

Windsor Township  
Subdivision and Land Development Ordinance  
Prepared by Great Valley Consultants, Inc.  
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## **ARTICLE 1 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 Windsor, Berks County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Commission Code, as amended, and setting forth procedures to be followed by the 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 may be cited as, "The Windsor 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 or services.
- 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/land developer and Municipal officials.
- 103.6. Providing design standards and appropriate improvement requirements and assuring prompt installation of improvements.

**Section 104. Grant of Power**

- 104.1. The Governing Body hereby grants the Planning Commission the power to review any subdivision or land development plan, mobile home park plan and to make recommendations to the Governing Body for approval, disapproval or approval with certain specific conditions. The Planning Commission shall also have the power to recommend to the Governing Body the adoption of amendments to the Ordinance proposed by either the Governing Body or by a landowner.
- 104.2. The Governing Body retains the power to finally grant approval, disapproval or approval with certain specific conditions to any subdivision or land development plan, mobile home park plan after receiving the Planning Commission's recommendations. The Governing Body shall take final action on all proposed amendments to the ordinance after receiving recommendations from both the County and Municipal Planning Commissions and holding a public hearing on the proposal.
- 104.3. Notwithstanding the imposition of any penalties hereunder; the Governing Body has the power to institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this Ordinance or any administrative orders or determinations made pursuant to these regulations.

## **ARTICLE 2     DEFINITIONS**

### **Section 201. 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 202. General Terms**

The words “person”, “subdivider”, “land developer”, and “owner” include 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, spring and stream. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.

### **Section 203. 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 204. 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 group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, boundary lines of the Municipality, unsubdivided land or by any combination thereof.

**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 or structure to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the street right-of-way line which abuts the property upon which said building or structure is to be 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 centerlines.

**Common Open Space:** A parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a development but not including streets, off-street parking areas or areas set aside for public facilities.

**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 limit 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 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 signature of the appropriate authority on the Record Plan.

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

**Governing Body:** The Township Board of Supervisors of Windsor Township, Berks County, Pennsylvania.

**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 purpose involving (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential 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.

**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 conditions), 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 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 ½" 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 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 inches in diameter or square and at least 36 inches in length. Stone monument shall contain an indented cross or 1/4" drill hole. Concrete monuments shall contain copper or brass dowel (plug). It is recommended that the bottom sides or radius be at least 2" greater than the top, to minimize movement caused by frost.

**Municipality:** Windsor Township, Berks County, Pennsylvania.

**Municipal Authority:** an authority created by the Governing Body according to law responsible for, but not limited to the construction, operation, and/or maintenance of water storage and distribution, and/or sewage collection and treatment facilities.

**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.

**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, 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 tentative subdivision or land development plan (including all required supplementary data), prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

**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 street and other improvements. The Final Plan shall be prepared by a Registered Engineer, Surveyor, Architect or Landscape Architect.

**Plan, Record:** A copy of the Final Plan which contains the original endorsements of the Municipality(ies) and which is intended to be recorded with the County Recorder of Deeds. The Record Plan submitted to the recorder of Deeds shall be a black-line print.

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

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

**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 a 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 3, Section 311, of this ordinance. Other platting shall be considered as constituting a new subdivision of land. See "Subdivision".

**Reverse Frontage Line:** 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, 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 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 the cartway) intended 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. Design standards for streets are set forth at Article 5.

**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 lesser right-of-way width than normally required for improvement and use of the street.

**Marginal Access Street:** A minor street, parallel and adjacent to a major street (but separate 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 developments 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 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, of lease, partition by the court for distribution to heirs and devisees or building or land development; provided, however, that the subdivision by lease of land for

agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement or access or residential dwellings 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 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.

**Township:** The Township of Windsor, Berks County, Pennsylvania

**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 development.

**Water Distribution system, Public:** A system for supplying and distributing water from a common source to dwellings and other buildings, owned and/or operated by a Private Water Company, a Municipality or a Municipal Authority.

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

**Zoning Map:** The Official Zoning Map of Windsor Township, Berks County, Pennsylvania.

**Zoning Ordinance:** The Windsor Township Zoning Ordinance.

## **ARTICLE 3 SUBMISSION AND REVIEW PROCEDURES**

### **Section 301. 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 and 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 3, Section 314, 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 or has been approved in accordance with subdivision procedures in effect prior to enactment of this Ordinance.

### **Section 302. Plan Classification For Major and Minor Subdivisions**

#### 302.1. Classification

For purposes of procedure, all applications shall be classified as either major or minor:

#### 302.1.a. Minor: Any subdivision in which

302.1.a.1. No public or private street is constructed or is required to be widened;

302.1.a.2. No other completion of public improvement or guarantee thereof is required other than individual on-lot stormwater management systems;

302.1.a.3. No earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and

302.1.a.4. No more than three (3) lots are created.

302.1.b. Major: any land development or subdivision application not in compliance with Section 302.1.a or any part thereof, or for any use

other than single-family residential, shall be considered a major use plan.

### **Section 303. Overview of Procedures:**

Items in Sections 303.1.1.a-d and 303.1.f-j below are required under this Ordinance. Item 303.1.e (Sketch Plan Submission and Review) is optional but strongly encouraged as an important, valuable and highly recommended step that will speed the review process and may result in lower costs for the project. These steps shall be followed sequentially, and may be combined only at the discretion of the municipality:

- 303.1.a. Pre-Application Meeting
- 303.1.b. Existing Resources and Site Analysis Plan, as described in Section 402.3.b of this Ordinance
- 303.1.c. Site Inspection by Planning Commission and Applicant
- 303.1.d. Pre-Sketch Plan Conference
- 303.1.e. Sketch Plan Submission and Review (diagrammatic sketch, optional step)
- 303.1.f. Preliminary Plan: Determination of Completeness; Preliminary Resource Conservation Plan and Sewage Planning Module Submission; Review by Municipal and County Planning Commissions, and Township Engineer; and Approval by Supervisors on advice of the Municipal Planning Commission. (In the Conservation Design Overlay District, the Four-Step Design Process described in Section 402.3.c of this Ordinance must be followed.)
- 303.1.g. Detailed Final Plan, Preparation: Incorporation of all Preliminary Plan Approval Conditions, Documentation of all other agency approvals, as applicable.
- 303.1.h. Detailed Final Plan, Submission: Determination of Completeness, Review, and Approval
- 303.1.i. Municipal Board signatures
- 303.1.j. Recording of approved Detailed Final Plan with County Recorder of Deeds



### 303.2. Review

- 303.2.a. Major applications shall be subject to all review procedures specified in this article.
- 303.2.b. When an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this section shall not constitute approval of the future subdivision shown thereon.

## **Section 304. Submission of Sketch Plan**

### 304.1. Applicability

A diagrammatic sketch plan is strongly encouraged for all proposed minor or major subdivisions. Sketch Plans, as described in Section 401, shall be submitted to the municipality for review by the Planning Commission. Such plans are for informal discussion only. Submission of a Sketch Plan does not constitute formal filing of a plan with the Municipality, and shall not commence the statutory review period as required by the Municipalities Planning Code. The procedures for submission of a diagrammatic Sketch Plan are described in Section 304.6 below, and may be altered only at the discretion of the Municipality.

### 304.2. Pre-Application Meeting

A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.

### 304.3. Existing Resources and Site Analysis Plan

Applicants shall submit an Existing Resources and Site Analysis Plan, in its context, prepared in accordance with the requirements contained in Section 402.3.b. The purpose of this key submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate

vicinity, and to provide a complete and factual reference for them in making a site inspection. This Plan shall be provided prior to or at the site inspection, and shall form the basis for the development design as shown on the diagrammatic Sketch Plan (or on the Preliminary Plan, if the optional Sketch Plan is not submitted).

#### 304.4. Site Inspection

After preparing the Existing Resources and Site Analysis Plan, applicants shall arrange for a site inspection of the property by the Planning Commission, other municipal officials, and the Municipal Engineer, and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission.

The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.

#### 304.5. Pre-Sketch Conference

Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in Sections 402.3.c and 512.2.b of this ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

#### 304.6. Sketch Plan Submission and Review

- 304.6.a. The Sketch Plan diagrammatically illustrates initial thoughts about a layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan. The Sketch Plan shall also be designed in accordance with the four-step design process described in Sections 402.3.c and 512.2.b, and with the design review standards listed in Sections 512.1 and 512.2.

304.6.b. 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 representative) by the subdivider/land developer or his representative authorized in writing to submit the plan.

304.6.c. Number of Copies

Copies of the sketch plan for all proposed subdivisions or land developments and all required data shall be submitted as follows: Four (4) legible black-line or blue-line paper prints of the Sketch Plan shall be required. The Applicant shall submit to the Township an electronic copy of their submission on disc at the request of the Township. Plans shall fully comply with the requirements of Article 4, Section 401 of this Ordinance.

304.6.d. Distribution of Sketch Plan

The Municipal Secretary (or representative) shall refer the Sketch Plans to the following:

304.6.d.1. Two (2) copies to the County Planning Commission, if the Planning Commission feels that County review is advisable.

304.6.d.2. One (1) copy to the Municipal Planning Commission.

304.6.d.3. [reserved]

304.6.d.4. One (1) copy to the Municipal Engineer.

### **Section 305. Review of Sketch Plan**

305.1. A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/land developer and the Municipality. Submission of a Sketch Plan shall not constitute official submission of a plan to the Municipality.

305.2. Review by the Municipal Planning Commission

305.2.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 fourteen (14) calendar days prior to the scheduled meeting.

305.2.b. In the event that the applicant has requested County Planning Commission review then no action shall be taken by the Municipal Planning Commission with respect to a Sketch Plan until the

Municipal Planning Commission has received the written report of the County Planning Commission, provided, however, the County Planning Commission, has not reported thereon within thirty (30) days from the date of the Sketch Plan was forwarded, then the Municipal Planning Commission may act without having received and considered such report.

- 305.2.c. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the municipality. Their review shall informally advise him/her of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
- 305.2.c.1. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan.;
  - 305.2.c.2. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
  - 305.2.c.3. The location of proposed access points along the existing road network;
  - 305.2.c.4. The proposed building density and impervious coverage;
  - 305.2.c.5. The compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan; and
  - 305.2.c.6. Consistency with the zoning ordinance.  
The Commission shall submit its written comments to the applicant and the Board.

### **Section 306. Submission Of Preliminary Plan Documents**

- 306.1. 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 representative) by the subdivider/land developer or his representative authorized in

writing to submit the plan.

306.2. Official Submission of Preliminary Plan shall comprise:

- 306.2.a. Two (2) completed copies of the Application for Review of Preliminary Subdivision/Land Development Plan.
  - 306.2.b. Six (6) copies of an affidavit stating that the applicant is the owner or equitable owner of the land proposed to be developed containing a copy of the document showing how the applicant has the authority to proceed on behalf of all parties claiming any ownership interest therein.
  - 306.2.c. Six (6) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of Article 4, Section 402 of this Ordinance. If an applicant opts not to submit a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in *Section 401*, specifically including the Existing Resources and Site Analysis Plan, plus further details as noted below and in Section 402.
  - 306.2.d. Two (2) completed copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required and appropriate PADER Planning Modules.
- 306.3. Two (2) copies of all other required information including the proposed Erosion and Sediment Pollution Control Plan.
- 306.4. The Existing Resources and Site Analysis Plan shall be presented at the Pre-Application Meeting, and distributed to those municipal officials who attend the Site Inspection described in Section 304.4 (which shall occur at the Preliminary Plan stage if it has not already occurred at the Sketch Plan stage).

306.5. File Fees

306.5.a. The Municipal Secretary (or 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 subdivision or land development plans. The subdivider or land developer shall pay the fee at the time of application for approval of a Preliminary Plan.

306.5.b. Payment of the filing fee of the Berks County Planning Commission.

306.6. The application "window" and deadline dates for submission of Preliminary Plans shall be as follows: Applicants shall submit to the Municipal Secretary, at least 21 days prior to the date of the next regularly scheduled Planning Commission meeting at which official review is requested. The Municipal Secretary shall note the date of receipt of the application, fees, and escrow deposit, and shall forward copies of the proposed plan to the same individuals and bodies named in Section 304.6.d as recipients of Sketch Plans. The official 90-day review period provided for Preliminary Plans under the Municipalities Planning Code shall commence at the next scheduled meeting of the Planning Commission.

306.7. The date of receipt is subject to review by the municipality to determine if all required materials, fees and escrow deposits have been submitted by the applicant. If the application is defective or incomplete, the applicant shall be notified in writing within fifteen (15) days of the date of receipt and the application shall be null and void, and shall be deemed withdrawn by the applicant. If no such notice is given to the applicant that the application is defective or incomplete, then the date of filing shall be determined as follows: The review process for the plans required by the municipality shall include no more than ninety (90) days following the date of the next regular meeting of the Planning Commission following the date the application was filed, provided that should said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application was filed. The applicant may agree to extend the time requirement.

306.8. Distribution of Preliminary Plan

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

306.8.a. Municipal Planning Commission:

306.8.a.1. One (1) copy of the application form;

306.8.a.2. Two(2) copies of the plan;

306.8.a.3. One (1) copy of all other required reports.

306.8.b. County Planning Commission:

306.8.b.1. Two (2) copies of the application;

- 306.8.b.2. Two(2) copies of the plan;
- 306.8.b.3. One (1) copy of other all other required reports.
- 306.8.c. Governing Body:
  - 306.8.c.1. Two (2) copies of the application form;
  - 306.8.c.2. Two (2) copies of the plan;
  - 306.8.c.3. Two (2) copies of all other required reports.
- 306.8.d. Planning Commission Engineer:
  - 306.8.d.1. One (1) copy of the application form;
  - 306.8.d.2. One (1) copy of the plan;
  - 306.8.d.3. One (1) copy of all other required reports.
- 306.8.e. Municipal Engineer:
  - 306.8.e.1. One (1) copy of the application form;
  - 306.8.e.2. One (1) copy of the plan;
  - 306.8.e.3. One (1) copy of all other required reports.
- 306.8.f. Municipal Zoning Officer:
  - 306.8.f.1. One (1) copy of the application form;
  - 306.8.f.2. One (1) copy of the plan.
- 306.8.g. Municipal Sewage Enforcement Officer:
  - 306.8.g.1. One (1) copy of the application form;
  - 306.8.g.2. One (1) copy of the plan;
  - 306.8.g.3. Four (4) Copies of the Site Investigation and Percolation Test Report whenever soil percolation tests are required and appropriate PADER Planning Modules.
- 306.8.h. Municipal Secretary:
  - 306.8.h.1. One (1) copy of the application form;

- 306.8.h.2. One (1) copy of the plan;
- 306.8.h.3. One (1) copy of all other required reports.

### **Section 307. Review of Preliminary Plan**

#### 307.1. 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 Municipal Planning Commission.

#### 307.2. Review by the Municipal Zoning Officer

The Municipal Zoning Officer shall, upon direction from the Governing Body, 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 4, Section 402, 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 Municipal Planning Commission.

#### 307.3. Review by Adjacent Municipality

If a 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.

#### 307.4. Review by the Municipal Planning Commission

- 307.4.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 Municipal Planning Commission, at a special meeting which may be held prior thereto, provided such submission has occurred no less than fourteen (14) calendar days prior thereto.



- 307.4.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.
- 307.4.c. During review of the Preliminary Plan, the Municipal Planning Commission shall consider the written reports of the Municipal Engineer, the Municipal Zoning Officer, PennDOT, and the County Planning Commission shall consider all written reports before making its final decision.
- 307.4.d. If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this Ordinance have not been met, or the Municipal 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 Municipal Planning Commission within fifteen (15) days after the meeting at which the Preliminary Plan is reviewed to the following:
  - 307.4.d.1. The Governing Body.
  - 307.4.d.2. The County Planning Commission.
  - 307.4.d.3. The Subdivider/Land Developer or his Agent.
- 307.4.e. The Municipal Planning Commission shall forward to the Governing Body copies of all reports received from County Planning Commission, PennDOT, Municipal Zoning Officer and Municipal Engineer.
- 307.5. Review by the Governing Body
  - 307.5.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.
  - 307.5.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 Zoning Officer and 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 it shall deem necessary or advisable in the public interest.

307.5.c. Within fifteen (15) days after the meeting at which the preliminary Plan is reviewed and an approval or a rejection decision is rendered, the Secretary of the Municipality shall send written notice of the findings, action taken, and reasons thereof to the following:

307.5.c.1. The County Planning Commission.

307.5.c.2. The Subdivider/Land Developer or his Agent.

307.5.c.3. The Municipal Planning Commission.

One copy of the Preliminary Plan, the application and other supporting documentation shall be maintained for the permanent records of the Municipality.

307.5.d. The Governing Body shall render its decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Municipal Planning Commission next following the date the application was filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30) 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.

307.5.e. In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the, the Municipal Engineer, the Planning Commission, the Planning Commission Engineer, the County Planning Commission, and all other reviewing agencies, and comments from public hearings. The Board may specify conditions, changes, modifications or additions thereto which it deems necessary or appropriate, and may make its decision to grant preliminary approval subject to such conditions, changes, modifications or additions. Whenever the approval of a Preliminary Plan is subject to conditions, the written action of the Board should specify each condition of approval. The subdivider or

land developer shall accept or reject any conditions imposed by the Governing Body, in writing, within fifteen (15) days of notification as provided for in Section 307.5.c 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 within fifteen (15) days.

- 307.5.f. If the Preliminary Plan is not approved, the Board's decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall cite in each case the provisions of the Ordinance relied upon.
- 307.5.g. Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the period for decision, the Board shall render a decision on all Preliminary Plans not more than ninety (90) days from the date of the first regular meeting of the Planning Commission held after the complete application was filed. However, if that regular meeting of the Planning Commission occurred more than thirty (30) days after the complete application was filed, the ninety (90) day period shall be measured from the thirtieth day following the date the complete application was filed.
- 307.5.h. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.
- 307.5.i. Approval of Preliminary Plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of the plan to be used in preparing the Final subdivision or land development plan for final approval and recording upon fulfillment of all requirements of this Ordinance.
- 307.5.j. 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 commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- 307.5.k. 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 307.5.c 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 within fifteen (15) days.

- 307.5.l. The decision of the Board shall also be communicated to the governing body of any adjacent municipality, if the plan includes land in that municipality and/or directly abuts its boundaries.

### **Section 308. Submission of the Final Plan**

Within one year after approval of the Preliminary Plan, a Detailed Final Plan and all supplementary data, together with an application form provided by the Municipality and filing fees shall be officially submitted to the Municipal Secretary. The Final Plan shall conform to the requirements set forth in Section 403. It shall also conform to the Preliminary Plan as previously reviewed by the Planning Commission and the Board, and shall incorporate all conditions set by the Municipality in its approval of the Preliminary Plan. No application shall be deemed filed unless all requirements have been met and all fees paid in full.

The Board may permit submission of the Final Plan in phases, each covering a reasonable portion of the entire proposed development as shown on the approved Preliminary Plan; provided that the first Final Plan phase shall be submitted within one (1) year after approval of the Preliminary Plan. Each subsequent phase shall be submitted within one (1) year of approval of the previous phase, provided all phases have been submitted within three (3) years after the date of Preliminary Plan approval.

Unless the filing deadline in Section 308 is waived or extended by the Board, failure to make timely submission of final plans renders void a Preliminary Plan, and the applicant shall be required to file a new application and fee for Preliminary Plan approval.

- 308.1. Plans to be filed with the Municipality

Copies of the Final Plan and all required supporting data shall be officially submitted in both written and electronic format on disc to the Municipal Secretary (or representative) by the subdivider/land developer or his representative authorized in writing to submit the plan. Upon reasonable request of the Township, additional plans shall be submitted to the Municipal Secretary (or representative).

- 308.2. Official submission of Final Plan to the Municipal Secretary shall comprise:

- 308.2.a. Two (2) completed copies of the Application for Review of Final Subdivision Plan/Land Development.

- 308.2.b. Six (6) legible black-line or blue-line paper prints and the Record Plan which shall fully comply with Article 4, Section 403 of this Ordinance.
- 308.2.c. Two (2) copies of all other required information including the following, if applicable:
- 308.2.c.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.
- 308.2.c.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.
- 308.2.c.3. Whenever a subdivider or land developer 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 or land 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 which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following:
- 308.2.c.3(i) 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 restore the street to conformance with the Municipal specifications.
- 308.2.c.3(ii) An offer to dedicate the street shall be made only for the street as a whole.
- 308.2.c.3(iii) The method of assessing repair costs.
- 308.2.c.3(iv) Agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
- 308.2.c.4. Wherever approval by the Pennsylvania Department of Environmental Protection is required for the water supply or sanitary sewage disposal system(s) for a proposed

subdivision/land development, the Municipal Planning Commission shall require that two (2) copies of such certification of approval be submitted with the Final Plan.

- 308.2.c.5. Two (2) copies of the approved Erosion and Sediment Pollution Control Plan or permit shall accompany the Final Plan submission.
- 308.2.c.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 (PennDOT). A letter from PennDOT indicating approval of the driveway or intersection must accompany Final Plan submission.
- 308.2.c.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 Protection (DEP), a copy of the Municipal resolution amending the official plan and a copy of PennDER's letter approving the plan revision shall accompany the Final Plan.
- 308.2.c.8. Whenever approval is required from DEP, Division of Dams and Encroachments, a copy of such approval shall also be submitted with the Final Plan.
- 308.2.c.9. 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.
- 308.2.c.10. Letters from utility companies, electric, gas, telephone, cable TV, indicating that they have received the Final Plans shall be required to be submitted with the Final Plans.

### 308.3. Filing Fees

The subdivider or land 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 land 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.

### 308.4. Distribution of Final Plan

The Final Plan shall be distributed in accordance with the requirements of Article 3, Section 306.8 for Preliminary Plan.

### **Section 309. Review of the Final Plan**

#### 309.1. Review by the Municipal Engineer

The Final Plan shall be reviewed and a written report submitted as required under Article 3, Section 307.1 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.

#### 309.2. Review by the Municipal Zoning Officer

The Final Plan shall be reviewed upon direction from the Governing Body and a written report submitted by the Municipal Zoning Officer to determine its conformance to the Municipal Zoning Ordinance as required under Article 3, Section 307.2 for Preliminary Plans. The Zoning Officer shall check all zoning data as required to be shown under Article 4, Section 403, 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 Final Plan is to be considered by the Municipal Planning Commission.

#### 309.3. Review by the Municipal Planning Commission

309.3.a. The Planning Commission shall review the Detailed Final Plan and the recommendations of the Municipal Engineer and any other reviewing agencies, to determine its conformance with the requirements of this ordinance and with those of the zoning ordinance.

309.3.b. Before acting on any subdivision or land development plat, the Municipal Planning Commission may hold a public hearing thereon after public notice.

309.3.c. No recommendations shall be made by the Planning Commission until the municipality has received the written report of the County Planning Commission, the Municipal Engineer, the state Department of Environmental Protection (DEP), the Berks County Health Department and the Department of Transportation, if applicable, and the approval of the Berks County Soil Conservation District,

provided, however, that if these reports are not received within forty-five (45) days after transmittal of the Detailed Final Plan to these agencies, then the Planning Commission may act without having received and considered such reports.

309.3.d. After such review, and prior to any action by the Board within the required ninety (90) day review period, the Planning Commission shall forward its recommendations, and its reasons to the Board and the applicant. If the plan includes land in any adjacent municipality and/or directly abuts its boundaries, then such notice and recommendation should also be transmitted to the governing body of the adjacent municipality.

#### 309.4. Review by the Governing Body

309.4.a. Before acting on any subdivision or land development, the Governing Body may hold a public hearing thereon after public notice.

309.4.b. Prior to the Detailed Final Plan review process, the Board shall complete its review of the proposed Sewage Facilities Planning Module in accordance with DEP regulations and procedures. When approved or adopted by the Board, the Planning Module shall be forwarded to DEP for review and approval.

309.4.c. No approval of the Final Plan shall be granted by the Board until the Municipality receives notification of DEP's approval of the Sewage Facilities Planning Module. Should such notification not be received within the time limitations for Final Plan approval in accord with the Pennsylvania Municipalities Planning Code, Article V, the time limitations shall be extended for not more than ninety (90) days at the written consent of the applicant. If the applicant refuses to provide such written consent, the Detailed Final Plan shall be disapproved.

309.4.d. When a recommendation on a Detailed Final Plan has been submitted to the Board by the Planning Commission, such plan shall be placed on the agenda of the Board for its review and action.

309.4.e. Upon receipt of the Planning Commission's recommendation and other supporting information, the Board may, at one or more regular or special public meetings, review the Final Plan and shall, within the time limitations set forth herein below, either approve, approve with conditions, or disapprove the plan. Whenever the approval of a Final Plan is subject to conditions, the written action



of the Board shall (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions within ten days of receipt of the Board's written decision.

- 309.4.f. If the Final Plan is not approved, the decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall, in each case, cite the provisions of the Ordinance relied upon.
- 309.4.g. Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the time period for decision, the Board shall render a decision on all Detailed Final Plans within the statutory time limitations.
- 309.4.h. The decision of the Board shall be in writing and shall be communicated to the applicant as required by the Act.
- 309.4.i. If at any time the applicant submits a revised Detailed Final Plan, it shall be deemed a new application and shall not be accepted unless it is accompanied by the applicant's written and executed agreement of a ninety (90) day extension of the period required by the Act for decision. No new application fee shall be required for any revision submitted within two years of the first final plan application.
- 309.4.j. If the Governing Body approves the Final Plan, the Final Plan and the Record Plans shall be signed by the Governing Body together with the date of such action.
- 309.4.k. A performance guarantee or a certificate of satisfactory installation, as required under Article 3, Section 312, shall be required before plans are released for recording.
- 309.4.l. One copy of the Final Plan, as approved, the application and other supporting documentation shall be maintained for the permanent records of the Municipality.

### **Section 310. Conditions of Detailed Final Plan Approval**

Approval of any Detailed Final Plan shall, in addition to any other applicable provisions of this ordinance, shall be subject to the following conditions:

- 310.1. The landowner shall execute a Subdivision Agreement in accordance with Section 312 of this ordinance, verifying that he agrees to construct all required improvements and common amenities, and

further verifying that he guarantees completion and maintenance of these improvements and amenities through a type of financial security acceptable to the municipality.

- 310.2. Where applicable, the landowner shall execute an Escrow Agreement to cover the cost of all required improvements and common amenities, in accordance with Section 312 of this ordinance.
- 310.3. The landowner agrees, if requested, to tender to the municipality a deed of dedication in a form satisfactory to the Municipal Solicitor for streets and improvements thereto, including street paving, water mains, fire hydrants, storm sewers, inlets, pumping stations and other appurtenances as shall be constructed as public improvements within the public right-of-way and are required for the promotion of public welfare, after all streets and improvements to be dedicated to the municipality are completed and are certified as being satisfactory by the Municipal Engineer. The Board may require that the applicant provide a certificate from a duly licensed title insurance company certifying that the title to be conveyed is good and marketable, free of all liens and encumbrances, except utility easements, before any property is accepted by the municipality.
- 310.4. Whenever the landowner is providing greenway land as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the landowner and the Township or a conservation organization acceptable to the Township.
- 310.5. The landowner shall submit to the municipality all required permits, approvals or waivers from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as Pennsylvania Departments of Transportation, Environmental Protection or Public Utility Commission, U.S. Army Corps of Engineers or Department of Agriculture Soil Conservation District and the Berks County Health Department.
- 310.6. All final approvals or waivers required by Federal, State and County agencies for development in accord with the Detailed Final Plan including, but not limited to, approval of the Sewage Facilities Planning Module by the DEP, approval by the U.S. Department of Agriculture Soil Conservation District, and a highway occupancy permit, if required, from the state Department of Transportation shall be presented to the municipality.

**Section 311. Recording of the Final Plan**

- 311.1. After approval by Governing Body and the municipal planning Commission, and with all endorsements indicated on the Record Plans, the subdivider or land developer shall record his plan. No subdivision or land development plan may be legally recorded unless it bears Municipal approvals and the Municipal seal.
- 311.2. After the Final Plan approval, the Developer shall assure sufficient plans are delivered to the County Planning Commission to assure that: the County Planning Commission shall have sufficient copies (presently two (2) copies), copy is available for recording, three (3) certified copies are returned to the municipality, and the developer has sufficient copies for his use.
- 311.3. The subdivider or land developer shall file the Record plans 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 Plan Book and Page Numbers indicated shall be submitted to the Municipality. If the subdivider or land developer fails to record within such time 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.

**Section 312. 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.

- 312.1. By installing the improvements required by Article 6 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.

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, stormwater 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.

Without limitations as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal and 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 the 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 percent (110%) 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 estimated cost for 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 Municipality may require the subdivider/land developer to post additional security in order to assure that financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the subdivision/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 a fair and reasonable estimate of such costs. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the subdivider/land developer and the Municipality 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 and chosen mutually by the Municipality and the subdivider or 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 Municipality 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 percent (10%) 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 percent (110%) 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 plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. 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, and the Governing Body 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 plat. 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 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 percent (10%) of the estimated cost of the aforesaid 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 plat 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 plat upon actual completion of the improvements depicted upon the approved final plat. 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 plat, 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 plat 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 313. Release of the Performance Guarantee**

When the subdivider or land developer has completed all of the necessary and appropriate improvements, the subdivider or land 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 fifteen (15) 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/land developer by certified or registered mail.

The report shall be made and mailed with 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 nonapproval or rejection.

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 the Governing Body or the Municipal Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the subdivider/land developer shall be released from all

liability, pursuant to his performance guaranty bond or other security agreement.

If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the subdivider/land 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 510.g of the Pennsylvania municipalities Planning Code, as amended.

### **Section 314. Resubdivision Procedure**

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

- 314.1. Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:
  - 314.1.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.
  - 314.1.b. Easements or rights-of-way reserved for drainage shall not be changed.
  - 314.1.c. Street locations and block sizes shall not be changed.
  - 314.1.d. No lot shall be created which does not abut an existing or a proposed street.
- 314.2. In every case wherein lot lines are changed as permitted by the above, the subdivider or land developer shall prepare a new Record plan and shall submit the Record Plan to the Municipality for review by the County Planning Commission and 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 land developer shall then



record the new plan in accordance with Article 3, Section 311, of this Ordinance.

### **Section 315. Dedication and Maintenance Guarantee**

All streets, parks or other improvements shown on the subdivision or land development plan, 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, by the 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 as well as the functioning 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 improvement, and the amount of the financial security shall be fifteen (15) percent of the cost of installation of said improvements.

### **Section 316. Plans Exempted from Standard Procedures**

316.1. In the case of a proposed subdivision or land development where the intent of the subdivider or land developer so expressed in writing will create two (2) and only two (2) parcels, lots, or tracts of land of the original tract, and fronting on an existing improved State or municipal road or street, the Municipal Planning Commission may allow the subdivider or land developer to prepare a Final Plan for recording, showing the subdivision or land development accompanied by the required data set forth in Section 403 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 full provisions of this ordinance.

316.2. In the case of any proposed subdivision which does not involve the provisions of any new street or right-of-way for access and the tract of land cannot be developed beyond the depth of one lot (i.e., one in which all proposed lots will have frontage on an existing public street or road), the Municipal Planning Commission may allow the subdivider to:

316.2.a. Prepare a Sketch plan of the proposed subdivision in accordance with Section 401 of this Ordinance.

- 316.2.b. If lots in the proposed subdivision will utilize on-site sanitary sewage disposal systems, the subdivider shall perform soil percolation test in accordance with Section 506 of this ordinance and shall indicate the location of such test holes and probes on the Sketch Plan.
- 316.2.c. The subdivider shall submit all documentation, plans, and filing fee in such quantity as listed in Section 306.2. Distribution of the plans and other documentation shall be as listed in Section 306
- 316.2.d. Following approval from the Municipal Planning Commission and the Governing Body, the subdivider shall then prepare a Final Plan in accordance with Section 403 of this Ordinance.
- 316.2.e. Final Plan submission, distribution, review and recording shall be in accordance with Section 308, 309 and 311 of this Ordinance.

## ARTICLE 4 PLAN REQUIREMENTS

The provisions of this Article shall apply to all subdivision and land development applicants in this municipality. For the convenience of applicants, the municipality provides a Plan Requirements Checklist listing all the documents that this Ordinance requires to be submitted at each step of the review process. Copies of this checklist are available from the Municipal Office. The checklist also facilitates review by staff and officials, as they review each application for completeness and conformance with relevant ordinance provisions.

### Section 401. Sketch Plan

- 401.1. A Sketch Plan may be submitted by the applicant as a diagrammatic basis for informal discussion with the Board, the Planning Commission, and the County Planning Commission regarding the design of a proposed subdivision or land development. Sketch Plan submission is strongly encouraged by the municipality as a way of helping applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance.
- 401.2. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the Sketch Plan should include the information listed below. Many of these items can be taken from the Existing Resources and Site Analysis Plan, a document that must in any case be prepared and submitted no later than the date of the Site Inspection, which precedes the Preliminary Plan (see Section 402.3.b). The diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.
- 401.3. 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:
  - 401.3.a. If the average size of the proposed lots in a subdivision or land development is five (5) acres or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
  - 401.3.b. If the subdivision or land development 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.

- 401.4. Sketch Plan and all submitted prints thereof shall be made on sheets either:
- 401.4.a. Eighteen (18) inches by twenty-four (24) inches, or
  - 401.4.b. Twenty-four (24) inches by thirty-six (36) inches, or
  - 401.4.c. Thirty-six (36) inches by forty-eight (48) inches.
- 401.5. 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.
- 401.6. The Sketch Plan shall contain at least the following information but not necessarily showing precise dimensions:
- 401.6.a. Approximate tract boundaries, sufficient to locate the tract on a map of the municipality;
  - 401.6.b. Name of the municipality in which the subdivision or land development is located.
  - 401.6.c. North point, scale (written and graphic) and date.
  - 401.6.d. Name of proposed subdivision or land development or other identifying title.
  - 401.6.e. Name and address of the legal owner, the equitable owner, and/or the applicant;
  - 401.6.f. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
  - 401.6.g. Zoning district;
  - 401.6.h. A Location Map with sufficient information to enable the location of the Property.
  - 401.6.i. 100-yr floodplain limits, and approximate location of wetlands, if any;
  - 401.6.j. Topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains,

dumps, storage tanks, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;

- 401.6.k. Existing and Proposed general street, lot layout and building locations.
- 401.6.l. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.
- 401.6.m. General description of proposed method of water supply, sewage disposal, and stormwater management.
- 401.6.n. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of Step One of the four-step design process described in Section 512.2 of this ordinance);

## **Section 402. Preliminary Plan**

- 402.1. Preliminary Plan Submission Requirements  
The submission requirements for a Preliminary Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements described herein:
  - 402.1.a. Site Context Map
  - 402.1.b. Existing Resources and Site Analysis Plan
  - 402.1.c. Preliminary Resource Impact and Conservation Plan (required for all major subdivision and land development applications.)
  - 402.1.d. Preliminary Improvements Plan
  - 402.1.e. Preliminary Studies and Reports as set forth in other parts of this ordinance.
- 402.2. Drafting Standards The Preliminary Plan shall include all information as required for Sketch Plan under Article 4, Section 401, 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:
  - 402.2.a. Dimensions shall be set in feet.

- 402.2.b. Each sheet shall be numbered and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.
- 402.2.c. 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.
- 402.2.d. Name of recorded owner and subdivider or land developer.
- 402.2.e. Name, address, license number, and seal of the professional engineer, architect, landscape architect or surveyor responsible for the subdivision/land development plan.
- 402.2.f. Names of all owners of all abutting land, with the deed book volume and page number where recorded.
- 402.2.g. 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, and water courses.
- 402.2.h. Total tract boundaries of the property being subdivided/developed showing bearings and distances and a statement of total acreage of the property.
- 402.2.i. Zoning data including all of the following if applicable:
  - 402.2.i.1. Existing Municipal zoning regulations, including district designations, requirements for lot sizes and yards, and any zoning district boundary lines traversing the proposed subdivision or land development.
  - 402.2.i.2. Any changes in the existing zoning to be requested by the subdivider or land development.
  - 402.2.i.3. Any Municipal regulations other than zoning governing lot size and/or yard requirements.
- 402.3. Plan Requirements
  - 402.3.a. Site Context Map

A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than 1"= 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site.

The features that shall be shown on Site Context Maps include:

- 402.3.a.1. topography (from U.S.G.S. maps),
  - 402.3.a.2. stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service),
  - 402.3.a.3. woodlands over one-half acre in area (from aerial photographs),
  - 402.3.a.4. ridge lines,
  - 402.3.a.5. public roads and trails,
  - 402.3.a.6. utility easements and rights of way, and
  - 402.3.a.7. public land, and land protected under conservation easements.
- 402.3.b. Existing Resources and Site Analysis Plan

For all subdivisions (except those in which all proposed lots are to be ten or more acres in area), an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The municipality shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included in this Plan:

- 402.3.b.1. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 200 feet, with the site boundaries clearly marked.

- 402.3.b.2. Topography, the contour lines shall be 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 (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites.

Slopes ranges between 15 and 25 percent and exceeding 25 percent shall each be clearly indicated on the Plan by tone or pattern.

Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks. The name, location and elevation of the benchmark shall be stated on the Plan.

- 402.3.b.3. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance based on a 100 year storm frequency as specified by the Municipal Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- 402.3.b.4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- 402.3.b.5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).



- 402.3.b.6. Ridge lines and watershed boundaries shall be identified.
- 402.3.b.7. For subdivision and land development utilizing Conservation Design, a viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
- 402.3.b.8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- 402.3.b.9. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- 402.3.b.10. Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks, and graves.
- 402.3.b.11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- 402.3.b.12. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Berks County shall be shown on the plan. 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/land development.
- 402.3.b.13. Total acreage of the tract, the Adjusted Tract Area and the Constrained Land Area with detailed supporting calculations for each shall be provided. The Adjusted Tract Area and the Constrained Land Area are further defined in the Windsor Township Zoning Ordinance.
- 402.3.b.14. Habitats of Threatened and Endangered Species of Special Concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory.

If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.

- 402.3.b.15. All Historic and Archaeological Resources which have been identified and/or inventoried by the Township, the County, the Berks County Planning Commission, the Pennsylvania Historical and Museum Commission, and/or are listed in the National Register of Historic Buildings or Places located within the tract or within fifty (50) feet of the tract.
- 402.3.b.16. Schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.
- 402.3.b.17. Proposed driveway locations and evidence that the standards for driveways established in this Ordinance and other applicable Township Ordinances can be met.
- 402.3.b.18. A preliminary center line stakeout of proposed roads so that an onsite road alignment evaluation may be conducted.
- 402.3.b.19. Copy of any information submitted to PennDOT and any correspondence from PennDOT regarding the proposed access to State roads.
- 402.3.b.20. A list of any Waivers requested from this Ordinance.

402.3.c. Four-Step Design Process for Subdivisions Utilizing Conservation Design

All Preliminary Plans utilizing Conservation Design as found in the Windsor Township Zoning Ordinance shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, as described below. (see also Section 512.2.b)

402.3.c.1. Step 1: Delineation of Greenway Lands

- 402.3.c.1(i) The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this ordinance and of the zoning ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Sections 512.3.a and 512.3.b.

- 402.3.c.1 (ii) Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with the Zoning Ordinance and Sections 512.2 and 512.3 herein, dealing with Resource Conservation and Greenway Delineation Standards. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over 25 percent. (The definition of Primary Conservation Areas is independent of the "density factors" applied to various categories of constrained lands to calculate "Adjusted Tract Area" in the zoning ordinance.)
- 402.3.c.1 (iii) In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitabilities for inclusion in the proposed Greenway, in consultation with the Planning Commission and in accordance with Sections 512.3.a and 512.3.b herein ("Prioritized List of Resources to be Conserved" and "Other Design Considerations").
- 402.3.c.1 (iv) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.
- 402.3.c.2. Step 2: Location of House Sites
- Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
- 402.3.c.3. Step 3: Location of Infrastructure
- Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the

standards in Article 5 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources & Site Analysis Plan and proposed greenway lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed greenway lands and development areas are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources & Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development."

#### 402.3.c.4. Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process, if so requested by the Planning Commission or the Board.

#### 402.3.d. Preliminary Resource Impact and Conservation Plan

- 402.3.d.1. A Preliminary Resource Impact and Conservation Plan shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis Plan (as required under Section 402.3.b). All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other

Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

402.3.d.2. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories:

402.3.d.2(i) primary impact areas, i.e., areas directly impacted by the proposed subdivision,

402.3.d.2(ii) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted, and

402.3.d.2(iii) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.

402.3.d.3. This requirement for a Preliminary Resource Impact and Conservation Plan may be waived by the Planning Commission if, in its judgment, the proposed development areas, as laid out in the Sketch Plan or in the Preliminary Plan would be likely to cause no more than an insignificant impact upon the site's resources.

402.3.e. Preliminary Improvements Plan  
This plan shall include the following items:

402.3.e.1. Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, 100-year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other site features, as indicated on the Existing Resources and Site Analysis Plan.

402.3.e.2. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. For properties subject to the Conservation Design Overlay District, the boundaries of greenway lands shall be indicated.

402.3.e.3. Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining

development or undeveloped areas; preliminarily-engineered profiles for proposed streets.

- 402.3.e.4. Approximate location of proposed swales, drainage easements, stormwater and other management facilities.
- 402.3.e.5. Where community sewage service is to be permitted, the layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
- 402.3.e.6. Where central water service is to be permitted, the layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
- 402.3.e.7. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites.
- 402.3.e.8. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
- 402.3.e.9. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- 402.3.e.10. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
- 402.3.e.11. Where the applicant proposes to install the improvements in phases, he shall submit with the Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.

- 402.3.e.12. Utilities and Easements.
  - 402.3.e.12(i) Exact locations of existing utility easements and approximate locations of proposed utility easements.
  - 402.3.e.12(ii) Approximate layout of all proposed water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material indicated, and any proposed connections with existing facilities.
  - 402.3.e.12(iii) The tentative location of proposed on-site sewage and water facilities.
- 402.3.e.13. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- 402.3.e.14. Signature blocks for the Planning Commission, Board, and the County Planning Commission shall be provided on the right-hand side of the Preliminary Improvements Plan.
- 402.3.e.15. Building reserve (setback) lines along each street.
- 402.3.e.16. Lot lines with approximate dimensions.
- 402.3.e.17. Lot numbers and statement of number of lots and parcels.
- 402.3.e.18. A statement of the intended use of all non-residential lots and parcels.
- 402.3.e.19. Whenever required under Title 25, Chapter 102 Rules and Regulations, Pennsylvania Department of Environmental Resources, four (4) copies of the proposed Erosion and Sediment Pollution Control Plan shall be submitted.
- 402.4. The Preliminary Plan shall be accompanied by the following supplementary data as applicable:
  - 402.4.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:

- 402.4.a.1. One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical.
- 402.4.a.2. One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical.
- 402.4.a.3. One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical.
- 402.4.a.4. One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
- 402.4.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.
- 402.4.c. Where deemed necessary by the Municipal Planning Commission or the Governing Body, a plan for the surface drainage of the tract shall be shown. Such plan shall include stormwater runoff calculations for the entire property being subdivided/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.
- 402.4.d. Preliminary design 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.
- 402.4.e. Where a Preliminary Plan shows the proposed subdivision/development of only a part of the total property, a Sketch Plan may 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, limit the area for which a prospective street system shall be sketched.

402.5. When required by the Board, typically in cases involving large subdivision and land development proposals (with more than 25 lots) or smaller development plans where the Board believes that potential impacts could be significant, the Preliminary Plan submission shall include one or more of the following studies to assist in determination of the impact of the application upon municipal services and facilities:

402.5.a. Sewer and Water Feasibility Report, pursuant to Section 505.

402.5.b. Water Resources Study pursuant to Section 515.

402.5.c. Traffic Impact Study, pursuant to Section 513.

402.5.d. Community Association Document

402.5.d.1. A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the municipality.

402.5.d.2. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

402.5.d.2(i) A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.

402.5.d.2(ii) Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.

402.5.d.2(iii) A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting,

elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.

- 402.5.d.2(iv) Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
- 402.5.d.2(v) Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- 402.5.d.2(vi) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- 402.5.d.2(vii) Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
- 402.5.d.2(viii) A process of collection and enforcement to obtain funds from owners who fail to comply.
- 402.5.d.2(ix) A process for transition of control of the Community Association from the developer to the unit owners.
- 402.5.d.2(x) Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- 402.5.d.2(xi) Provisions for the dissolution of the Community Association, in the event the Association should become enviable.

#### 402.6. Preliminary Greenway Ownership and Management Plan

Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all proposed Greenway areas shall be shown. In addition, the applicant shall also submit a Preliminary Greenway Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of the zoning ordinance ("Ownership and Management of Greenway Land and Common Facilities").

#### 402.7. Preliminary Engineering Certification

Prior to approval of the Preliminary Plan, the applicant shall submit to the Planning Commission a "Preliminary Engineering Certification" stating that the approximate layout of proposed streets, houselots, and greenway lands complies with the municipality's zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities. This certification requirement is meant to provide the Planning Commission with assurance that the proposed plan is able to be accomplished within the municipality's current regulations. The certification shall also note any waivers needed to implement the plan as drawn.

### **Section 403. Final Plan**

- 403.1. The Final Plan shall be of the same size, drawn to the same scale, and show all information as required for preliminary Plans under Article 4, Section 402 in this ordinance. In addition, the Final Plan shall show the following:
- 403.1.a. Final plans shall conform to the Preliminary Plan, including any conditions specified by the Board. A Detailed Final Plan shall consist of and be prepared in accordance with the following:
  - 403.1.b. 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.
  - 403.1.c. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and beings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close 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 unplatted land of the subdivider/land developer (for example, between separately submitted Final Plan sections) and not required to be based upon field survey, 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 to the survey, the drawn plan, and the placement of required monuments.

- 403.1.d. The Name (or number) right-of-way and cartway width of all existing public streets and the name and location of all other roads within the property.
- 403.1.e. 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 chord) 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.
- 403.1.f. 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).
- 403.1.g. 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.
- 403.1.h. The proposed building reserve (setback) line for each lot, or the proposed placement of each building.
- 403.1.i. The location (and elevation, if established) of all existing and proposed required perimeter and street monuments.
- 403.1.j. 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 shown or specifically described on the Plan. Easements should be located in cooperation with the appropriate public utilities.
- 403.1.k. 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).

- 403.1.l. Any proposed driveway or intersection of a 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, 2945 (P.L. 1242, No. 428), known as the 'State Highway Law' before driveway access to a state highway is permitted.

- 403.1.m. A clear sight triangle shall be clearly shown for all street intersections.
- 403.1.n. 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. Wetland evaluation shall be conducted by individual or firm with expertise in the field. All delineated wetland shall be accurately shown with bearing and distances, tied to a known property corner.
- 403.1.o. Certification of Accuracy, using the form in the Appendix, shall be lettered on the plan and signed by the design professional responsible for the subdivision or land development.
- 403.1.p. 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.
- 403.1.q. 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.
- 403.1.r. 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.
- 403.1.s. 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 for recording.

- 403.2. Whenever required under Title 25, Chapter 102, Rule and Regulation, PA DEP, or County Conservation District, a copy of the approved Erosion and Sediment Pollution Control Plan shall accompany Final Plan submission. Permits, when required, shall be submitted with the Final Plan.
- 403.3. The Final Plan shall be accompanied by such applicable supplementary data as is required in Article 4 in addition to profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
- 403.3.a. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds five (5) percent, along both cartway edges.
- 403.3.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.
- 403.3.c. The length of all vertical curves.
- 403.3.d. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes, and culverts and existing or proposed water mains.
- 403.4. Existing Resources and Site Analysis Plan.
- A plan as stipulated in Section 402.3.b consistent with the terms of Preliminary Plan approval and modified as necessary to reflect the proposal for final approval.
- 403.5. Final Resource Impact and Conservation Plan
- 403.5.a. This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Plan, as set forth in Section 402.3.d to reflect all proposed improvements described in the other Detailed Final Plan documents as required under Section 402.3.d herein.
- 403.5.b. In addition to the requirements of Section 402.3.d the applicant shall submit an accompanying Resource Assessment Report divided into the following sections: (1) description of existing resources (as documented in Section 402.3.b), (2) impacts of the proposed subdivision on existing resources, correlated to the areas depicted in the Final Resource Impact and Conservation Plan, and (3)

measures taken to minimize and control such impacts both during and following the period of site disturbance and construction. The qualifications and experience of the preparer of this report shall be provided.

#### 403.6. Final Improvements Construction Plan

Where public or private improvements other than monuments and street traffic signs are to be required for any subdivision or land development, an Improvements Construction Plan and specifications, prepared by a registered professional engineer, shall be filed, setting forth the precise nature and exact location of the work and all engineering data necessary for completion of the work. The improvements construction plan and specifications shall be subject to approval of the Municipal Engineer and the Board as a prerequisite to approval of the Detailed Final Plan. The Improvements Construction Plan shall conform with the following standards and contain the following information:

- 403.6.a. All information required in Sections 401.2 and 402.3.e relating to existing features and resources on the site.
- 403.6.b. Detailed profile sheets for all proposed streets within the tract.
- 403.6.c. If required, a plan, details and specifications of street lights to be installed, together with the necessary contract for street light installation for approval by the municipality.
- 403.6.d. Detailed design of any stormwater management facilities that may be required.
- 403.6.e. Where off-site or community sewer service is to be provided, the final detailed design of all facilities, including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.
- 403.6.f. Where off-site or central water service or water supply is to be provided, the final detailed design, including location and size of water service facilities within the subdivision, shall be shown, including wells, storage tanks, pumps, mains, valves, and hydrants.
- 403.6.g. Detailed designs for all other improvements as required by this Ordinance.

403.7. Final Stormwater Management and Erosion & Sedimentation Control Plan

403.8. Final Greenway Ownership and Management Plan

Using the Detailed Final Plan as a base map, the precise boundaries, exact acreage, and proposed ownership of all proposed Greenway areas shall be shown. A narrative report shall also be prepared indicating how and by whom such Greenway areas will be managed, and demonstrating compliance with Article 1 of the Zoning Ordinance.

403.9. Final Landscape Plan

403.10. Additional Approvals, Certificates and Documents

403.10.a. All offers of dedication of realty or structures and all declarations, easements and covenants governing the reservation and maintenance of undedicated open space, for the Detailed Final Plan shall be in such form as shall be satisfactory to the Board.

403.10.b. A copy of such deed restrictions, easements, covenants and declarations which are to be imposed upon the property to comply with the Detailed Final Plan as approved by the Board. All such documents shall be in such form as is satisfactory to the Board.

403.11. Required Plan Notations. The following notes shall be placed on the final subdivision or land development plan, as applicable:

403.11.a. "Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection."

403.11.b. "Individual owners of lots must receive approval from the Township Sewage Enforcement Officer for a sewage permit prior to undertaking the construction of an on-lot sewage disposal system or building that will need to be served by such a system."

403.11.c. "The Planning Commission and Governing Body have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage system."

403.11.d. "All on-site sewage disposal easements shall remain free and clear of all encroachments including, but not limited to, sheds, buildings or other structures. No grading without the prior written permission of the Windsor Township Governing Body shall be permitted."



403.11.e. "The Township shall have the right, but not the duty, to replace or maintain any drainage facilities shown within the easement(s) provided on the lot(s) at the lot owner's expense."

403.11.f. "All drainage easements shall remain free and clear of all impediments including, but not limited to, sheds, fences, trees, shrubs, or other plantings or structures. No regrading without the prior written permission of the Windsor Township Governing Body shall be permitted."

403.11.g. "Representatives of Windsor Township shall have the right to inspect the drainage facilities located on the lot(s) from time to time as deemed necessary."



## **ARTICLE 5     DESIGN STANDARDS**

### **Section 501. Application and General**

- 501.1. The standards and requirements contained in Articles 5 and 6 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.
- 501.2. Whenever other Municipal ordinance 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.
- 501.3. The standards and requirements of this Ordinance may be modified by the Governing Body where such modifications achieve substantially the objectives of the Ordinance.
- 501.4. 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 purposes unless such hazards have been eliminated or unless the subdivision/land development plan shall show adequate safeguards against them, and which shall be approved by the appropriate regulatory agencies.
- 501.5. 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.
- 501.6. 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, PA DEP and Section 510 of this Ordinance.

**Section 502. Streets**

## 502.1. General Standards

- 502.1.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.
- 502.1.b. The proposed street system shall extend existing or proposed streets shown on the "Official plans" at the same or greater width but in no case at less than the required minimum width in Section 502.3.
- 502.1.c. Where, in the opinion of the Municipal Planning Commission or the Governing Body it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication, to the boundary of such property.
- 502.1.d. New minor streets shall be so designed as to discourage through traffic, but the subdivider/land developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- 502.1.e. Where a subdivision/land development abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission or the Governing Body may require the dedication of land sufficient to widen the street or correct the alignment.
- 502.1.f. Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of the Ordinance and are improved to a mud-free or otherwise permanently passable condition.

## 502.2. Partial and Half Streets

New half or partial streets shall be prohibited except where essential to reasonable subdivision or land 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 land developer shall be required to provide the entire required cartway width within this property.

## 502.3. 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	See Note (b)
Cartway	See Note (b)
Marginal Access Street	
Right-of-way	33
Cartway	24
Service Street	
Right-of-way	33
Cartway	24

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

(b) See Paragraph 502.10

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.

502.4. Restriction of Access

502.4.a. Whenever a subdivision/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:

502.4.a.1. Provision of reverse frontage lots.

502.4.a.2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major streets.

502.4.a.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.

502.4.b. Except as specified under Paragraph 3 above, reserve strips shall be prohibited.

#### 502.5. Street Grades

502.5.a. There shall be a minimum centerline grade of three-quarters (3/4) percent.

502.5.b. Centerline grades shall not exceed the following:

502.5.b.1. Minor Street – ten percent (10%).

502.5.b.2. Collector Street – six percent (6%).

502.5.b.3. Major Street – six percent (6%).

502.5.b.4. Street Intersection – five percent (5%).

502.5.c. Grades up to twelve percent (12%) may be permitted on a through minor street where access to the street is possible over streets with grades of ten percent (10%) or less.

#### 502.6. Horizontal Curves

502.6.a. Whenever street lines are deflected in excess of five degrees (5°), connection shall be made by horizontal curves.

502.6.b. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

- 502.6.b.1. Minor Streets – one hundred fifty feet (150').
- 502.6.b.2. Collector Streets – three hundred feet (300').
- 502.6.b.3. Major Streets – five hundred feet (500').
- 502.6.c. A tangent of at least one hundred feet (100') shall be introduced between all horizontal curves on collector and major streets.
- 502.6.d. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

#### 502.7. Vertical Curves

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

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

#### 502.8. Intersections

- 502.8.a. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty degrees (60°) or more than one hundred twenty degrees (120°).
- 502.8.b. No more than two (2) streets shall intersect at the same point.
- 502.8.c. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty feet (150') between centerline measured along the centerline of the street being intersected.
- 502.8.d. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five percent (5%) within fifty feet (50') of the intersection of the nearest right-of-way lines.
- 502.8.e. Intersections with major streets shall be located not less than one thousand feet (1,000') apart measured from centerline to centerline along the centerline of the major street.

502.8.f. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

502.8.f.1. Twenty feet (20') for intersections involving only minor streets.

502.8.f.2. Thirty feet (30') for all intersections involving a collector street.

502.8.f.3. Forty feet (40') for all intersections involving a major street.

502.8.f.4. Ten feet (10') for all intersections involving only service streets.

502.8.g. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

#### 502.9. Sight Distance at Intersections

502.9.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 inches (30") and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

502.9.a.1. Seventy-five feet (75') from the point of intersection of the centerlines, except that:

502.9.a.2. Clear sight triangles of one hundred fifty feet (150') shall be provided for all intersections with Collector or Major Streets.

502.9.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/land development and shall be considered a building set-back (reserve) line.

#### 502.10. Cul-de-sac Streets

502.10.a. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

502.10.b. Any temporarily dead ended street shall be provided with a temporary all-weather turn-around, within the subdivision/land development, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.



- 502.10.c. Cul-de-sac streets, permanently designed as such, shall be a minimum of 250 feet (250') and a maximum of 1,000 feet (1,000') measured from the center of the turnaround to the center of the intersecting street and shall not furnish access to more than twenty (20) dwelling units except where ridge lines, steep valleys or other physical features allow no alternative road system. Cul-de-sac lengths may be increased where a permanent easement for emergency vehicle exit is provided and maintained from the end of the cul-de-sac to another street.
- 502.10.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.
- 502.10.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 feet (50'), and the minimum radius of the right-of-way line shall be sixty feet (60').
- 502.10.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.
- 502.10.g. The centerline grade on a cul-de-sac street shall not exceed ten percent (10%), and the grade of the diameter of the turnaround shall not exceed five percent (5%).
- 502.11. Street Names
- 502.11.a. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- 502.11.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, drive, way, place, court, lane, etc.
- 502.11.c. All street names shall be subject to the approval by the local postal district and the Berks County Department of Emergency Services, 9-1-1 Coordinator, and the Governing Body.
- 502.12. Service Streets (Alleys)

- 502.12.a. Service Streets may be permitted, provided that the subdivider/land developer produces evidence satisfactory to the Municipal Planning Commission or Governing Body of the need for such service streets.
- 502.12.b. No part of any dwelling, garage or other structure shall be located within twenty feet (20') of the centerline of a service street.
- 502.12.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 feet (50').
- 502.12.d. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in Section 502.6 and deflections in alignment in excess of five degrees (5°) shall be made by horizontal curves.
- 502.13. Driveway
- 502.13.a. Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of the nearest street right-of-way lines.
- 502.13.b. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed fourteen percent (14%). Entrances shall be rounded at a minimum radius of five feet (5'), or should have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge (curb line).

### **Section 503. Blocks**

#### 503.1. Layout

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

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

### 503.2. Length

503.2.a. Blocks shall have a maximum length of one thousand six-hundred feet (1,600') and a minimum length of six hundred feet (600'), 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 conditions warrant such a change.

503.2.b. In the design of blocks longer than one thousand feet (1,000'), special consideration shall be given to the requirements of satisfactory fire protection.

503.2.c. Where practical, blocks along major and collector streets shall not be less than one thousand feet (1,000') long.

### 503.3. Crosswalks

503.3.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 feet (1,000') in length.

503.3.b. Crosswalks shall have a width of not less than ten feet (10') and a paved walk of not less than four feet (4').

### 503.4. 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.

### 503.5. 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. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

## **Section 504. Lots and Parcels**

### 504.1. General Standards

- 504.1.a. Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- 504.1.b. Where feasible, lot lines should follow municipal boundaries, rather than crossing them, in order to avoid jurisdictional problems.
- 504.1.c. Generally, the depth of a residential lot should not be less than one (1) nor more than three (3) times its width.
- 504.1.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.
- 504.1.e. If, after subdividing, there exist remnants of land, they shall be either:
  - 504.1.e.1. Incorporated in existing or proposed lots, or
  - 504.1.e.2. Legally dedicated to public use, if acceptable to the Municipality.

#### 504.2. Lot Frontage

- 504.2.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.
- 504.2.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.
- 504.2.c. All residential reverse frontage lots shall have, a rear yard with a minimum depth of seventy-five feet (75'), 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 no right of access.

#### 504.3. 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 Department of Environmental Protection and Section 506 of this ordinance.

### **Section 505. Sanitary Sewage Disposal**

- 505.1. All buildings and lots shall be connected to a public sewer system if accessible. Where the public sewer is not yet accessible, but is planned for extension within five years to the subdivision/land development, the subdivider/land developer shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot or structure 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.
- 505.2. Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Protection standards and Municipal standards. A copy of the approval of such system shall be submitted with the Final Plan.
- 505.3. Sanitary sewers shall not be used to carry stormwater.
- 505.4. 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 Protection, and Municipal Standards.
- 505.5. If on-site sanitary sewage disposal facilities are to be utilized, the Municipal Planning Commission may require that the subdivider/land 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 Municipal Planning Commission may require the installation of a community sanitary sewer system. The temporary treatment plant shall be abandoned when public trunk sewers are installed in the area.
- 505.6. 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.

- 505.7. The proposed method of sanitary sewage disposal shall be in accordance with the Municipality's officially adopted Act 537 Sewage Facilities Plan.
- 505.8. Whenever, according to Title 25, Chapter 71, Section 71.16, Rules and Regulations of the Pennsylvania Department of Environmental Protection, a revision is necessary to an Act 537 Sewage Facilities Plan, the procedure set forth in Sections 71.15-71.17 of those Rules and Regulations shall be followed.

### **Section 506. Soil Percolation test Requirements**

- 506.1. Soil probe tests shall be performed for all lots within 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.
- 506.2. Soil probe tests shall be made by the Municipality's Sewage Enforcement Officer in accordance with the procedure required by the Pennsylvania Department of Environmental Protection.
- 506.3. Three (3) copies of the Site Investigation and Percolation Test Report 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 Protection, two (2) copies of the report of investigation and approval may be submitted in lieu of the Site Investigation and Percolation Test Report.
- 506.4. Where possible, soil probe tests shall be performed near the site of the proposed on-site sanitary sewage disposal facilities.
- 506.5. The results of the soil probe tests shall be analyzed in relation to the physical characteristics of the tract being subdivided/developed and of the general area surrounding the tract and the Final Plan layout shall be based on this analysis.

- 506.6. Easements shall be provided around the test sites of the passing primary and secondary on-lot absorption areas and shall be tied to an existing or proposed property or lot corner with bearings and distances.

### **Section 507. Water Supply**

- 507.1. 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 or building, with adequate main sizes and fire hydrants located to meet the specifications of the Middle Department Association of Fire Underwriters and the Unified Construction Code as adopted by the Township. 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.
- 507.2. 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, approved by the Pennsylvania Department of Environmental Protection, 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.
- 507.3. 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 feet (100') of any part of the absorption (tile) field of any on-site sanitary sewage disposal system, not within fifty feet (50') of any lakes, streams, ponds, quarries, etc.
- 507.4. 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 feet (50') deep, having a production capacity of at least five (5) gallons per

minute of safe potable drinking water as certified by the State or Municipal Health Officer.

- 507.5. 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 owner, 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 508. Storm Drainage**

- 508.1. The applicant shall submit plans and reports demonstrating conformance with the Windsor Township Act 167 Stormwater Management Ordinance, Ordinance No. 78-2008.
- 508.2. Storm sewers, culverts, and related installations shall be provided, as necessary, to:
- 508.2.a. Permit unimpeded flow of natural water courses.
  - 508.2.b. Insure adequate drainage of all low points along the line of streets.
  - 508.2.c. Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
  - 508.2.d. Provide positive drainage away from on-site sewage disposal facilities.
- 508.3. Storm sewers and related installations shall be required when, in the opinion of the Municipal Engineer, the runoff of stormwater cannot be satisfactorily handled within the street cartway. Design criteria construction requirements are contained in the Appendix of this Ordinance.
- 508.4. Where existing storm sewers are reasonably accessible, proposed subdivisions or land developments shall be required, if necessary, to connect therewith.



- 508.5. In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent developed or undeveloped properties.
- 508.6. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
- 508.7. Where a subdivision or land development is traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, 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 drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Protection or any succeeding department or agency as applicable laws and/or regulations shall require.
- 508.8. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- 508.9. 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.
- 508.10. Adequate facilities shall be provided at low points along streets and where necessary to intercept runoff.

### **Section 509. Public Use and Service Areas**

- 509.1. Public Open Spaces
- 509.1.a. In reviewing subdivision and land development plans, the Municipal Planning Commission and Governing Body shall consider whether community facilities, 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 deemed necessary in the public interest.

509.1.b. Subdividers/land developers and the 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/land developer. Prior to the preparation of plans, subdividers/land developer of large tracts should review with the Municipal Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided/developed.

509.1.c. The Municipal Planning Commission shall consider the need for suitable common open space for recreation and shall make a recommendation thereon. The minimum standards to be used by the Municipal Planning Commission in recommending the reservation of common open space shall be as follows: (d.u./ac. Is dwelling units per acre)

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

509.2. Community Assets

Consideration shall be shown for all natural features such 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.

509.3. Utility Easements

509.3.a. All electric distribution lines shall be installed underground in all residential developments (including mobile home parks) of five (5) or more family units, as per Public utility Commission requirements. In compliance with this requirement and with the cooperation of

local utility companies, the following procedures will be followed in reviewing plans subject to underground electric service:

- 509.3.a.1. Upon filing of a Preliminary Plan for review, the subdivider/land developer will forward a copy to the appropriate utility company if the development is subject to this Order. This will apprise the utility company of the project status and indicate that the subdivider/land developer would be contacting them in the near future.
- 509.3.a.2. Upon receipt and review of Preliminary Plans, the subdivider/land developer is directed to contact the utility company and secure an approval of plans for underground electric system. Receipt of a letter from the utility company indicating receipt of plans will be required prior to Municipal endorsement of any plan for recording. Securing this approval and coordinating the plan with the utility company is the subdivider's or land developer's responsibility.
- 509.3.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 abutting lots or buildings. No structures or trees shall be placed within such easements.
- 509.3.c. Easements shall be centered on or adjacent to rear or side lot lines.
- 509.3.d. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed dwelling unit and the right-of-way line for any petroleum, petroleum products or natural gas transmission line which traverses the subdivision/land development.
- 509.3.e. Subdividers and land 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.
- 509.3.f. Petroleum products or natural gas transmission line shall be located in a fifty (50) foot minimum right-of-way, such line to be installed in the center of the right-of-way. The subdivider/land developer shall provide a fifty (50) foot right-of-way for all existing transmission lines within the subdivision/land development.
- 509.3.g. Utility service for residential development not subject to the above-mentioned Pennsylvania Public Utility Commission's 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.

### **Section 510. Erosion and Sediment Controls and Guidelines**

- 510.1. Erosion and Sediment Control Measures shall meet the requirements of Title 25, Chapter 102 Rules and Regulations of the Pennsylvania Department of Environmental Protection or the County Conservation District, standards and specifications, as applicable.
- 510.2. The following guidelines shall be applied, as needed, in establishing easements as part of the erosion and sediment controls:
- 510.2.a. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area should be kept as lawn.
- 510.2.b. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as 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 Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Municipal Planning Commission.
- 510.2.c. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume 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.

### **Section 511. Solid Waste Management**

- 511.1. To insure incorporation of adequate provision for solid waste management practices in design of land developments and

subdivisions, the following minimum requirements shall be contained on development plans.

- 511.1.a. The location, size, and type of bulk storage containers shall be shown and shall be adequate to contain all wastes generated between collections.
- 511.1.b. All bulk storage containers shall be located to permit efficient use of collection equipment and to permit maneuverability of such equipment.
- 511.1.c. All bulk storage containers shall be appropriately screened as required by the Windsor Township Zoning Ordinance, Ord. No. 80-2009, as amended.
- 511.1.d. A statement of the method and frequency of refuse collection to be used shall be included on the plan.
- 511.2. Where no bulk storage is proposed and individual households are expected to individually establish appropriate collection service, a statement shall be shown on the plan which advises that solid waste storage and collection is an individual household responsibility.
- 511.3. In subdivisions or land developments located in areas presently served by a municipal collection or municipal contract collection system, and for which no bulk storage methods are proposed, a statement indicating the availability of an existing solid waste collection system may be shown on the plan in lieu of information required in Section 511.1 or Section 511.2.

## **Section 512. Resource Conservation and Greenway Delineation Standards**

The standards for resource conservation, as set forth in this Article, shall apply to all subdivision and land developments in the municipality. The standards for Greenway delineation shall apply to all subdivision and land developments within utilizing the Conservation Design methods included in the Zoning Ordinance.

### 512.1. Planning and Design Standards

#### 512.1.a. General Standards to Minimize Adverse Impacts

All subdivisions and land developments shall avoid or minimize adverse impacts on the municipality's natural, cultural and historic resources, as defined below.

#### 512.1.b. Groundwater Resources

This section is intended to ensure that the municipality's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of the Municipality's surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this ordinance, dealing with groundwater conservation and replenishment.

- 512.1.b.1. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

#### 512.1.c. Stream Valleys, Swales, Springs, and Other Lowland Areas

Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas as resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

- 512.1.c.1. The following activities shall be minimized:

- 512.1.c.1 (i) Disturbance to streams and drainage swales.
- 512.1.c.1 (ii) Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
- 512.1.c.1 (iii) Because of their extreme limitations, stream valleys, swales and other lowland areas warrant designation as greenway lands. They may also require adjoining buffer lands to be included in the Greenway, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the Greenway where it can be demonstrated that they are suitable for low density residential uses and conventional on-site sewage systems.

#### 512.1.d. Woodlands

Woodlands occur extensively throughout the municipality, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

- 512.1.d.1. Woodland conditions within the municipality vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Municipality represent one or more of the following resource values:
- 512.1.d.1 (i) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
  - 512.1.d.1 (ii) As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
  - 512.1.d.1 (iii) As a source of wood products, i.e., poles, sawtimber, veneer and firewood.
  - 512.1.d.1 (iv) As habitats for woodland birds, mammals and other wildlife.
  - 512.1.d.1 (v) As recreation resources for walkers, equestrians, picnickers and other related outdoor activities.
  - 512.1.d.1 (vi) As visual buffers between areas of development and adjacent roads and properties.
- 512.1.d.2. Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as Greenway or development lands. Evaluation criteria shall include:
- 512.1.d.2(i) Configuration and size.
  - 512.1.d.2(ii) Present conditions, i.e., stocking, health and species composition.
  - 512.1.d.2(iii) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.

- 512.1.d.2(iv) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
- 512.1.d.2(v) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
- 512.1.d.3. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the municipality. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in paragraph 512.1.d.1 above.
- 512.1.d.4. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
  - 512.1.d.4(i) Healthy woodlands exceeding one acre shall be preserved and designated as Greenway areas, to the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
  - 512.1.d.4(ii) Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
  - 512.1.d.4(iii) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
  - 512.1.d.4(iv) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a



site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

512.1.e. Upland Rural-Agricultural Areas

These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Municipality's historic working landscape, dotted with historic houses, barns and other structures. They give the municipality much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. They sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development.

512.1.e.1. Several elements of these working landscapes lend themselves to incorporation into the County's Greenway network. These include prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops.

512.1.e.2. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

512.1.f. Slopes

Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

- 512.1.f.1. Areas of steep slope shall be preserved in accordance with the Zoning Ordinance and as required below.
- 512.1.f.2. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
- 512.1.f.3. No site disturbance shall be allowed on slopes exceeding 25 percent except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.
- 512.1.f.4. On slopes of 15 to 25 percent, the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single-family dwelling, its access driveway and the septic system (which should typically be designed with a long, narrow drainage field following the land contours.
- 512.1.f.5. Grading or earthmoving on all sloping lands of 15 percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Board no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 ft. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

512.1.g. Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the municipality. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features identified by the applicant's Existing Resources and Site Analysis Plan (as required in Section 304.4) by incorporating them into proposed Greenway areas or avoiding their disturbance in areas proposed for development.

512.1.h. Historic Structures and Sites

The municipality's documented historical resources begin with the Lenni Lenape Indians in the early 18th century and extend through

its colonial agricultural, residential and industrial development in the late 18th and 19th centuries.

- 512.1.h.1. All subdivisions and land developments shall comply with Section 613, Historic Buildings of the Zoning Ordinance.
- 512.1.h.2. Plans requiring subdivision and land development approval shall be designed to protect existing historic resources of all classes. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Board, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.
- 512.1.h.3. Municipal participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to Detailed Final Plan approval.
- 512.1.i. Trails
  - 512.1.i.1. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Governing body may require the applicant to make provisions for continued recreational use of the trail.
  - 512.1.i.2. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
    - 512.1.i.2(i) The points at which the trail enters and exits the tract remain unchanged.
    - 512.1.i.2(ii) The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
    - 512.1.i.2(iii) The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.

- 512.1.i.3. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Governing body upon recommendation of the Municipal Solicitor.
- 512.1.i.4. The land area permanently designated for trails for public use may be credited toward the greenway land requirement described in the Zoning Ordinance.
- 512.1.i.5. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the open space requirement described in the Zoning Ordinance.
- 512.1.i.6. Trail improvements shall demonstrate adherence to principles of quality trail design.
- 512.1.i.7. Trails shall have a vertical clearance of no less than ten (10) feet.
- 512.1.i.8. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
- 512.1.i.9. No trail shall be designed with the intent to accommodate motorized vehicles.

## 512.2. Design Process For Residential Subdivisions With Greenway Lands

- 512.2.a. **Resource Inventory and Analysis.** The tract's resources shall be delineated on an Existing Resources and Site Analysis Plan, as required in Section 402.3.b.
- 512.2.b. **Four-Step Design Process.** Following the resource inventory and analysis, all residential subdivisions with greenway lands shall generally follow a four-step design process as described below.
  - 512.2.b.1. Step 1: Delineation of Greenway Lands and Development Areas

Greenway lands and development areas shall be delineated according to the following procedure, as illustrated below, using as an example a hypothetical 50-acre subdivision parcel.

Total Tract Area	50 acres
Adjusted Tract Area (ATA)	40 acres
<b>Minimum Greenway Requirements:</b>	
Constrained Land	10 acres
Add	
Secondary Conservation Areas (50% of ATA)	<u>20 acres</u>
Total	30 acres
Development Area (50% of ATA)	20 acres

- 512.2.b.1 (i) All lands deducted from the gross tract to determine Adjusted Tract Area, shall be delineated in their entirety as "Constrained Land", comprising 10 acres in the illustration.
- 512.2.b.1 (ii) Additional minimum acreage requirements for Greenway areas consist of "Secondary Conservation Areas", to be calculated on the basis of the standards in the Zoning Ordinance. In the example, a minimum of 50% of the Adjusted Tract Area (or 20 acres) must be Class B greenway lands.
- 512.2.b.1 (iii) Total Greenway area requirements are the sum of Constrained Land and Secondary Conservation Areas which, in the example, comprise 30 acres. All primary Conservation Areas (flood plains, wetlands, and slopes greater than 25%) shall be contained within the greenway lands.
- 512.2.b.1 (iv) The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands and slopes.
- 512.2.b.1 (v) The locations and boundaries of Secondary Conservation Areas shall be based upon the applicant's analysis of the tract's resource features, using the design standards in Section 403. The applicant shall also be guided by any written recommendations provided by the municipality regarding the delineation of Secondary Conservation Areas lands, following the Site Inspection or the Pre-Sketch Conference.
- 512.2.b.1 (vi) Development areas constitute the remaining lands of the tract outside of the designated Greenway areas, which in the

above example consist of 20 acres, where house sites, streets and lots are to be delineated in accordance with steps 2, 3 and 4 below.

512.2.b.2. Step 2: Location of House Sites

Applicants shall identify house site locations in the tract's designated development areas, designed to: fit the tract's natural topography, served by adequate water and sewerage facilities, and provide views of and access to adjoining Greenway areas (without encroaching upon them in a manner visually intrusive to users of such areas). House sites should be located no closer than 100 feet and 50 feet from Primary and Secondary Conservation Areas, respectively.

512.2.b.3. Step 3: Alignment of Streets and Trails

512.2.b.3(i) With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

512.2.b.3(ii) Streets shall avoid or at least minimize adverse impacts on the Greenway areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.

512.2.b.3(iii) Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).

512.2.b.3(iv) A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved greenway lands. Potential trail connections to adjacent parcels shall also be shown, in areas where a Municipal trail network is envisioned.

512.2.b.4. Step 4: Design of Lot Lines

Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner.

### 512.3. Greenway Design Review Standards

- 512.3.a. Prioritized List of Resources to be Conserved. The design of greenway lands in any subdivision or land development plan shall reflect the standards set forth in Section 512.1 and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):
- 512.3.a.1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
  - 512.3.a.2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
  - 512.3.a.3. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
  - 512.3.a.4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
  - 512.3.a.5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
  - 512.3.a.6. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
  - 512.3.a.7. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
  - 512.3.a.8. Historic structures and sites.
  - 512.3.a.9. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
  - 512.3.a.10. Existing trails connecting the tract to other locations in the municipality.

- 512.3.b. Other Design Considerations. The configuration of proposed greenway lands set aside for common use in residential subdivisions shall comply with the following standards:
- 512.3.b.1. They shall be free of all structures except historic buildings, stone walls, and structures related to Greenway uses. The Governing body may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Greenway provided that such facilities would not be detrimental to the Greenway (and that the acreage of lands required for such uses is not credited towards minimum Greenway acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
  - 512.3.b.2. They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
  - 512.3.b.3. They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to greenway land.
  - 512.3.b.4. They shall be suitable for active recreational uses to the extent deemed necessary by the Governing body, without interfering with adjacent dwelling units, parking, driveways, and roads.
  - 512.3.b.5. They shall be interconnected wherever possible to provide a continuous network of Greenway lands within and adjoining the subdivision.
  - 512.3.b.6. They shall provide buffers to adjoining parks, preserves or other protected lands.
  - 512.3.b.7. Except in those cases where part of the greenway is located within private houselots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the municipality. Provisions should be made for access to the greenway lands, as required for land management and emergency purposes.



- 512.3.b.8. They shall be undivided by public or private streets, except where necessary for proper traffic circulation.
- 512.3.b.9. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect Greenway resources.
- 512.3.b.10. They shall be made subject to such agreement with the municipality and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Governing body for the purpose of preserving the common open space for such uses.
- 512.3.b.11. They shall be consistent with the municipality's Comprehensive Plan.
- 512.3.c. Ownership and Maintenance. Applicants shall demonstrate compliance with Greenway ownership and maintenance standards in the Zoning Ordinance.

#### 512.4. Dedication Of Greenway Land For Public Use

##### 512.4.a. Land Setasides for Public Recreational Use and the "Fee-In-Lieu" Alternative

The following standards shall apply to new subdivisions. All actions by the Governing Body under this section must also be consistent with the provisions of the state enabling legislation.

- 512.4.a.1. Applicants for new residential developments involving ten or more dwelling units shall be required to set aside five percent of their gross tract acreage as undivided recreational land designated for public usage. Such land shall be suitable for active and/or passive recreation, with at least half the land suitable for active sports, where such facilities are required by the Governing body.
- 512.4.a.2. In lieu of a setback for public usage, two alternatives exist for the applicant proposing subdivision involving ten or more dwellings:
  - 512.4.a.2(i) The applicant may offer a setback limited to recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable by the municipality and/or a land

trust, prohibiting future nonrecreational (or commercial recreational) uses.

- 512.4.a.2(ii) The applicant may offer to pay a fee to the municipality in lieu of any recreational land setaside. Situations in which it would be appropriate for the municipality to accept such offers include cases where the land would not provide a particular public benefit because of its small size or location. Exceptions to this rule, where public use of relatively small land areas would still be appropriate, include situations in which the land could be used to buffer or extend public parks or public schoolgrounds, or could provide potential linkage in a future township trail network.
- 512.4.a.2(iii) The decision whether to accept a fee-in-lieu offer by the applicant shall lie with the Board, which shall also establish the amount of the fee in lieu, based upon the municipality's estimated cost of acquiring land that is similar in area and attributes, which would better serve public recreational needs. Such estimates shall be based on discussions with realtors or appraisers familiar with land values in the locality. All such fees collected shall be deposited in an interest-bearing account earmarked for recreational land or facility provision by the municipality, and the applicant shall be informed of the use to which the fee will be put. Alternatively, the Board may establish a flat fee (based on discussions with realtors or appraisers familiar with land values in the area) for general use with subdivision applicants.
- 512.4.a.3. In Option 3 and 4 subdivisions involving fewer than five dwelling units where, in the judgment of the Governing body, there would be no particular public benefit accruing from a public dedication (as described above), or from a setaside for shared private recreational usage among the subdivision lot owners, the applicant may offer to place a conservation easement on certain areas of land within individual houselots where certain environmentally-sensitive features are present, without conferring common access rights or privileges for the subdivision residents or the broader public. The percentage of land that is thus protected shall generally be not less than twenty percent (20%) of the gross land area of the subdivision. This land may be access-restricted not only from the public but also from other residents in the subdivision.

512.4.a.4. In Option 1 and 2 subdivisions with fewer than ten dwelling units, where there would be no particular benefit accruing from a public dedication (as described above), the recreational land that is part of the requirement for undivided open space shall be designated for private shared recreational usage among the subdivision lot owners.

#### 512.5. Resource Conservation Standards For Site Preparation and Cleanup

##### 512.5.a. Conservation Practices During Site Preparation and Clean-Up

512.5.a.1. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Governing body may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

512.5.a.2. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

##### 512.5.a.3. Protection of Vegetation from Excavations

512.5.a.3(i) When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.

512.5.a.3(ii) If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

##### 512.5.a.4. Protection of Topsoil

512.5.a.4(i) No topsoil shall be removed from the site.

512.5.a.4(ii) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.

512.5.a.4(iii) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required

grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.

- 512.5.a.4(iv) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

### **Section 513. Traffic Impact Study**

- 513.1. Traffic impact studies shall be submitted to the Township in the following instances:
- 513.1.a. A residential subdivision or land development which has or will have ten (10) or more lots and/or dwelling units.
  - 513.1.b. A nonresidential subdivision of five (5) or more lots.
  - 513.1.c. A nonresidential land development containing 20,000 square feet or more of gross floor area.
  - 513.1.d. Any nonresidential land development within one quarter (1/4) mile of an intersection involving an arterial road or two collector roads.
  - 513.1.e. The Township Governing Body reserves the right to require a traffic study for any subdivision or land development other than a minor residential subdivision, lot annexation, and plan for revision to lot lines when the Township Governing Body deems such a study necessary to adequately review the impact of the subdivision or land development on existing and proposed roads.
- 513.2. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer with verified experience in preparing such studies.
- 513.3. The area for the traffic study shall be based on sound engineering judgment and an understanding of existing traffic conditions at the site as well as the area which is likely to be affected by the development. The study limits shall be determined by the Township Governing Body.
- 513.4. The Traffic Impact Study shall contain the following:
- 513.4.a. The study area boundary and identification of the roadways included within the study area.

- 513.4.b. A general site description, including:
- 513.4.b.1. Size and location of existing and proposed land uses and dwelling types
  - 513.4.b.2. Construction staging, and completion date of the proposed development.
  - 513.4.b.3. Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are determined by the Township Governing Body as having bearing on the development's likely impact.
  - 513.4.b.4. Within the study area, the applicant must describe existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by government agencies or private parties.
- 513.4.c. Analysis of existing conditions, including:
- 513.4.c.1. Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.
  - 513.4.c.2. Volume/Capacity Analyses at Critical Points Utilizing techniques described in derivative Highway Capacity Manual, by the Pennsylvania Department of Transportation, latest edition nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
  - 513.4.c.3. Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.

- 513.4.c.4. A tabulation of accident locations during the most recent three-year period shall be provided.
- 513.4.d. Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development. The following information shall be included:
- 513.4.d.1. Daily and Peak Hour(s) Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in Section 513.4.c.1 in terms of location and times (daily and peak hours).
- 513.4.d.2. Volume/Capacity Analyses at Critical Locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis shall be presented for these conditions.
- 513.4.d.3. Levels of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be determined.
- 513.4.e. Trip Generation. The amount of traffic generated by the development shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township Governing Body. Trip Generation (latest edition) published by the Institute of Transportation Engineers shall be used unless the Township Governing Body approves other studies.
- 513.4.f. Trip Distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Township can replicate these results.
- 513.4.g. Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from Section 513.4.d to describe mainline and turning movement

volumes for future conditions with the site developed as the applicant proposes.

- 513.4.h. Analysis of Future Conditions with Development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site.

Any unique characteristics of the site or within the study are (e.g., weekend tourists, antique sales, or holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made.

The following information shall be included:

- 513.4.h.1. Daily and Peak Hour(s) Traffic Volumes, Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
- 513.4.h.2. Volume/Capacity Analysis at Critical Points. Similar to Sections 513.4.c.2 and 513.4.d.2, a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
- 513.4.h.3. Levels of Service at Critical Points. As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section.
- 513.4.i. Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service (Levels D, E or F as described in the Highway Capacity Manual) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Township and State which were described in Section 513.4.b.3 and reflected in the analysis contained in Sections 513.4.c and 513.4.d.

The following information shall be included:

- 513.4.i.1. Proposed Recommended Improvements. This section shall describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.

- 513.4.i.2. Volume/Capacity Analysis at Critical Points. An iteration of the volume/capacity analysis shall be described which demonstrates the anticipated results of making these improvements.
- 513.4.i.3. Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous Sub-Section, levels of service for the highway system with improvements shall be presented.
- 513.4.j. Conclusion. The last section of the report shall be a clear, concise description of the study findings.

#### **Section 514. Required Studies to be Submitted by the Developer**

- 514.1. The following impact studies shall be submitted to the Township in the following instances:
  - 514.1.a. A residential subdivision or land development which has or will have ten (10) or more lots and/or dwelling units.
  - 514.1.b. A nonresidential subdivision of five (5) or more lots.
  - 514.1.c. A nonresidential land development containing 20,000 square feet or more of gross floor area.
- 514.2. Utilities Impact Study

A study shall be prepared by a registered professional engineer indicating the impact of the proposed development on the existing sanitary sewer, water, solid waste, and drainage systems serving the Township. Said impact study shall identify the existing capacity of facilities which would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development. Additionally, the study shall identify the likely ability of sanitary sewer, water, solid waste, and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Township considering added service requirements of the proposed development.

- 514.3. Recreation Impact Study

The study shall analyze the demand for recreational facilities which the proposed development will generate and determine whether



adequate facilities exist or are planned or proposed. The study shall include the following:

- 514.3.a. A description of the projected age breakdown of the residents of the proposed development.
  - 514.3.b. A description of any recreational facilities to be provided by the developer.
  - 514.3.c. A description of existing public recreational facilities in the Township and the impact of the proposed development on these facilities. The National Recreation and Parks Association Guidelines shall be used in the analysis.
  - 514.3.d. Discussion of potential for any recreational facilities to be provided by the developer to compensate for any anticipated deficiencies of the Township's recreational facilities.
  - 514.3.e. A description of any contributions the developer plans to make for Township recreation to compensate for expected impacts.
- 514.4. Fiscal Impact Analysis

A fiscal impact analysis shall be prepared identifying the likely impact of the development on the Township and School District's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the Township and School District as a result of a proposed development, as well as an identification of the costs associated with delivering services to the proposed development. The fiscal impact analysis shall deal with the impact of the proposed development on the ability of the Township to deliver fire, police, administrative, public works and utility services to the development and on the Township's economy. In order to prepare the analysis, the applicant shall utilize a methodology from The New Guide to Fiscal Impact Analysis (Rutgers Center for Urban Policy Research, 1985, as modified from time to time).

Particular aspects of the Township's service delivery capability to be analyzed shall include:

- 514.4.a. Public Works - This includes potential effects on the maintenance and repair of roads, signal systems, sanitary sewer, water and drainage systems, open space and recreation areas or any other applicable function. This study shall address projected cost

increases for the above mentioned items in terms of administration, personnel, equipment and materials.

514.4.b. Administration - This includes time that would be required by the Township Governing Body, Secretary, and other staff to process the application and handle the project during construction, as well as long term administration demands. This should include, but not be limited to, the handling of: plans, contracts, various legal instruments or agreements, permits, special problems, and escrow. Added demands on the code administration staff also shall be projected.

514.4.c. Fire and Emergency Services - The analysis shall incorporate the development's impact on fire company capabilities, including but not limited to, municipal water supply, pumping capacity, specialized equipment and training requirements.

#### 514.5. Historic and Archeological Resources Impact Study

All Historic and Archaeological Resources which have been identified and/or inventoried by the Township, the Berks County Planning Commission, and/or the Pennsylvania Historical Museum Commission located within the development shall be identified and the impact on such resources detailed.

#### 514.6. Environmental Impact Study

The study shall include the following:

514.6.a. Habitats of threatened and endangered species of special concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory, shall be identified and the impact on such resources detailed.

If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.

514.6.b. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

514.6.c. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

**Section 515. Water Resources Study**

A water resources study meeting the requirements of this sub-section shall be submitted to the Township unless exempted by the conditions listed below in Section 515.7.

- 515.1. The water resource study shall address the following issues:
  - 515.1.a. The dependence of the Township upon groundwater as a source of water for many uses and
  - 515.1.b. The preservation of groundwater and surface water resources.
- 515.2. The determination of whether a water resources study is needed shall be made by the Township Planning Commission, with recommendations from the Township Engineer
- 515.3. The applicant is strongly encouraged to solicit advice from the Berks County Soil and Conservation District and the Township Engineer in order to refine the scope of the water resources study prior to commencement.
- 515.4. The water resources study shall be prepared by a qualified hydrogeologist at the expense of the developer.
- 515.5. The water resources study shall make determinations and provide supporting data on the following issues.
  - 515.5.a. The impact of the proposed development on groundwater recharge as the result of newly created impervious surfaces or modified land cover conditions. It shall be demonstrated that the post-development groundwater recharge shall meet the requirements of the Exeter Township Stormwater Management Ordinance (Ordinance No. 591 or its successor).
  - 515.5.b. The impact of groundwater pumping, when proposed, per Section 515.6.h;
  - 515.5.c. When on-site groundwater pumping is proposed, the capability of a given tract, parcel, or lot to support the continual extraction of groundwater in quantities required for the intended developed use per Section 515.6.h.
  - 515.5.d. The impact of the proposed development upon surface water quality and quantity, including suitability for human consumption, for recreational use, and as a habitat for indigenous aquatic life.

- 515.6. The following elements shall be considered essential to any water resources study. Additional elements may be required depending upon the conditions of the tract in question and the type of development proposed.
- 515.6.a. Average rainfall and storm patterns.
  - 515.6.b. An analysis of the soils and geologic conditions on the site to establish the degree of groundwater recharge occurring prior to the proposed development.
  - 515.6.c. A pre-development and post-development water budget, specifying the total volume of water lost to the site as the result of the creation of new impervious surfaces or of the land cover alteration on the site. Pumping of groundwater and wastewater disposal methods must also be evaluated within the water budget.
  - 515.6.d. An estimation of the effects upon the base flow of nearby streams, with special attention given to critical low-flow period.
  - 515.6.e. Any special groundwater quality issues.
  - 515.6.f. Any special surface water quality issues, including pollutant loading analysis using an accepted methodology to address metals/inorganics, hydrocarbons, suspended solids, nutrients, biological oxygen demand/chemical oxygen demand, volatile organics, and fecal coliform.
  - 515.6.g. Proposed methods, based in part or whole upon the Pennsylvania Handbook of Best Management Practices for developing areas, to mitigate negative impacts to water, resources as a result of the proposed development or change to the land use. The benefit of the selected method(s) must be quantified.
  - 515.6.h. Well Withdrawal Impact Study. When groundwater pumping is proposed, and the development is not exempted per Section 5.997, a Well Withdrawal Impact Study shall be submitted by the applicant. The purpose of the Well Withdrawal Impact Study is to evaluate the proposed Subdivision or Land Development's potential impacts on the quantity and quality of the groundwater and surface water resources of the Township and existing wells in the Township. The Well Withdrawal Impact Study shall be prepared by a professional hydrogeologist, who shall submit to the Township for approval, the scope of the analysis prior to initiation thereof. The

Well Withdrawal Impact Study shall contain, at a minimum the following:

- 515.6.h.1. A map indicating the property boundaries of the proposed subdivision or land development and all existing wells and surface water bodies located within the radius, specified in this subsection, of the water withdrawal points of the proposed subdivision or land development.
- 515.6.h.2. The proposed thirty (30) day average rate and maximum daily rate of withdrawal from each source and from all sources in total.
- 515.6.h.3. A geologic map indicating the property boundaries of the proposed subdivision or land development, the location of the proposed water withdrawal point(s) and the radius, as specified in this subsection, of the proposed water withdrawal point(s).
- 515.6.h.4. A hydrogeologic analysis of the well withdrawals (tests to be conducted concurrently at all wells where multiple wells are proposed for concurrent use) that includes, but is not limited to, the following:
  - 515.6.h.4(i) A constant rate well test for a minimum of forty-eight (48) hours taken during a period of no recharge using the proposed maximum day withdrawal rate for each well. A peak-rate demand pump test may also be required. The water level against the elapsed time shall be recorded throughout the forty-eight (48) hour well test period and appropriately plotted. Additional information shall include:
    - 515.6.h.4(i)(a) Static, pumping and recovery water level measurements from all observed wells and perennial streams with a sufficient number of measurements taken to adequately characterize drawdown, recovery and stream flow.
    - 515.6.h.4(i)(b) Date and time of all water level measurements.
    - 515.6.h.4(i)(c) Record of pumping rate measured throughout the test.
  - 515.6.h.4(ii) Observations of water levels from any monitoring wells located on the subdivision or land development property.
  - 515.6.h.4(iii) Observations of water levels and pumping rate available from existing wells within the specified radius. The monitoring

wells shall be representative of the entire area within the required radius. The radius from the location of the proposed water withdrawal point shall be as follows:

Proposed 30 Day Average Withdrawal Rate (Gallons per Day)	Radius (Miles)
2,000 – 10,000	0.40
10,001 – 50,000	0.50
50,001 – 100,000	0.75

- 515.6.h.4(iv) Well log data for monitoring wells, if available, to identify significant water bearing zones. A significant water-bearing zone is one capable of providing at least ten (10) percent of the pump capacity rate.
- 515.6.h.4(v) Observations of perennial stream levels at points expected to be impacted by withdrawal.
- 515.6.h.4(vi) An analysis of expected impacts on intended water source uses caused by continual withdrawals on existing wells, flows of perennial streams and long-term lowering of the groundwater levels.
- 515.6.h.4(vii) Documentation, based upon historical water table measurements, of drought condition water table elevation approximating a fifty (50) year drought, if available.
- 515.6.h.4(viii) All field notes and observations, including weather conditions throughout the well test.
- 515.6.h.4(ix) All methods and/or sources used to obtain data and draw conclusions.
- 515.6.h.5. The Well Withdrawal Impact Study shall also include an analysis of the potential for groundwater recharge on the site. A detailed geologic evaluation of the site shall be performed and, at a minimum, shall address soil permeability, depth to bedrock, susceptibility to sinkhole formation and subgrade stability. Where a site is determined to be suitable for ground water recharge, the Applicant shall demonstrate that an average daily balance between the amount of groundwater withdrawn and the amount of groundwater recharged will be achieved. To the extent that the site is not suitable for groundwater recharge or a

water balance is not achievable, the proposed density or intensity of the subdivision or land development shall be reduced consistent with attaining such water balance or a public water supply shall be utilized. All recharge techniques and/or facilities shall be designed in accordance with the "Pennsylvania Handbook of Best Management Practices for Developing Areas."

- 515.6.h.6. In addition, any well or group of wells operating as a system that withdraw an average of more than ten thousand (10,000) gallons per day, over a thirty (30) day period, shall require a Delaware River Basin Commission, Groundwater Protected Area (DRBC, GPA) permit. A group of wells not operating as a system that withdraw an average of more than ten thousand (10,000) gallons per day, over a thirty (30) day period, may require a DRBC, Groundwater Protected Area (GPA) permit.
- 515.6.h.7. The Township, with the assistance of the Township Engineer or designated consultant, shall review the methodology, assumptions, findings and recommendations of the applicant's hydrogeologist. The Governing Body may impose additional improvements it deems necessary to accommodate the impacts of the proposed - subdivision, or land development.
- 515.7. For the following type of development, a water resources study shall not be required, except under any condition specified in Section 515.8 below.
  - 515.7.a. Ten (10) or fewer single-family detached residences where each residence will have an individual on-lot sewage disposal system. Where development is phased, a study shall be required if the total number of houses in all phases combined is more than ten (10).
  - 515.7.b. Multi-family residential structure(s) with a total of ten (10) or fewer units. If at least seventy-five (75) percent of the tract proposed for development consists of soils in hydrologic soil groups "C" and "D" (as defined by the U.S. Department of Agriculture Soil Conservation Service in their Technical Release #55), then no study is required for multi-family residential structure(s) with a total of twenty-five (25) or fewer units.
  - 515.7.c. All non-residential development on tracts of less than one (1.00) acre.
  - 515.7.d. Non-residential development on tracts of less than ten (10.00) acres where at least seventy-five (75) percent of the tract consists of soils

in hydrologic soil groups "C" and "D", as defined by the U.S. Department of Agriculture Soil Conservation Service in their Technical Release #55.

- 515.8. A water resources study may be required by the Township under any one (1) of the following conditions, regardless of whether or not the proposed development meets the exemption requirements specified in Section 515.7 above.
- 515.8.a. Where the development proposes the creation of extensive areas of impervious coverage, thereby reducing recharge area and increasing the total volume of storm water runoff. An area of impervious coverage shall be deemed extensive where (1) the area of impervious surface is eighty-five (85) percent or more of the maximum permitted by the applicable zoning district OR (2) there is a paved impervious surface over an area equal to or in excess of 43,560 square feet (1.00 acre).
- 515.8.b. Where extensive areas of maintained ground cover (e.g. lawn, landscaped areas, vegetative areas, etc.) are proposed on slopes facing streams or other surface waters, thereby increasing the potential for non-point source pollutant loading of such surface waters. An area of maintained ground shall be deemed extensive where it covers more than two (2.00) contiguous acres.
- 515.8.c. Where water supply will be groundwater from an on-site source and wastewater will be exported to some off-site stream discharge facility.



## **ARTICLE 6      IMPROVEMENT SPECIFICATIONS**

### **Section 601. 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.

601.1. As a condition to review of a Final Plan by the Municipal Planning Commission and Governing Body, the subdivider/land 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 Improvements/Land Development Agreement.

601.2. All improvements installed by the subdivider or land 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, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Soil Conservation District, or such other State agency, as applicable. If there are no applicable Municipal or State regulations, the Governing Body may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

601.3. 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 602. Required Improvements**

The following improvements, as shown on the Record Plan, shall be provided by the subdivider/land developer.

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

- 602.2. Cartway Paving: all streets shall be paved to full cartway width (as shown on the Final Plan) and as required by Section 502.3 of this ordinance.
- 602.3. Curbs: Curbs 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.
- 602.4. Sidewalks:
- 602.4.a. Sidewalks with a minimum width of four (4) feet shall be installed.
- 602.4.b. All sidewalks, curbs, and gutters shall be installed in accordance with Municipal curb, gutter, and sidewalk requirements.
- 602.5. Driveways: Driveways shall be installed in accordance with Municipality requirements.
- 602.6. Sewers:
- 602.6.a. Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Article 5 of this ordinance and Municipal standards.
- 602.6.b. Sanitary Sewage Disposal System(s):
- 602.6.b.1. Sanitary sewage disposal system shall be provided consistent with the design standards and requirements contained in Article 5 of this Ordinance.
- 602.6.b.2. Whenever a subdivider/land developer proposes that individual on-site sanitary sewage disposal systems shall be utilized and subdivider/land developer shall either install such an approved facility, approved by DEP or the Municipality's Sewage Enforcement Officer, or shall guarantee (by deed restriction or otherwise), as a condition of the sale that such facilities can be installed by the purchaser of such lot or parcel.
- 602.6.b.3. In all other cases, the subdivider/land 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 Municipality and shall be subject to the

approval of the Pennsylvania Department of Environmental Protection. Such system shall be further subject to satisfactory provision for the maintenance thereof.

602.6.b.4. Where studies by the Municipality 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 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.

602.7. Water Supply:

602.7.a. Water supply system(s) shall be installed consistent with design principles and requirements contained in Article 5 of this Ordinance.

602.7.b. Where the subdivider/land developer proposes that individual on-site water supply system shall be utilized, 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, that the facilities to supply safe potable water can be installed by the purchaser of such lot or parcel.

602.7.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 Municipality and shall be subject to the approval of the Pennsylvania Department of Environmental Protection. Such system shall be further subject to satisfactory provision for the maintenance thereof.

602.8. 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.

602.9. Monuments:

- 602.9.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 or developed. The subdivider/land developer, or his representative, shall notify the Municipal Engineer in order that he may inspect the placement of the monuments before they are covered.
- 602.9.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.
- 602.9.c. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
  - 602.9.c.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.
  - 602.9.c.2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- 602.9.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:
  - 602.9.d.1. At least one monument at each intersection.
  - 602.9.d.2. At changes in direction of street lines, excluding curb arcs at intersections.
  - 602.9.d.3. At each end of each curbed street line, excluding curb arcs at intersections.
  - 602.9.d.4. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.
  - 602.9.d.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.
- 602.10. Street Signs: Street name signs shall be installed at all street intersections. The design and placement of such signs shall be by the Municipality, the cost of which shall be borne by the subdivider/land developer.

## **ARTICLE 7      MOBILE HOME PARKS**

### **Section 701. General Requirements**

Mobile Home Parks shall be designed and improved in accordance with the requirements of the Municipality's Mobile Home Park Ordinance and the Municipality zoning Ordinance and shall meet the following requirements.

### **Section 702. Development Standards**

#### 702.1. Maximum/Minimum Requirements

702.1.a. Minimum size of park: Three (3) or more mobile homes;

702.1.b. Minimum size of lot: Five thousand (5,000) square feet;

702.1.c. Maximum number of lots per gross acre of park (including streets and community): Six (6) per gross acre;

702.1.d. Minimum lot width: fifty (50) feet;

702.1.e. Minimum setbacks:

702.1.e.1. Minimum setback shall be as required by the zoning Ordinance;

702.1.e.2. Minimum setback from centerline of adjacent public road: Seventy-five (75) feet.

702.1.f. Minimum distances between mobile homes:

702.1.f.1. Minimum distance between ends of adjacent mobile homes: Twenty (20) feet;

702.1.f.2. Minimum distance between parallel sides of adjacent mobile homes: Twenty (20) feet;

702.1.f.3. Minimum distance between the end of one mobile home and the parallel side of an adjacent mobile home: Fifteen (15) feet.

702.1.f.4. Minimum distance between parallel sides of adjacent mobile homes when they overlay by no more than fifteen (15) feet if extended towards one another along a plane at right angles to their parallel sides: Ten (10) feet;

702.1.f.5. Sides or ends of adjacent mobile homes shall be considered parallel if they form an angle, when the adjacent sides or ends are extended to intersect, of not less than forty-five (45) degrees nor more than one hundred thirty-five (135) degrees.

#### 702.2. Circulation Within the Park

702.2.a. All streets for vehicular traffic within the park shall be at least twenty-four (24) feet in width and paved the full width and shall be maintained in perpetuity by the owner of the park or the agent.

702.2.b. Dead-end streets within the park shall be provided with a cul-de-sac at the closed end and intermediate turnarounds conforming to Section 502.10 of this Ordinance.

702.2.c. Each mobile home lot in the park shall abut a private access street which shall lead directly to the public road serving the property. No lot in a park shall have direct access to a public road.

702.2.d. Parking, if provided in group areas serving several mobile homes, shall be no further distant than one hundred (100) feet from the farthest mobile home served. Otherwise, each mobile home lot shall be provided with two (2) off-street parking spaces with dust-free stabilized surfaces, each at least ten (10) feet by twenty (20) feet in size. All parking shall be off-street.

#### 702.3. Development of Mobile Home Lots

702.3.a. Mobile homes shall be supported on masonry or concrete foundation piers extending at least three (3) feet below finished grade, with such foundations capable of bearing the mobile home weight without settlement.

702.3.b. Mobile homes shall be securely fastened to their foundation by tie-downs at each corner and at the mid-point of each side, each tie-down capable of withstanding a pull of 4,800 pounds. The area below the mobile home extending to the found shall be enclosed with a continuous metal or vinyl skirting, ventilated to inhibit deterioration.

702.3.c. No enclosed permanent addition to a mobile home shall be permitted. Concrete slabs on grade covered by canopies or awnings attached to a mobile home to provide an open sided patio are permitted provided such structures are securely fastened to the mobile home and the ground.

#### 702.4. Other Uses Within the Park

No part of any park shall be used for any other uses except mobile home lots, traffic and pedestrian circulation, park office, residence of the manager, central laundry facility and/or recreation facilities, utility buildings, both outdoor and enclosed. Utility buildings shall be subject to the requirements of the Municipality Zoning Ordinance.

#### 702.5. Sale of Portions of the Mobile Home Park

No portion of an approved mobile home park shall be subdivided for separate sales unless the portion to be sold abuts a public street, unless requirements for setbacks from property lines in a mobile home park are maintained in the original and severed sections and unless access and utilities are separated in each site and neither site is dependent upon the other for any services or access.





## **ARTICLE 8 ADMINISTRATION, AMENDMENT, SEVERABILITY**

### **Section 801. Revision and Amendment**

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

801.2. Any revisions, 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 provisions of the 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 Municipality 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. Modification**

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 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 modifications 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 and land developer at the time of filing at 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 land 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/land developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the sub division 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. Penalties****805.1. Preventive 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 5 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:

- 805.1.a. The owner of record at the time of such violation.
- 805.1.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.
- 805.1.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.
- 805.1.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 and interest in such real property.

#### 805.2. Enforcement Remedies

Any person, partnership or corporation who or which has violated the provisions of the Subdivision and Land Development Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Governing Body with initial jurisdiction being before the District Justice exercising appropriate jurisdiction, pay a judgment of not more than FIVE HUNDRED (\$500.00) DOLLARS plus all court costs, and all attorney's fees incurred by the Governing Body as a result of the violation of the Subdivision and Land Development Ordinance or other ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code. Each day that a violation continues will constitute a separate violation, except as may be provided otherwise in the Pennsylvania Municipalities Planning Code, as amended.

### **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/land development plans filed for review. Such records shall be made available to the public for review.

### **Section 807. Responsibility**

The subdivider/land 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. Conflicts**

- 808.1. 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.
- 808.2. 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.

### **Section 809. Severability**

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 judgment shall not affect the validity of the Ordinance as a whole or any part or provisions thereof other than the part so declared to be invalid or unconstitutional.

### **Section 810. Effective Date**

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

**ENACTED and ORDAINED** at a regular meeting of the Governing Body on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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DAVID A. MAZAIKA  
Chairman

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PAUL F. REIDENHOUR, JR.  
Vice Chairman

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CRAIG A. LONG  
Supervisor

ATTEST

---

Craig A. Long, Secretary



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 of the Preliminary Plan submitted herewith and described as follows:

1. Name of Subdivision or Land Development: \_\_\_\_\_ Plan Dated: \_\_\_\_\_

County Deed Book No. : \_\_\_\_\_ Page No.: \_\_\_\_\_

2. Name of Property Owner(s): \_\_\_\_\_  
(if corporation, list of corporation's name and address and two officers of the 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 the plan: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_

6. Total Acreage: \_\_\_\_\_ Number of Lots: \_\_\_\_\_

7. Acreage of Adjoining land in same ownership (if any): \_\_\_\_\_

8. Type of development proposed: \_\_\_\_\_ Single Family  
\_\_\_\_\_ Two-Family  
\_\_\_\_\_ Row  
\_\_\_\_\_ Multi-Family  
\_\_\_\_\_ Commercial  
\_\_\_\_\_ Industrial  
\_\_\_\_\_ Other (Specify)



9. Will construction of buildings be undertaken immediately \_\_\_\_\_ Yes \_\_\_\_\_ No

By whom? \_\_\_\_\_ Subdivider/Land Developer  
\_\_\_\_\_ Other Builders  
\_\_\_\_\_ 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 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) _____	Street Cross-Sections
d) _____	Site Investigation and Percolation Test Report
e) _____	

17. List all subdivision or land development standards and requirements which have not been met and for which a waiver 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): \_\_\_\_\_

APPLICATION FOR REVIEW OF A FINAL PLAN

The undersigned hereby applies for Review of the Final Plan submitted herewith and described as follows:

1. Name of Subdivision or Land Development: \_\_\_\_\_ Plan Dated: \_\_\_\_\_

County Deed Book No. : \_\_\_\_\_ Page No.: \_\_\_\_\_

2. Name of Property Owner(s): \_\_\_\_\_  
(if corporation, list of corporation's name and address and two officers of the 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 the plan: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_

6. Total Acreage: \_\_\_\_\_ Number of Lots: \_\_\_\_\_

7. Acreage of Adjoining land in same ownership (if any): \_\_\_\_\_

8. Type of development proposed: \_\_\_\_\_ Single Family  
\_\_\_\_\_ Two-Family  
\_\_\_\_\_ Row  
\_\_\_\_\_ Multi-Family  
\_\_\_\_\_ Commercial  
\_\_\_\_\_ Industrial  
\_\_\_\_\_ Other (Specify)

9. Will construction of buildings be undertaken immediately \_\_\_\_\_ Yes \_\_\_\_\_ No

By whom? \_\_\_\_\_ Subdivider/Land Developer  
\_\_\_\_\_ Other Builders  
\_\_\_\_\_ 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 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) _____	Street Cross-Sections
d) _____	Site Investigation and Percolation Test Report
e) _____	

17. List all subdivision or land development standards and requirements which have not been met and for which a waiver 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 security posted with the Municipality in sufficient amount to cover full estimated cost of construction thereof, prior to the erection of any building or prior to the sale, transfer or agreement of sale of a subdivided parcels as shown on the plan.

Date: \_\_\_\_\_ Signature of Owner or Applicant: \_\_\_\_\_

(by): \_\_\_\_\_

**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 6, Section 602.9.

(2)

\_\_\_\_\_, 20\_\_\_\_ (1) \_\_\_\_\_

- (1) Signature of the Registered Engineer or Registered Surveyors, Registered Architect, or Registered Landscape 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 land development plan, all design professionals shall be required to sign and seal the Certification of Accuracy.

**CERTIFICATION OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION**

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

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 \_\_\_\_\_ 20\_\_\_\_

- (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
- (3) Whenever applicable, insert: and according to law open spaces contained in lots number
- (4) If necessary, insert: except those labeled "not for dedication" (and) any
- (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)(9) Signature and seal of notary public or other officer

**CERTIFICATE OF MUNICIPAL APPROVAL**

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

At a meeting held on \_\_\_\_\_, 20\_\_\_\_\_, the  
\_\_\_\_\_ (5) \_\_\_\_\_ of Windsor township, Berks County,  
Pennsylvania by \_\_\_\_\_ (1) \_\_\_\_\_ duly enacted,  
approved the subdivision or land development plan of the property of  
\_\_\_\_\_ (2) \_\_\_\_\_, as shown hereon.

\_\_\_\_\_ (3)

\_\_\_\_\_ (4)

\_\_\_\_\_

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