

**ARTICLE III**

**MINOR SUBDIVISION SUBMISSION PROCEDURES, REVIEW PROCESSES,  
PLAN REQUIREMENTS, DESIGN STANDARDS, MANDATORY  
IMPROVEMENTS, AND CONSTRUCTION REQUIREMENTS**

**SECTION 301: General Procedures**

Any subdivision proposal that meets three (3) of the five (5) following criteria can be submitted as a minor subdivision plan; (1) the proposed subdivision must not contain more than six (6) lots; (2) all lots must have adequate access to an existing street; (3) the extension of any main line is not required; (4) there is no need for public improvements; and (5) it does not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan for Jackson Township or these regulations.

Section 301.1 Classification of Subdivision

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner or his agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures for subdivision, which include a maximum of two (2) steps for a Minor Subdivision and three (3) steps for a Major Subdivision as follows:

- a. Minor Subdivision
  - (1) Sketch Plan (optional)
  - (2) Final Plan
  
- b. Major Subdivision
  - (1) Sketch Plan (optional)
  - (2) Preliminary Plan
  - (3) Final Plan

The requirements of this Article III address Minor Subdivisions only. Article II addresses Major Subdivisions, Article IV addresses Mobile Home Park Design, Article V addresses Supplementary Land Development Requirements, Article VI addresses Recreational and Seasonal Land Development Requirements, and Articles VII through X address all developments that fall under the jurisdiction of this Ordinance.

### Section 301.2 Pre-Application Consultation

Prior to filing an application for approval of a subdivision or land development within Jackson Township, the owner or his authorized agent is encouraged to meet with the Township of Jackson Planning Commission for an official classification of his proposed Subdivision.

The Township of Jackson Planning Commission will determine whether the proposal shall be classified as a Minor Subdivision (or a side lot addition/property line change), a Major Subdivision, or a Land Development, and will make advisory comments. At this time, the Township of Jackson Planning Commission may advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

### Section 301.3 Minor Subdivision Process

Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 303 and shall be otherwise reviewed in accordance with the procedures and standards of Section 311 through Section 317.

### Section 301.4 Additional Subdivisions

Any additional subdivision or re-subdivision of a tract from which a minor subdivision has already been formed, within five (5) years of the original approval date by the Township of Jackson Board of Supervisors, shall be deemed to be a major subdivision and shall follow the procedure applying thereto if the total number of building lots meets or exceeds the number of building lots classified as a major subdivision.

### Section 301.5 Side Lot Addition (Property Line Changes)

Changes in lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Township Board of Supervisors as a minor subdivision, and shall include plan requirements as outlined in Article III, Section 309 of this Ordinance. Changes involving more than two (2) acres total, or involving multiple boundary changes within a five (5) year period, shall be handled as a subdivision and not a property line change.

### Section 301.6 Official Filing Date

For the purpose of these regulations, plans shall be submitted to the Jackson Township office at least two (2) weeks prior to the date of the regular scheduled meeting of the Township of Jackson Planning Commission if the application is to be considered at the said meeting. The Township of Jackson Board of Supervisors shall render its decision and inform the applicant in writing no later than ninety (90) days following the date of the regular meeting of the Township of Jackson Planning Commission next following the date the application is filed provided that said regular meeting shall not occur more than thirty (30) days following the submission of the application. The said ninety (90) day

period shall be measured from the 30<sup>th</sup> day following the day the application has been filed if the Township of Jackson Planning Commission meeting falls beyond the said thirty (30) days.

#### Section 301.7 Cambria County Planning Commission Review

A copy of all plans and attachments shall be submitted by Jackson Township to and reviewed by the Cambria County Planning Commission in accordance with its then prevailing rules and regulations. Jackson Township shall forward to the Applicant a copy of any report of the Cambria County Planning Commission. Jackson Township shall not take action on an application until the Cambria County report is received or until the expiration of thirty (30) days from the date the application was forwarded to Cambria County.

#### Section 301.8 The Township of Jackson Planning Commission Review

A copy of all plans and attachments shall be reviewed by the Township of Jackson Planning Commission for advisory comments at its regular meeting. The Township of Jackson Planning Commission may review the plans with engineering, planning, and/or other technical consultants to assist in the preparation of a recommendation for the Township of Jackson Board of Supervisors. Jackson Township shall forward to the Applicant a copy of any report or recommendation of the Township Planning Commission. The Township of Jackson Board of Supervisors shall not take action on an application until the Township of Jackson Planning Commission recommendation or report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Township of Jackson Planning Commission.

### **SECTION 302: Submission and Review of an Optional "Sketch Plan"**

It is encouraged that prior to the preparation of a "Preliminary Plan", the Applicant consult with the Township of Jackson Planning Commission for the purpose of an informal discussion concerning the proposed minor subdivision. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article III, Section 302, of this Ordinance.

The submission of a "Sketch Plan" is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Township of Jackson Planning Commission at which it is to be considered.

#### Section 302.1 Optional "Sketch Plan" Review

The Township of Jackson Planning Commission will review the "Sketch Plan" in a Pre-Application conference with the Applicant as it relates to:

- a. The Comprehensive Plan for Cambria County.

- b. The Township of Jackson Comprehensive Plan or other plans that may exist.
- c. Other relevant Ordinances which may exist.
- d. The general suitability of the site for proposed development.
- e. The demand for development for the type proposed and the particular location proposed.
- f. The availability of necessary services and facilities.
- g. The improvements and design required by these regulations.
- h. Any other considerations which may be uniquely relevant to the particular development.

### **SECTION 303: Official Submission of the Minor Subdivision "Final Plan"**

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this Ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the "Final Plan". The "Final Plan" shall conform with the requirements set forth in Article III, Section 308, of this Ordinance. Application forms for the submission of Final Plans will be available in the Jackson Township office.

#### Section 303.1 Application Fee

The fees for the submission and review of Minor Subdivisions within Jackson Township shall be established by Resolution by the Township of Jackson Board of Supervisors.

#### Section 303.2 Number of Copies

When submitting an application for review and approval of a "Final Minor Subdivision Plan", the Applicant shall submit four (4) copies of prints of the proposed subdivision or development plan, two (2) mylar copies, one for the Township of Jackson files and the other to be recorded with the Cambria County Recorder of Deeds, and any other supporting information along with three (3) copies of any proposed covenants to the Jackson Township office, which will then forward copies of the Plan to the Township of Jackson Planning Commission, the Cambria County Planning Commission, affected water and sewer agencies, and the Cambria County Conservation District. Copies of the letter of transmittal from the Applicant will be sent to other relevant agencies as deemed necessary by and at the discretion of the Township of Jackson.

### Section 303.3 Sewage Facilities Planning Module

When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module as required by and submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

### **SECTION 304: Official Review of the Minor Subdivision "Final Plan"**

Within ninety (90) days from the submission of the Minor Subdivision "Final Plan", the Township of Jackson Planning Commission shall review the "Final Plan" and provide comments to the Township of Jackson Board of Supervisors who shall act on the Plan and notify the Applicant in writing of its action. On finding the "Final Plan" application to be in accordance with the requirements of this Ordinance, the Township of Jackson Board of Supervisors shall affix its seal on the Plan together with the certifying signature of the Chairman. Where the "Final Plan" is disapproved, the grounds for these actions must be stated in the notification and noted in the Township of Jackson Board of Supervisor's records.

### Section 304.1 Approval of the "Final Plan"

Based on a thorough review of the details of the "Final Plan", the Township of Jackson Board of Supervisors shall approve or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Township of Jackson Board of Supervisors shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the "Final Plan" by the Township of Jackson Board of Supervisors shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on any of the municipalities of Cambria County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until Jackson Township has accepted or made actual appropriation of the same by use or improvement. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case, cite to the provisions of the statute or Ordinance relied upon.

All applications for approval of a plan shall be acted upon by the Township Board of Supervisors within such time limits as may be fixed in this Ordinance but the Board of Supervisors shall render its decision and communicate it in writing to the applicant not later than ninety (90) days following the date of the regular meeting of the Township of Jackson Planning Commission next following the date the application is filed provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application. If not, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

### Section 304.2

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

### Section 304.3

Changes in the Ordinance shall affect plans as follows:

- a. From the time an application for approval of a plan is duly filed as provided in this subdivision and land development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing Ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing Ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations and Ordinances.
- b. When an application for approval of a plan has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

### **SECTION 305: Recording the Minor Subdivision as a "Final Plan"**

Within thirty (30) days after the date of the approval of the "Final Plan" by the Township of Jackson Board of Supervisors, the Applicant shall record one (1) mylar copy of the same in the office of the Cambria County Recorder of Deeds, and file one (1) mylar copy with the Township of Jackson in addition to a Recorder's Certificate that the approved Plan has been recorded with the Plat Book and page numbers indicated. If the Applicant fails to have the Plan recorded, the decision of the Township of Jackson Board of supervisors is voided. The Applicant shall proceed with the sale of lots and structures only after the "Final Plan" has been recorded with the County Recorder of Deeds. Within sixty (60) days of the plan being officially recorded, the Township will reflect those changes on its official map if necessary. The approval of the Final Plan

shall not impose any duty on the Township Board of Supervisors concerning maintenance or improvements by Ordinance or resolution.

## **PLAN REQUIREMENTS**

### **SECTION 306: Preliminary Considerations**

After the effective date of this Ordinance, no person, firm, or corporation proposing a minor subdivision within Jackson Township shall proceed with any development before obtaining approval of the proposed subdivision by the Township of Jackson Board of Supervisors. The provisions and requirements of this Ordinance shall apply to and control all land subdivision and development involving a minor subdivision which has not been recorded in the Office of the Recorder of Deeds in Cambria County, the Commonwealth of Pennsylvania, prior to the effective date of this Ordinance.

#### Section 306.1 Discussion of Requirements

Before preparing a Sketch Plan for a minor subdivision, the Applicant should discuss with the Township of Jackson Planning Commission the procedure for approval of a minor subdivision plan and the requirements of this Ordinance. The Township of Jackson Planning Commission shall also advise the Applicant, where appropriate, to discuss the proposed minor subdivision with those officials who must eventually approve these aspects of the subdivision plan coming within their jurisdiction.

#### Section 306.2 Conformity with Master Plan

The layout of the proposed minor subdivision shall be in conformity with the Comprehensive Plan for Cambria County, the Township of Jackson Comprehensive Plan as periodically updated, and any local level plan which may exist within the area of the proposed subdivision.

#### Section 306.3 Site Considerations

No land shall be subdivided or developed:

- a. Unless access to the land over adequate streets or roads exist; or
- b. If such land is considered by the Township of Jackson as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, insufficient depth of the seasonal water table, unsuitable soils for on-lot sewage disposal, wetlands, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

### **SECTION 307: Sketch Plan (Optional)**

Prior to the official submission of the "Final Plan", a minor subdivision "Sketch Plan" may be submitted by the Applicant or property owner to facilitate a "Pre-Application Conference" with the Township of Jackson Planning Commission concerning the proposed subdivision. This informal discussion may be extremely valuable in guiding the Applicant on the proper course in the development of a minor subdivision thereby reducing the possibility for any costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of the plan with the Township of Jackson. The "Sketch Plan" need not be drawn to scale or contain precise dimensions.

The following items are suggested for inclusion in the "Sketch Plan" presentation:

- a. Proof of ownership;
- b. Name of owner;
- c. General location within the Township;
- d. Tract boundary including all land which the applicant intends to subdivide;
- e. General topographical and physical features along with water-courses, streams, ponds, flood plains, and wetlands;
- f. Names of surrounding property owners;
- g. North point; approximate scale and date of original drawing;
- h. Streets on and adjacent to the tract and adjacent land uses;
- i. Proposed general lot layout or development and lot numbering starting in sequential order with the subject tract;
- j. Proposed use of the lots or development;
- k. Required lot frontage and sight distance;
- l. Any other information which would be helpful in the preliminary discussion of what the applicant intends to do; and
- m. Statement of general availability of utilities of water and sewer, etc.

### **SECTION 308: Final Plan**

The "Final Plan" shall be accurately drawn to a scale of one (1) inch equals two hundred (200) feet or larger [i.e. one (1) inch equals one hundred (100) feet, fifty (50) feet, etc.]

depending upon the size of the parcel. The "Final Plan" shall be submitted on a 17.5" x 24" sheet size. The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 303 of this Ordinance.

#### Section 308.1 Required Information

The "Final Plan" shall contain the following information:

- a. Notes and Data
  - (1) Date of application for subdivision approval.
  - (2) Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
  - (3) Name(s) and address of developer, applicant or authorized agent if different from owner.
  - (4) Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
  - (5) Tax parcel number(s) of subject tracts.
  - (6) Type of sewage disposal and all the information needed for the review and approval of the applicable sewage planning module, and water supply to be utilized.
  - (7) Total acreage of the subject tracts, and total number of proposed lots or units, and proposed lot numbering in sequential order starting with the subject tract.
  - (8) North point, graphic scale, date of original plan along with date and description of revisions to the plan.
  - (9) If needed, base of benchmark for elevations on the plan.
  - (10) Proposed use of property and adjacent land uses.
  - (11) Number of required parking spaces (if applicable).
  - (12) List of utility companies in accordance with Act 172, if project involves excavation.
  - (13) Legend describing symbols used on plan.

- (14) Location map showing the proposed minor subdivision in relation to municipal boundaries, public roads, streams, and adjoining areas.
  - (15) Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of said plan.
  - (16) An 'Approved by The Township of Jackson Board of Supervisors' block for the signatures of the Chairman and Secretary of the Township Board of Supervisors, and a 'Reviewed by The Township of Jackson Planning Commission' block for the signatures of the Chairman and Secretary of the Township Planning Commission. Space shall also be provided to fill in the date of the approval and review.
  - (17) A 'Reviewed by the Cambria County Planning Commission' block including a space for the signature of the authorized person of the Cambria County Planning Commission along with space to fill in the date of signature.
  - (18) A place for the acknowledgment of receipt and recording of the plan by the Recorder of Deeds.
- b. Map of the subdivided tract showing the following information:
- (1) Exterior boundary line of tract.
  - (2) Existing streets on and adjacent to the tract; name and location of rights-of-ways, rights-of-way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
  - (3) Existing easements, including location, width, and purpose.
  - (4) Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances.
  - (5) Topographic mapping, if needed.
  - (6) Water courses, flood plains, wetlands, tree masses, and other significant natural features.

- (7) Existing manmade features including structures, railroads, bridges, and driveways.
  - (8) Buffer areas required by this or other relevant Ordinance.
  - (9) On-lot sewage system information if applicable, including soil types, location of probes and percolation tests, and primary and replacement absorption beds.
  - (10) Proposed water supply facilities.
  - (11) If development proposes access to a State Highway, the following shall be placed on plans: "A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant to State Highway Law." Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. Township permit shall be applied through the Township of Jackson.
- c. Required Permits approvals including the following:
- (1) DEP Sewage Planning Module
  - (2) PennDOT Highway Occupancy Permit

**SECTION 309: Required Information for a Side Lot Addition (Property Line Change)**

Changes in lot lines between two (2) adjacent lots of record shall be reviewed in accordance with Article III, Sections 309 through 317 as a "Final Plan." However, property line change plans do not have to follow the requirements of Section 308, but must instead include the following information:

- a. Proof of ownership;
- b. Name of owners;
- c. Date of application for subdivision approval;
- d. Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner;
- e. Name(s) and address of developer, applicant, or authorized agent if different from owner;
- f. Name, address, and seal of registered professional engineer, architect, surveyor, or landscape architect responsible for the plan;

- g. Tax parcel number(s) of subject tracts and existing lot numbers;
- h. General location within Jackson Township;
- i. Tract boundary including all land which the applicants intend to re-divide;
- j. General topographical and physical features such as streams, ponds, etc;
- k. Names of surrounding property owners and adjacent land uses;
- l. North Point, Scale, and Date of Original Drawing;
- m. Streets on and adjacent to the affected tracts and adjacent land uses;
- n. Existing Lot Lines;
- o. A statement noting that "this plan is for a change in lot lines between two (2) existing lots of record, and not for the creation of any new lot"; and
- p. Any other information which would be helpful in the discussion of what the Applicants propose.

## **DESIGN STANDARDS**

### **SECTION 310: General Intent**

In all minor subdivisions in Jackson Township adopted after the effective date of this Ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Township of Jackson standards or other Ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Township of Jackson standards shall apply. Whenever the standards of this subdivision Ordinance exceed those of the other municipal Ordinances, the standards of this Ordinance shall apply.

### **SECTION 311: General Standards**

The following general standards shall apply to all types of development addressed under Article III. The Township of Jackson will study the following factors affecting the suitability of a proposed minor subdivision:

#### Section 311.1

Land subject to flooding and land deemed by the Township of Jackson to be uninhabitable for other reasons shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, or aggravate the

flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace.

### Section 311.2

Areas characterized by steep slopes [slopes greater than twenty-five (25) percent], or other such features which restrict the usability of the land shall not be subdivided or developed unless approved by the Township of Jackson Board of Supervisors on a case-by-case basis, and upon submission of measures embodied in covenants running with the land to provide protection from hazards associated with steep slopes.

### Section 311.3

In determining the suitability of land for subdivision, the Township of Jackson shall refer to the Township of Jackson Comprehensive Plan, applicable studies, plans, and reports adopted by the Cambria County Planning Commission, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.

### Section 311.4

The layout or arrangement of the minor subdivision shall conform to the Cambria County Comprehensive Plan, the Township of Jackson Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision shall conform to any "Local Level" Comprehensive Plan or other applicable Ordinances which may exist.

## **SECTION 312: Lots**

Within Jackson Township, the size, width, and setback lines of all proposed lots shall meet the minimum requirements of their applicable Zoning District as identified within the Township of Jackson Zoning Ordinance.

### Section 312.1 Frontage

All lots shall meet the following frontage requirements:

- a. All lots shall have direct access to a public street.
- b. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific topographic problems.
- c. Lots shall be laid out in order to circulate air, consider solar access and privacy of owners.

- c. However, in all sections of Jackson Township not served by public sewer service, and upon which residence or business already exists, subdivision or boundary change shall demonstrate sufficient suitable land surrounding the pre-existing residence or business following minor or major subdivision or property line change to provide for a replacement sewage system if needed.

### Section 312.2 Size

All lots shall meet the following minimum requirements:

- a. In all sections of the Township of Jackson not served by sanitary sewer nor public water facilities, each lot shall conform to the current standards of the Township of Jackson Zoning Ordinance, or at a minimum, have a minimum width of one hundred and fifty (150) feet at the building line and a minimum area of forty-three thousand, five hundred sixty (43,560) square feet. In sections of the Township of Jackson requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed while meeting all PA DEP required maximum isolation distance.
- b. In all sections of the Township of Jackson served by either (one or the other) public water or public sewer, each lot shall conform to the current standards of the Township of Jackson Zoning Ordinance, or at a minimum, have a minimum width of one hundred (100) feet at the building line and a minimum area of twenty-one thousand seven hundred eighty (21,780) square feet.
- c. In all sections of the Township of Jackson served by public water and sewer service, each lot shall conform to the current standards of the Township of Jackson Zoning Ordinance, or at a minimum, have minimum width of one hundred and fifty (150) feet at the building line with no one lot being any smaller than eighteen thousand (18,000) square feet. Lots shall be no less than twelve thousand (12,000) square feet in area per family for duplex dwellings with a width of not less than seventy-five (75) feet per unit at the building line; and no less than seven thousand, five hundred (7,500) square feet in area per family for row houses and apartments.
- d. In all sections of the Township served by both public water supply and public sewer, each lot conform shall to the current standards identified in the Township of Jackson Zoning Ordinance, or at a minimum, have a minimum width of seventy-five (75) feet at the building line and a minimum area of twelve thousand (12,000) square feet.

- e. In all sections of the Township not served by public sewer service, and upon which residence or business already exists, subdivision or boundary change shall demonstrate sufficient suitable land surrounding the preexisting residence or business following minor or major subdivision or property line change to provide for a replacement sewage system if needed.

### Section 312.3 Width

All lots shall meet the minimum width requirements of the applicable Zoning District of the Township of Jackson Zoning Ordinance.

### Section 312.4 Setback Lines

Structures built on lots shall meet the following setback lines:

- a. In all sections of Jackson Township, structures shall be constructed no closer than thirty-five (35) feet from front, ten (10) feet from side, and twenty (20) feet from rear property lines, or shall conform to the current standards identified in the Township of Jackson Zoning Ordinance, which ever calls for a greater distance. In sections lacking public water and/or sanitary sewer service, setbacks shall be adequate to permit the proper installation and functioning of such systems.

## **SECTION 313: Easements**

The following shall apply to easements within all minor subdivisions:

### Section 313.1

Easements with a minimum of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other public utility lines intended to serve abutting lots. Easements with a minimum of ten (10) feet shall be provided for any private utility lines. No structures or trees shall be placed within such easements.

### Section 313.2

Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.

### Section 313.3

Where a minor subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will

be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.

#### Section 313.4

A separation distance as required by the applicable public or private utility company shall be measured at the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high-pressure line, or electric line above thirty-four thousand, five hundred (34,500) volts that may traverse the subdivision.

### **SECTION 314: Storm Water Drainage**

- A. Applications for a minor subdivision shall be accompanied by a complete stormwater management application meeting all requirements of the current Jackson Township Stormwater Management Ordinance and Township MS4 NPDES permit.

### **SECTION 315: Flood Hazard Area Regulations**

The following standards shall apply to Flood hazard area within Jackson Township that is to be developed as a minor subdivision:

#### Section 315.1

The specific purposes of these special provisions are:

- a. To regulate the subdivision or development of land within any designated Regulatory Flood Elevation in accordance with the Flood Plain Management Ordinance of the Township of Jackson, in order to promote the general health, welfare, and safety of the community.
- b. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
- d. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood hazard area districts.

### Section 315.2 Abrogation and Greater Restrictions

To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.

### Section 315.3 Disclaimer of Municipal Liability

The grant of a permit or approval of a plan for any proposed minor subdivision to be located within any designated flood hazard area shall not constitute a representation, guarantee or warranty of any kind by the Township of Jackson, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township of Jackson, its officials, employees or agents.

### Section 315.4 Application Procedures and Requirements

#### a. Pre-Application Procedures

- (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed; and
- (2) Prospective developers shall consult the Cambria County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

#### b. Final Plan Requirements

The following information shall be required as part of the Final Plan, in accordance with Section 308, and shall be prepared by a registered engineer, surveyor, or landscape architect;

- (1) Name of engineer, surveyor, landscape architect, or other qualified person responsible for providing the information required in this section;
- (2) A map showing the location of the proposed subdivision with respect to any designated Flood hazard area, including information on, but not limited to, the one hundred (100) year flood elevations, the Regulatory Flood Elevation, boundaries of the Flood hazard

area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;

- (3) A map showing the exact location and elevation of all proposed buildings and structures to be constructed within any designated flood hazard area and the Regulatory Flood Elevation. All such maps shall show contours at intervals of two (2) feet within the Flood hazard area and shall identify accurately the boundaries of the flood prone areas; and
- (4) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other governmental agency, or local municipality where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance to the Township of Jackson Board of Supervisors meeting at which such plan is to be considered.

c. Design Standards and Improvements in Designated Flood hazard areas.

(1) General

- (a) Where not prohibited by this or any other laws or Ordinances, land located in any designated Flood hazard area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this Ordinance, the Flood Plain Management Ordinance, and any other laws and Ordinances regulating such development.
- (b) No subdivision, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- (c) Building sites for residences or any other type of dwelling or accommodation shall be in accordance with this Ordinance and the Flood Plain Management Ordinance.

- (d) Building sites for structures and buildings other than for residential uses shall also be in accordance with this Ordinance and the Flood Plain Management Ordinance.
- (e) If the Township of Jackson determines that only a part of a proposed plat can be safely developed in relation to the Flood Hazard Area, it shall limit development to that part and shall require that development proceed consistent with this determination.
- (f) When a developer does not intend to develop the plan himself and the Township of Jackson Board of Supervisors determines that additional controls are required to insure safe development, it may require the developer to improve appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

(2) Drainage Facilities

- (a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (b) Plans shall be subject to the approval of the Township of Jackson Board of Supervisors. Drainage plans shall be consistent with any Township Stormwater Management Ordinance and/or as accepted by the Township Engineer. The facilities of the to-be-developed lot shall be designed to prevent the discharge of excess run-off onto adjacent properties.

## **IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS**

### **SECTION 316: General**

It is the purpose of this Section to set forth the required improvements and construction standards in all minor subdivisions. Where not set forth, they shall be in accordance with the prevailing standards as established by the Township of Jackson Engineer. Alternate improvement standards may be permitted if the Township of Jackson Board of Supervisors deem them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Township of Jackson believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the

citizenry of Jackson Township.

Any or all of the following improvements as may be required by the Township of Jackson Board of Supervisors, pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed minor subdivision is located. If the improvements are not completed, then satisfactory arrangements must be made with the Township of Jackson Board of Supervisors to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plan. The following improvements shall be installed by the subdivider.

### **SECTION 317: Required Improvements**

- A. Markers shall consist of metallic pipes or pins at least thirty (30) inches in length and at least 5/8<sup>th</sup> in diameter and set to finished grade. Markers shall be set under the direct supervision of a Professional Land Surveyor. If potential disturbance with any public utility is in question upon placement of a marker, the location of the public utility shall be verified with the Pennsylvania One Call System, Inc.
  - 1. Markers shall be set at all new property corners.
  - 2. An intermediate marker is required to be set on each property line wherever topographical or other conditions make it impossible to sight between two (2) otherwise required markers.
- B. Monuments shall consist of permanent stone or concrete.
  - 1. Monuments shall be set so that the top of the monument is level with the top of the surrounding ground.
  - 2. A minimum of two (2) monuments shall be set in each new subdivision or land development.
  - 3. Monuments shall be set under the direct supervision of a Professional Land Surveyor.
  - 4. If monument locations cannot be marked as identified above, they shall be set as close as possible to the required location and their exact location indicated on the plan.

#### **Section 317.1 Sanitary Waste Disposal**

The method of sanitary waste disposal in a proposed minor subdivision shall be determined by the Township of Jackson, in accordance with the Township of Jackson Act 537 Plan.

### Section 317.2 Water

Where an existing or proposed public water supply system is accessible to a subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the Jackson Township water supply, by way of a line extenders agreement with the Township of Jackson Water Authority.

In cases where no Jackson Township or community water supply system is available, each lot in a minor subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.

### Section 317.3 Storm Water Management Control

Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area, and in accordance with the Township of Jackson Storm Water Management Ordinance. Under no circumstances shall storm sewers be connected with sanitary sewers.

### Section 314.4 Roads for Public Use

Roads for public use shall be those roads intended to be used by lot owners to access any subdivided lot. Roads for public use shall have a minimum of forty (40) foot right of way to be constructed with all necessary drainage and base improvements to meet minimum PADOT standards for liquid fuels eligible roads. In addition to the foregoing requirements, roads for public use in major subdivisions shall also be constructed with a 3.5 inch coat of bc/bc asphalt and 1.5 inch wearing coat.