

PERRY TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

SUBDIVISION ORDINANCE

NUMBER 1 – 1990

INCLUDING AMMENDMENTS BY:
ORDINANCE 3-05, enacted September 6, 2005
ORDINANCE 1-06, enacted February 14, 2006

ORDINANCE NO. 3-05

AN ORDINANCE OF THE TOWNSHIP OF PERRY, BERKS COUNTY, PENNSYLVANIA, AMENDING THE EXISTING PERRY TOWNSHIP ZONING ORDINANCE NO. 4-98, AS AMENDED, BY ADOPTING COMPREHENSIVE REVISIONS TO SAID ZONING ORDINANCE, SPECIFICALLY CREATING A NEW ZONING DISTRICT SECTION 209 CLI-COMMERCIAL LIGHT INDUSTRIAL DISTRICT FOR THE FOLLOWING PARCELS, 4493-01-28-8953, 4493-01-29-3936, 4493-01-29-4444, 4493-01-29-6767, 4493-01-36-5166, 4493-01-36-5365, 4493-01-36-6388, 4493-01-36-7570, 4493-01-36-8559, 4493-01-37-3009, 4493-01-38-2008, 4493-01-38-5959, 4493-01-38-6579, 4493-01-38-6865, 4493-01-38-6912, 4493-01-38-7728, 4493-01-38-7732, 4493-01-38-8588, 4493-01-38-8624, 4493-01-38-9407, 4493-01-39-0591, 4493-01-39-1464, 4493-01-39-2288, 4493-01-39-2317, 4493-01-39-3250, 4493-01-39-4096, 4493-01-39-4133, 4493-01-39-6130, 4493-01-45-5554, 4493-01-46-2390, 4493-01-46-3982, 4493-01-46-5951, 4493-01-46-7064, 4493-01-47-2765, 4493-01-47-2835, 4493-01-47-4192, 4493-01-47-4255, 4493-01-48-0077, 4493-01-48-4459, 4493-01-48-5178, 4493-01-48-6252, 4493-01-48-7245, 4493-01-48-8229, 4493-01-48-8391, 4493-01-48-9353, 4493-02-57-4784, 4493-02-58-0335, 4493-02-58-1318, 4493-02-58-2402, 4493-02-58-8859, 4493-02-59-1577, 4493-02-65-7412, 4493-02-67-5678, 4494-03-20-8171, 4492-03-41-2213, AMEND SECTION 106 TO AMEND THE OFFICIAL ZONING MAP OF PERRY TOWNSHIP TO PROVIDE FOR A CLI DISTRICT, AMEND SECTION 204.4 MINIMUM LOT SIZE, LOT WIDTH AND LOT AREA PER DWELLING UNIT IN THE R-3-HIGH DENSITY RESIDENTIAL DISTRICT TO ADD A MINIMUM LOT AREA OF 2,000 SQUARE FEET AND MINIMUM LOT WIDTH AT BUILDING LINE OF 20 FEET FOR INDIVIDUAL TOWNHOUSE UNITS AND TO AMEND SECTION 204.6 MAXIMUM BUILDING HEIGHT AND COVERAGE TO INCREASE THE MAXIMUM BUILDING COVERAGE, INCLUDING ACCESSORY STRUCTURES TO TWENTY PERCENT (20%) AND AMENDING THE PERRY TOWNSHIP SUBDIVISION ORDINANCE NO. 1-1990, SECTION 402.1.e, ALL REMAINING PROVISIONS OF THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE TO REMAIN IN FULL FORCE AND EFFECT

WHEREAS, the Route 61 Corridor, which is a highly traveled highway, is located within the borders of Perry Township traversing the Township in a north/south direction;

WHEREAS, the Board of Supervisors of Perry Township believe it is

important to provide for and enhance the commercial and industrial opportunities within the Route 61 Corridor while preserving the rural agricultural nature of the majority of the Township;

WHEREAS, commercial and industrial development should take place along major highway arteries such as the Route 61 Corridor;

WHEREAS, areas presently within the Route 61 Corridor are zoned residential and there is not sufficient land available for commercial and industrial development in this Corridor;

WHEREAS, the Township has studied traffic issues and enacted an Ordinance pursuant to Act 209 allowing for traffic impact fees to be assessed to all developments within the traffic impact area;

WHEREAS, it is in the intent of this Ordinance to enact and make administrative and substantive revisions to the existing regulatory provisions of the Zoning Ordinance of Perry Township Ordinance No. 4-98, as amended;

WHEREAS, it is the intention of the Board of Supervisors to create a new Zoning District and to amend the Township Zoning Map;

WHEREAS, the Board of Supervisors wish to amend Section 204.4 and Section 204.6 to make changes that are more consistent with development in an R-3 Residential District; and

WHEREAS, the Board of Supervisors wish to reaffirm the original Zoning Ordinance No. 4-1998 and all subsequent amendments thereto.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Township of Perry, County of Berks, Commonwealth of

Pennsylvania, as follows:

Section 1. Perry Township Zoning Ordinance No. 4-98, as amended, and the Perry Township Zoning Map, as amended, are to be amended by adopting by reference comprehensive revisions to said Zoning Ordinance and to said Zoning Map, including the following revisions to the existing sections:

(a) Section 107 – Classes of Districts.

For the purpose of this Ordinance, the Municipality is hereby divided into classes of districts which shall be designated as follows:

- R-A - Rural-Agriculture
- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- C-1 - Highway Commercial
- C-2 - Mixed Use
- I-1 - Industrial
- L-I - Light Industrial
- CLI - Commercial Light Industrial District

(b) Section 204. 4 – Minimum Lot Size, Lot Width and Lot Area

per Dwelling Unit.

a. Minimum Lot Area per dwelling unit (sq. ft.)

Garden Apartment	
With public water and sewer	- 3,000
Without public water and sewer	(not permitted)
Town House	
With public water and sewer	- 2,000
Without public water and sewer	(not permitted)

- b. Minimum Lot Size (acres) 5
- c. Minimum Lot Width (feet) 20

(c) Section 204.6 – Maximum Building Height and Coverage.

Maximum Building Height (feet)	- 35
(stories)	- 3
Maximum Building Coverage including accessory structures	- 20%

(d) Add new Section 209 with the regulatory language for the Commercial Light Industrial District as contained in **Appendix 1** attached hereto and incorporated herein by reference in its entirety.

Section 2. The Zoning Map is amended to create a new Commercial Light Industrial District with the properties as identified on the proposed Zoning District Map attached hereto as **Appendix 2** and incorporated herein by reference, and the list of PIN numbers for the properties to be included in this District are attached hereto as **Appendix 3** and incorporated herein by reference.

Section 3. Perry Township Subdivision Ordinance No. 1-1990, Section 402.1.e, is amended to read as follows:

Section 402.1 General Standards for Streets.

(e) Where a subdivision or land development abuts or contains an existing street or intersection of improper width, alignment, grade or that does not meet other minimum standards addressed in this Ordinance, the Municipal Planning Commission may (1) require the dedication of additional sufficient land to widen the street, or otherwise correct the alignment deficiencies, and may (2) also require that the on-site deficiencies are physically improved or corrected to meet the minimum standards provided herein.

Section 4. All remaining provisions of Perry Township Zoning Ordinance No. 4-1998, as amended, and Perry Township Subdivision Ordinance No. 1-1990 shall remain in full force and effect.

Section 5. In the event any provision, section, sentence, clause or

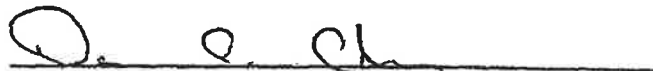
portion of this Ordinance shall be held to be valid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Perry that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

Section 6. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

Section 7. This Ordinance shall take effect five (5) days subsequent to its passage.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Perry Township, Berks County, Pennsylvania, this 6th day of September, 2005, in lawful session duly assembled.

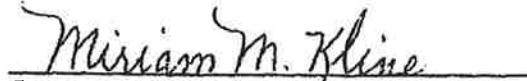
BOARD OF SUPERVISORS OF PERRY
TOWNSHIP


Chairman


Member


Member

ATTEST:


Secretary

ORDINANCE NO. 01-06

AN ORDINANCE OF THE TOWNSHIP OF PERRY, BERKS COUNTY, PENNSYLVANIA, AMENDING SUBDIVISION ORDINANCE NUMBER 1 - 1990 OF PERRY TOWNSHIP BY AMENDING SECTIONS 202.1, 202.3, 202.4, 203.2.a, 204.1, 204.2, 204.3, 204.4 AND 206.1 WITH REGARD TO OFFICIAL SUBMISSION OF SKETCH, PRELIMINARY AND FINAL PLANS AND REQUIREMENTS FOR SAID SUBMISSION, TO REMOVE SECTION 205.2 AND 207.02, REVIEW BY THE MUNICIPAL ZONING OFFICER, ELIMINATE SECTION 401.3 REFERENCES TO A PRD ORDINANCE, AMEND ALL SECTIONS THAT REFER TO PADER TO REFER TO PADEP, AMEND SECTION 401.6 TO REFERENCE SECTION 410, TO CORRECT THE REFERENCE IN SECTION 404.3 TO REFER TO CHAPTER 71 OF TITLE 25, REVISE SECTION 408.9 TO PROVIDE THAT STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH THE PERRY TOWNSHIP STORMWATER MANAGEMENT ORDINANCE IN EFFECT, SECTION 408.10 TO INCLUDE A PROVISION FOR POLYETHYLENE PIPE, SECTION 410.3 TO REVISE THE FLOOD PLAIN ORDINANCE NUMBER, SECTION 502.4.b TO ELIMINATE PROVISIONS FOR CURBING AND TO ADD A NEW SECTION 302.2.f TO PROVIDE FOR TRAFFIC STUDIES TO BE SUBMITTED WHEN DEEMED NECESSARY BY THE PLANNING COMMISSION OR GOVERNING BODY

WHEREAS, the Board of Supervisors of Perry Township, on November 13, 1990, enacted Perry Township Subdivision Ordinance Number 1 - 1990; and

WHEREAS, the Board of Supervisors deem it necessary to revise portions of the Subdivision and Land Development Ordinance to amend certain requirements and to correct typographical errors, and to update the Ordinance to provide for traffic studies, among other things.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Township of Perry, Berks County, Commonwealth of Pennsylvania, as follows:

Section 1. Subdivision Ordinance Number 1 - 1990 of Perry Township is

amended as follows:

- (a) Section 202.1 is amended to read as follows:

"Plan to be Filed with the Municipality – Copies of the Sketch Plan for all proposed subdivision or land developments and all required supporting data shall be submitted to the Planning Commission at its regularly scheduled meeting by the subdivider/developer or his representative authorized in writing to submit the plan."

- (b) Section 202.3 is amended to read as follows:

"Filing Fee – The Planning Commission shall collect a filing fee as established by the governing body for all subdivisions or land developments. Fees shall be charged in order to cover the cost of examining plans and other expenses incidental to the approval of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of submission of a sketch plan."

- (c) Section 202.4 is amended to read as follows:

"Distribution of Sketch Plans – The Planning Commission shall refer the Sketch Plans to the following:

- a. Two (2) copies to the Berks County Planning Commission, if the Planning Commission of Perry Township deems it necessary or appropriate.
- b. One (1) copy to the Governing Body.
- c. One (1) copy to the Municipal Engineer.

- (d) Section 203.2.a is amended to read as follows:

"a. After a Sketch Plan has been submitted, such plan shall be

reviewed by the Municipal Planning Commission at its next regularly scheduled meeting."

(e) Section 204.1 is amended to read as follows:

"Plan to be filed with Municipality – Copies of the Preliminary Plan and all required supporting data shall be officially submitted to the Municipal Planning Commission at a regularly scheduled monthly meeting by the subdivider/developer or his representative authorized in writing to submit the plan."

(f) Section 204.2 is amended to read as follows:

"a. Two (2) completed copies of the Application for Review of Preliminary Subdivision Plan/Land Development Plan.

b. Five (5) legible paper prints of the Preliminary Plan which shall fully comply with the requirements of Article III, Section 302 of this Ordinance. Additional copies may be requested, as necessary or desirable under the following circumstances:

(i) A state road abuts or traverses the subdivision or land development.

(ii) The subdivision or land development is in an area serviced by the Perry Township Municipal Authority and/or will utilize public water or public sewer.

(iii) If the proposed subdivision or land development is located in an adjacent municipality."

c. One (1) copy of the completed Subdivision and Land Development

Fee Worksheet and appropriate PADEP Planning Modules.

d. Two (2) copies of all other required information, including the proposed Erosion and Sediment Pollution Control Plan, Stormwater Management Report and calculations.

e. A completed Application to the Berks County Planning Commission for their review of the Preliminary Plan."

(g) Section 204.3 is amended to read as follows:

"Filing Fee – The Planning Commission shall collect the filing fee as established by the Governing Body for all subdivisions or land developments. Fees shall be charged in order to cover the costs of the examining plans and other expenses incidental to the approval of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of submission of a preliminary plan."

(h) Section 204.4 is amended to read as follows:

"Distribution of Preliminary Plan – The Planning Commission shall refer the Preliminary Plan, after all required fees have been collected, to the following:

a. One (1) copy to the Municipal Secretary, including one (1) copy of the application form and other required reports.

b. Two (2) copies of the plan to the Berks County Planning Commission.

c. One (1) copy to the Municipal Engineer.

d. One (1) copy to the Municipal Zoning Officer."

(i) Section 205.2 is hereby deleted.

- (j) Section 206.1 is amended to read as follows:

"Plans to be filed with the Municipality – Copies of the Final Plan and all required supporting data shall be officially submitted to the Planning Commission at its regularly scheduled monthly meeting by the subdivider/developer or his representative authorized in writing to submit the plan."

- (k) Section 207.2 is hereby deleted.

- (l) Section 401.3 is hereby deleted.

- (m) Section 401.6 is amended to read as follows:

"Land proposed for subdivision or development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided as per criteria contained in Title 25, Chapter 102, Rules and Regulations, PADEP and Section 410 of this Ordinance."

- (n) Section 404 is renumbered to provide as follows:

Section 404.1 General Standards

Section 404.2 Lot Frontage

Section 404.3 Lot Size

Section 404.3, Lot Size, is amended to read as follows:

"Lot dimensions and areas shall not be less than specified by the provisions of the Municipal Zoning Ordinance, and shall further conform to Title 25, Chapter 71, Rules and Regulations of the Pennsylvania Department of Environmental Protection and Section 406 of this Ordinance."

(o) Section 408.9 is amended to read as follows:

"The design of the storm drainage facilities and discharge requirements shall be in accordance with the separate Perry Township Stormwater Management Ordinance No. 3-1988."

(p) Section 408.10 is amended to read as follows:

"Storm sewers and related piping shall be fully coated corrugated metal, reinforced concrete, or smooth bore high density polyethylene pipe, meeting Pennsylvania Department of Transportation specifications, Form 408, latest revision."

(q) Section 410.3 is amended to read as follows:

"All development within designated flood plain areas shall be in accordance with the Perry Township Flood Plain Ordinance No. 2-1997."

(r) Section 502.4.b is amended to read as follows:

"All sidewalks, curbs and gutters shall be installed in accordance with these regulations and with Municipal curb, gutter and sidewalk Ordinances."

(s) All references within Subdivision Ordinance Number 1 - 1990 to PADER shall be to PADEP from the date of this Amendment forward.

(t) A new Section 302.2.f is added:

"f. Traffic Studies.

Where deemed necessary by the Planning Commission or Governing Body because of anticipated usage, volume and/or location, the subdivider/developer shall submit a Traffic Study prepared by a Traffic Engineer or firm whose experience and professional credentials are acceptable to the municipality. The

study shall consider anticipated traffic volumes from the proposed development utilizing the Institute of Transportation Engineers Trip Generation Handbook, latest edition, unless the Applicant provides other local data that is acceptable to the Township Engineer. The Study shall consider the existing traffic volumes and conditions, opening year traffic volumes and conditions and ten (10) year projected volumes and conditions into the future. The study shall follow PennDOT traffic impact study guidelines. The overall scope of the study, specific road and intersection locations, data collection, trip generation rates and distribution, intersection capacity analysis, level of service, method of analysis and other parameters shall be established by the municipality based on recommendations from the Township Engineer and the developer's Traffic Engineer for the specific project area. If the study recommends that certain improvements are warranted, a cost estimate of the improvements shall also be provided. The Traffic Study shall also incorporate any applicable provisions of the Township's Impact Fee Ordinance No. 2-05, as amended, on new development within the transportation service areas.

Section 2. Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed, except as provided for in this ordinance. However, it is expressly provided that the provisions of this ordinance shall not affect the validity of and shall be construed consistently with the Subdivision Ordinance, as amended. If there is a conflict, the more restrictive provisions shall control.

Section 3. All remaining provisions of Perry Township Subdivision

Ordinance Number 1 - 1990, as amended, shall remain in full force and effect.


Section 4. In the event any provision, section, sentence, clause or portion of this Ordinance shall be held to be valid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Perry that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

Section 5. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

Section 6. This Ordinance shall take effect five (5) days subsequent to its passage.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Perry Township, Berks County, Pennsylvania, this 14 day of February, 2006, in lawful session duly assembled.

BOARD OF SUPERVISORS OF PERRY
TOWNSHIP


Chairman

Member


Member

ATTEST:


Secretary

PERRY TOWNSHIP

BERKS COUNTY, PENNSYLVANIA

SUBDIVISION ORDINANCE

NUMBER 1 - 1990

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ARTICLE I

TITLE, SHORT TITLE, AND PURPOSE

Section 101 Title

An Ordinance establishing rules, regulations and standards governing the subdivision of land and/or land development within the Township of Perry, Berks County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code, as amended, and setting forth procedures to be followed by the Municipal Planning Commission and the Governing Body in applying, administering, and amending these rules, regulations, and standards and prescribing penalties for the violation thereof.

Section 102 Short Title

This Ordinance shall be known, and be cited as, the "Perry Township Subdivision and Land Development Ordinance."

Section 103 Purpose

This Ordinance is adopted to protect, promote and create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

- 103.1 Assuring sites suitable for building purposes and human habitation.
- 103.2 Providing for the harmonious, orderly and efficient development of the Municipality.
- 103.3 Providing for the coordination of existing streets and highways with proposed streets, parks, and other public facilities.
- 103.4 To provide for adequate open spaces for traffic, recreation, light and air.
- 103.5 Assuring equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance of both the subdivider/developer, and Municipal officials.
- 103.6 Providing for design standards and appropriate improvements and assuring prompt installation of said improvements.

ARTICLE II

SUBMISSION AND REVIEW PROCEDURES

Section 201

General

Hereafter all plans for the subdivision or development of land within the corporate limits of the Municipality shall be reviewed by the Municipal Planning Commission and other Municipal, State or County officials as deemed necessary and shall be approved or disapproved by the Governing Body in accordance with procedures specified in this Ordinance. The provisions and requirements of this Ordinance shall apply to and control all subdivisions or land developments which have not been recorded in the Office of the Recorder of Deeds in and for Berks County, Commonwealth of Pennsylvania, prior to the effective date of this Ordinance, provided, however, that any change in a recorded plan, except as noted in Article II, Section 211, shall constitute a resubdivision and shall make said plan subject to any and all requirements of this Ordinance. Any approval not processed as required hereafter, shall be null and void unless it was made prior to the adoption of this Ordinance.

Section 202

Submission of Sketch Plan

- 202.1 Plan to be Filed with the Municipality - Copies of the Sketch Plan for all proposed subdivisions or land developments and all required supporting data shall be submitted to the Municipal Secretary (or his representative) by the subdivider/developer or his representative authorized in writing to submit the plan.
- 202.2 Number of Copies - Five (5) legible black-line paper prints of the Sketch Plan shall be required. Plans shall fully comply with requirements of Article III, Section 301 of this Ordinance.
- 202.3 Filing Fee - The Municipal Secretary (or his representative) shall collect a filing fee as established by the Governing Body for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the approval of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of application for approval of a sketch plan.
- 202.4 Distribution of Sketch Plans - The Municipal Secretary (or his representative) shall refer the Sketch Plans to the following:

- a. Two (2) copies to the County Planning Commission if the Planning Commission feels that County review is advisable.
- b. One (1) copy to the Municipal Planning Commission.
- c. One (1) copy to the Governing Body.
- d. One (1) copy to the Municipal Engineer.

Section 203

Review of Sketch Plan

203.1 A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/developer and the Municipality.

Submission of a Sketch Plan shall not constitute official submission of a plan to the Municipality.

203.2 Review by the Municipal Planning Commission

- a. After a Sketch Plan has been submitted, such plan shall be reviewed by the Municipal Planning Commission at the next scheduled meeting, provided that such submission has occurred no less than seven(7) calendar days prior to the scheduled meeting.
- b. No action shall be taken by the Municipal Planning Commission with respect to a Sketch Plan until the Planning Commission has received the written report of the County Planning Commission, if same has been requested provided, however, that if the County Planning Commission shall fail to report thereon within thirty (30) days from the date the Sketch Plan was forwarded, then the Municipal Planning Commission may act without having received and considered such report.
- c. Within seven (7) calendar days after the meeting at which the Sketch Plan is approved or disapproved by the Municipal Planning Commission, the Planning Commission's Secretary shall send written notice of the Commission's action, including changes or modifications, if any, required or recommended that it deems necessary or advisable, to the following :
 - 1. The Governing Body.
 - 2. The Subdivider/Developer or his agent. In addition, the Municipal Planning Commission shall forward to the Governing Body a copy of all reports received from the County Planning Commission.

Section 204

Official Submission of Preliminary Plan

204.1 Plan to be filed with Municipality - Copies of the Preliminary Plan and all required supporting data shall be officially submitted to the Municipal Secretary (or his representative) by the subdivider/developer or his representative authorized in writing to submit the plan.

204.2 Official Submission of Preliminary Plan shall comprise:

- a. Three (3) completed copies of the Application for Review of Preliminary Subdivision Plan/Land Development Plan.
- b. Seven (7) legible black-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article III, Section 302 of this Ordinance. Eight (8) copies are required if a State road abuts or traverses the subdivision or land development.
- c. Three (3) completed copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required and appropriate PADER Planning Modules.
- d. Four (4) copies of all other required information including the proposed Erosion and Sediment Pollution Control Plan .

204.3 Filing Fee The Municipal Secretary (or his representative) shall collect a filing fee as established by the Governing Body for all subdivisions or land developments. Fees shall be charged in order to cover the costs of the examining plans and other expenses incidental to the approval of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of application for approval of a preliminary plan.

204.4 Distribution of Preliminary Plan - The Municipal Secretary (or his representative) shall refer the Preliminary Plan, after all required fees have been collected, to the following:

- a. One (1) copy to the Municipal Planning Commission, including one (1) copy of the application form and other required reports.
- b. Two (2) copies of the plan to the County Planning Commission and one (1) copy of all required supporting documents.

- c. Two (2) copies to the Governing Body including one (1) copy of the application form and other required reports.
- d. One (1) copy to the Municipal Engineer.
- e. One (1) copy to the Municipal Zoning Officer.

Section 205

Review of Preliminary Plan

205.1 Review by the Municipal Engineer

The Municipal Engineer shall review the Preliminary Plan to determine its conformance to the Municipal Subdivision and Land Development Ordinance. The Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Planning Commission.

205.2 Review by the Municipal Zoning Officer

The Municipal Zoning Officer shall review the Preliminary Plan to determine its conformance to the Municipal Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article III, Section 302, to determine if information shown is in accordance with the latest amendments to the Zoning Ordinance. The report from the Zoning Officer as to the accuracy of the information shown shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Planning Commission.

205.3 Review by Adjacent Municipality

If the proposed subdivision or land development is partially located in an adjacent municipality, the Municipal Secretary (or his representative) shall transmit one (1) copy of the plan to the adjacent municipality for review and comments.

205.4 Review by the Municipal Planning Commission

- a. When a Preliminary Plan has been officially submitted, such plan shall be reviewed by the Municipal Planning Commission at its next regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting which may be held prior thereto.

- b. No official action shall be taken by the Municipal Planning Commission with respect to a Preliminary Plan until the Municipality has received all written reports requested, provided, however, that if these reports are not received within thirty (30) days after transmittal to these agencies, then the Municipal Planning Commission may officially act without having received and considered such report.
- c. During review of the Preliminary Plan, the Municipal Planning Commission shall consider all written reports before making its final decision.
- d. If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this Ordinance have not been met, or the Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore shall be given in written form by the Secretary of the Planning Commission within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed by the following:
 - 1. The Governing Body.
 - 2. The County Planning Commission.
 - 3. The Subdivider/Developer or his Agent.
 - 4. The Municipal Engineer.
 - 5. The Municipal Zoning Officer.

In addition, the Municipal Planning Commission shall forward to the Governing Body copies of all reports received from County Planning Commission, Department of Transportation, Municipal Zoning Officer and Municipal Engineer.

- a. When a Preliminary Plan has been officially referred to the Governing Body by the Municipal Planning Commission together with its recommendation, such Plan shall be reviewed at the next regularly scheduled meeting or at the discretion of the Governing Body at a special meeting, which may be held prior thereto.
- b. The Governing Body shall review the Preliminary Plan and the written reports and recommendations thereon of the Municipal Planning Commission, the County Planning Commission, (if same has been received), the Municipal Engineer, and by any other officials and official boards of the Municipality, to determine the Preliminary Plan conformance to the standards contained in this Ordinance. The Governing Body may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- c. The action of the Governing Body, either approving or disapproving the Preliminary Plan, and reasons upon which the action is based shall be stated in the minutes of the meeting. When the Preliminary Plan is disapproved the minutes shall cite the provisions of the statute or ordinance relied upon. Subject to the requirements of subparagraph b., within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed and an approval or rejection decision is rendered, the Secretary of the Municipality shall send written notice of the finding, action taken, and reasons thereof to the following:
 1. The County Planning Commission.
 2. The Subdivider/Developer or his Agent.
 3. The Municipal Planning Commission.

One copy of the Plan shall be maintained for the permanent records of the Municipality, and one copy shall be sent to the subdivider/developer or his agent.

- d. In any event, the Governing Body shall render their decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty days following the filing of the application, the said ninety days period shall be measured from the thirtieth day following the day the application has been filed. Failure of the Governing Body to render a decision and communicate it to the applicant within the time and in the manner required shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.
- e. Approval of Preliminary Plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of a general plan to be used in preparing the Final Subdivision of Land Development Plan for final approval and recording upon fulfillment of all requirements of this Ordinance.
- f. When a Preliminary Plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision/land development or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- g. The subdivider or land developer shall accept or reject any conditions imposed by the Governing Body, in writing, within thirty (30) days of notification as provided for in Section 305.5c of this Ordinance. The approved subdivision or land development plan shall be automatically rescinded upon failure by the subdivider or land developer to accept or reject such conditions.

Section 206

Submission of Final Plan

Within six months of Governing Body's approval of the Preliminary Plan, a Final Plan shall be officially submitted to the Municipality. However, an extension of time may be granted by the Governing Body upon written request. Final Plans submitted after this expiration of time for which no time extension has been granted may be considered as a new Preliminary Plan.

The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed by the Municipal Planning Commission and the Governing Body and shall incorporate all modifications required by the Municipality in its review of the Preliminary Plan.

The Municipality may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision or land development as shown on the reviewed Preliminary Plan. Each section in any residential subdivision or land development, except the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units proposed.

206.1 Plans to be filed with the Municipality - Copies of the Final Plan and all required supporting data shall be officially submitted to the Municipal Secretary (or his representative) by the subdivider/developer or his representative authorized in writing to submit the plan.

206.2 Official submission of Final Plan shall comprise:

- a. Three (3) completed copies of the Application for Review of Final Subdivision/Land Development Plan.
- b. Seven (7) legible black-line paper prints and one (1) copy of the Record Plan of the Final Plan which shall fully comply with Article III, Section 303 of this Ordinance.
- c. Two (2) copies of all other required information including the following, if applicable:
 1. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Municipal Solicitor as to their legal sufficiency.
 2. Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided or developed.

3. Whenever a subdivider or land development proposes to establish a street which is not offered for dedication to public use, the Municipal Planning Commission or Governing Body may require the subdivider/developer to submit, and also to record with the plan, a copy of an agreement made with the Municipality on behalf of his heirs, successors and assigns and approved by the Municipal Solicitor and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
 - (a) The street shall conform to Municipal specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Municipal Engineer, to bring the street to conformance with the Municipal specifications.
 - (b) An offer to dedicate the street shall be made only for the street as a whole.
 - (c) The method of assessing repair costs be stipulated.
 - (d) Agreement by the owners of 60% of the front footage thereon shall be binding on the owners of the remaining lots.
4. Whenever approval by the Pennsylvania Department of Environmental Resources is required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision or land development, the Municipal Planning Commission shall require that two (2) copies of such certification of approval be submitted with the Final Plan.
5. Whenever required under Title 25, Chapter 102 Rules and Regulations, Department of Environmental Resources, a copy of the approved Erosion and Sediment Pollution Control Plan or permit shall accompany the Final Plan submission.

6. Any proposed driveway or intersection of a new street with a state legislative route must receive an "Occupancy Permit" from the Pennsylvania Department of Transportation (Penn DOT). A letter from Penn DOT indicating approval of the driveway or intersection as proposed must accompany Final Plan submission.
7. Whenever a revision to the Municipality's official sewage facilities plan is required under Title 25, Chapter 71 Rules and Regulations, Department of Environmental Resources, a copy of the Municipal resolution amending the official plan and a copy of Penn DER's letter approving the plan revision shall accompany the Final Plan.
8. Whenever approval is required for water supply or sanitary sewage disposal from a Municipal Authority or Private Water Company, two (2) copies of such approvals shall be submitted with the Final Plan.
9. Letters from utility companies, electric, gas, telephone, cable T.V., indicating that they have received the Final Plan shall be required to be submitted with the Final Plan.

206.3 Filing Fees - The subdivider or developer shall pay any additional fees, if required. There shall be no refund or credit of any portion of the fee should the subdivider or developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary Approval has been obtained.

206.4 Distribution of Final Plan - the Final Plan shall be distributed in accordance with the requirements of Article II, Section 204.4 for Preliminary Plan. In addition, the Secretary shall forward the Record Plan and two additional copies of the Final Plan to the Municipal Planning Commission.

Section 207

Review of Final Plan

207.1 Review by the Municipal Engineer

The Final Plan shall be reviewed and a written report submitted as required under Article III, Section 305.1 for Preliminary Plans. In addition the Engineer's report shall include an estimate of the cost of construction of all improvements as required by this Ordinance.

207.2 Review by the Municipal Zoning Officer

The Final Plan shall be reviewed and a written report submitted by the Municipal Zoning Officer as required under Article II, Section 205.2 for Preliminary Plans.

207.3 Review by the Municipal Planning Commission

The Final Plan shall be reviewed, in accordance with the procedure required under Article II, Section 205.4 of this Ordinance for Preliminary Plans. In addition:

- a. Before acting on any subdivision or land development plan, the Planning Commission may hold a public hearing thereon after public notice.
- b. If all the requirements of this Ordinance are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the secretary so attesting to endorse the Record Plan and two (2) copies of the Plan for the County Planning Commission "Reviewed and Approved by the Municipal Planning Commission", together with the date of such action.
- c. The Record Plan and the two (2) copies of the plan with Municipal Planning Commission's endorsement, shall be forwarded to the Governing Body.

207.4 Review by the Governing Body

The Final Plan shall be reviewed in accordance with the procedures as required under Article II, Section 205.5 of this Ordinance for Preliminary Plan. In addition:

- a. Before acting on any subdivision or land development plan, the Governing Body may hold a public hearing thereon after public notice.
- b. If the Governing Body approves, the Record Plan and two copies of the Plan shall be signed by the Chairman and the Secretary, together with the date of action.
- c. A performance guarantee or a certificate of satisfactory installation, as required under Article II, Section 209, shall be required before plans are released for recording.

Section 208

Recording of Final Plan

- 208.1 After approval by Governing Body and the Municipal Planning Commission, and with all the endorsements indicated on the Record Plan, the subdivider or developer shall record his plan. No subdivision or land development plan may be legally recorded unless it bears the Municipal approval and seal, and an indication that review by the County has taken place.
- 208.2 After the Final Plan has been approved by the appropriate Municipal authorities, the County Planning Commission shall receive, as approved, two (2) blue-line prints of the Final Plan for their permanent files.
- 208.3 The subdivider or land developer shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of final approval by the Governing Body. The Recorder's Certificate that the approved plan has been recorded with Deed Book and page numbers indicated shall be submitted to the Municipality. If the subdivider/land developer fails to record within such period, the action of the Governing Body and Municipal Planning Commission shall be null and void unless an extension of time is granted in writing by the Governing Body after written request to do so by the subdivider/land developer.
- 208.4 When an application for approval of a plan has been approved or approved subject to conditions acceptable to the applicant, 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 five (5) years from such approval. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was fully filed.

Where the landowner has substantially completed the required improvements as depicted upon the Final plan within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Governing Body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary plan shall modify or revoke any aspect of the approved Final plan pertaining to zoning classification or density, lot, building, street or utility location. In the case of a Preliminary plan calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the Preliminary plan delineating all proposed sections as well as deadlines with which applications for Final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until Final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Governing Body in its discretion.

Each section in any residential subdivision or land development, except for the last section shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the Preliminary plan unless a lesser percentage is approved by the Governing Body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of Final Plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final plan within five (5) years shall apply and for any section, in which the required improvements have not been substantially completed within said five (5) year period for an additional term or terms of three (3) years from the date of Final plan approval for each section.

Failure of landowner to adhere to the aforesaid schedule of submission of Final plans for the various

sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Municipality subsequent to the date of the initial Preliminary plan submission.

Section 209

Performance Guarantee

Prior to final approval of the Final Plan, the subdivider/land developer shall guarantee the installation of all required improvements by one of the following methods:

- 209.1 By installing the improvements required by Article V of this Subdivision and Land Development Ordinance to the satisfaction of the Municipal Engineer and the Governing Body and obtaining a certificate from the Municipal Engineer that all improvements have been installed in accordance with the standards and requirements contained in this Ordinance or other requirements of the Municipality.
- 209.2 In lieu of the completion of any improvements required as a condition for final approval of a plat, the subdivider or land developer may deposit with the Township financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

When requested by the subdivider or land developer, the Township Supervisors will furnish a signed copy of a resolution indicating approval of the Final Plan contingent upon obtaining financial security. The contingency approval shall expire and be deemed to be revoked if financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Governing Body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

Without limitations as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth charter lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this section.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial

security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

The amount of financial security to be posted for completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the subdivider or land developer. Annually the Township may adjust the amount of the financial security by comparing the actual cost of improvements which have been completed and the estimate cost from completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the subdivider/land developer to post additional security in order to assure that financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the subdivider/land developer in accordance with this subsection.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the subdivider/land developer, and prepared by a Professional Engineer licensed in the Commonwealth of Pennsylvania and certified by such Engineer to be fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the subdivider/land developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed in the Commonwealth of Pennsylvania chosen mutually by the Township and the subdivider/land developer. The third Engineer's certified estimate shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third Engineer is so chosen, fees for services of said Engineer shall be paid equally by the Township and the subdivider/land developer.

If the party posting the financial security requires more than one (1) year from the date of posting of the

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

The cost of the improvements shall be established by submission to the Governing Body of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Municipal Engineer. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure. In the case where development is projected over a period of years, the Governing Body may authorize submission of final plans by section or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request the Governing Body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.

Any such request shall be in writing addressed to the Governing Body, who shall have forty-five (45) days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body, that such portion of the work upon the improvements has been completed in accordance with the approved plan.

Upon such certification, the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed or, if the Governing Body fails to act within said forty-five (45) day period, the

Governing Body shall be deemed to have approved the release of funds, as requested. The Governing Body may, prior to final release at the time of completion and certification by its Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements. When the Governing Body accepts dedication of all or some of the required improvements following completion, the Governing Body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal Authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal Authority and shall not be included within the financial security as otherwise required by this section.

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Municipality shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvement, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan.

Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets provided access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

In the event that any improvements which may be required have not been installed as provided in this ordinance or in accord with the approved final plan, the Governing Body may 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 Governing Body 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.

Section 210

Release of Performance Guarantee

When the Subdivider or Developer has completed all of the necessary and appropriate improvements, the subdivider or developer shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer. The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the Governing Body, and shall promptly mail a copy of the same to the subdivider by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the Governing Body. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection. The Governing Body shall notify the subdivider/land developer in writing by certified or registered mail of their action.

The Governing Body shall notify the subdivider/land developer within fifteen (15) days of receipt of the Engineer's report in writing by certified or registered mail of their action.

If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the subdivider or developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

The subdivider or land developer shall reimburse the Municipality for the reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a fee schedule established by the Municipality. Any dispute in connection with such fees shall be resolved in accordance with Section 510g of the Pennsylvania Municipalities Planning Code, as amended.

Section 211

Resubdivision Procedure

Any revision, replanning or resubdivision of land which includes changes to a recorded plan shall be considered a subdivision or land development and shall comply with all regulations of this Ordinance, except that:

211.1 Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

- a. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Municipal Zoning Ordinance.
- b. Easements or rights-of-way reserved for drainage shall not be changed.
- c. Street locations and block sizes shall not be changed.
- d. No lot shall be created which does not abut an existing or a proposed street.

211.2 In every case wherein lot lines are changed as permitted by the above, the subdivider or developer shall prepare a new Record Plan and shall submit the Record Plan to the Municipality for the endorsements of the Municipal Planning Commission and Governing Body (the new Record Plan shall specifically identify the previous Record Plan superseded and shall also contain the record reference if the previous Record Plan has been recorded). The subdivider or developer shall then record the new plan in accordance with Article II, Section 208, of this Ordinance.

Section 212

Dedication and Maintenance Guarantee

All streets, parks or other improvements shown on the subdivision or land development, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Municipality and accepted by resolution of Governing Body.

Before acceptance for dedication of all or some of the required improvements following completion, the Governing Body shall require the posting of financial security to secure structural integrity of said improvements in accordance with the design and specifications as depicted on the final plat for eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of financial security shall be fifteen (15) percent of the cost of installation of said improvements.

Section 213

Plans Exempted from Standard Procedures

In the case of a proposed subdivision or land development where the intent of the subdivider/developer, so expressed in writing, will create two (2) and only two (2) parcels, lots, or tracts of land of the original tract, or the intent is to construct two (2) residences fronting on an existing improved State or municipal road or street, the Planning Commission may allow the subdivider/developer to prepare a Final Plan for recording, accompanied by the required data set forth in Section 303 and the submission of the results of soil percolation tests as described in this Ordinance. Further subdivisions or land development from a tract recorded under this Section will require a review of plans in accordance with the provisions of this Ordinance.

ARTICLE III

PLAN REQUIREMENTS

Section 301

Sketch Plan

- 301.1 The Sketch Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:
- a. If the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
 - b. If the subdivision proposes lots with an average frontage of less than fifty (50) feet, the plan may be drawn to a scale of one (1) inch equals twenty (20) feet.
- 301.2 Sketch Plan and all submitted prints thereof shall be made on sheets either:
- a. Eighteen (18) inches by twenty-four (24) inches, or
 - b. Twenty-four (24) inches by thirty-six (36) inches, or
 - c. Thirty-six (36) inches by forty-eight (48) inches.
- 301.3 If the Sketch Plan requires more than one sheet a key diagram showing relative location of the several sections shall be drawn on each sheet.
- 301.4 The Sketch Plan shall contain at least the following information but not necessarily showing precise dimensions:
- a. Tract boundaries accurately labeled.
 - b. Name of the Municipality in which the subdivision or land development is located.
 - c. North point, scale (written and graphic) and date.
 - d. Name of proposed subdivision or land development or other identifying title.
 - e. Significant topographical and physical features.
 - f. Proposed general street and lot layout.

- g. A location map with sufficient information to enable the location of property.

Section 302

Preliminary Plan

302.1

The Preliminary Plan shall include all information as required for Sketch Plan under Article III, Section 301, in this Ordinance and shall be drawn to the same scales and presented on the same sheet sizes as required for the Sketch Plan. In addition, the following information shall be shown:

- a. Date, including the month, day, and year that the Preliminary Plan was completed and the month, day, and year that the Preliminary Plan was revised, for each revision.
- b. Name of recorded owner and subdivider or developer.
- c. Name, address, license number, and seal of the registered engineer, architect, landscape architect or surveyor responsible for the subdivision or land development plan.
- d. Names of all owners of all abutting land and the names of all abutting subdivisions/land developments, if any, with the book and page number where recorded.
- e. A key map for the purpose of locating the property being subdivided/developed drawn at a scale not less than one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses, and any areas subject to flooding.
- f. Total tract boundaries of the property being subdivided/developed showing bearings and distances and a statement of total acreage of the property.
- g. Zoning data including all of the following if applicable:
 - 1. Existing Municipal zoning regulations, including district designations, requirements for lot sizes and front yards, and any zoning district boundary lines traversing the proposed subdivision or land development.

2. Any changes in the existing zoning to be requested by the subdivider or developer.
 3. Any Municipal regulations other than zoning governing lot size and /or front yard requirements.
- h. Contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent.
 - i. Locations and elevation of the data to which contour elevations refer (data shall be the closest USC & G established bench mark, or an established bench mark approved by the Municipal Engineer).
 - j. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, water courses, wetlands flood plain areas, based on a 100 year storm frequency, unless otherwise specified by the Municipal Zoning Ordinance, and other significant man-made or natural features within the proposed subdivision/land development and fifty (50) feet beyond the boundaries of the proposed subdivision or land development.
 - k. All existing buildings or other structures and the approximate location of all existing tree masses, rock out-crops, within the proposed subdivision/land development or other significant features.
 - l. All existing streets on the Official Plan or Plans of the Municipality (including unpaved streets), including streets of record (recorded but not constructed) easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision or land development.
 - m. The full plan of proposed subdivision or land development, including:

1. Location and width of all streets, easements, and rights-of way, with a statement of any conditions governing their use, and suggested types i.e. collector, major, minor, etc. as noted on the County Highway Classification Plan and the Municipality's Comprehensive Plan.
 2. Suggested street names and utility easement locations.
 3. Building reserve (setback) lines along each street.
 4. Lot lines with approximate dimensions.
 5. Lot numbers and statement of number of lots and parcels.
 6. A statement of the intended use of all nonresidential lots and parcels.
 7. Water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities.
 8. Parks, playgrounds, and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.
 9. In the case of land development plans, the Preliminary Plan shall show building locations, parking areas, access drives and if applicable, recreation areas.
- n. Location of all required soil percolation test holes and probes, if required.
 - o. Whenever required under Title 25, Chapter 102 Rules and Regulations, Pennsylvania Department of Environmental Resources, the proposed Erosion and Sediment Pollution Control Plan shall be shown on the Preliminary Plan or submitted as a separate plan. If a separate plan, three (3) copies will be required.

302.2

The Preliminary Plan shall be accompanied by the following supplementary data as applicable:

- a. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be

shown on either the Preliminary Plan or on separate profile sheets.

Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

1. One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical.
 2. One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical.
 3. One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical.
 4. One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
- b. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.
- c. Where deemed necessary by the Municipal Planning Commission or the Governing Body, a plan for the surface drainage of the tract to be subdivided or developed shall be shown. Such plan shall include storm water run-off calculations for the entire property being subdivided or developed as well as anticipated run-off from areas at a higher elevation in the same watershed and shall show the proposed method, subject to Municipal approval, of accommodating the anticipated run-off.

- d. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Water and Power Resources Board, Division of Dams & Encroachments or the Pennsylvania Department of Transportation. Calculations for water-way opening shall be included. All designs shall be subject to approval by the Municipality.
- e. Where a Preliminary Plan shows the proposed subdivision or land development of only a part of the subdivider's/developer's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Municipal Planning Commission may, based on existing natural or man-made features, delimit the area for which a prospective street system shall be sketched.

Section 303

Final Plan

303.1

The Final Plan shall be the same size, drawn to the same scale, and shall show all information as required for Preliminary Plans under Article V, Section 302 in this Ordinance. In addition the Final Plan shall show the following:

- a. Name of the recorded owner (and subdivider/developer) of the tract, and the source(s) of title to the land being subdivided or developed, as shown by the records of the County Recorder of Deeds.
- b. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary(s) adjoining additional unplotted land of the subdivider/developer (for example, between separately submitted Final Plan sections) and not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided/developed. In addition, the Surveyor shall certify, using the

form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

- c. The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.
- d. The following data shall be shown for the cartway edges and right-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be subdivided or developed: The length and width (in feet to the nearest hundredth of a foot) of all straight lines and of the radii and of the arc (or cord) of all curved lines. The length of all arcs (in feet, to the nearest hundredth of a foot) and the central angle in degrees, minutes and seconds.
- e. All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds) or by magnetic bearings (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds) and the radius (in feet to the nearest hundredth of a foot).
- f. A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision/land development and, if covenants are recorded, including the book and page number.
- g. The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- h. The location (and elevation, if established) of all existing and proposed required perimeter and street monuments.
- i. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be located in cooperation with the appropriate public utilities.

- j. Plan for water supply and distribution; locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- k. Any proposed driveway or intersection of any new street with a state legislative route must receive a "Highway Occupancy Permit" from PennDOT. The approved Permit must accompany the Final Plan submission and the Permit number must be noted on the Final Plan.

In the case of driveways only, the Final Plan may contain a statement, in lieu of submission of a Permit, that states: Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.

- l. A clear sight triangle shall be clearly shown for all street intersections.
- m. All property being developed or subdivided which contains hydric soils, as listed in the Corps of Engineers Wetland Delineation Manual, shall be required to investigate such soils for wetlands. Wetlands evaluation shall be conducted by individual or firm with expertise in the field. All delineated wetlands shall be accurately shown with bearing and distances, tied to a known property corner.
- n. Certification of Accuracy, using the form in the Appendix, shall be lettered on the plan and signed by the design professionals responsible for the subdivision or land development.
- o. A Certification of Ownership, Acknowledgement of Plan and Offer of Dedication shall be lettered on the plan, using the form in the Appendix, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.
- p. A certificate for approval of the Plan by the Governing Body and by the Municipal Planning Commission shall be lettered on the plan, using the form in the Appendix.
- q. A blank space measuring three and one-half (3-1/2) inches by six (6) inches shall be left, preferably adjacent to the Municipal certification, in which

the endorsement stamp of the County Planning Commission may be applied.

- r. A blank space measuring three (3) inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented.
- s. All areas within the 100 year flood plain, as shown on U.S. Department of Housing and Urban Development Federal Insurance Administration Flood Boundary and Floodway Maps, and the flood elevations for the 100 year flood.

303.2 Whenever required under Title 25, Chapter 102, Rules and Regulations, FADER, a copy of the proposed Erosion and Sediment Pollution Control Plan shall accompany Final Plan submission. Permits, when required, shall be submitted with the Final Plan.

303.3 The Final Plan shall be accompanied by such applicable supplementary data as is required in Article IV, Section 402.2 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

- a. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds five (5) percent, along both cartway edges.
- b. Proposed finished grade of the centerline, and proposed finished grades at the top of both curbs, or proposed finished grade at both cartway pavement edges.
- c. The length of all vertical curves.
- d. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.

ARTICLE IV

DESIGN STANDARDS

Section 401

Application and General Standards

- 401.1 The standards and requirements contained in Articles IV and V are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such by the Municipal Planning Commission and Governing Body in reviewing all subdivision and land development plans.
- 401.2 Whenever other Municipal ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of this Ordinance shall apply.
- 401.3 The standards and requirements of this Ordinance may be modified by the Governing Body in the case of Planned Residential Developments designed in accordance with the Municipality's PRD Ordinance which, in the judgement of the Planning Commission, achieve substantially the objectives of this Ordinance and which are further protected by such covenants or other legal provisions as will assure conformity to and to achieve the objectives of the subdivision and land development ordinance.
- 401.4 Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided or developed for building purpose unless such hazards have been eliminated or unless the subdivision/land development plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- 401.5 Subdivision and land development plans shall give due recognition to the "Official Plans" of the Municipality and of the County or to such parts thereof as may have been adopted pursuant to statute.
- 401.6 Land proposed for subdivision or development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided as per criteria contained in Title 25, Chapter 102, Rules and Regulations, RADER and Section 510 of this Ordinance.

Section 402

Streets

402.1

General Standards

- a. The location and width of all streets shall conform to the "Official Plans" or to such parts thereof as may have been adopted by the Municipal Planning Commission and/or the Governing Body.
- b. The proposed street system shall extend existing or proposed streets on the "Official Plans" at the same or greater width but in no case at less than the required minimum width in Section 402.3.
- c. Where, in the opinion of the Municipal Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended, by dedication, to the boundary of such property.
- d. New minor streets shall be so designed as to discourage through traffic, but the subdivider/developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- e. Where a subdivision or land development abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
- f. Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of Article IV and are improved to a mud-free or otherwise permanently passable condition.

402.2

Partial and Half Streets

New half or partial streets shall be prohibited except where essential to reasonable subdivision/development of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained. The subdivider or developer shall provide the entire required cartway width within his property.

402.3 Street Widths

Minimum street right-of-way and pavement widths shall be as shown on the "Official Plans" or if not shown on such plans, shall be as follows:

<u>Street Type</u>	<u>Required Widths (in feet)</u>
Minor Street	
Right-of-way	50
Cartway	36
Collector Street	
Right-of-way	60
Cartway	36
Major Street	
Right-of-way	See note (a)
Cartway	See note (a)
Permanent Cul-de-Sac Street	
Right-of-way	50(b)
Cartway	36(b)
Marginal Access Street (b)	
Right-of-way	33
Cartway	24
Service Street (b)	
Right-of-way	24
Cartway	24

Notes: (a) As specified in the "Official Plans", or as determined after consulting with the Township, the County Planning Commission and the Pennsylvania Department of Transportation.

(b) See Paragraph 402.10

Additional right-of-way and pavement widths may be required by the Municipal Planning Commission or Governing Body for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high density residential development.

402.4 Restriction of Access

- a. Whenever a subdivision or land development abuts or contains an existing or proposed street with an ultimate right-of-way of eighty (80) feet or more

or contains or abuts an existing or proposed collectors street, the Municipal Planning Commission or the Governing Body may require restriction of access to said street by:

1. Provision of reverse frontage lots.
 2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.
 3. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Municipality under an agreement meeting the approval of the Municipality.
- b. Except as specified under Paragraph 3 above, reserve strips shall be prohibited.

402.5 Street Grades

- a. There shall be a minimum centerline grade of three-quarters (3/4) percent.
- b. Centerline grades shall not exceed the following:
 1. Minor Street - ten (10) percent.
 2. Collector Street - six (6) percent.
 3. Major Street - five (5) percent.
 4. Street Intersection - three (3) percent.
- c. Grades up to twelve (12) percent may be permitted on a through minor street where access to the street is possible over streets with grades of ten (10) percent or less.

402.6 Horizontal Curves

- a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- b. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 1. Minor Streets - one hundred fifty (150) feet.

- 2. Collector Streets - three hundred (300) feet
- 3. Major Streets - five hundred (500) feet.
- c. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.
- d. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

402.7 Vertical Curves

At all changes of street grades where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances:

- a. Minor Streets - two hundred (200) feet.
- b. Collector Streets - three hundred (300) feet.
- c. Major Streets - four hundred (400) feet.

402.8 Intersections

- a. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees or more than one hundred twenty (120) degrees.
- b. No more than two streets shall intersect at the same point.
- c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty (150) feet between centerlines measured along the centerline of the street being intersected.
- d. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
- e. Intersections with major streets shall be located not less than one thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.

- f. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - 1. Twenty (20) feet for intersections involving only minor streets.
 - 2. Thirty (30) feet for all intersections involving a collector street.
 - 3. Forty (40) feet for all intersections involving a major street.
- g. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

402.9

Sight Distance at Intersections

- a. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
 - 1. Seventy-five (75) feet from the point of intersection of the centerlines, except that:
 - 2. Clear sight triangles of one hundred fifty (150) feet shall be provided for all intersections with Collector or Major Streets.
- b. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (set-back) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building set-back (reserve) line.

402.10

Cul-de-Sac Streets

- a. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- b. Any temporarily dead-end street shall be provided with a temporary all-weather turn-around, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

- c. Cul-de-Sac streets, permanently designed as such, shall be a minimum of 250 feet and a maximum of 500 feet in length, measured from the center of the turnaround to the center of the intersecting street except where physical features allow no alternative road system.
- d. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- e. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius of the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
- f. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
- g. The centerline grade on a cul-de-sac street shall not exceed eight (8) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.

402.11 Street Names

- a. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- b. In no case shall the name of a proposed street be the same as or similar to an existing street name in the Municipality and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.
- c. All street names shall be subject to the approval of the Governing Body.

402.12 Service Streets (Alleys)

- a. Service Streets may be permitted, provided that the subdivider/developer produces evidence satisfactory to the Municipal Planning Commission or Governing Body of the need for such service streets.

- b. No part of any dwelling, garage or other structure shall be located within twenty (20) feet of the centerline of a service street.
- c. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of fifty (50) feet.
- d. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in Section 402.6 and deflections in alignment in excess of five degrees shall be made by horizontal curves.

402.13 Driveway

- a. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.
- b. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed (10) percent. Entrances should be rounded at a minimum radius of five (5) feet, or should have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge (curb line).

Section 403 Blocks

403.1 Layout

The length, width and shape of blocks shall be determined with due regard to:

- a. Provisions of adequate sites for buildings of the type proposed;
- b. zoning requirements;
- c. Topography;
- d. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

403.2 Length

- a. Blocks shall have a maximum length of one thousand six-hundred (1,600) feet and a minimum length of five hundred (500) feet, provided however, that the Municipal Planning Commission or Governing Body may increase the maximum and/or decrease the minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage condition warrant same.
- b. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- c. Where practicable, blocks along major and collector streets shall not be less than one thousand (1,000) feet long.

403.3 Crosswalks

- a. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over one thousand (1,000) feet in length.
- b. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

403.4 Depth

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of the property, in which case the Municipal Planning Commission or Governing Body may approve a single tier of lots.

403.5 Commercial and Industrial Blocks

Blocks in commercial and industrial areas may vary from the elements of design detailed above as required by the nature of the use.

Section 404 Lots and Parcels

404.1 General Standards

- a. Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- b. Where feasible, lot lines should follow municipal boundaries, rather than cross them in order to avoid jurisdictional problems.
- c. Generally, the depth of residential lots should be not less than one (1) nor more than two and one-half (2-1/2) times their width.
- d. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- e. If, after subdividing, there exist remnants of land, they shall be either:
 - 1. Incorporated in existing or proposed lots, or
 - 2. Legally dedicated to public use, if acceptable to the Municipality.

404.2 Lot Frontage

- a. All lots shall front on a public street, existing or proposed, or on a private street if it meets the requirements of this Ordinance.
- 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 disadvantages of topography or orientation.
- c. All residential reverse frontage lots shall have, a rear yard with a minimum depth of seventy-five (75) feet, measured as the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

404.2 Lot Size

Lot dimensions and areas shall not be less than specified by the provisions of the Municipal Zoning Ordinance, and shall further conform to Title 25, Chapter 17, Rules and Regulations of the Pennsylvania

Section 405

Sanitary Sewage Disposal

- 405.1 All lots and buildings shall be connected to a public sewer system if accessible. Where the public sewer is not yet accessible, but is planned for extension to the subdivision/land development, the subdivider/developer shall install sewer lines, including lateral connections as may be necessary to provide adequate service when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision /land development, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. Design of capped sewer system shall be subject to approval by the Municipality.
- 405.2 Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resource standards and Municipal standards. A copy of the approval of such system shall be submitted with the Final Plan.
- 405.3 Sanitary sewers shall not be used to carry storm water.
- 405.4 All lots and buildings which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of a septic tank(s) connected with a tile disposal field and which shall, as a minimum requirement, meet the design standards of Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Resources, and Municipal Standards.
- 405.5 If on-site sanitary sewage disposal facilities are to be utilized, the Municipal Planning Commission may require that the subdivider/developer submit a Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of community sanitary sewer system with a temporary sewage treatment plant. Based on the analysis of this report, the Planning Commission may require the installation of a community sanitary sewer system. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area.
- 405.6 Where on-site sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile

fields at a safe distance from, and at a lower elevation than, the proposed building(s) in accordance with Municipal or State regulations.

405.7 The proposed method of sanitary sewage disposal shall be in accordance with the Municipality's officially adopted Act 537 Sewage Facilities Plan.

405.8 Whenever, according, to Title 25, Chapter 71, Section 71.16, Rules and Regulations of the Pennsylvania Department of Environmental Resources, a revision is necessary to the Act 537 Sewage Facilities Plan, the procedure set forth in Sections 71.15 - 71.17 of those Rules and Regulations shall be followed.

Section 406

Soil Percolation Test Requirements

406.1 Soil percolation tests shall be performed for all subdivisions/land developments wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation.

406.2 Soil percolation tests and probes shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Resources, by the Municipality's Sewage Enforcement Officer at a rate of one (1) per acre or part thereof for the property being subdivided/developed.

406.3 The result of the test and all other information shall be entered on three (3) copies of the Site Investigation and Percolation Test and shall be submitted with the Preliminary Plans, provided however, that where the approval of the proposed sanitary sewage disposal facilities is otherwise required by the Pennsylvania Department of Environmental Resources, two (2) copies of the report of investigation and approval may be submitted in lieu of the Site Investigation and Percolation Test Report.

406.4 Where possible, soil percolation tests shall be performed near the site of the proposed on-site sanitary sewage disposal facilities and spaced evenly throughout the property.

406.5 The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided/developed, and of the general area surrounding the tract being subdivided/developed, and the Final Plan lot layout shall be based on this analysis.

Section 407

Water Supply

- 407.1 Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision/land development, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the Middle Department Association of Fire Underwriters. A copy of the approval of such system by the appropriate public service or utility company shall be submitted with the Final Plan. Suitable agreements shall also be established for the design, specifications, construction, ownership, and maintenance of such a distribution system.
- 407.2 Where such systems are not accessible, and where on-site sanitary sewage disposal systems are to be used, a community water supply system may be required. A community water supply system shall be designed in accordance with the Pennsylvania Safe Drinking Water Act (P.L. 206, No. 43), approved by the Pennsylvania Department of Environmental Resources, and appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.
- 407.3 Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and wells shall be placed uphill from sewage disposal systems and shall not be within one hundred (100) feet of any part of the absorption (tile) field of feet of any on-site sanitary sewage disposal system, nor within fifty (50) feet of lakes, streams, ponds, quarries, etc.
- 407.4 Where individual on-site water supply system(s) are to be utilized, it is recommended that the subdivider/developer provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased and grout sealed into bedrock at least fifty (50) feet deep, having a production capacity of at least five (5) gallons per minute of safe potable drinking water as certified by State or Municipal health officers.
- 407.5 Whenever water supply is proposed to be provided by means other than by private wells owned and maintained by individual owners of lots within a subdivision or land development, the subdivider/land developer shall present evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot

owners, or a municipal corporation, authority, or utility.

A copy of a Certificate of Public Convenience from the Pennsylvania PUC or an application for such certification, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

Section 408

Storm Drainage

- 408.1 Storm sewers, culverts, and related installations shall be provided, as necessary, to :
- a. Permit unimpeded flow of natural water courses.
 - b. Insure adequate drainage of all low points along the line of streets.
 - c. Intercept storm water run-off along streets at intervals related to the extent and grade of the area drained.
 - d. Provide positive drainage away from on-site sewage disposal facilities.
- 408.2 Where existing storm sewers are reasonable accessible, proposed subdivisions/land developments shall be required, if necessary, to connect therewith.
- 408.3 In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water run-off onto adjacent developed or undeveloped properties.
- 408.4 Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided or developed, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same watershed is fully developed.
- 408.5 Where a subdivision or land development is traversed by water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the

Pennsylvania Department of Environmental Resources,
Water and Power Resources Board, Division of Dams &
Encroachments if the drainage basin of such waterway is
320 acres or more.

- 408.6 All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- 408.7 The slope of the crown on proposed streets shall not be less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot.
- 408.8 Adequate facilities shall be provided at low points along streets and where necessary to intercept run-off.
- 408.9 Storm water discharge from a subdivision or land development shall not exceed the rate of run-off which existed from the parcel prior to development.
- 408.10 Storm sewers and related piping shall be fully coated corrugated metal or reinforced concrete pipe, meeting Pennsylvania Department of Transportation specifications, Form 408, latest revision.
- 408.11 A site drainage plan for the proposed subdivision or land development tract shall be prepared which sets forth the following information:
- a. A map of the watershed area or areas in which the proposed subdivision or land development is located.
 - b. Calculations of peak rates of run-off for all points of run-off concentration.
 - c. Complete drainage systems for the subdivision/land development. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire subdivision/development shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.
- 408.12 The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- 408.13 No storm water run-off or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by

the subdivider/developer for properly handling such conditions.

- 408.14 Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter from that office indicating such approval shall be directed to the Municipal Planning Commission.
- 408.15 Where detention ponds are included as part of the storm water and drainage plans, the following guidelines shall be used:
- a. Detention areas shall be designed using specifications of the U.S. Soil Conservation Service Engineering Field Manual or other specifications acceptable to the Municipal Engineer.
 - b. Detention areas shall be designed to provide protection from a minimum of a 100 year storm or as determined by the Municipal Planning Commission.
 - c. Detention areas shall be designed so that they return to normal condition within approximately twenty-four (24) hours after the termination of the storm, unless the Municipal Engineer finds that downstream conditions warrant other design criteria for storm water release.
 - d. The subdivider/developer shall demonstrate that detention ponds will be designed and protected to assure that public safety is maximized and that health problems are prevented.
 - e. Water detention areas will be properly maintained by the developer/subdivider. If alternative methods of maintenance are proposed, agreements, deed restrictions or contracts for such maintenance shall be approved by the Municipality.

Section 409

Public Use and Service Areas

409.1

Public Open Space

- a. In reviewing subdivision and land development plans, the Municipal Planning Commission and Governing Body shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision or land development, and shall make such report thereon as they deem necessary in the public interest.

- b. Subdividers/developers and Municipal Planning Commission shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds, and playfields; shopping and local business centers. 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, and shall be suitably prepared for this end use at the expense of the subdivider/developer. Prior to the preparation of plans, subdividers/developers of large tracts should review with the Municipal Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided/developed.
- c. The Municipal Planning Commission shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. The minimum standards to be used by the Commission in recommending the reservation of open space shall be as follows: (d.u./ac. is dwelling units per acre)

<u>Density</u>	<u>% of Tract in Open Space</u>
1-3 d.u./ac.	5%
3.1-6	10%
6.1-10	15%
10.1-15	20%
over 15	25%

The above figures shall apply in land subdivisions or land developments which intend to provide housing for the following number of families by unit type.

<u>Unit Type</u>	<u>Open Space Required</u>
Single Family	50 units or more
Town House & Multi-Family	Densities in excess of 4.0 d.u./acre and/or involving 20 or more
Mobile Home Park	units always required

When mixed unit types are proposed within a development (ex: Single Family and Town Houses) open space shall be required where there are 50 or more total units and/or a density in excess of 4.0.

409.2 Community Assets

Consideration shall be shown for all natural features as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision/land development.

(Insert)

409.3 Utility Easements

a. On July 8, 1970, the PA Public Utility Commission issued an order requiring all electric distribution lines to be installed underground in residential developments of five (5) or more family units. This also applies to mobile home parks, apartment houses and row houses. In compliance with these regulations and with the cooperation of local utility companies, the following procedures will be followed in reviewing plans subject to underground electric service:

1. Upon filing of a Preliminary Plan or an Official Sketch Plan for Review, the subdivider/developer shall forward a copy to the appropriate utility company if the subdivision development is subject to this Order. This will apprise the utility company of the project status and indicate that the subdivider/developer would be contacting them in the near future.

2. Upon receipt and review of the Preliminary Plans, the subdivider/developer is directed to contact the utility company and secure approval of plans for underground electric service. Receipt of a letter from the utility company indicating receipt of the plans will be required prior to Municipal endorsement of any plan for recording. The responsibility for securing this approval and coordinating the plan with the utility company will be that of the subdivider/developer.

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

c. Easements shall be centered on, or adjacent to, rear or side lot lines.

d. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision/land development.

e. Subdividers and developers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

f. Petroleum products or natural gas transmission lines shall be located in a fifty (50) foot minimum right-of-way, such lines to be installed in the center of the right-of-way. The subdivider/developer shall provide a fifty (50) foot right-of-way for all existing transmission lines within the subdivision/land development.

g. Utility service for residential development not subject to the above-mentioned PA Public Utility Commission order is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

410.1

Erosion and Sediment Controls and Guidelines

- a. Erosion and Sediment Control Measures where required under Title 25, Chapter 102 Rules and Regulations of the Pennsylvania Department of Environmental Resources, shall meet the standards and specifications of the County Conservation District.
- b. The following guidelines shall be applied as needed in erosion and sediment controls measures:
 - 1. Stripping of vegetation, grading, fillings, excavating or other alteration of the landscape shall be done in such a way that will minimize erosion.
 - 2. Whenever feasible natural vegetation shall be retained, protected and supplemented.
 - 3. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 4. Disturbed soils shall be stabilized as quickly as practical.
 - 5. Temporary vegetation and/or mulching may be used to protect exposed critical areas during development.
 - 6. Permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practical in the development.
 - 7. Provisions may be made to effectively accomodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water run-off may be mechanically retarded.
 - 8. Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.
- c. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls:

1. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills.
 2. Cuts and fills shall not endanger adjoining properties or highways.
 3. Fills shall be placed and mechanically compacted to minimize sliding or erosion of the soil.
 4. Fills shall not encroach on natural water courses or constructed channels.
 5. Fills adjacent to natural water courses or constructed channels shall have suitable protection against erosion during periods of flooding.
 6. During grading operations, necessary measures for dust control shall be exercised when needed.
 7. Grading equipment shall not be allowed to cross live streams. Provisions shall be made for the installation of culverts or bridges.
 8. Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing.
- d. The following guidelines shall be applied in grading for drainage and establishing drainage easements as part of erosion and sediment control.
1. Grading shall provide proper drainage from lots, tracts away from buildings and dispose of surface water preserving natural drainage patterns wherever possible.
 2. All drainage provisions shall be designed to adequately handle the surface run-off and carry it to the nearest suitable outlet such as a curbed street, storm drain, natural water course, or drainage swales.
 3. Where drainage swales are used to divert surface water from buildings, they shall be of such slope, shape and size and sodded or planted to preserve their continued integrity.

4. Where a subdivision or land development is traversed by a water course, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such water course and of such width as will be adequate to preserve natural drainage but not less than twenty (20) feet or as may be required or directed by the Department of Environmental Resources. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Municipal Planning Commission. Nothing shall be placed, planted or put within the easement that might affect the flow of the drainageway.
5. Where storm water or surface water will be gathered within the subdivision or land development and discharged or drained over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The owner shall convey, free of charge, or cost, such easements to the Municipality upon demand.

410.2 Topsoil Control

- a. Topsoil shall not be removed from the subdivision/land development site or used as fill.
- b. Topsoil removed from construction areas shall be stored and stabilized to minimize erosion during storage.
- c. Topsoil removed shall be uniformly redistributed over the site as soon as feasible.

410.3 Flood Plain Regulation

All development within designated flood plain areas shall be in accordance with the Municipality's Ordinance 1-1982

410.4 Steep Slopes

- a. The natural terrain of the subdivision or land development shall be retained wherever possible with cut and fill operations kept to a minimum.
- b. Slopes over 15% in grade are considered generally unbuildable utilizing normal construction techniques and conventional on-lot sewage disposal. Subdivision or land development plans utilizing such slopes shall automatically be required to submit detailed grading and drainage, landscaping and soil erosion and sedimentation plans. Subdivision and land development standards shall not be modified in steep slope areas, except when in the opinion of the Municipal Engineer they need be to facilitate the use of innovative development techniques which will lessen environmental impact and harm.
- c. Slopes in the range of 8 to 15 percent are generally considered marginally suitable for development, and shall require submission of an erosion and sedimentation report.

ARTICLE V

IMPROVEMENT SPECIFICATIONS

Section 501

General Requirements

Physical improvements to the property being subdivided or developed shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of this Ordinance, or other Municipal Ordinances or Regulations, whichever is more restrictive.

501.1 As a condition to review of a Final Plan by the Municipal Planning Commission and Governing Body, the subdivider/developer shall agree with the Municipality as to the installation of all improvements shown on the Plan and required by this Ordinance or other Municipal Ordinances or Regulations. Before the Record Plan is endorsed by the Municipal Planning Commission and Governing Body, the subdivider/developer shall submit a completed original copy of the Subdivision/Land Development Improvements Agreement.

501.2 All improvements installed by the subdivider or developer shall be constructed in accordance with the design specifications of the Municipality including any promulgated by a Municipal Authority.

Where there are no applicable Municipal specifications, improvements shall be constructed in accordance with specifications furnished by the Municipal Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources, Berks County Soil Conservation District, or such other State agency as applicable. If there are no applicable Municipal or State regulations, the Municipal Planning Commission may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

501.3 Supervision of the installation of the required improvements shall in all cases be the responsibility of the Municipality or of the appropriate State regulatory agency.

Section 502

Required Improvements

The following improvements, as shown on the Record Plan, shall be provided by the subdivider in all subdivisions and by the developer in all land developments.

502.1 Street Grading: All streets shall be graded to the full right-of-way width.

- 502.2 Cartway Paving: All streets shall be paved to full cartway width (as shown on the Final Plan) and as required by Section 402.3 of this Ordinance.
- 502.3 Curbs: Curbs where required by the Governing Body shall be installed along both sides of all streets, except along service streets in accordance with Municipal Ordinances. Curbs shall be either the vertical type, or rolled curb and gutter type, except that rolled curbs shall not be used on streets whose grade exceeds six (6) percent, or on any collector or major streets. The transition from one type of curb to another shall be made only at a street intersection. Adequate provision shall be made for driveway entrances.
- 502.4 Sidewalks:
- a. Where required by the Governing Body, sidewalks with a minimum width of four (4) feet shall be installed on both sides of all streets except that no sidewalks shall be required along service streets.
 - b. All sidewalks, curbs and gutters shall be installed in accordance with these regulations and with Municipal curb, gutter, and sidewalk Ordinances. Where sidewalks are required, curbs are mandatory.
- 502.5 Driveways
- When required by the Governing Body, driveways must be paved in accordance with this Ordinance and with other ordinances of the Municipality.
- 502.6 Sewers
- a. Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article IV of this Ordinance and Municipal standards.
 - b. Sanitary Sewage Disposal System(s):
 - 1. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article IV of this Ordinance.
 - 2. Whenever a subdivider/developer proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision/land development, the

subdivider/developer shall either install an approved DER facility or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision/land development, that such facilities can be installed by the purchaser of such lot or parcel.

3. Where studies by the Municipal Planning Commission or a Municipal Authority indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided or developed appears probable within a reasonably short time (up to five years), the Municipal Planning Commission and the Governing Body shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems. It shall, however, be the responsibility of the Municipality to supervise the design and installation of such capped sewers.
4. In all other cases, the subdivider/developer shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Municipal Engineer and the Municipal Authority. The design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources and such system shall be further subject to satisfactory provision for the maintenance thereof.

502.7 Water Supply

- a. Water supply system(s) shall be installed consistent with design principles and requirements contained in Article IV of this Ordinance, the Pennsylvania Safe Drinking Water Act and Pennsylvania Department of Environmental Resources requirements.
- b. Where the subdivider/developer proposes that individual on-site water supply system shall be utilized within the subdivision/land development, the subdivider/land developer shall either install such facilities or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision/land development, that the facilities

can be installed by the purchaser of such lot or parcel.

- c. Wherever feasible, the subdivision/land development shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Municipal Engineer; the design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources and such system shall be further subject to satisfactory provision for the maintenance thereof.

502.8 Fire Hydrants: Wherever a public or community water system is provided, fire hydrants suitable for the coupling of equipment serving the Municipality shall be installed within six hundred (600) feet of all existing and proposed structures, measured by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters). Locations of hydrants shall be approved by the Fire Company officials serving the Municipality and by the Engineer of the Municipality.

502.9 Monuments:

- a. Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided/developed. The subdivider/developer, or his representative, shall notify the Municipal Engineer in order that he may inspect the placement of the monuments before they are covered.
- b. All monuments shall be placed by a professional surveyor so that the scored (by an indented cross or drill hole) point shall coincide exactly with point of intersection of the lines being monumented.
- c. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
 - 1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.

2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- d. All streets shall be monumented at range line, within the right-of-way lines of the street and five (5) feet distant therefrom and at the following locations:
 1. At least one monument at each intersection.
 2. At changes in direction of street lines, excluding curb arcs at intersections.
 3. At each end of each curbed street line, excluding curb arcs at intersections.
 4. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.
 5. At such other places along the line of streets as may be determined by the Municipal Engineer to be necessary so that any street may be readily defined in the future.

502.10 Street Signs: Street name signs shall be installed at all street intersections. The design and placement of such signs shall be approved by the Municipality, the cost of which shall be borne by the subdivider/developer.

502.11 Erosion and Sediment Control:

- a. Improvements installed to control soil erosion and sedimentation shall be in accordance with design standards set in Section 410.1.
- b. Whenever a plan locates and shows erosion and sediment control measures, the subdivider or developer shall be responsible for the following:
 1. Removing sedimentation from all adjoining surfaces, drainage systems and water courses and to repair any damage at his expense as quickly as possible.
 2. Maintaining all drainage facilities and water courses within the subdivision/land development.

3. Maintaining as nearly as possible, streams, water courses, swales, flood plains or right-of-way during construction and return them to original or equal condition after construction is completed.
4. Providing and maintaining adequate right-of-ways and/or easements for all drainage facilities and water courses.
5. The subdivider/developer in making surface changes shall be subject to the following conditions:
 - (a) The subdivider/developer shall handle existing and potential off-site run-off through his development by designing a system which can adequately handle storm run-off from a fully developed area upstream.
 - (b) All drainage and erosion control improvements, as required in the erosion and sediment guidelines, shall be at the subdivider's/ developer's expense.

ARTICLE VI

MOBILE HOME PARKS

Section 601

General Requirements

This section contains design standards pertaining solely to mobile home parks, and is intended to supplement but not replace other sections of this Subdivision and Land Ordinance. Mobile Home Parks must, therefore, comply with all provisions of this Ordinance, except those specifically modified herein in Sections 602 and 603.

Section 602

Design Standards

602.1

Park and Lot Area & Width

- a. A mobile home park shall be not less than 10 acres in area.
- b. No part of any mobile home park shall be used for a non-residential use, except where required for park management and/or maintenance.
- c. The minimum individual mobile home lot shall be at least 5000 square feet in area, and 50 feet in width.
- d. The minimum lot shall exclude lands:
 - (1) Located in a flood plain
 - (2) Subject to periodic flooding, or high water table conditions.
 - (3) In public utility easements.
 - (4) With an average slope exceeding 15% in grade.
 - (5) Used for streets, public or private utilities.
 - (6) Required for open space and recreation use.
 - (7) Required for mobile home park buffer strips.

602.2

Open space & Recreation

- a. Ten (10) percent of the entire tract shall be set aside and utilized for open space and recreation.
- b. Recreation areas shall be provided in accordance to that required for residential subdivisions.

- c. Usuable open space and recreation areas shall be centrally located and accessible to all park residents by common walks reasonable free of traffic hazards.
- d. Open Space shall be kept in suitable vegetative cover and weed free.
- e. Outside yards which are not considered part of a mobile home lot area, may be considered as usable open space.

602.3 Yards, Setbacks, Buffer Strips

- a. A mobile home park shall provide a 50 foot setback from exterior streets and other park boundary lines or perimeter.
- b. This perimeter shall be suitable landscaped or otherwise screened from view of adjoining districts. The developer shall submit a screening plan along with the subdivision plan.
- c. The minimum mobile home setback from an adjoining interior street pavement, common parking or recreation area shall be at least twenty-five (25) feet.
- d. All mobile homes and/or outbuildings shall be separated from adjoining homes or outbuildings by at least twenty (20) feet.

602.4 Park Street & Walk Systems and Offstreet Parking

- a. Each mobile home park of more than 50 mobile homes shall be provided with at least two (2) points of vehicular ingress and/or egress.
- b. These access points shall be designed to minimize traffic congestion and hazards, and a distance of at least 150 feet shall be maintained between centerlines of these access points.
- c. All mobile home lots shall be provided with vehicular access via internal streets or drives if clustered. The alignment, gradient and other street standards shall be as reflected in Article IV.
- d. Mobile home park interval streets shall be suitably paved and stabilized to the following standards:

	Right-of-way (ft)	Minimum Cartway (ft)
Two-way streets	50	36
One-way streets	50	28

- e. No more than two (2) streets shall intersect at any one point, and a distance of at least 150 feet shall be maintained between centerline of offset intersecting streets.
- f. Two offstreet parking spaces shall be provided in all mobile home parks. Each space shall be at least 200 square feet in area. Common parking areas shall not be located further than three hundred (300) feet from the lots such space is intended to serve.
- g. Hard surfaced walkways four (4) feet wide shall be provided between individual mobile home lots and common walkways to all community facilities and recreation areas provided for park residents.
- h. Individual mobile homes maybe connected by two (2) feet wide walks connecting to paved streets or driveways.

602.5

Utility Improvements

- a. **Water Supply:** All mobile homes within a park shall be provided with a continuous supply of potable water from a public or community water supply, designed in accordance with the Pennsylvania Safe Drinking Water Act (P.O. 206, No. 43) and approved and certified by the Pennsylvania Department of Environmental Resources.
- b. **Sewage Disposal:** All mobile homes within a park shall be connected to a public sewage system or be temporarily connected to a centralized sanitary sewage disposal system approved and certified by the Pennsylvania Department of Environmental Resources.
- c. **Electrical Distribution:** Each mobile home shall have an underground electric distribution system and an individual meter box installed in accordance with the appropriate power companies specifications.
- d. **Natural Gas:** Each mobile home provided with natural gas shall be provided with an approved shutoff valve installed upstream of the gas

outlet. The outlet shall be equipped with an approved cap to prevent accidental discharges of gas when the outlet is not in use.

e. Liquified Petroleum Gas Systems:

1. Liquified petroleum gas systems when provided in mobile home parks shall include the following:
 - (a) Systems shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location.
 - (b) Systems shall have at least one accessible means for shutting off gas located outside the mobile home, and which shall be maintained in effective operating condition.
 - (c) All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form should not be conveyed through piping equipment and systems in mobile homes.
 - (d) Vessels of more than 12 and less than 60 U.S. gallons gross capacity shall be secured to prevent accidental overturning.
 - (e) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.

f. Fuel Oil Supply Systems:

1. All Fuel oil supply systems when provided in mobile home parks shall be installed and maintained in conformity with the following regulations:
 - (a) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.
 - (b) All fuel oil supply systems shall have shutoff valves located within five inches of storage tanks.

- (c) All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five feet from any mobile home parking area or exit.
- (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

602.6 Other Park Site Improvements

- a. The park operator shall require that a fire extinguisher of an approved type shall be maintained in each mobile home and in all public service buildings under park control.
- b. Provision shall be made by the park operator to have garbage collected at least once every week.
- c. Each mobile home lot shall be provided with a four (4) inch concrete slab on a stable surface at least ten (10) feet by eighteen (18) feet in size for use as a terrace.
- d. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- e. Television reception service shall be provided from a centralized antenna service if available.

Section 603

Improvement Specifications

Improvement Specification for Mobile Home Parks shall not differ from those outlined in Article V of this Ordinance.

ARTICLE VII

DEFINITIONS

Section 701

Tense, Gender and Number

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

Section 702

General Terms

The words "person", "subdivider" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, dry run, spring and stream. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Section 703

Terms or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Section 704

Specific Terms

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

Alley: See "Service Street."

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Architect: A licensed architect in the Commonwealth of Pennsylvania.

Block: A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad rights-of-way, water courses, boundary lines of the Municipality, unsubdivided land or by any combination of the above.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Reserve (Setback) Line: The line within a property defining the minimum required distance between any building to be erected and adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Cartway (Roadway): The portion of a street right-of-way paved or unpaved, intended for vehicular use.

Clear Sight Triangle: An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

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

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

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signatures of the appropriate authority on the Record Plan.

Engineer: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

Governing Body: The Perry Township Supervisors.

Improvements: Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

Land Development: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purposes involving (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure or (b) 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; (2) A subdivision of land.

The term land development shall not be construed to include the addition of an accessory building, including farm buildings, on a lot or lots subordinate to the existing principal building.

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

Landscape Architect: A licensed landscape architect in the Commonwealth of Pennsylvania.

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term. Contiguous parcels of land, tracts, or lots held under single ownership through separate deeds shall be considered as a single lot, tract or parcel of land for the purposes of this ordinance.

Lot Area: The area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Marker: A metal pipe or pin of at least 1/2" in diameter and at least 24" in length.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other

appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

Monument: A stone or concrete monument with a flat top at least 4" in diameter or square and at least 24" in length. (Stone monument shall contain a copper or brass dowel (plug)). It is recommended that the bottom sides or radius be at least 2" greater than the top, to minimize movements caused by frost.

Municipality: Perry Township, Berks County, Pennsylvania

Municipal Authority: A body politic and corporate pursuant to the act of May 2, 1945 (P.L. 392. No. 164) known as the "Municipality Authorities Act of 1945.

Municipal Engineer: A duly registered professional engineer employed by the Municipality or engaged as a consultant thereto or his duly authorized representative.

Municipal Solicitor: The attorney appointed by the Governing Body or his duly authorized representative.

Municipal Zoning Officer: The agent or official designated by the Municipality to administer and enforce the Municipal Zoning Ordinance.

Multi-family Dwellings: A building providing separate dwelling units for three or more families.

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or such other Plans, or portions thereof, as may have been adopted by the Municipality pursuant to statute, for the area in which the subdivision or land development is located.

Plan, Sketch: A tentative plan drawn to exact scale, indicating salient existing features of the tract and showing approximate street and lot layout as a basis for consideration, prior to preparation of a Preliminary Plan.

Plan, Preliminary: A subdivision or land development plan (including all required supplementary data), prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect in lesser detail than a Final Plan, showing approximate location of proposed street and lot layout as a basis for consideration prior to preparation of a Final Plan.

Plan, Final: A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording as required by statute, to define

property rights and proposed streets and other improvements prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

Plan, Record: The copy of the Final Plan which contains the original endorsements of the County Planning Commission and the municipality(ies) and which is intended to be recorded with the County Recorded of Deeds and prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

Planning Commission or Municipal Planning Commission: The Planning Commission of Perry Township, Berks County, Pennsylvania.

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of the Municipality's Zoning Ordinance.

Plat: A map or plan of a subdivision or land development, whether preliminary or final.

Public Grounds: Includes (1) parks, playgrounds and other public areas, and (2) sites for publicly owned buildings and facilities.

Public Hearing:

A formal meeting held pursuant to public notice by the Governing Body or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Reserve Strip: A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on the approved Final Plan or Recorded Plan as specified in Article II, Section 211, of this Ordinance.

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Review: Whenever the County Planning Commission possesses such review jurisdiction, the action of review shall not limit the appropriate authorities of the Municipality in their ultimate and final decisions.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Roadway: See "Cartway".

Sanitary Sewage Disposal System, On-Site: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal System, Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Septic Tank: A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of the road surface.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Street: A strip of land, including the entire right-of-way (i.e. not limited to a cartway) to provide access to more than one (1) lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform.

Minor Street: A street used primarily to provide access to abutting properties.

Cul-de-Sac Street: A minor street intersecting another street at one end and terminating at the other end in a permanent vehicular turn-around.

Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvements and use of the street.

Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.

Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial, multi-family, and commercial subdivisions shall generally be considered collector streets.)

Major Street: A street serving a large volume of comparatively high-speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Internal Street: A minor street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

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

Subdivider: See "Developer".

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs and devisees, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. The term subdivision shall refer, as appropriate in this Ordinance, to the process of subdividing land or to the land proposed to be subdivided.

Surveyor: A licensed surveyor registered in the Commonwealth of Pennsylvania.

Tile Disposal Field: A system of open jointed or perforated pipes laid on the upper strata of the soil to distribute sewage effluent into the soil for absorption and evaporation.

Water Distribution System, On-Site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

Water Distribution System, Public: A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Zoning Map: The official zoning map of Perry Township

Zoning Ordinance: The Perry Township zoning ordinance as amended.

ARTICLE VIII

ADMINISTRATION, AMENDMENT, SEVERABILITY

Section 801 Revision and Amendment

801.1 The Governing Body may, from time to time on their own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of land subdivision and/or land development plans.

801.2 Any revision, modifications, or amendments to this Ordinance shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications, or amendments, held pursuant to public notice in accordance with the provision of Pennsylvania Municipalities Planning Code, as amended, Section 505 or any amendments thereto.

In addition, in the case of amendment other than that prepared by the Municipal Planning Commission, the Governing Body shall submit each amendment to the Municipal Planning Commission and the County Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the Public Hearing on such proposed amendment. Within thirty (30) days after adoption of any amendment, a certified copy shall be forwarded to the County Planning Commission.

Section 802 Modifications

The Governing Body may grant modifications to the requirements of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

All requests for a modification shall be in writing and shall be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, and the minimum modification necessary.

The Governing Body may refer the request for modification to the Municipal Planning Commission for advisory comments. The Governing Body shall keep a written record of all action on all requests for modifications.

Section 803 Appeals and Challenges

All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, as amended.

Section 804 Fees

804.1 The Governing Body shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the Subdivider or developer at the time of filing a Preliminary Plan.

804.2 The Schedule of Fees shall be posted in the Municipal Office or in such other place as the Governing Body may designate, and be available upon request.

804.3 In the event the subdivider or developer is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Municipal Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the subdivider/developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary approval has been obtained.

804.4 No Final Plan shall be approved unless all fees and charges have been paid in full.

Section 805 Preventative and Enforcement Remedies

805.1 Preventative Remedies

In addition to other remedies, the Municipality may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of any ordinance adopted pursuant to Article V of the Pennsylvania Municipalities Planning Code, as amended. This authority to deny such a permit or approval shall apply to any of the following applicants:

- a. The owner of record at the time of such violation.
- b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
- c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the subdivision or development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

805.2 Enforcement Remedies

Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays or timely appeals the judgement, the Township may enforce the judgement

pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, under petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

805.3 The Governing Body may initiate and maintain civil action:

- a. To obtain a writ of injunction against the subdivider/developer attempts the improper sale, lease, or conveyance of land.
- b. To set aside and invalidate any conveyances of land made prior to recording of any subdivision or land development.

805.4 Nothing herein shall prevent the Municipality from taking such other action necessary to prevent or remedy any violation.

Section 806 Keeping of Records

The Municipal Planning Commission and the Governing Body shall keep a record of their findings, decisions, and recommendations relative to all subdivision or land development plans filed for review. Such records shall be made available to the public for review.

Section 807 Responsibility

The subdivider/developer shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.

Section 808

Right of Entry

When a subdivision or land development plan has been officially filed with the Township, Township elected or appointed officials and representatives shall have the authority to enter, at any reasonable hour, any building, structure or premises which are the subject of the application

Section 809

Conflicts

Should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgement shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

809.1 Whenever there is a difference between the minimum standards specified herein and those included in other Municipal Ordinances or regulations the more stringent requirements shall apply, except in the application of the Municipality's Residential Development Ordinance.

809.2 All existing ordinances or regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect, except in the application of the Municipality's Planned Residential Development Ordinance.

Section 810

Severability

This Ordinance shall become effective ten (10) days after adoption by the Governing Body.

Section 811

Effective Date

DULY ENACTED AND ORDAINED by the Perry Township Board of Supervisors, Berks County, Pennsylvania, this 13th day of November 1990, in lawful session duly assembled.

By /s/ Mark Stitzel

/s/ Paul D. Dietrich

ATTEST:

/s/ Miriam Kline

APPENDICES

The following appendices are not to be considered an integral part of this Ordinance. These appendices are included for reference purposes only and to assist in the administration of this Ordinance.

APPLICATION FOR REVIEW OF A PRELIMINARY PLAN

The undersigned hereby applies for Review by the Planning Commission of the Preliminary plan submitted herewith and described below:

1. Name of subdivision
or land development: _____ Plan Dated: _____
County Deed Book No. _____ Page No. _____
2. Name of property owner(s): _____
(if corporation, list corporation's name and address and
two officers of corporation)
Address: _____
_____ Phone No. _____
3. Name of applicant: _____
(if other than owner)
Address: _____
_____ Phone No. _____
4. Applicant's interest if other than owner: _____
5. Engineer, Architect, Surveyor, or Landscape Architect
responsible for plan: _____
Address: _____
_____ Phone No. _____
6. Total acreage: _____ Number of lots: _____
7. Acreage of adjoining land in same ownership (if any): _____
8. Type of development planned: _____ Single family
_____ Two-Family
_____ Row
_____ Multi-family
_____ Commercial
_____ Industrial
_____ Other (Specify)

9. Will construction of buildings be undertaken immediately? Yes _____ No _____
- By whom? _____ Subdivider
 _____ Other developers
 _____ Purchasers of individual lots
10. Type of water supply proposed _____ Public (municipal) system
 _____ Individual on-site
11. Type of sanitary sewage disposal proposed _____ Public (municipal) system
 _____ Live Capped
 _____ Semi-public (community) system
 _____ Individual on-site
12. Are all streets proposed for dedication? Yes _____ No _____
13. Acreage proposed for park or other public or semi-public use: _____
14. Present zoning and zoning changes, if any, to be required: _____

15. Have appropriate public utilities been consulted? Yes _____ No _____

16. Material accompanying this application:

	<u>Number of copies</u>	<u>Item</u>
a)	_____	Preliminary Plan
b)	_____	Copies of Deed Restrictions
c)	_____	
d)	_____	

17. List all subdivision/land development standards and requirements which have not been met and for which a waiver or change is to be requested.

The undersigned represents that to the best of his knowledge and belief all the above statements are true, correct, and complete.

Date: _____

Signature of Owner or Applicant: _____

(by): _____

TO BE FILLED IN BY PLANNING COMMISSION

1. Date application was received _____

Amount of fee paid \$ _____

2. Date reviewed by Planning Commission _____

3. Referrals and dates:

(a) County Planning Commission _____

(b) Municipal Engineer _____

(c) State Department of Environmental Resources _____

(d) Municipal Zoning Officer _____

(e) Others _____

4. Reports received:

(a) County Planning Commission _____

(b) Municipal Engineer _____

(c) State Department of Environmental Resources _____

(d) Others _____

5. Planning Commission Action

(date)

Approved

(date)

Approved subject to the following
modifications:

(date)

Disapproved for the following reasons:

Attest:

(Secretary)

Chairman

APPLICATION FOR REVIEW OF A FINAL PLAN

The undersigned hereby applies for Review by the Planning Commission of the Final plan submitted herewith and described below:

1. Name of subdivision or land development: _____ Plan Date: _____
County Deed Book No. _____ Page No. _____
2. Name of property owner(s): _____
(if corporation, list corporation's name and address and two officers of corporation)
Address: _____
_____ Phone No. _____
3. Name of applicant: _____
(if other than owner)
Address: _____
_____ Phone No. _____
4. Applicant's interest if other than owner: _____
5. Engineer, Architect, Surveyor, or Landscape Architect responsible for plan: _____
Address: _____
_____ Phone No. _____
6. Total Acreage: _____ Number of Lots: _____
7. Acreage of adjoining land in same ownership (if any): _____
8. Type of development planned: _____
_____ Single family
_____ Two-family
_____ Row
_____ Multi-family
_____ Commercial
_____ Industrial
_____ Other (Specify) _____
9. Will construction of buildings be undertaken immediately? Yes _____ No _____
By whom? Subdivider _____
_____ Other developers _____
_____ Purchasers of Individual lots _____

10. Type of water supply proposed . . _____ Public (municipal) system
_____ Semi-public (community)
_____ system
_____ Individual on-site
11. Type of sanitary sewage disposal
proposed _____ public (municipal) system
_____ Live
_____ Capped
_____ Semi-public (community)
_____ system
_____ Individual on-site
12. Are all streets proposed for
dedication? _____ Yes _____ No
13. Acreage proposed for park or other public or semi-public use: _____
14. Present zoning and zoning changes, if any, to be requested: _____

15. Have appropriate public utilities been
consulted? _____ Yes _____ No
16. Material accompanying this application:

<u>Number of copies</u>	<u>Item</u>
a) _____	Preliminary Plan
b). _____	Copies of Deed Restrictions
c). _____	
d). _____	

17. List all subdivision/land development standards and requirements which have not been met and for which a waiver or change is to be requested.

The undersigned represents that to the best of his knowledge and belief all the above statements are true, correct, and complete.

The undersigned further represents that, except as otherwise specifically noted on the attached sheet, all proposed public improvements and facilities as shown on the Final subdivision or land development plan are to be improved, constructed and completed, or a bond posted with the Municipality in sufficient amount to cover full estimated cost of construction thereof, prior to sale, transfer or agreement of sale of any subdivided parcels as shown on the plan.

Date: _____ Signature of Owner or Applicant: _____
(by): _____

TO BE FILLED IN BY PLANNING COMMISSION

1. Date application was received _____

Amount of fee paid \$ _____

2. Date reviewed by Planning Commission _____

3. Referrals and dates:

(a) County Planning Commission _____

(b) Municipal Engineer _____

(c) State Department of Environmental Resources _____

(d) Municipal Zoning Officer _____

(e) Others _____

4. Reports received:

(a) County Planning Commission _____

(b) Municipal Engineer _____

(c) State Department of Environmental Resources _____

(d) Municipal Zoning Officer _____

(e) Others _____

5. Planning Commission Action

(date)

Approved

(date)

Approved subject to the following
modifications:

(date)

Disapproved for the following reasons:

Attest:

Chairman

(Secretary)

CERTIFICATION OF ACCURACY

The following certification in the wording shown, must be labeled and completed on the Final Plan:

I hereby certify that the plan shown and described hereon, as well as all drawings bearing my seal, are true and correct to the accuracy required by the Municipality's Subdivision and Land Development Ordinance, and were prepared by me or under my direction and for which I accept full responsibility. The perimeter monuments have been accurately placed as required by Article V, Section 502.9.

(2)

(1)

_____, 19____

- (1) Signature of the Registered Engineer or Registered Surveyors, Registered Architect, or Registered Landscaped Architect responsible for the preparation of the plan.
- (2) Apply seal of the registered engineer, surveyor, architect, or landscape architect.

Note: Property surveys and setting of perimeter and street monuments must be performed by a Professional Land surveyor.

If more than one discipline is involved in the preparation of a subdivision or a land development plan, all the design professionals shall be required to sign and seal the Certification of Accuracy.

The following certification, in the wording shown, must be labeled and completed on the Final Plan:

Commonwealth of Pennsylvania
County of _____ SS

On this, the _____ day of _____, 19____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the _____ (1) _____ of the property shown on this plan, that the subdivision and/or land development plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan _____ (2) _____. and that all streets _____ (3) _____ shown and not heretofore dedicated are hereby dedicated to the public use _____ (4) _____

_____ (5) _____

_____ (6) _____

(7)

_____ (8) _____

(9)

My commission
expires _____, 19

- (1) Insert either: Owner
Equitable Owner
president of the (name of corporation) which is
the owner
- (2) Whenever applicable, insert: and desires the same to be recorded
as such according to law
- (3) Whenever applicable, insert: and open spaces contained in lots number
- (4) If necessary, insert: except those labeled "not for dedication"
(and any other restrictions or res-
ervations)
- (5) Where necessary, signature of secretary of corporation
- (6) Signature of individual, of partners, or of president of corporation
- (7) If necessary, corporate seal
- (8) Signature and (9) seal of notary public or other officer

SUBDIVISION AND LAND DEVELOPMENT IMPROVEMENTS AGREEMENT

In consideration of the mutual covenants contained herein, it is hereby agreed between the _____ of the _____ of _____ and _____, the subdivider or developer of the property shown on the plan of _____, dated _____, 19__, that in accordance with municipal requirements and specifications, the responsibility for the provision of the improvements shown on the plan will be as follows:

<u>Improvement</u>	<u>Est. Cost</u>	<u>To be provided by</u>		
		<u>Subdivider/ Developer</u>	<u>Municipality</u>	<u>Other (specify)</u>
Street grading	_____	_____	_____	_____
Street base	_____	_____	_____	_____
Street paving	_____	_____	_____	_____
Curbs	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____
Storm sewer facilities	_____	_____	_____	_____
Sanitary Sewers:				
Trunk lines	_____	_____	_____	_____
Mains	_____	_____	_____	_____
House Connections	_____	_____	_____	_____
On-site sewage facilities	_____	_____	_____	_____
Water Distribution:				
Mains	_____	_____	_____	_____
Meters	_____	_____	_____	_____
Service Connections	_____	_____	_____	_____
On-site water supply	_____	_____	_____	_____
Fire hydrants	_____	_____	_____	_____
Street monuments	_____	_____	_____	_____
Street name signs	_____	_____	_____	_____

SUBDIVISION AND LAND DEVELOPMENT IMPROVEMENTS (Cont'd)

<u>Improvement</u>	<u>Est. Cost</u>	<u>To be provided by</u>		
		<u>Subdivider/ Developer</u>	<u>Municipality</u>	<u>Other (specify)</u>
Street lights	_____	_____	_____	_____
Recreational facilities	_____	_____	_____	_____
Parking lots or other facilities	_____	_____	_____	_____
Underground electric service	_____	_____	_____	_____
Supervision of all installations	_____	_____	_____	_____
Total Estimated Cost	_____	_____	_____	_____

Prior to the Planning Commission and Governing Body's endorsement of the Record Plan of this aforementioned subdivision or land development, an original copy of this agreement shall be filed with the Municipality, notwithstanding other completion guarantees (in the form of a bond or the deposit of funds or securities in escrow) as may be required.

This agreement shall be subject to such modifications as may be mutually agreed upon by the subdivider or developer and the Governing Body.

(witness)

(signature of subdivider or developer)

(witness)

Approved by resolution of the _____
at the meeting of _____, 19__.

(seal)

CERTIFICATE OF MUNICIPAL APPROVAL

The approval of the Final Plan by the Planning Commission and the Governing Body must be indicated on the Record Plan in substantially the following form:

At a meeting held on _____, 19__, the _____ (5)
_____ of _____ by _____ (1)
duly enacted, approved the subdivision or land development plan
of the property of _____, as shown
hereon.

(3)

(4)

- _____

- (1) Insert either a Resolution, Ordinance # or Motion
 - (2) Insert name of property owner
 - (3) Signatures of Governing Body of Planning Commission
 - (4) Municipal Seal
 - (5) Planning Commission or Governing Body

