

ORDINANCE NO. 1362

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EAST STROUDSBURG, CHAPTER 140 ENTITLED SUBDIVISION AND LAND DEVELOPMENT, SPECIFICALLY REGARDING SIDEWALKS.

BE IT ORDAINED by the Council of the Borough of East Stroudsburg, Monroe County, Pennsylvania, and it is hereby ordained by the authority of same as follows:

SECTION 1. Section 140-10. (Incorporation of standards) of Article IV (**Design Standards**) of Chapter 140 (Subdivision and Land development) of the East Stroudsburg Code is hereby amended to read as follows:

The design standards listed below and in Table 1 shall be incorporated in all proposed plans.

SECTION 2. Section 140-12. (Street system layout) of Article IV (**Design Standards**) of Chapter 140 (Subdivision and Land Development) of the East Stroudsburg Code is hereby amended to read as follows:

Section 140-12.A. Street dimensions and design standards shall be according to Table 3.

Section 140-12.M. Sidewalks

- (1) Sidewalks shall be required along all streets and sidewalks shall be provided internal to the site as necessary to provide safe and convenient pedestrian access in accordance with Chapter 136, titled “Streets and Sidewalks”, Chapter 157-100 and Chapter 157-65 for all projects requiring a Land Development and/or Subdivision applications.
- (2) Sidewalks shall be located outside of the existing road right of way in the C-1B zoning district to provide for future roadway improvements and utilities. Council may provide allow required sidewalks to be installed in the road right of way when the Developer provides justification acceptable to the Borough that the sidewalks can be installed in the existing road right-of-way without occupying area required for future road improvements or utility relocations.

SECTION 3. Section 140-21 (Applicable standards) of Article V (**Required Improvements**) of Chapter 140 (Subdivision and Land Development) of the East Stroudsburg Code is hereby amended to read as follows:

Minimum improvements and construction standards required of all subdivisions shall be as set forth in this section. Where not set forth, they shall be according to the prevailing standards as established by the Commission upon advice of the Commission Engineer. Alternate improvement standards may be permitted if the Commission deems them equal or superior in performance characteristics to the specified improvements. Additional or higher-type improvements may be required in specific cases where the Commission believes it necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Borough.

SECTION 4. Section 140-23 (Streets) of Article V (Required Improvements) of Chapter 140 (Subdivision and Land Development) of the East Stroudsburg Code is hereby amended to read as follows:

Section 140-23.A. Required improvements and construction standards shall be according to Table 3.

SECTION 5. Table 2 of Chapter 140 (Subdivision and Land Development) of the East Stroudsburg Code, titled “Design Standards for Curb and Sidewalk Facilities” is hereby deleted and reserved for future use.

SECTION 6. Severability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 7. Repealer. Any specific provisions of the East Stroudsburg Borough Zoning Code that are in direct conflict within this Ordinance are hereby repealed.

SECTION 8. Authority. This Ordinance is enacted under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended.

SECTION 9. Effective date. This Ordinance shall be effective upon its approval as provided by law.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of East Stroudsburg Borough Council, Monroe County, Pennsylvania, on this 7th day of April, 2020.

BOROUGH OF EAST STROUDSBURG

By: _____
William T. Reese, Council President

ATTEST:

APPROVED BY:

Brian S. Bond, Secretary

Armand M. Martinelli, Mayor

Date: _____