the type of construction under consideration.

§ 215-24. Monuments and markers.

- A. Monuments shall be of concrete or stone, with a minimum size of six inches by six inches by 30 inches, and shall be marked on top with a copper or brass dowel. Markers shall consist of iron pipes or of iron or steel at least 15 inches long and not less than 3/4 inch in diameter.
- B. 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.
- C. Monuments shall be set:
- (1) At the intersection of all lines forming angles in the boundary of the subdivision.
 - (2) At the intersection of all street lines.
- D. Markers shall be set:
- (1) At the beginning and ending of all curves along street property lines.
 - (2) At all points where lot lines intersect curves, front or rear.
 - (3) At all angles in property lines of lots.
 - (4) At all other lot corners.

§ 215-25. Streets.

12. Editor's Note: Appendix C is on file in the Borough offices.

- A. Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on plans, profiles and cross sections submitted by the subdivider and approved by the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (1) Pavement base shall be constructed according to the specifications of the Pennsylvania Department of Transportation.
 - (2) Pavement wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Transportation.
 - (3) Gutters. In areas where curb is not used, the gutters must be stabilized to avoid erosion.
 - (4) Streets and alleys shall be constructed in accordance with PennDOT Publication 408, or successor publication. Modifications to such construction specifications may be granted by the Borough Council for good cause and if recommended by the Borough Engineer.
- B. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Planning Commission may require different standards of improvements than those set forth in the previous subsections. Crosswalks may be required when deemed necessary by the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- C. Maximum slopes of all banks off the right-of-way measured perpendicular to the center line of the street shall be 3:1 for fills and 2:1 for cuts.

§ 215-26. Off-street parking and loading. [Amended 2-6-2002 by Ord. No. 2002-152; 10-7-2009 by Ord. No. 2009-6]

- A. The requirements of Chapter 250, Zoning, of the Code of the Borough of Jacobus shall apply.
- B. Paving, grading and drainage.
- (1) Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
 - (2) Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials preapproved by the Borough.
 - (a) However, the Borough Council may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Borough Council may allow parking spaces to be grass, while major aisles are covered by stone.

- (b) If the design and materials are found to be acceptable by the Borough Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

§ 215-27. Street signs. [Amended 10-7-2009 by Ord. No. 2009-6]

Street name signs shall be placed at all intersections. Their design shall be approved by the Planning Commission.

§ 215-28. Curbs. [Amended 10-7-2009 by Ord. No. 2009-6]

Curbing shall be required along each side of each street, unless a modification is approved by the Borough Council. Curbing shall be constructed according to the specifications of PennDOT Publication 408. Rolled curb and gutter shall not be used along an arterial street. The style of curbing shall match any adjacent curbing along the same block.

§ 215-29. Sidewalks. [Amended 10-7-2009 by Ord. No. 2009-6]

Sidewalks shall be required along each side of each street, unless a modification or waiver is approved by the Borough Council. Sidewalks shall be constructed according to the specifications of PennDOT Publication 408, with handicapped-accessible ramps at all street intersections. Sidewalks shall be a minimum of four feet in width, except a five-foot width shall be required along Main Street. The Borough may require the placement of a grass planting strip between the curb and the sidewalk. Sidewalks shall be placed inside the street right-of-way, unless specifically approved otherwise by the Borough through use of an access easement.

§ 215-30. Stormwater management and erosion control. [Amended 10-7-2009 by Ord. No. 2009-6]

- A. Complete drainage systems for the entire subdivision area shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage systems for each section presented.
- B. The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.
- (1) The disturbed land area and the duration of exposure shall be kept to a practical minimum.

(2) Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the County Conservation District.

C. See state erosion control regulations and Chapter 200, Stormwater Management, of the Code of the Borough of Jacobus.

§ 215-31. Water facilities. [Amended 6-5-1991 by Ord. No. 104]

In all new subdivisions, all lots or parcels must be provided with adequate means of water supply by means of one of the following methods:

- A. Public water supply system. Where possible, lots or parcels in all new subdivisions shall be connected to a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of the 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.
- B. If an applicant proves that extension of the public water system is not reasonable or feasible, the Borough Council may approve the use of individual wells. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- C. Where local, county or regional comprehensive plans indicate to the Planning Commission and Borough Council that a public water supply system will serve the subdivision within a reasonable time, the installation of mains and house connections, in addition to the installation of temporary water supply systems provided for in Subsection B above, may be required. **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-32. Sewer facilities.

- A. Each principal building within a subdivision or land development shall be served by the public sewer system where required by Borough ordinance. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. In all new subdivisions, all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb subsurface sewage effluent and to determine the minimum lot area required for such installations, a soil percolation test will be performed. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- C. All sanitary sewer systems proposed shall conform to the requirements of the Pennsylvania Sewage Facilities Act, Act No. 537 of December 22, 1965.¹³

- D. Where local, county and regional comprehensive plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Borough Council shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals and house connections shall be that of the Borough. Wherever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restriction or otherwise, as a condition of the sale of each lot or parcel within such subdivision, that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system. **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-33. Fire hydrants.

Wherever a public or community water supply system is provided, fire hydrants shall be installed within 600 feet of all existing and proposed structures, measured along accessible streets (as specified by the Middle Department Association of Fire Underwriters).

ARTICLE V
Additional Improvements
[Amended 10-7-2009 by Ord. No. 2009-6]

§ 215-34. Street trees.

Shade tree planting shall meet the following specifications:

- A. Trees shall be of nursery stock quality of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated.
- B. The average trunk diameter measured at a height of three feet above the finished grade level shall be a minimum of two inches, depending on good practice with reference to the particular species to be planted.
- C. Trees shall be planted at maximum intervals of 70 feet along both sides of the street and not nearer than five feet from any sidewalk, curb, gutter or other right-of-way improvement as provided for in this chapter.
- D. All planting shall be done in conformance with good nursery and landscape practice.
- E. The species and location of trees shall be such that they will not interfere with utility facilities.

§ 215-35. Streetlights.

- A. When streetlights are to be provided, the developer shall make the necessary arrangements with the Borough and the public service company involved.
- B. The Borough Council shall have the authority to require an applicant to install or fund the installation of streetlights along a public street.

§ 215-36. Underground utilities.

Underground cables for communications and electrical utilities should be installed when and where practical.

ARTICLE VI
Design Standards

§ 215-37. Compliance with minimum standards required. [Amended 10-7-2009 by Ord. No. 2009-6]

All subdivisions approved by the Borough Council must comply with the following standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare.

§ 215-38. General standards.

- A. The design and development of subdivisions shall preserve, insofar as is possible, the natural terrain, natural drainage, existing topsoil and trees.
- B. Land shall be subdivided for uses in conformance with the Comprehensive Plan, Chapter 250, Zoning, of the Code of the Borough of Jacobus and other ordinances and regulations in effect in the Borough.
- C. Subdivisions and land developments shall comply with Borough floodplain regulations and be designed to minimize hazards from subsidence. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- D. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- E. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- F. Subdivisions shall be laid out so as to avoid the necessity for excessive cut or fill.

§ 215-39. Community facilities.

- A. In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. Subdividers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential sections, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; and shopping and local business centers.
- C. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping and off-street parking, as appropriate to the use proposed. Prior to preparation of

final plans, subdividers of large tracts shall review with the Planning Commission minimum standards for various community facilities applicable to the tract to be subdivided. **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-40. Street system.

- A. Proposed streets shall conform in all respects to the Official Map and general development plan of the Borough or to such other street plans or parts thereof as have been officially prepared and adopted by the Borough.
- B. Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law and to the requirements of a general plan of the area as developed by the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- C. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- D. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
- E. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- F. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as culs-de-sac.
- G. Stub streets greater than one lot depth in length shall be provided with a temporary turnaround to the standards required for culs-de-sac or shall be paved to the full width of the right-of-way for the last 25 feet of their length.
- H. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within a municipality, and all street names shall be subject to the approval of appropriate local authorities and the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- I. If a private street serves three or more lots, it shall be constructed to meet the standards for a public street. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- J. In a planned community development where several single- or multiple-unit dwelling structures exist and are permanently to remain (as noted on the plan and in the deed) under a single ownership, private access

drives will be permitted, provided they conform to the design and construction standards of this chapter.

- K. Culs-de-sac permanently designed as such shall not exceed 600 feet in length and shall furnish access to not more than 15 dwelling units.
- L. Culs-de-sac shall have at the closed end a turnaround with a right-of-way having a minimum outside radius of not less than 50 feet and shall be paved to a radius of not less than 40 feet.
- M. Drainage of culs-de-sac shall preferably be towards the open end.

§ 215-41. Street widths.

A. Minimum street and cartway widths shall be as follows:

Street Type	Minimum Width (feet)
Minor	
Right-of-way	50
Cartway	33
Marginal access	
Right-of-way	40
Cartway	26
Cul-de-sac	
Right-of-way	50
Cartway	33
Turnaround of cul-de-sac	
Right-of-way	100-foot diameter; 80-foot diameter to outside curb
Cartway	33
Collector	
Right-of-way	60 or 80
Cartway	As required by the governmental body having jurisdiction at the time of platting
Arterial and limited-access	
Right-of-way	As required by the governmental body having jurisdiction at the time of platting and the Pennsylvania Department of Transportation
Cartway	

- B. Provision for additional street width (right-of-way) may be required by the Planning Commission in specific cases for: **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (1) Public safety and convenience.
 - (2) Parking in commercial and industrial areas and in areas of high-density residential development.
 - (3) Widening existing streets (right-of-way) where the width does not meet the requirements of the preceding paragraphs.

§ 215-42. Street alignment.

- A. Horizontal curves. To ensure adequate sight distance when street cartway lines deflect more than 5°, connection shall be made by horizontal curves. The minimum center-line radii for local streets shall be 150 feet and, of all other streets, shall be 300 feet. A tangent shall be required between curves and between a curve and street intersection.
- B. Vertical curves. Vertical curves shall be used at changes of grade exceeding 1% and shall be designed to provide minimum sight distances of 200 feet for minor streets and 300 feet for all other streets (as determined by the current specifications of the American Association of State Highway Officials).

§ 215-43. Street grades.

- A. Center-line grades shall not be less than 0.5%.
- B. Center-line grades shall not exceed the following:
- (1) Minor streets: 10%.
 - (2) Collector and arterial streets: 6%.
- C. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than four-percent grades.
- D. Maximum grade within any intersection shall not exceed 1%.

§ 215-44. Street intersections.

- A. Intersections. Intersections of local streets with collector streets shall be kept to the minimum which will permit sound development of the abutting land.
- B. Number of streets at intersection. No more than two streets shall intersect at one point.
- C. Angle of street intersections. Streets shall intersect at 90°, except where this may be impractical. Angles of less than 90° may be designed,

subject to the approval of the Borough Planning Commission. No street shall intersect another at an angle of less than 60°.

- D. Center lines of intersecting streets. Two streets intersecting from opposite sides shall intersect at their center lines, or their center lines shall be offset at least 125 feet.
- E. Clear sight triangles of 50 feet, measured along street right-of-way lines from their points of junction, shall be provided at all intersections, and no building, structure, grade or planting higher than two feet above the center line of the street shall be permitted within such sight triangles.
- F. Intersections with major traffic streets shall be located not less than 800 feet apart, measured from center line to center line.
- G. Minimum curb radii at street intersections shall be 25 feet, and, at the property line, the radius shall be 10 feet.

§ 215-45. Street access.

- A. Where a subdivision abuts or contains an existing or proposed arterial street, the Borough Council may require marginal access streets, 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. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of 200 feet between points of access.
- C. Access drives to parking areas shall be not less than 20 feet nor more than 30 feet wide.
- D. Private driveways, where provided, shall be located not less than 40 feet from the intersection corner of corner lots and shall provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications, as herein defined.

§ 215-46. Alleys. [Amended 10-7-2009 by Ord. No. 2009-6]

Alleys may be required by the Borough Council to be constructed where necessary to continue an existing traffic access pattern. An alley shall have a minimum paved cartway of 16 feet and a minimum right-of-way of 20 feet. No lots shall front on an alley.

§ 215-47. Paving. [Amended 10-7-2009 by Ord. No. 2009-6]

All pavement, including pavement of streets and sidewalks, shall be installed as shown on the final plan as approved by the Borough Council. All pavement shall be constructed according to the specifications of the

Pennsylvania Department of Transportation. See street and alley construction specifications in § 215-25A.¹⁴

§ 215-48. Lots.

The following minimum lot size standards and requirements shall apply in the absence of, but shall not supersede, any existing zoning ordinance:¹⁵

- A. ¹⁶Wedge-shaped lots. In the case of wedge-shaped lots, no lot shall be less than 40 feet in width, measured along the arc at the front street right-of-way line.
 - (1) Front on public street. All residential lots in subdivisions shall front on a street.¹⁷
- B. Lot depths shall be not less than one nor more than 2 1/2 times the average width.
- C. Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.
- D. Double frontage lots are prohibited, except where employed to prevent vehicular access to arterial streets.
- E. Side lot lines shall be substantially at right angles or radial to street lines.

§ 215-49. Easements.

Easements shall follow rear and side lot lines wherever practical and shall have a minimum total width of 16 feet, apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Public utility installations shall be so located as to permit multiple installations within the easements.¹⁸

§ 215-50. Blocks.

- A. The length, width and shape of blocks shall be determined with due regard to the following:
 - (1) Provision of adequate sites for type of buildings proposed.
 - (2) Zoning requirements.¹⁹

14. Editor's Note: Original §§ 612, Curbs, and 613, Sidewalks, which immediately followed this section, were repealed 10-7-2009 by Ord. No. 2009-6.

15. Editor's Note: See Ch. 250, Zoning.

16. Editor's Note: Original Subsections A, B, C and D, which immediately preceded this subsection, were repealed 10-7-2009 by Ord. No. 2009-6.

17. Editor's Note: The original paragraph entitled "building setback," which immediately followed this subsection, was repealed 10-7-2009 by Ord. No. 2009-6.

18. Editor's Note: Original § 616, Open space and community facilities, as amended, which immediately followed this section, was repealed 10-7-2009 by Ord. No. 2009-6.

- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall have a maximum length of 1,200 feet and, so far as practical, a minimum length of 500 feet. Special consideration shall be given to the requirements of satisfactory fire protection.
- C. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial street are used.
- D. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such easements shall have a width of not less than 15 feet and a paved walk of not less than four feet.

§ 215-51. Storm drainage.

- A. Lots shall be laid out and graded to provide positive drainage away from buildings.
- B. Drainage facilities shall be provided:
 - (1) To permit unimpeded flow of natural watercourses.
 - (2) To ensure adequate drainage of all low points.
 - (3) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- C. In the design of drainage facilities, special consideration shall be given to problems which may arise from concentration of stormwater runoff over adjacent properties.
- D. All proposed drainage structures shall be indicated on the plan.
- E. All appropriate design, details and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

§ 215-52. Filing of plans and profiles of improvements. [Amended 10-7-2009 by Ord. No. 2009-6]

Upon completion, plans and profiles of the improvements in a subdivision, as constructed, shall be filed with the Planning Commission.

§ 215-53. Specifications for improvements.

- A. All improvements shall be constructed in accordance with specifications of the Borough. Where a state road is involved or where

Borough specifications have not been established, the specifications in PennDOT Publication 408 shall apply. **[Amended 10-7-2009 by Ord. No. 2009-6]**

- B. Where there are no such specifications, improvements shall be constructed in accordance with specifications furnished by the Borough Engineer or a registered professional engineer designated by the Borough.

§ 215-54. Public dedication of park and recreation land. [Added 10-6-1999 by Ord. No. 99-144]

The Borough Council has adopted a Comprehensive Recreation Plan for Jacobus Borough. To implement this Comprehensive Recreation Plan, all residential subdivisions and land developments shall be provided with park and recreation land which shall be dedicated to the Borough. The developer may request that the Borough not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer to privately reserve land for park or recreation purposes.

- A. The land reserved for park, recreation and open space usage shall be a single lot which shall comply with applicable requirements of this section, the Borough ordinances and the following requirements:
- (1) The land reserved for park, recreation and open space shall conform within the Comprehensive Recreation Plan regulations.
 - (2) No stormwater management facilities designed to retain or detain water from other portions of the development shall be permitted on such land reserved for park, recreation and open space. The Borough will consider a waiver to this requirement when the detention facility is determined to be effectively usable as a recreation facility.
 - (3) In the event that the tract contains natural features which are worthy of preservation, the developer may request that the Borough Council permit the provision of recreational land configured in such a manner as to best preserve natural features. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - (4) The park, recreation and open space land shall be accessible to utilities, such as sewer, water and power, that are provided with the subdivision, and, if so requested by the municipality that will accept dedication of the land, the developer shall extend such utilities to the park, recreation and open space land.
 - (5) If the adjoining property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Borough Council shall require that the recreational land required of the development shall be

located adjoining the previously provided recreational land.
[Amended 10-7-2009 by Ord. No. 2009-6]

- (6) If the adjoining property is undeveloped land, the Borough Council shall require that such land be provided at the property boundary of the development in order that it may be added to land provided for park and recreation purposes on the adjoining tract at such time that the adjoining property is developed. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. A minimum of 0.05 acre of land shall be reserved as park or recreational land for each residential lot created in a subdivision or each dwelling unit created in a land development.
- C. The developer may request that the Borough Council permit the provision of park and recreational land other than through public dedication of land as set forth above. The developer shall set forth, in writing, the means by which he will fulfill this requirement, which may include the payment of a fee in lieu of dedication of all or a portion of the amount of land required to be dedicated, construction of recreational facilities, the private reservation of land, or any combination of dedication, fees, construction of recreational facilities or private reservation. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (1) If the applicant and the Borough mutually agree, the payment of a fee shall be required in lieu of dedicating required public park and recreation land. Such fee shall be \$2,500 per dwelling unit, unless amended by future ordinance of the Borough Council. All fees shall be held and used by the Borough in accordance with the requirements of Article V, Section 503(11), of the Municipalities Planning Code.²⁰
- (2) If the developer proposes to construct recreational facilities, the developer shall present a sketch plan of such facilities and an estimate of the cost of construction.
- (3) If the developer proposes the private reservation of land, the developer shall provide for the maintenance of such land through either the inclusion of such land as common elements of a condominium or the creation of a homeowners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. Such documentation shall be recorded, shall provide that the land cannot be further developed and shall give the Borough the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code,²¹ dealing with the maintenance of common open space in planned residential developments. Notwithstanding the foregoing, the developer may

20. Editor's Note: See 53 P.S. § 10503(11).

21. Editor's Note: See 53 P.S. § 10101 et seq.

request that the Borough Council approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Borough Solicitor.

- (4) The developer shall enter into an agreement with the Borough setting forth the fees to be paid, the facilities to be constructed or the land to be privately reserved and the method of its maintenance. All such agreements shall be in a form satisfactory to the Borough Solicitor and shall be provided prior to final plan approval.

ARTICLE VII

Improvement Guarantees**[Amended 6-5-1991 by Ord. No. 104]****§ 215-55. Deposit in lieu of completion of improvements.**

In lieu of completion of any improvements as required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 509(i) of the Pennsylvania Municipalities Planning Code,²² as amended, the applicant may deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen planting which may be required. The amount of financial security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion, estimated as of 90 days following the date scheduled for completion by the applicant. The Borough Council may annually adjust the amount of financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, as amended.²³ In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development, subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

§ 215-56. Release of security.

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

22. Editor's Note: See 53 P.S. § 10509(i).

23. Editor's Note: See 53 P.S. § 10509.

- B. The Borough Council may prescribe, by resolution, that applicants shall reimburse the Borough for the reasonable and necessary expenses incurred for the inspection of improvements.

§ 215-57. Enforcement of bond.

In the event that any improvements which may be required have not been installed as provided in this article or in accord with the approved final plat, the Borough Council is hereby granted the power to enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

§ 215-58. Posting of security.

Upon acceptance of dedication of the required improvements to the Borough or any Borough authority, the developer shall post financial security of the nature as is provided in the Pennsylvania Municipalities Planning Code,²⁴ as amended, to secure structural integrity of said improvements, as well as the functioning of said improvements in accordance with the design and specifications as depicted in the final plan, for a term of 18 months from the date of acceptance of dedication. Said financial security shall be in the amount of 15% of the actual cost of installation of the improvements.

24. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE VIII
Plan Requirements

§ 215-59. Sketch plan.

- A. A subdivision sketch plan may be submitted by the subdivider as a basis for informal and confidential discussion with the Planning Commission. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. Data furnished in a sketch plan will be at the discretion of the subdivider. For fullest usefulness, it is suggested that a subdivision sketch should include the following information:
- (1) Tract boundary.
 - (2) Location map.
 - (3) North point.
 - (4) Streets on and adjacent to the tract.
 - (5) Topographical and physical features.
 - (6) Proposed general street layout.
 - (7) Proposed general lot layout.

§ 215-60. Preliminary plan. [Amended 6-5-1991 by Ord. No. 104]

- A. The subdivider shall supply five copies of the preliminary plan and two copies of other required material, along with a written application (Appendix E²⁵), to the Planning Commission. The copies of the preliminary plan can be either black-and-white or blue-and-white prints. The sheet size shall be 22 inches by 36 inches. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- B. The preliminary plan shall be at a scale of 50 feet or less to the inch and shall show the following information:
- (1) Name and address of the owner of the tract or of his authorized agent, if any, and of the subdivider.
 - (2) Date, North point and graphic scale.
 - (3) Total acreage of the tract and number of lots.
 - (4) Zoning requirements (district and lot size).²⁶
 - (5) A location map for the purpose of locating the size to be subdivided, showing the relation of the tract to adjoining property and to all streets, roads and Borough boundaries existing within 1,000 feet of

25.Editor's Note: Appendix E is on file in the Borough offices.

26.Editor's Note: See Ch. 250, Zoning.

any part of the property proposed to be subdivided. This map shall be at a scale of 800 feet to the inch.

- (6) Tract boundaries showing distances and bearings.
- (7) Contours at vertical intervals of two feet and location of bench mark and datum used.
- (8) The names of all owners of all immediately adjacent unplatted land; the names of all proposed or existing subdivisions immediately adjacent and the locations and dimensions of any street or easements shown thereon; the locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, watercourses and other significant features within 200 feet of any part of the property proposed to be subdivided; and the location of all buildings and approximate location of all tree masses within the property.
- (9) The location and widths of any streets or other public ways or places shown upon an adopted local or county plan, if such exists for the area to be subdivided.
- (10) The full plan of the development, showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds and other public areas; sewer and water facilities; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot numbers (in consecutive order); and all streets and other areas designed for appurtenant facilities, public use or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
- (11) Provision for surface drainage of the tract to be subdivided.
- (12) Tentative cross sections and center-line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- (13) Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
- (14) Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided and suggested locations of buildings in connection therewith.
- (15) Where the preliminary plan submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished; the street system of the unsubmitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

- (16) Proposed street names, to be accompanied by a letter from the postmaster of the area in which the subdivision is located, stating that the proposed names (except in the case of extensions of existing streets) do not duplicate the names of streets now in use.
- (17) A draft of any proposed covenants to run with the land.
- (18) A tentative timetable for the proposed sequence of development for the subdivision.
- (19) When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Planning Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating their ability and willingness to make such service available. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (20) When on-lot sewage disposal facilities are proposed, percolation tests shall be made at the subdivider's expense (Appendix B, Form 1²⁷). The results and location of percolation tests made in accordance with the specifications of the Pennsylvania Department of Environmental Protection shall be submitted to the Planning Commission. The test locations must be shown on at least two copies of the preliminary plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (21) Where on-lot sewage disposal facilities are proposed, a report shall be required from the Sewage Enforcement Officer stating that state requirements are being met. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (22) The preliminary plan shall also be accompanied by a check or money order drawn to the Jacobus Borough Treasurer in an amount to be set by resolution, from time to time, of the Borough Council. This check is not returnable unless the Planning Commission fails to review the plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**

§ 215-61. Final plan. [Amended 6-5-1991 by Ord. No. 104]

- A. Final plans submitted to the Borough offices shall be accurately prepared to scale. The copy of the final plan provided for recording shall meet the requirements of the County Recorder of Deeds Office. The final plans shall be at a scale of 50 feet or less to the inch. If the final plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the several sections. The subdivider shall supply five copies of the proposed final plan and two copies of other required material to the Planning Commission. The sheet size

shall be 22 inches by 36 inches. **[Amended 10-7-2009 by Ord. No. 2009-6]**

B. The final plan shall show the following:

- (1) Name of the subdivision and the Borough in which it is located.
- (2) Name and address of the owner and subdivider.
- (3) North point, graphic scale and data.
- (4) Lot numbers (in consecutive order), dimensions, minimum area and total number of lots; acreage of whole development; density and use of land.
- (5) Source of title to the land of the subdivision and to all adjoining lots as shown by the books of the recorder; names of the owners of all adjoining unsubdivided land.
- (6) A location map of the subdivision showing the relation of the property to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided. This map shall be at a scale of 800 feet to the inch.
- (7) Lot lines with accurate bearings and distances, distances to be to the nearest hundredth of a foot.
- (8) Pedestrianways.
- (9) Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semipublic or community use, all areas to which title is reserved by the owner.
- (10) Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet.
- (11) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- (12) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- (13) Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord.
- (14) Street lines with accurate dimensions in feet and hundredths of feet, with bearing of such street lines.
- (15) Street names.
- (16) Location and material of all permanent monuments and lot markers.

- (17) Easements for utilities and any limitations on such easements.
- (18) Setback lines not less than the minimum as fixed by the applicable zoning ordinance²⁸ or any other setback lines established by this chapter or by public authority or those specified in the deed restrictions, whichever is greater.
- (19) The following information, where applicable, shall be shown on the plan:
- (a) Seals:
- [1] The impressed seal of the licensed engineer, landscape architect or surveyor who prepared the plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - [2] The impressed corporation seal, if the subdivider is a corporation.
 - [3] The impressed seal of a notary public or other qualified officer acknowledging the owner's statement of intent.
 - [4] If the application involves the creation of a new lot, a sealed and signed statement shall be required from a licensed surveyor. **[Added 10-7-2009 by Ord. No. 2009-6]**
- (b) Acknowledgements:
- [1] A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision shown on the final plan is made with his or their free consent and that it is desired to record the same.
 - [2] An acknowledgement of said statement before an officer authorized to take acknowledgements.
- (c) The following signatures in black India ink shall be placed directly on all copies of the plan submitted for approval:
- [1] The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
 - [2] The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
 - [3] The signature of the licensed engineer or surveyor who prepared the plan.
- (d) Upon approval of the final plan by the Borough Planning Commission and Borough Council, the following signatures in

28. Editor's Note: See Ch. 250, Zoning.

black India ink shall be placed directly on all copies of the plan submitted: **[Amended 10-7-2009 by Ord. No. 2009-6]**

- [1] The signature of the Chairman and Secretary of Borough Planning Commission.
- [2] The signature of the Borough Engineer.
- [3] The signatures of the President of the Borough Council and the Borough Secretary.
- [4] The signatures of the Chairman and the Executive Director of the York County Planning Commission acknowledging that the plan has been reviewed by the Planning Commission.

- (e) All affidavits and acknowledgements shall appear in substantially the same form as found in Appendix A of this chapter.²⁹

(20) The final plan shall be accompanied by the following material:

- (a) Final profiles, cross sections and specifications for street improvements and sanitary and storm sewerage, and water distribution systems shall be shown on one or more separate sheets.
- (b) Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing.
- (c) All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space which shall bear the certificate of approval of the Borough's Solicitor as to their legal sufficiency.
- (d) Certification of dedication of streets and other public property. [This is the offer of dedication (Appendix D).³⁰]
- (e) Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to the Borough Council that such facilities will be installed. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (f) One of the following for guaranteeing improvements:
 - [1] A certificate from the subdivider and signed by the Borough that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with specifications;

29. Editor's Note: Appendix A is on file in the Borough offices.

30. Editor's Note: Appendix D is on file in the Borough offices.

- [2] A certificate from the subdivider and signed by the Borough that a bond, certified check or other security satisfactory to the Borough has been filed with the Borough; or
 - [3] The Borough Council shall require a bond, certified check or other security satisfactory to the Borough and Borough Council, which shall: **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - [a] Be made payable to the Borough.
 - [b] Be in an amount determined by the Borough and Borough Council to be sufficient to complete the improvements and installations in compliance with this chapter.
 - [c] In the case of a bond, it shall also:
 - [i] Be with surety satisfactory to the Borough and Borough Council; and
 - [ii] Be in form, sufficiency and execution acceptable to the Borough and Borough Council.
 - [4] The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Borough and Borough Council. When the improvements have been completed and approved by the Borough and Borough Council, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Borough and Borough Council, a portion of the bond, moneys or other security commensurate with the cost of the improvement may be released and returned. **[Amended 10-7-2009 by Ord. No. 2009-6]**
 - [5] In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.
- (21) The final plan shall also be accompanied by a check or money order drawn to the Jacobus Borough Treasurer in an amount to be set by resolution, from time to time, of the Borough Council. This check is not returnable unless the Planning Commission fails to review the plan. **[Amended 10-7-2009 by Ord. No. 2009-6]**
- (22) If the final plan sheet size is larger than 22 inches by 36 inches, the final plan shall also be accompanied by a check or money order drawn to the Jacobus Borough Treasurer in the amount sufficient to cover the cost of reduction to the above size.

- (23) An inspection fee shall accompany the final plan in the form of a check or money order drawn to the Jacobus Borough Treasurer in an amount to be set by resolution, from time to time, of the Borough Council.

ARTICLE IX
County Review Procedures
[Amended 6-5-1991 by Ord. No. 104]

§ 215-62. Preliminary plans.

To comply with the Code requirements, the following procedures shall apply:

- A. Plan requirements. The Borough shall submit two copies of the preliminary plan under review, plus one copy of any supporting documents related to the plan, to the County Planning Commission office.
- B. The County Planning Commission shall review the preliminary plan in accordance with applicable provisions of the county subdivision regulations. It is understood that differences may exist between this chapter and the county subdivision regulations. In reviewing plans, the County Planning Commission will review the preliminary plan with respect to the County Comprehensive Plan, community facilities, school district facilities, plus other applicable provisions of the county regulations, including possible deficiencies in the preliminary plan submission in view of county and regional planning requirements.
- C. The Borough Planning Commission shall not approve an application until a report of the County Planning Commission has been received or until the expiration of 30 days from the date the application was forwarded to the county.

§ 215-63. Final plans.

The following procedures shall apply:

- A. Plan requirements. The Borough shall submit two copies of the final plan under review, plus one copy of any supporting documents related to the plan, to the County Planning Commission office.

ARTICLE X

**Additional Standards for Mobile/Manufactured Home Parks
[Amended 6-5-1991 by Ord. No. 104; 10-7-2009 by Ord. No. 2009-6]****§ 215-64. Applicability; interpretation.**

- A. The requirements in this article, as well as those in Chapter 250, Zoning, of the Code of the Borough of Jacobus, shall apply to any mobile home park.
- B. The terms "mobile home" and "manufactured home" shall have the same meaning.

§ 215-65. Exemptions.

The following shall not be considered to be a mobile home park, but instead shall be ruled by the applicable sections of this chapter and Chapter 250, Zoning, of the Code of the Borough of Jacobus:

- A. Offering of more than one mobile/manufactured home for sale for relocation to another tract, other than routine sale of previously occupied homes within a mobile home park.
- B. Any development of mobile homes involving only one mobile home per fee simple lot, which shall meet all of the requirements for a single-family dwelling residential development.
- C. A mobile home that is used only as a field or sales office or work or toolhouse during a construction project and is not for residential purposes.

§ 215-66. Effect of other provisions.

- A. All provisions of this chapter shall apply to a mobile home park, except for provisions that are specifically amended by this article.
- B. Every proposed mobile home park shall be submitted, reviewed, approved and recorded as a land development. The requirements for a subdivision may also need to be met if one or more new lots are created or lot lines are changed.

§ 215-67. Design standards.

- A. See density and setback provisions in § 250-34 of Chapter 250, Zoning, of the Code of the Borough of Jacobus. All mobile home lots within a mobile home park shall be located on land with an average natural slope of less than 15%.
- B. Any street, not including an approved parking court, shall meet Borough roadbed construction requirements that would apply to a public street.

- C. The mobile home park shall have adequate access by emergency vehicles and shall include measures to provide adequate water supply for firefighting. If the water supply cannot feasibly be provided on site, the requirement may be met by the applicant constructing a hydrant to access an available nearby water supply.
- D. All mobile home parks of more than 25 dwelling units shall include a mobile home for a qualified resident manager.
- E. Access.
- (1) Vehicle access to individual mobile home lots shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development. Streets within the development providing access to 20 or more dwellings shall have a paved cartway width of at least 26 feet, and other streets shall have a paved cartway width of at least 22 feet, provided on-street parking is prohibited. If on-street parking is allowed, the minimum cartway width shall be 30 feet.
 - (2) All new streets within the mobile home park shall be private and be maintained as part of the mobile home park.
- F. Parking.
- (1) In addition to the off-street parking required by Chapter 250, Zoning, of the Code of the Borough of Jacobus, an average of 0.5 off-street parking spaces per dwelling unit shall be provided in convenient locations for visitor parking.
 - (2) An area shall be set aside for the parking of recreational vehicles and boats of residents, with a minimum of one space for every 20 dwelling units.
- G. Other design standards and improvements.
- (1) Every mobile home lot shall be graded to provide a level, stable and well-drained stand for the mobile home.
 - (2) Every mobile home lot shall be provided with underground electric, telephone and TV cable (if available) connections.
 - (3) All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction. No aboveground fuel tanks shall be allowed within a required setback.
 - (4) An average of one deciduous street tree shall be provided for each 50 feet of frontage along any street.