

BOROUGH OF TOPTON

AMENDED

SUBDIVISION AND LAND

DEVELOPMENT ORDINANCE

BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2006

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TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I AUTHORITY, TITLE AND PURPOSE	
Section	
100 Authority	1
101 Title	1
102 Purpose	1
ARTICLE II JURISDICTION AND APPLICATION	
Section	
200 New Application	3
201 Resubdivision	3
202 Changes In The Ordinance Shall Affect Plans As Follows	3
ARTICLE III GENERAL PROCEDURES	
Section	
300 Submission And Review Requirements	7
ARTICLE IV SKETCH PLAN	
Section	
400 Status	9
401 Submission	9
402 Distribution	9
403 Review By Borough Planning Commission	10
404 Sketch Plan Requirements	10
ARTICLE V PRELIMINARY PLAN	
Section	
500 Submission	13
501 Offical Submission	13
502 Offical Acceptance For Review	14
503 Distribution	14
504 Review By Borough Planning Commission	16
505 Review By Borough Council	18
506 Preliminary Plan Requirements	19

ARTICLE VI FINAL PLAN

Section

600	Submission	31
601	Offical Submission	31
602	Offical Acceptance For Review	32
603	Distribution	32
604	Review By Borough Planning Commission	34
605	Review By Borough Council	36
606	Completion And Guarantee Of Improvements	37
607	Recording Of Final Plan	42
608	Final Plan Requirements	43
609	Soil Percolation Test Requirements	58

ARTICLE VII PLANS EXEMPTED FROM STANDARD PROCEDURES

Section

700	Minor Subdivision	61
701	Re-Subdivision – Revised Final Plan	61
702	Auction Sale	62
703	Lot Annexation	63

ARTICLE VIII DESIGN STANDARDS

Section

800	Application and General Standards	65
801	Streets	66
801.1	General Standards	66
801.2	Partial and Half Streets	71
801.3	Street Widths	71
801.4	Restriction of Access	73
801.5	Street Grades	73
801.6	Horizontal Curves	74
801.7	Vertical Curves	75
801.8	Intersections	75
801.9	Sight Distances at Intersections	76
801.10	Cul-de-Sac Streets	78
801.11	Street Names	79
801.12	Service Streets (Alleys)	80
802	Guide Rail	80
803	Blocks	81
804	Lots and Parcels	82
804.1	General Standards	82

804.2	Lot Frontage and Access	84
804.3	Lot Size	85
804.4	Off-Street Parking	85
804.5	Driveways	85
805	Sanitary Sewage Disposal	88
806	Water Supply	90
807	Storm Water Management Designs and Standards	91
808	Erosion and Sediment Controls and Plan Requirements	92
809	Natural Features	97
810	Flood Plains	97
811	Utilities and Easements	97
812	Compliance with Borough Zoning Ordinance	98
813	Access to the Subdivision or Land Development	98
814	Solid Waste Management	99
815	Considerations for Solar access	99
816	Carbonate Areas	100
817	Required Studies to be Submitted by the Developer	103
817.2	Traffic Impact Study	104
817.3	Utilities Impact Study	108
817.4	Recreation Impact Study	108
817.5	Fiscal Impact Study	109
817.6	Historic and Archeological Resources Impact Study	110
817.7	Environmental Impact Study	110
817.8	Hydrogeologic Impact Study	110
818	Public Use & Service Areas	111

ARTICLE IX MOBILE HOME PARKS

Section

900	Area, Density, Yard, and Lot Requirements	115
901	Compliance with State Requirements	117
902	Compliance with Borough Design Standards and Improvements Specifications	117
903	Additional Design Standards	117
904	Non-Residential Uses	121
905	Required Permits and Application for Permits	121
906	Supervision of Park	123
907	Notices, Hearings and Orders	123

ARTICLE X IMPROVEMENT SPECIFICATIONS

Section

1000	General Requirements	127
1001	Subdivision and Improvements Agreement	127
1002	Supervision	127
1003	Required Improvements	128

ARTICLE XI ADMINISTRATION

Section

1100	Review Fees	133
1101	Modifications	133
1102	Appeals	133
1103	Preventive and Enforcement Remedies	134
1104	Conflicts and Saving Clause	135
1105	Severability	136

ARTICLE XII DEFINITIONS

Section

1200	General	137
1201	Definitions	138

FORMS

Form 1	Application for Review of Sketch Plan
Form 2	Application for Review of Preliminary Plan
Form 3	Application for Review of Final Plan
Form 4	Form for Submittal of Improvements Costs Estimates
Appendix I	Certification of Ownership, Acknowledgement of Plan, and Offer of Dedication
Appendix II	Certification of Accuracy
Appendix III	Certificate of Municipal Approval
Appendix IV	Determination of Flood Plains

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ARTICLE I
AUTHORITY, TITLE AND PURPOSE

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Section 100. Authority

An Ordinance providing for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the Borough of Topton, Berks County, Pennsylvania, ordained by the Borough Council of Borough of Topton under the authority of the Pennsylvania Municipalities Planning Code, as amended.

Section 101. Title

This Ordinance shall be known and may be cited as "The Amended Borough of Topton Subdivision and Land Development Ordinance of 2006."

Section 102. Purpose

The purpose of this Ordinance shall be to provide standards to guide the subdivision, resubdivision, and development of land in Borough of Topton in order to promote the public health, safety, and the general welfare of the residents and inhabitants of the Borough.

This Ordinance shall be administered to assure orderly growth and development consistent with comprehensive plans and zoning ordinances for the Borough; to assure the protection and proper use of land, light, and air; to assure adequate provision for traffic circulation, drainage, utilities, open space, recreation facilities, erosion and sediment control, and public services; to assure development consistent with the natural features of the Borough; to promote the preservation of the Borough's historic resources; to assure properly designed streets and neighborhoods; and to assure coordination of design among adjoining developments.

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ARTICLE II JURISDICTION AND APPLICATION

Section 200. New Application

After the effective date of this Ordinance, no subdivision or land development of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance, whether or not said improvements are intended for dedication.

Section 201. Resubdivision

Any change to land or improvements which were the subject of a recorded land development plan or any replatting or resubdivision of land, including a change of a recorded plan, shall comply with the provisions of this Ordinance.

Section 202. Changes In This Ordinance Shall Affect Plans As Follows:

- 202.1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in Sections 501 and 601 of this Ordinance, and while such application is pending, no change or amendment of the zoning ordinance, this Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- 202.2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved with the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, this Ordinance 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 years from such approval.

- 202.3. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- 202.4. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- 202.5. In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
- 202.6. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.
- 202.7. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

202.8. Notwithstanding the previous provisions of this Article, the five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plan. In the event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

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ARTICLE III GENERAL PROCEDURES

Section 300. Submission And Review Requirements

300.1. Hereafter, subdivision and land development plans shall be reviewed by the Borough Planning Commission, the Berks County Planning Commission and other Borough, County, State or Federal officials as necessary, and shall be approved or disapproved (except in the case of Sketch Plans) by the Borough Council in accordance with the procedures specified in this Ordinance.

300.2. For all subdivisions and land developments, except those exempted from standard procedures in Article VII of this Ordinance, a Preliminary Plan and a Final Plan shall be submitted. A Sketch Plan may be submitted for informal discussion with the Borough Planning Commission.

insignificant
300.3. Land Development plans shall be reviewed and approved or disapproved in accordance with the procedures specified in this Ordinance. Occasionally situations involving de minimus development may arise where a Land Development plan may not be required by the Ordinance. In this event the Developer may present the information regarding the development to the Planning Commission. The information shall be sufficient to illustrate the type and extent of development and potential impact of the proposal on traffic, stormwater management, sewage disposal, water supply, or similar concerns. The Planning Commission shall review the information and make a recommendation to the Borough Council whether the Land Development procedures of this Ordinance should be followed. The Borough Council shall, after consideration of Planning Commission's recommendation, make the final decision whether the developer should follow all the procedures for land development plan under this Ordinance.

300.4. When any applicant authorizes an agent to represent said applicant, the name and address of the authorized agent shall be indicated in writing on the Application for Review.

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ARTICLE IV SKETCH PLAN

Section 400. Status

Submission of a Sketch Plan is optional, such submission shall not constitute official submission of a plan to the Borough, and the Sketch Plan is submitted only for informal discussion between the Developer and the Borough Planning Commission. Neither the Planning Commission nor the Borough Council shall take action on a Sketch plan, nor shall there be any approval or disapproval of the same. The submittal of a Sketch Plan, although optional, is strongly recommended.

Section 401. Submission

At least twenty-eight (28) days prior to a regularly scheduled meeting of the Borough Planning Commission, the developer shall submit nine (9) copies of the Sketch Plan, six (6) copies of any supplementary data, the required filing fee, and five (5) copies of the Application for Review of Sketch Plan (Form 1) to the Borough Secretary. The Borough Secretary shall reject and return to applicant any submission that does not comply with this Section.

Section 402. Distribution

Borough Secretary shall distribute the plans and supplementary data as follows:

- 402.1. Secretary of the Borough Planning Commission: One (1) copy of the Sketch Plan, Form 1, and any supplementary data.
- 402.2. Berks County Planning Commission: Two (2) copies to the Berks County Planning Commission when requested to do so by the Borough Planning Commission or when required to do so by the Berks County Planning Commission. The plans and supplementary data shall be accompanied by one (1) copy of Form 1, a letter requesting the County's review, and any required filing fee, which shall be paid by the applicant.
- 402.3. Borough Engineer: One (1) copy of the Sketch Plan, Form 1, and any supplementary data.
- 402.4. Borough Zoning Officer: One (1) copy of the Sketch Plan, Form 1, and any supplementary data.

- 402.5. Borough Council: One (1) copy of the Sketch Plan, Form 1, and any supplementary data.
- 402.6. Borough Secretary: Two (2) copies of the Sketch Plan.
- 402.7. Borough Fire Marshal: One (1) copy of the Sketch Plan.

Section 403. Review By Borough Planning Commission

- 403.1. A Sketch Plan shall be reviewed by the Borough Planning Commission at one or more regularly scheduled or special meetings, but shall not constitute an official submission of a plan to the Borough.
- 403.2. No official action shall be taken on a Sketch Plan. The Borough shall not be bound by comments made or note made as part of a Sketch Plan review.

Section 404. Sketch Plan Requirements

- 404.1. The Sketch Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20') or one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100).
- 404.2. The Sketch Plan and all submitted prints thereof shall be made on sheets either:
 - 01. Eighteen (18) inches by twenty-four (24) inches, or
 - 02. Twenty-four (24) inches by thirty-six (36) inches, or
 - 03. Thirty-six (36) inches by forty-eight (48) inches.
- 404.3. If the Sketch Plan has more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.
- 404.4. The Sketch Plan shall contain at least the following data, legibly drawn to scale:

- 404.5. Name and address of the developer and his authorized agent, if any.
- 404.6. Name and address of the record owner.
- 404.7. Name of the subdivision or land development.
- 404.8. Date of the plan.
- 404.9. The words "Sketch Plan" shall be shown on each plan sheet.
- 404.10. Approximate tract boundaries.
- 404.11. A statement of the total acreage of the tract.
- 404.12. North point.
- 404.13. Written and graphic scale.
- 404.14. The name and address of the person or firm responsible for the design of the subdivision or land development plan.
- 404.15. A location map, drawn to a scale of 1" = 800', with sufficient information to enable the Borough Planning Commission to locate the property being subdivided or developed. This map shall also show all existing roads within or adjacent to the tract, proposed roads within the subdivision or land development, and proposed roads within adjacent recorded subdivisions or land developments.
- 404.16. Significant topographical and physical features such as water courses, water bodies, quarries, railroad tracks, 100 year floodplains, wetlands, tree masses, rock outcroppings, existing buildings, existing on-site sewage disposal and water supply systems, areas of carbonate geology, areas of 8 to 15% slope, 15 to 25% slope and areas of over 25 % slope, and historic resources.
- 404.17. Proposed street and lot layout.
- 404.18. When apartments, townshouses, commercial or industrial buildings are proposed, the approximate location of buildings, access drives, and parking layouts shall be shown.
- 404.19. Approximate lot sizes and dimensions.

- 404.20. A statement of methods of water supply and sewage disposal.
- 404.21. A statement of the use for each proposed lot, parcel and building indicated on the plan.
- 404.22. Zoning district lines within and bounding the property, zoning district designations, and area, yard and height requirements of the Zoning Ordinance.
- 404.23. Approximate locations of existing water supply and sewage disposal systems.
- 404.24. Where a Sketch Plan shows the proposed subdivision or development of only a portion of the total property, the Plan shall be accompanied by a drawing showing the entire contiguous land holdings of the developer and indicating the area of proposed subdivision or development of the total property. (This drawing shall be shown on a separate sheet from the Sketch Plan.) The proposed street system for the remainder of the property proposed for ultimate subdivision or development shall be shown so that the street system in the submitted portion can be considered in relation to future connections with the total property. In the case of properties in excess of one-hundred (100) acres, the Borough Planning Commission may limit the area for which a prospective street system must be shown. The developer shall also include a statement indicating proposed future land use for the developed portion of his property.

ARTICLE V PRELIMINARY PLAN

Section 500. Submission

Preliminary Plans and required supplementary data for all subdivisions and land developments shall be submitted to the Borough for action pursuant to this Article , unless exempted by Article VII. Preliminary Plans shall be submitted by the Developer or his authorized agent to the Borough Secretary no less than twenty-eight (28) days prior to a regularly scheduled meeting of the Borough Planning Commission.

Section 501. Official Submission

- 501.1. Submission of five (5) copies of the completed Application for Review of Preliminary Plan (Form 2).
- 501.2. An affidavit 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.
- 501.3. Submission of thirteen (13) prints on paper of the Preliminary Plan which shall comply with the requirements of Section 506.
- 501.4. Submission of seven (7) copies of all other information and plans which are required by Section 506.5.
- 501.5. Payment of the filing fee of the Borough and the Berks County Planning Commission.
- 501.6. In the case of a subdivision or land development which proposes vehicular access or storm water drainage onto a State Road, the applicant shall submit the Preliminary Plan and all supplementary data to the Pennsylvania Department of Transportation with a request for review of his proposed access and/or drainage and shall submit evidence of such submission to the Borough with the Preliminary Plan submission.
- 501.7. In the case of a Preliminary Plan calling for the installation of improvements beyond a five (5)-year period, a schedule shall be filed by the applicant delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until final plan approval of the final section has been granted and any modification in the

aforesaid schedule shall be subject to approval of the Borough Council at their discretion.

- 501.8. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25 %) of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Borough Council at their discretion.
- 501.9. When a Subdivision or Land Development is proposed to connect to a sanitary sewer or water system not operated by the Borough or a Borough Municipal Authority, the developer shall submit evidence to the Borough that the Preliminary Plan and all supplementary data have been submitted to the appropriate agencies or companies for review.

Section 502. Official Acceptance for Review

- 502.1. The application for review of the Preliminary Plan shall not be considered as officially accepted for review, nor officially submitted to the Borough, nor officially filed with the Borough until the date on which the Borough Secretary sends by certified or registered mail to the Developer or his agent a Preliminary Plan Receipt and a letter indicating the Borough Planning Commission's intent to review the application.
- 502.2. If the prerequisites of this Ordinance are not met the Borough Secretary or designee may indicate in writing to the applicant the Borough's intention to not review the Preliminary Plan and request that the Plan be resubmitted to comply with the prerequisites to review a Preliminary Plan. The Borough Secretary shall indicate in what ways the Plan did not comply with the requirements of this Ordinance.

Section 503. Distribution

The Borough Secretary shall distribute the accepted Preliminary plan and supplementary information as follows:

- 503.1. To the Borough Planning Commission
01. One (1) copy of Application for Review of Preliminary Plan.
 02. One (1) copy of the Plan.
 03. One (1) copy of all other required information and plans.

503.2. To the Berks County Planning Commission

01. One (1) copy of Application for Review of Preliminary Plan.
02. The required filing fee and a letter requesting review.
03. Two (2) copies of the Preliminary Plan.
04. One (1) copy of all other required information and plans.

503.3. To the Borough Engineer

01. One (1) copy of Application for Review of Preliminary Plan.
02. Two (2) copies of the Plan.
03. Two (2) copies of all other required information and plans.

503.4. To the Borough Zoning Officer

01. One (1) copy of Application for Review of Preliminary Plan.
02. One (1) copy of the Plan.

503.5. To be retained by the Borough Secretary for the Borough Council

01. One (1) copy of Application for Review of Preliminary Plan.
02. One (1) copy of the Plan.
03. One (1) copy of all other required information and Plans.

503.6. To the Borough Municipal Authority, if such exists

01. Two (2) copies of the Plan.
02. Two (2) copies of all other required information and Plans.

- 503.7. To the Borough Sewage Enforcement Officer
01. Two (2) copies of the plan.
 02. Two (2) copies of any material required by the Sewage Enforcement Officer or Pennsylvania Department of Environmental Resources.
- 503.8. To be retained by the Borough Secretary for the use at Borough meetings where the Preliminary Plan will be reviewed
01. Two (2) copies of the plan.
- 503.9. To the Borough Fire Marshal
01. One (1) copy of the Plan.

Section 504. Review by Borough Planning Commission

When a Preliminary Plan has been officially accepted for review by the Borough Planning Commission it may be reviewed by the Borough Planning Commission at its next regularly scheduled meeting, provided however, that if such submission has occurred less than twenty-eight (28) days prior to the scheduled meeting, the Planning Commission may decline to review plan at said meeting and review the Plan at the following regularly scheduled or special meeting for that purpose.

- 504.1. No official action should be taken by the Borough Planning Commission with respect to a Preliminary Plan until the Commission has received written reports regarding the Plan in question from the Berks County Planning Commission and where applicable, the Borough Recreation Board or the Pennsylvania Department of Transportation. If no report is received from the Berks County Planning Commission within thirty (30) days after it received a request to review the Preliminary Plan, or if no report is received from the Borough Recreation Board within forty-five (45) days after it received a request to review the Preliminary Plan, the Borough Planning Commission may proceed to take official action on the Plan in question.
- 504.2. The Borough Engineer shall review each Preliminary Plan to ascertain whether the Plan meets the requirements of this Ordinance and any other applicable Ordinances and shall submit a report to the Borough Planning Commission on the Plan.
- 504.3. The Borough Zoning Officer shall review each Preliminary Plan to ascertain whether the Plan meets the requirements of the Borough Zoning Ordinance and shall submit a

report to the Borough Planning Commission on the Plan.

- 504.4. When reviewing a Preliminary Plan, the Borough Planning Commission should consider, in addition to its own comments, written reports regarding the plan from the following:
01. The Borough Engineer
 02. The Borough Zoning Officer
 03. The Berks County Planning Commission
 04. The Borough Fire Marshal
 05. If on-site water supply and/or sanitary sewage disposal is proposed for the subdivision, the report of the Pennsylvania Department of Environmental Resources on the suitability of the land for the proposed facilities and/or the report of the Borough Sewage Enforcement Officer.
- 504.5. When the property being subdivided abuts a State Route or when preliminary highway design would affect the property, the report of the Pennsylvania Department of Transportation regarding the effect the proposed plan has on existing or proposed State Highway facilities.
- 504.6. Within fifteen (15) calendar days after the final meeting at which the Preliminary Plan is reviewed by the Borough Planning Commission, the Borough Planning Commission shall send written notice to the following of the action taken by the Borough Planning Commission regarding the Preliminary Plan.
01. The Borough Secretary
 02. The President of the Borough Council
 03. The Borough Engineer
 04. The Borough Zoning Officer
 05. The Berks County Planning Commission
 06. The Applicant or his agent

07. The appropriate Municipal Authority

- 504.7. When the review of the Preliminary Plan, by the Borough Planning Commission, is favorable or unfavorable because the requirements of this Ordinance or any applicable ordinance or law have not been met or because the Borough Planning Commission deems modifications to the Plan as submitted desirable or necessary, the recommended modifications in the Plan and/or the specific provisions of this Ordinance or any applicable ordinance or law which have not been met shall be noted in the minutes of this meeting at which the Plan was reviewed by the Borough Planning Commission.

Section 505. Review by Borough Council

After a Preliminary Plan has been reviewed by the Borough Planning Commission and the comments of the Planning Commission regarding the Plan have been forwarded to the Borough Council, the Plan shall be reviewed at one or more regularly scheduled or special meetings called for that purpose by the Borough Council.

- 505.1. No official action shall be taken by the Borough Council with respect to a Preliminary Plan until the Borough has received the written report of the Berks County Planning Commission, provided the report is received within thirty (30) days from the date the plan was forwarded to the Berks County Planning Commission for review.

If such report is not received within thirty (30) days, the Borough Council may proceed to take action on the Plan without consideration of comments from the Berks County Planning Commission.

- 505.2. Before acting on a Preliminary Plan, the Borough Council may hold a public hearing thereon after public notice.

- 505.3. Within fifteen (15) days after the final meeting at which the plan is reviewed, the Borough Secretary shall notify in writing the following of the action taken by the Borough Council regarding the Preliminary Plan:

01. The Borough Planning Commission
02. The Borough Engineer
03. The Borough Zoning Officer
04. The Berks County Planning Commission

05. The Applicant or his agent
 06. The Authorized Engineer, Surveyor, or Land Planner of the Applicant
 07. The Borough Sewage Enforcement Officer, if on-site sewage disposal is proposed
 08. The appropriate Municipal Authority
- 505.4. When the preliminary plan is not approved as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance or any applicable ordinance or law relied upon.
- 505.5. The Borough Council may approve a Preliminary Plan subject to conditions acceptable to the applicant, provided that the applicant indicates his written acceptance of those conditions to the Borough Council.
- 505.6. The approval of a Preliminary Plan does not authorize the recording of a Subdivision or Land Development Plan nor the sale, lease or transfer of lots, nor the construction of dwellings or other buildings or improvements.

Section 506. Preliminary Plan Requirements

- 506.1. The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20') or one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').
- 506.2. The Preliminary Plan shall be made on sheets eighteen inches (18") by twenty-four inches (24"), twenty-four inches (24") by thirty-six inches (36") or thirty-six inches (36") by forty-eight inches (48").
- 506.3. If the Preliminary Plan requires more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.

506.4. A plan index, listing the title, number, latest revision, and date revised of each plan included in the submission, shall be included on the first sheet of the plan set intended for eventual recording.

506.5. The Preliminary Plan shall show:

01. Name of the proposed subdivision or land development shall be shown on each sheet.
02. Name of the Borough.
03. The words "Preliminary Plan" shall appear on each plan sheet.
04. North point.
05. Written and graphic scale.
06. Date of plan, including the month, day and year that the original drawing was completed and in the case of revised drawings the month, day and year that the original drawing was revised and a description of each revision.
07. Name and address of the record owner.
08. Name and address of the developer.
09. Source of Title to the tract, including date and grantor.
10. The tax property identification number as found on the Berks County Tax Maps.
11. A copy of the deed(s) for the tract.
12. A statement of all previous subdivisions or land developments having occurred on the tract.
13. Name and address of each registered engineer, surveyor, architect, or landscape architect responsible for the plan.
14. The names of any abutting subdivisions and land developments and the book and page numbers where recorded.

15. The names of the owners of any adjacent property owners and the book and page numbers where recorded.
16. A location map for the purpose of locating the property being subdivided or developed, drawn at a scale of 1" = 800', showing location of the property, differentiated by tone or pattern, to adjoining property and to all roads, municipal boundaries, recorded subdivision and land development plans, and recorded but unconstructed streets within one thousand feet (1000') of the subdivision or land development. A scale, north point and the proposed street system within the subdivision or land development shall be shown.
17. Total tract boundaries of the property being subdivided or developed. The source of tract boundary data shall be given if not from a field survey.
18. Acreage of the tract being subdivided or developed and acreage of the residue of the tract.
19. Zoning data including all of the following, if applicable:
 - a. Existing Municipal zoning regulations, including district designations, requirements for lot area, yards, lot coverage and building height limitations, and any zoning boundary lines traversing the property.
 - b. Any changes in the existing zoning to be requested.
 - c. Any zoning regulations, other than district regulations, governing lot size and/or yard requirements.
 - d. Any Municipal regulations, other than zoning regulations, governing lot size and/or yard requirements.
20. Contour lines at vertical intervals of not more than two feet (2') for land with average natural slope of four percent (4%) or less and at intervals of not more than five feet (5') for land with average natural slope exceeding four percent (4%). Contour lines shall be from an aerial or field survey.
21. Location and elevation of the datum to which contour elevations refer. Datum used shall be a known, established benchmark. Sanitary sewer manholes shall not be used as a datum base.

22. All existing buildings lot lines, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, fire hydrants, utility lines, storm drainage facilities, bridges, railroad tracks, and other significant man-made features within the proposed subdivision or land development.
23. Lot lines of adjacent lots, and approximate locations of any buildings, common open spaces, detention basins, or drainage facilities existing or approved within one hundred feet (100') of the boundaries of the proposed subdivision or land development.
24. All existing soil type boundaries as depicted in the Berks County Soils Survey.
25. Soils characteristics for detention and retention pond areas.
26. Areas of any hydric soils as classified in the Berks County Soils Survey, with a notation if none exist, if that is the case.
27. Natural drainage channels, water courses and water bodies.
28. Tree masses and isolated live trees over one (1) foot in diameter.
29. Quarries, mine holes, rock outcroppings, stone fields, caves, and sinkholes.
30. Areas of 8 to 15% slope, 15 to 25 % slope, and areas of over 25 % slope shall each be delineated on the plan by pattern or shading.
31. Areas of carbonate geology.
32. Wetlands shall be accurately shown and shall be encompassed by bearings and distances, tied to a known property corner. The firm and/or individual responsible for the wetland delineation shall be identified on the plan.
33. 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA, calculated 100-year floodplains shall be established by the developer in accordance with Appendix IV of this Ordinance.

When a subdivision or land development contains a flood plain, the elevation of roads, building sites and public utilities within or in the vicinity of the flood plain shall be given.

34. All existing streets and streets recorded but not constructed on or abutting the tract, including names, existing and ultimate right-of-way widths and lines, cartway widths and lines, and approximate grades.
35. All existing easements and rights-of-way and the purposes for which they have been established, deed restrictions, and covenants.
36. All proposed streets, their location, suggested name, right-of-way and cartway widths and lines, centerline radii of horizontal curves, intended ownership, a statement of any conditions governing their use, and suggested classification (e.g. collector). The designation of minor, collector, and arterial streets is subject to the approval of the Borough Council.

Streets to be offered for dedication shall be indicated. For streets that will not be dedicated, the arrangements to be made for the ownership and maintenance of those streets shall be given.

37. Location, width, and purpose of all proposed easements and rights-of-way. Bearings and distances shall be provided for easements when not parallel to lot or street lines.
38. Building setback lines along each street, lot line, utility line, and all proposed buildings
39. Lot lines, with approximate dimensions.
40. Approximate lot areas.
41. Lot numbers, numbered consecutively.
42. A statement of the total number of lots and parcels.
43. Intended use of lots.
44. Location, size, and material of all water mains, with connections to existing facilities; fire hydrants; storage tanks; and water sources.

45. Location, size, material, elevations and grade of all sanitary sewers, with connections to existing facilities; pumping stations; force mains; and sewage treatment plants, with type and degree of treatment proposed and size and capacity of treatment facilities.
46. Location, size, material, elevations, and grade of all storm drainage facilities, with connections to existing facilities. Cross-sections shall be shown for all drainage swales.
47. Location, size, and proposed use of all parks, playgrounds, recreation areas, open space, public buildings, and other public uses. Areas to be offered for dedication to the Borough shall be noted. Areas to be reserved for public use but not to be dedicated shall be noted, any conditions governing such areas shall be listed, and the arrangements to be made for the ownership, administration, and maintenance of these areas shall be given.
48. Provisions for pedestrian and other non-vehicular or bicycling circulation throughout the tract.
49. Typical street cross-section drawing(s) of each proposed street, including construction details of streets, shoulders, curbs, and sidewalks and cross-slopes of streets, shoulders, sidewalks, and planting strips.
50. Tentative profiles along the centerline of each proposed street. Such profiles shall show existing and finished grades at one of the following sets of scales or any combination thereof. Station numbers; length of vertical curves; existing and proposed sanitary sewer mains and manholes with top and invert elevation data; existing and proposed storm sewer mains, inlets, manholes and culverts with top and invert elevation data; and existing and proposed watermains where they cross other utilities shall be indicated.
 - a. One inch (1") equals ten feet (10') horizontal and one inch (1") equals one foot (1) vertical, or
 - b. One inch (1") equals twenty feet (20) horizontal and one inch (1") equals two feet (2') vertical, or
 - c. One inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical, or

- d. One inch (1") equals fifty feet (50) horizontal and one inch (1") equals five feet (5') vertical.
51. Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection. Capacity/loading calculations shall, be submitted.
 52. The proposed location of all townhouses, apartment buildings and/or condominium buildings and parking facilities to serve the same.
 53. In the case of land development plans, the following additional information shall be shown:
 - a. The location, dimensions, and use of all buildings.
 - b. Location and grade of all parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.
 - c. The location, number, and dimensions of off-street loading areas.
 - d. Provisions for landscaping of the tract.
 - e. Provisions for lighting of the tract.
 - f. Provisions for traffic control.
 - g. The location of refuse collection areas.
 - h. A table showing extent of compliance with the Area, Yard, and Height Regulations of the Borough Zoning Ordinance.
 - i. Evidence that the project will meet the off-street parking requirements of the Zoning Ordinance.
 - j. A grading plan for the tract showing existing and proposed contour lines at the interval required by Section 506.5.20. Lowest floor elevations for proposed buildings shall be indicated.
 54. Location of school bus stop shelters or pads.

55. Proposed restrictive covenants.
56. Design speed of all proposed streets.
57. Sight distance calculations for vertical curves in streets (see Section 801.7).
58. Sight distance calculations at street intersections (see Section 801.9).
59. Horizontal curve radii of cartway and right-of-way lines at street intersections. The proposed cartway tie-in to existing street cartways shall be indicated.
60. On the subdivision plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
61. Guide rail locations and construction detail (see Section 802).
62. Clear sight triangles at street intersections (see Section 801.9).
63. Proposed ownership and maintenance of storm drainage facilities.
64. A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The Borough may require driveway culverts to be designed and such size noted on the plan (see Section 804.5).
65. Proposed location and type of traffic control devices.
66. The location of deep probe and soil percolation test holes tied to a known or proposed property/lot corner by bearing and distance. Each approved on-site sewage disposal test site shall be enclosed in an easement of sufficient size to allow the construction and maintenance of the absorption area. In addition, the plan shall contain restrictive notes prohibiting the disturbance of these areas for any use except for the construction and maintenance of the absorption area.
67. If on-site sewage disposal is proposed, the location of existing and proposed wells within the tract boundaries and those one hundred (100) feet outside of the boundaries of the tract shall be shown.
68. The disposition of solid waste generated within the subdivision or land development.

69. List of contacts for underground utilities in the area, with telephone numbers stated on the grading plan.
70. A note stating that construction will be in accordance with the Borough of Tipton Codes, Ordinances, Standards and Specifications.
71. Where a Preliminary Plan shows the proposed subdivision or development of only a portion of the total property, the Plan shall be accompanied by a drawing showing the entire contiguous land holdings of the developer and indicating the area of proposed subdivision or development of the total property. (This drawing shall be shown on a separate sheet from the Preliminary Plan). The proposed street system for the remainder of the property proposed for ultimate subdivision or development shall be shown so that the street system in the submitted portion can be considered in relation to future connections with the total property. In the case of properties in excess of one-hundred (100) acres, the Borough Planning Commission may limit the area for which a prospective street system on adjacent property must be shown. The developer shall also include a statement indicating proposed future land use for the undeveloped portion of his property.
72. In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA.
73. A plan for the surface drainage of the tract, including storm water runoff calculations and the proposed method of accommodating the anticipated runoff. Storm water calculations shall be made and drainage facilities designed in accordance with this ordinance, the Borough of Tipton Storm Water Management Ordinance and the Sacony Creek Watershed Storm Water Management Ordinance, and any other ordinances as applicable.
74. A traffic impact study when required by Section 817.1 of this Ordinance.
75. A letter from the agency having right of approval (e.g Delaware River Basin Commission) of the water supply and distribution system indicating whether there is adequate capacity to serve the subdivision or land development and giving its comments regarding the proposed water supply and distribution systems.

76. A letter from the agency having right of approval of the sanitary sewer system indicating whether there is adequate capacity to serve the subdivision or land development and giving its comments regarding the proposed sanitary sewer system.
77. 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.

78. All Historic and Archaeological Resources which have been identified and/or inventoried by the Borough, 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.
79. Where the developer proposes to locate a street, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, an agreement from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line.
80. In the case of subdivision or land development plans proposed to be submitted in stages at Final Plan, a drawing delineating the proposed stages and indicating the order of submittal and schedule of submittal of the stages. Staging of sanitary sewer, water and storm drainage facilities and the location of any temporary street turnarounds shall also be indicated.
81. Schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.
82. Proposed driveway locations and evidence that the standards for driveways established in this Ordinance (Section 804.5) and other applicable Borough Ordinances can be met.
83. A preliminary center line stakeout of proposed roads so that an onsite road alignment evaluation may be conducted.
84. The results of tests at proposed road locations which shall indicate the suitability of the sites for road construction.

85. Impact studies as required by Section 817.
86. Landscape Plan, including the following:
 - a. Locations of treelines and existing forested areas.
 - b. Locations of individual mature trees with trunk diameters greater than six (6) inches measured at a height of three (3) feet above the surrounding ground level, other than trees within wooded areas and treelines.
 - c. Any proposed evergreen screening, buffer yards or earth berm whether or not required by the Borough Zoning Ordinance.
 - d. Areas of existing mature woods that are to be protected and preserved or removed, see Section 809.
 - e. Types, sizes and locations of any required trees, paved area landscaping and any other major proposed landscaping.
 - f. Any proposed fencing, including height and type, and/or landscaping around any stormwater detention/retention basin.
 - g. Where any open excavation, quarry, or mine hole has or will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees, there shall be substantial fence with a minimum height of eight (8) feet, approved by the Borough Council, with suitable gates where necessary, effectively blocking access to the area in which such excavation is or will be located. Such fence shall be located no less than fifty (50) feet from the edge of excavation, quarry, or mine hole. All fencing required by this Section shall be screened from view of nearby residential uses or residential zoning districts.
 - h. View easements. Any scenic viewshed potentially impacted by the Development.
87. Copy of any information submitted to Penn DOT and any correspondence from Penn DOT regarding the proposed access to State roads.
88. A list of any Waivers requested from this Ordinance.

89. A list of any zoning variances, special exceptions or conditional uses granted by the Borough Zoning Hearing Board or Borough Council. Any relief granted from the Zoning Ordinance shall be noted on the Plan indicating the applicable Zoning Ordinance section numbers, the date the relief was granted, and any conditions imposed.

90. If commercial and Industrial Operations, are proposed, a written description of any proposed commercial, industrial or storage operation in sufficient detail to indicate any noise, glare, smoke and fumes and to allow a general determination of possible fire or other hazards from the use of toxic or hazardous substances or other public health or safety hazards. Written estimate of the amount, direction and times of truck traffic that is expected shall be provided.

ARTICLE VI FINAL PLAN

Section 600. Submission

Within twelve months after approval of the Preliminary Plan by the Borough Council, the developer or his agent shall submit a Final Plan and all required supplementary data to the Borough Secretary unless an extension of time is granted by the Borough Council. If an extension is not granted, failure to submit the Final Plan within twelve months will result in any plan submitted after twelve months being considered as a new preliminary plan.

The Final Plan shall be submitted to the Borough Secretary no later than twenty-eight (28) days prior to a regularly scheduled meeting of the Borough Planning Commission.

Section 601. Official Submission

- 601.1. Submission of five (5) copies of the completed Application for Review of Final Plan (Form 3).
- 601.2. Submission of eleven (11) prints on paper of the Final Plan which shall comply with the requirements of Section 608.
- 601.3. Submission of seven (7) copies of all other supplementary data and plans as outlined in Section 608.6.
- 601.4. Payment of the filing fee of the Borough, and the Berks County Planning Commission if applicable.
- 601.5. Submission of evidence of approval of an Erosion and Sediment Control Plan by the Berks County Conservation District.
- 601.6. Submission of written evidence that the Final Plan has been submitted to and approved by the electric, telephone, cable television and gas companies which will serve the subdivision or land development.
- 601.7. A current and updated affidavit 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 claiming any ownership interest therein.

- 601.8. Failure of the Developer to submit all items required under Section 601, or failure of the Final Plan to comply with the requirements of Section 608, shall be grounds for the Borough Council to refuse to accept the Final Plan for review.
- 601.9. The Borough Council may permit the Developer to submit a Final Plan in Sections in accordance with the schedule provided for in Sections 501.7 and 501.8, subject to such requirements or guarantees as to improvements in future sections as it finds essential for the protection of any finally approved Section of the development.
- 601.10. The Final Plan shall conform to the approved Preliminary Plan, including all modifications required by the Borough Council in their approval of the Preliminary Plan. Failure to conform to the approved Preliminary Plan and to comply with all conditions shall require the Borough Council to disapprove the Final Plan.

Section 602. Official Acceptance for Review

- 602.1. The application for review of the Final Plan shall not be considered as officially accepted for review, nor officially submitted to the Borough, nor officially filed with the Borough until the date on which the Borough Secretary sends by certified or registered mail to the Developer or his agent a Final Plan Receipt and a letter indicating the Borough Planning Commission's intent to review the application.
- 602.2. If the prerequisites of this Ordinance are not met the Borough Secretary may indicate in writing to the applicant the Borough's intention to not review the Final Plan and request the Plan be resubmitted to comply with the prerequisites to review of Final Plan. The Borough Secretary shall indicate in what ways the Plan did not comply with the requirements of this Ordinance if the Planning Commission declines to review the Plan as submitted.

Section 603. Distribution

The Borough Secretary shall distribute the accepted Final Plan and supplementary information as follows:

- 603.1. To the Secretary of the Borough Planning Commission
01. One (1) copy of Application for Review of Final Plan.
 02. One (1) copy of the Plan.

03. One (1) copy of all supplementary data and plans.
- 603.2. To the Borough Zoning Officer
01. One (1) copy of Application for Review of Final Plan.
 02. One (1) copy of the Plan.
- 603.3. To the Borough Engineer
01. One (1) copy of Application for Review of Final Plan.
 02. Two (2) copies of the Plan.
 03. Two (2) copies of all supplementary data and plans.
- 603.4. To the Municipal Authority, if such exists
01. Two (2) copies of the Plan.
 02. Two (2) copies of all supplementary data and plans.
- 603.5. To the Berks County Planning, Commission, in the case of a subdivision submitted under Article VII.
01. One (1) copy of Application for Review of Final Plan.
 02. The required filing fee and a letter requesting review.
 03. Two (2) copies of the Plan.
 04. One (1) copy of all supplementary data and plans.
- 603.6. To the Borough Sewage Enforcement Officer
01. Two (2) copies of the plan
 02. Two (2) copies of any material required by the Sewage Enforcement Officer or Pennsylvania Department of Environmental Resources.

- 603.7. To be retained by the Borough Secretary
 - 01. One (1) copy of the Plan.
 - 02. One (1) copy of Application for Review of Final Plan.
 - 03. One (1) copy of all supplementary data and plans.
- 603.8. To be retained by the Borough Secretary for use at Borough Meetings where the Final Plan will be reviewed.
 - 01. Two (2) copies of the plan
- 603.9. To the Borough Fire Marshal
 - 01. One (1) copy of the Plan

Section 604. Review by Borough Planning Commission

When a Final Plan has been officially accepted for review by the Borough Planning Commission, it may be reviewed by the Borough Planning Commission at its next regularly scheduled meeting, provided however, that if such submission has occurred less than twenty-eight (28) days prior to the scheduled meeting, the Planning Commission may decline to review plan at said meeting and review the Plan at the following regularly scheduled or special meeting for that purpose.

- 604.1. No official action should be taken by the Borough Planning Commission with respect to a Final Plan until the Commission has received written reports regarding the Plan from the Berks Berks County Planning Commission and where applicable, PA DEP, and the Pennsylvania Department of Transportation. If no report is received from the Berks County Planning Commission within thirty (30) days after it received a request to review the Final Plan, the Borough Planning Commission shall proceed to take official action on the Plan in question.
- 604.2. The Borough Engineer shall review each Final Plan to ascertain whether the Plan meets the requirements of this Ordinance and any other applicable Ordinances and shall submit a report to the Borough Planning Commission on the Plan.

- 604.3. The Borough Zoning Officer shall review each Final Plan to ascertain whether the Plan meets the requirements of the Borough Zoning Ordinance and shall submit a report to the Borough Planning Commission on the Plan.
- 604.4. When reviewing a Final Plan, the Borough Planning Commission should consider, in addition to its own comments, written reports regarding the plan from the following:
01. The Borough Engineer
 02. The Borough Zoning Officer
 03. The Berks County Planning Commission
 04. The Borough Fire Marshal
 05. If on-site water supply and/or sanitary sewage disposal is proposed for the subdivision, the report of the Pennsylvania Department of Environmental Resources on the suitability of the land for the proposed facilities and/or the report of the Borough Sewage Enforcement Officer.
 06. When the property being subdivided abuts a State Route or when preliminary highway design would affect the property, the report of the Pennsylvania Department of Transportation regarding the effect the proposed plan has on existing or proposed State Highway facilities.
- 604.5. Within fifteen (15) calendar days after the final meeting at which the Final Plan is reviewed by the Borough Planning Commission, the Borough Planning Commission shall send written notice to the following of the action taken by the Borough Planning Commission regarding the Final Plan.
01. The Borough Secretary
 02. The Chairman of the Borough Council
 03. The Borough Engineer
 04. The Borough Zoning Officer
 05. The Berks County Planning Commission

- 06. The Applicant or his agent
- 07. The appropriate Municipal Authority

604.6. When the decision on the Final Plan, by the Borough Planning Commission, is favorable in that all of the requirements of this Ordinance are met, the written notice and minutes of the meeting at which the Plan was reviewed by the Borough Planning Commission shall note such fact.

604.7. When the review of the Final Plan, by the Borough Planning Commission, is favorable or unfavorable because the requirements of this Ordinance or any applicable ordinance or law have not been met or because the Borough Planning Commission deems modifications to the Plan desirable or necessary, the recommended modifications to the Plan and/or the specific provisions of this Ordinance or any applicable ordinance or law which have not been met shall be noted in the written notice and in the minutes of this meeting at which the Plan was reviewed by the Borough Planning Commission.

Section 605. Review by Borough Council

605.1. After a Final Plan has been reviewed by the Borough Planning Commission and the comments of the Planning Commission regarding the Plan have been forwarded to the Borough Council, the Plan shall be reviewed by the Borough Council at one or more regularly scheduled or special meetings called for that purpose by the Borough Council.

605.2. If the Final Plan has been forwarded to the Berks County Planning Commission for review, no official action shall be taken by the Borough Council with respect to the Plan until the Borough has received the written report of the Berks County Planning Commission, provided that the report is received within thirty (30) days from the date the plan was forwarded to the Berks County Planning Commission for review. If such report is not received within thirty (30) days, the Borough Council may proceed to take action on the Plan without consideration of comments from the Berks County Planning Commission.

605.3. Before acting on a Final Plan, the Borough Council may hold a public hearing thereon after public notice.

605.4. Within fifteen (15) days after the final meeting at which the plan is reviewed, the Borough Secretary shall notify in writing the following of the action taken by the Borough Council regarding the Final Plan:

01. The Borough Planning Commission
02. The Borough Engineer
03. The Borough Zoning Officer
04. The Berks County Planning Commission
05. The Applicant or his agent
06. The Engineer, Surveyor, or Land Planner of the Applicant
07. The Borough Sewage Enforcement Officer, is on-site sewage disposal is proposed
08. The appropriate Municipal Authority

605.5. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance or any applicable ordinance or law relied upon.

605.6. A Final Plan shall not be recorded, nor shall any zoning or building permit be issued, until the requirements of Section 606 of this Ordinance have been met.

Section 606. Completion and Guarantee of Improvements

606.1. Subdivision Improvements Agreement

No Final Plan shall be endorsed and released for recording by the Borough Council unless a Subdivision Improvements Agreement in a form acceptable to the Borough Council and Borough Solicitor is executed. A list of all improvements required by this Ordinance pursuant to Form 4 shall be included within the Agreement.

606.2. Completion and Guarantee of Improvements

01. No Final Plan shall be endorsed by the Borough Council unless all the improvements required by this Ordinance and the Subdivision Improvements Agreement have been installed, inspected and approved, in accordance with this Ordinance and said Agreement.

02. In lieu of the completion of any improvements as stated in Section 606.2.01 above, prior to endorsement of the Plan, the Developer shall deposit with the Borough financial security in an amount sufficient to cover the cost of all improvements or common amenities required by this Ordinance and the Subdivision Improvements Agreement and the cost of preparing as-built drawings of those improvements. The financial security may be in the form of an irrevocable letter of credit or restrictive or escrow account in a federal or commonwealth chartered lending institution or other type of financial security which the Borough approves. The financial security shall guarantee the completion of all required improvements on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining satisfactory financial security. The final plan shall not be signed nor recorded until the subdivision improvements agreement is executed.

The resolution or letter of contingent approval shall expire and be deemed to be revoked if the subdivision improvements agreement is not executed within ninety (90) days unless a written extension is granted by the Borough Council.

The amount of the financial security to be posted for the 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 developer. Annually the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the 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 Borough may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110 %). Any additional security shall be posted by the 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 applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. Such estimate shall be submitted to the

Borough no less than fourteen (14) days prior to a meeting of the Borough Council. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

If the party posting the financial security requires more than one 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 year period beyond the first anniversary date of 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 initial one year period.

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

In the case where development is projected over a period of years, the Borough may authorize submission of Final Plans by sections or stages of development, subject to such requirements or guarantees as to improvements in the future sections or stages of development as it finds essential for the protection and proper development of any finally approved section of the development.

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 Borough, 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.

606.3. Remedies to Effect Completion of Improvements

In the event that any improvements which are required by this Ordinance have not been installed as provided in this Ordinance or in accord with the approved Final Plan, the Borough may enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough 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.

606.4. Release of Performance Guarantee

When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, by certified or registered mail, of the completion of the improvements and shall send a copy of the notice to the Borough Engineer.

The Borough Council shall within ten (10) days after receipt of notice of completion of improvements direct and authorize the Borough Engineer to inspect the improvements. The Borough Engineer shall then submit a written report regarding the improvements to the Borough Council and promptly mail a copy of the report to the developer by certified or registered mail.

The report shall be made and mailed by the Borough Engineer within thirty (30) days after receipt of authorization from the Borough Council. The report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the improvements or any portion thereof shall not be approved or shall be rejected by the Borough Engineer, the report shall contain a statement of reasons for such non-

approval or rejection.

The Borough Council shall notify the developer within fifteen (15) days of receipt of the Engineer's report, in writing by certified or registered mail of their action.

If any portion of the improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the improvements, and upon completion the same procedure of notification as outlined above shall be followed.

When completed improvements have been approved by the Borough, the performance guarantee shall be reduced by no more than the amount which was estimated in the Subdivision Improvements Agreement for the approved improvements.

606.5. Preparation of As-Built Plans

As-built plans for all improvements within the subdivision or land development listed in the Subdivision Improvements Agreement shall be submitted to the Borough within thirty (30) days after inspection and approval of the improvements by the Borough and prior to the release of the Performance Guarantee and acceptance of any such improvements by the Borough. Plans shall be in accordance with the requirements of Section 608 of this Ordinance, be mylars in reproducible form, and certified by the developer to be in accordance with actual construction. The Developer shall also supply the plans in Electronic format acceptable to the Borough. The developer is responsible for the preparation of such plans.

If any information relating to potential lot owners shown on the recorded final plan shall have been changed, such as lot boundaries, easements, and maintenance responsibilities, a revised subdivision and/or land development plan shall be filed with the Borough in accordance with the procedures of this Ordinance.

606.6. Maintenance Guarantee

Where the Borough Council accept dedication of all or some of the required improvements within a subdivision or land development following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The financial security shall be of the same type as permitted for installation of improvements and the

amount of the financial security shall not exceed fifteen percent (15 %) of the actual cost of installation of the improvements.

Section 607. Recording of Final Plan

607.1. Endorsement by Borough Council

After the procedures required by this Ordinance have been completed and the Borough Council finally approves a plan the Borough Council shall endorse the Final Plan for Record.

01. The endorsed plans shall be clear and legible black-on-white prints on material acceptable to the Recorder of Deeds.
02. Before any Plan is released for recording, a copy of any permits required by the Pennsylvania Departments of Environmental Resources and Transportation shall be submitted to the Borough.
03. The Borough shall receive one reproducible reproduction of the Final Plan as approved and recorded within fifteen (15) days of recording. The reproducible shall contain the Recorder of Deeds information as to Deed Book Volume, Page Number, and date of recording.
04. All streets, parks or other improvements shown on the Final Plan shall be deemed to be private until such time as they have been offered for dedication to the Borough and accepted by Borough Council. The acceptance of any improvements shall be by a separate action of the Borough Council and shall not be affected by approval of a subdivision or land development plan.
05. The developer shall agree with the Borough to tender, if requested, a deed of dedication for any and all public improvements, including easements. Upon completion of any public improvements shown on an approved subdivision or land development plan and within ninety (90) days after approval of such public improvements, as herein provided, the Borough may require that the developer offer such public improvements for dedication. In such a case, the developer shall prepare a deed of dedication and forward same to the Borough for review by the Borough Solicitor. The Borough may require that the developer supply a title insurance policy from a reputable company before any property is accepted by the Borough.

607.2. Filing With Recorder of Deeds

Upon approval of a Final Plan by the Borough Council, the developer shall within ninety (90) days of such final approval record the plan in the office of the Recorder of Deeds. The Recorder of Deeds shall not accept any plan for recording unless the plan contains the endorsement of the Borough Council and official notification of review by the Berks County Planning Commission. If the developer fails to record the plan within such period, the approval action of the Borough Council shall be null and void.

All Final Plan sheets which contain restrictive notes, lot boundaries, easements, maintenance responsibilities, other lot owner responsibilities, and such other information relating to potential lot owners shall be recorded.

Section 608. Final Plan Requirements

608.1. The Final Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20') or one inch (1" equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is five (5) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

608.2. The Preliminary Plan shall be made on sheets eighteen inches (18") by twenty-four inches (24"), twenty-four inches (24") by thirty-six inches (36") or thirty-six inches (36") by forty-eight inches (48").

608.3. If the Final Plan requires more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.

608.4. A plan index, listing the title, number, latest revision and date revised of each plan included in the submission, shall be included on the lead plan intended for eventual recording.

608.5. The Final Plan shall show:

01. Name of the proposed subdivision or land development shall be shown on each sheet.
02. Name of the Borough.

03. The words "Final Plan" shall appear on each drawing.
04. North point.
05. Written and graphic scale.
06. Date of plan, including the month, day and year that the original drawing was completed and in the case of revised drawings the month, day and year that the original drawing was revised and a description of each revision.
07. Name and address of the record owner.
08. Name and address of the developer.
09. Source of Title to the tract, including date and grantor.
10. The tax property identification number as found on the Berks County Tax Maps.
11. A copy of the deed(s) for the tract.
12. A statement describing all previous subdivisions or land developments having occurred on the tract.
13. Name, address, and seal of each registered engineer, surveyor, architect, or landscape architect responsible for the plan.
14. The names of any abutting subdivisions and land developments and the book and page numbers where recorded.
15. The names of any adjacent unplatted land and the book and page numbers where recorded.

16. A location map for the purpose of locating the property being subdivided or developed drawn at a scale of 1" = 800', showing the location of the property, differentiated by tone or pattern, to adjoining property and to all roads, municipal boundaries, recorded subdivision and land development plans, and recorded but unconstructed streets within one thousand feet (1000') of the subdivision or land development. A scale, north point and the proposed street system within the subdivision or land development shall be shown.
17. The total tract boundary lines of the area being subdivided or developed, based on field survey, with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be balanced and closed with an error or closure not to exceed one foot (1) in ten thousand (10,000) feet; provided however, that the boundary(s) adjoining additional unplatted land of the developer (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated.

The proposed location and elevation (if the elevation is established) of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area the property being subdivided or developed. The Borough Council may require perimeter monuments to be set and elevations established prior to approval of the Final Plan.

The surveyor and/or engineer responsible for the plan shall certify the accuracy of the survey and the plan in accordance with Appendix II. Plans and surveys shall be prepared in accordance with the Professional Engineers Registration Law.

If the developer is going to retain a single parcel with an area in excess of ten (10) acres and that parcel will not be improved beyond its current level of improvement, that parcel may be considered residue and may be identified by deed plotting. If the retained parcel has an area of ten (10) acres or less, it shall be considered a lot within the subdivision and described to the accuracy requirements of this Ordinance.

18. Acreage of the tract being subdivided or developed and acreage of the residue of the tract.
19. A statement of the type of water and sewer service proposed.

20. Zoning data including all of the following, if applicable:
 - a. Existing municipal zoning regulations, including district designations, requirements for lot area, yards, lot coverage and building height limitations, and any zoning boundary lines traversing the property.
 - b. Any changes in the existing zoning to be requested.
 - c. Any zoning regulations, other than district regulations, governing lot size and/or yard requirements.
 - d. Any municipal regulations, other than zoning regulations, governing lot size and/or yard requirements.
21. Location and elevation of the datum to which elevations refer. Datum used shall be a known, established bench mark. Sanitary sewer manholes shall not be used as a datum base.
22. Contour lines at vertical intervals of not more than two feet (2') for land with average natural slope of four percent (4 %) or less and at intervals of not more than five feet (5') for land with average natural slope exceeding four percent (4 %). Contour lines shall be from aerial or field survey.
23. All existing buildings, lot lines, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, fire hydrants, utility lines, storm drainage facilities, bridges, railroad tracks, and other significant man- made features within the proposed subdivision or land development.
24. Lot lines of adjacent lots, and approximate locations of any buildings, common open spaces, detention basins or drainage facilities existing or approved within one hundred feet (100') of the boundaries of the proposed subdivision or land development.
25. All existing soils types boundaries.
26. Soils characteristics for detention and retention pond areas.
27. Areas of any hydric soils as classified in the Berks County Soil Survey, with a notation if none exist, if that is the case.

28. Natural drainage channels, water courses and water bodies.
29. Tree masses and isolated live trees over one (1) foot in diameter.
30. Quarries, mine holes, rock outcroppings, stone fields, caves, and sinkholes.
31. Areas of 8 to 15% slopes, 15 to 25% slope, and areas of over 25 % slope shall each be delineated on the plan by pattern or shading.
32. Areas of carbonate geology.
33. Wetlands shall be accurately shown and shall be encompassed by bearings and distances, tied to a known property corner. The firm and/or individual responsible for the wetland delineation shall be identified on the plan.
34. 100-year flood plains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA, calculated 100-year flood plains shall be established by the developer in accordance with Appendix IV of this Ordinance.

When a subdivision or land development contains a flood plain, the proposed elevation of roads, building sites and public utilities within or in the vicinity of the flood plain shall be given.

35. All existing streets and streets recorded but not constructed on or abutting the tract, including names, existing and ultimate right-of way widths and lines, and cartway widths and lines.
36. All existing easements and rights-of-way and the purposes for which they have been established, deed restrictions, and covenants.
37. All proposed streets, their location, suggested name, right-of-way and cartway widths and lines, centerline radii of horizontal curves, intended ownership, a statement of any conditions governing their use, and suggested classification (i.e. e.g. collector). The designation of minor, collector, and arterial streets is subject to the approval of the Borough Council.

Streets to be offered for dedication shall be indicated. For streets that will not be dedicated, the arrangements to be made for the ownership and maintenance of those streets shall be given.

38. For the cartway edges or curb lines and right-of-way lines of all recorded (except those which are to be vacated) and proposed streets, and for the existing and ultimate right-of-way lines of all existing streets within or abutting the property to be subdivided, the length, in feet to the second decimal point, of all straight lines and the length of arc, radius, delta angle (in degrees, minutes, and seconds) of all curved lines.
39. Location, width, and purpose of all proposed easements and rights-of-way. Bearings and distances shall be provided for easements when not parallel to lot or street lines.
40. Building setback lines along each street, lot line, and utility line and all proposed structures.
41. All lot lines shall be shown and shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Lot line distances to street right-of-way lines shall be given. Bearings to one-quarter (1/4) of a minute shall be shown for all lot lines and each lot shall be balanced to an accuracy of one foot in ten thousand (10,000) feet. As an alternative to bearings for each lot line, angles at the intersection of all lot lines may be given.
42. The area of each lot in square feet or acres, exclusive of street rights-of-way.
43. Lot numbers, numbered consecutively.
44. A statement of the total number of lots and parcels.
45. Intended use of lots.
46. Location, size and material of all water mains, with connections to existing facilities, fire hydrants, blow-offs, valves, storage tanks, and water sources.
47. Location, size, material, pipe length, invert elevation and grade of all sanitary sewers, with connections to existing facilities, location and construction details of all manholes, design of pumping stations, force mains, and sewage treatment plants, with type and degree of treatment proposed and size and capacity of

treatment facilities. The separation distance from water lines and locations of concrete encasements shall be shown.

48. Location, size, material, pipe length, invert elevation and grade of all storm drainage facilities, with connections to existing facilities; location, slope, velocity within, and cross-section for all drainage swales; the location and construction details of all manholes, inlets, endwalls, headwalls, culverts and junction boxes; the location and design of all detention facilities and other drainage facilities; the size, depth, length, and width of rip rap aprons, with design calculations.
49. Location, size and proposed use and design of all parks, playgrounds, recreation areas, open space, public buildings, and other public uses. Areas to be offered for dedication to the Borough shall be noted. Areas to be reserved for public use but not be dedicated shall be noted, any conditions governing such areas shall be listed, and the arrangements to be made for the ownership, administration and maintenance of these areas shall be given.
50. Provisions for pedestrian and other non-vehicular or bicycling circulation throughout the tract.
51. Typical street cross section drawing(s) of each proposed street, including right-of-way and cartway widths, construction details of streets, shoulders, curbs, and sidewalks and cross-slopes of streets, shoulders, sidewalks, and planting strips. The typical location, size, and depth of any underground utilities shall be indicated.
52. Profiles along the centerline of each proposed street. Such profiles shall show at least the following information, properly labeled:
 - a. Existing profile along both cartway edges or at the top of curbs.
 - b. Proposed finished grade at the top of both curbs or along both cartway edges.
 - c. The length of all vertical curves.
 - d. Existing and proposed sanitary sewer mains and manholes, with top and invert elevation data.

- e. Existing and proposed storm sewer mains, inlets, manholes and culverts, with top and invert elevation data.
 - f. Existing and proposed water mains when they cross other utilities.
 - g. Station numbers.
53. The profiles shall be drawn at one of the following sets of scales or any combination thereof.
- a. One inch (1") equals ten feet (10') horizontal and one inch (1") equals one foot (1') vertical, or
 - b. One inch (1") equals twenty feet (20') horizontal and one inch (1") equals two feet (2') vertical, or
 - c. One inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical, or
 - d. One inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical.
54. Designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection. Capacity/loading calculations shall be submitted.
55. The location of all townhouses, apartment buildings, and/or condominium buildings and parking facilities to serve the same.
56. A certificate of ownership, acknowledgement of plan and offer of dedication shall be lettered on the Plan, using the form specified in Appendix I, and shall be signed by the owner(s) of the property and be notarized.
57. Certificate for approval of the Plan by the Borough Planning Commission, using the form specified in Appendix III.
58. Certificate for approval of the Plan by the Borough Council using the form specified in Appendix III.

59. A blank space in which the appropriate stamp and notation of the Berks County Planning Commission may be applied.
60. A blank space in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
61. In the case of land development plans, the following additional information shall be shown:
 - a. The location, dimensions, and use of all buildings.
 - b. Location and grade of all parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.
 - c. The location, number, and dimensions of off-street loading areas.
 - d. Provisions for landscaping of the tract.
 - e. Provisions for lighting of the tract.
 - f. Provisions for traffic control.
 - g. The location of refuse collection areas and provisions to be made for refuse collection.
 - h. A table showing extent of compliance with the Area, Yard, Height, and Coverage Regulations of the Borough Zoning Ordinance.
 - i. Evidence that the project will meet the off-street parking requirements of the Zoning Ordinance.
 - j. A grading plan for the tract showing existing and proposed contour lines at the interval required by Section 608.5.22. Lowest floor elevations for proposed buildings shall be indicated.
62. Location of school bus stop shelters or pads
63. Restrictive covenants and deed restrictions applicable to the development, whether proposed or previously existing.

64. Design speed of all proposed streets.
65. Sight distance calculations for vertical curves in streets (see Section 801.7).
66. Sight distance calculations at street intersections (see Section 801.9).
67. Horizontal curve radii of cartway and right-of-way lines at street intersections. The cartway tie-in to existing street cartways shall be indicated.
68. On the subdivision plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
69. Guide rail locations and construction detail, (see Section 802).
70. Clear sight triangles at street intersections, (see Section 801.9).
71. Proposed ownership and maintenance of storm drainage facilities.
72. A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The Borough may require driveway culverts to be designed and such size noted on the plan, (see Section 804.5 and Ordinance No. 50)
73. Location and type of traffic control devices.
74. Whenever a developer proposes to establish a street which is not offered for dedication to public use, the Borough Council may require the developer to submit, and also to record with the Plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication.
75. If the subdivision or land development proposes a new street or driveway intersection with a State Route, a copy of the Highway Occupancy Permit for such intersection. In lieu of a permit for a driveway intersection, the Borough Council may permit the following note to be placed on the Plan:

"A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. Access to the state highway shall only be as authorized by a Highway Occupancy Permit."

The approval of this subdivision/land development plan shall in no way imply that a state highway permit can be acquired or that this municipality will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a state highway will not be permitted by the Commonwealth and the property therefore cannot be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly, acquiring state and local highway occupancy permits before purchasing any premises.

Any conditions listed in a Permit shall be noted on the Plan.

76. A copy of all permits required from the Pennsylvania Department of Environmental Protection including water courses, bodies of water, or water obstructions.
77. An erosion and sediment control plan for the tract, in accordance with Section 808.
78. A landscape plan showing the number, location, size and species of all trees and shrubs that will be planted within the subdivision or land development.
79. Utility easements and rights-of-way shall be shown on the plan.
80. A final grading plan showing existing and proposed contour lines at the interval required by Section 608.5.22 shall be submitted. Lowest floor elevations for proposed buildings shall be indicated.
81. Copies of all approvals required for sanitary sewer and water systems shall be received prior to approval of the Final Plan, including written confirmation that the appropriate agencies can and will serve the proposed development.
82. A lighting plan showing the location of poles, the type and height of poles, and the type and brightness of lighting fixtures shall be submitted. The type of fixture to be placed at each location shall be noted.
83. Street names in accordance with Section 801.11 of this Ordinance.
84. All information required pursuant to Section 804.2.03 of this Ordinance, regarding access from adjoining municipalities.

85. When the tract contains wetlands, a copy of all required permits or permit waivers from Pa DER and/or Army Corps of Engineers.
86. Copies of approvals required by any other governmental regulatory agencies concerning matters under their jurisdiction.
87. A copy of any agreements incident to the construction, operation, maintenance and/or dedication of facilities for public use.
88. A note to be placed on the plan indicating any area that is to be offered for dedication, if applicable, and that the conveyance of land constituting all or part of such offered land shall not constitute the revocation of the offer and all conveyances shall be under and subject to said offer.
89. Location of proposed buildings or structures or typical location of proposed dwellings.
90. Proposed driveway locations and evidence that the standards for driveways established in this Ordinance (Section 804.5) or other applicable Borough Ordinances can be met.
91. Location of existing and proposed wells within one hundred (100) feet of the boundaries of the tract, if on-site sewage disposal is proposed.
92. The location of deep probe and soil percolation test holes tied to a known or proposed property/lot corner by bearing and distance. Each approved on-site sewage disposal test site shall be enclosed in an easement of sufficient size to allow the construction of the absorption area. In addition the plan shall contain restrictive notes prohibiting the disturbance of these areas for any use except for the the construction and maintenance of the absorption area.
93. List of contacts for underground utilities in the area, with telephone numbers stated on the grading plan.
94. Existing and proposed street lighting (or notation stating that none is proposed), including types of poles, spacing of poles and intensity of lamps.
95. A note stating that construction will be in accordance with Borough of Tipton Codes, Ordinances, Standards And Specifications.

96. Protective covenant shall be placed on the land providing for:
- a. Clear sight triangle easements.
 - b. All needed utility, drainage, maintenance, pedestrian, open space or other easements.
97. Required Plan Notations. The following wording shall be required to be placed on any final subdivision or land development plan, as applicable:
- a. "Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection."
 - b. "Individual owners of lots must receive approval from the Borough 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."
 - c. "The Planning Commission and Borough Council 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."
 - 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 regrading without the prior written permission of the Borough of Topton Council shall be permitted."
 - e. "The Borough 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."
 - 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 Borough of Topton Council shall be permitted."
 - g. "Representatives of Borough of Topton shall have the right to inspect the drainage facilities located on the lot(s) from time to time as deemed necessary."

- 608.6. The following additional information shall be submitted with the Final Plan if not submitted with a Preliminary Plan:
01. A copy of any "Supporting Documentation and Additional Information" that was required for the Preliminary plan and that needed to be adjusted or revised to reflect changes between the Preliminary and Final Plan.
 02. In the case of a proposed revision of a FEMA mapped flood plain, a letter of approval of such revision from FEMA.
 03. A plan for the surface drainage of the tract, including storm water runoff calculations and the proposed method of accommodating the anticipated runoff. Storm water calculations shall be made and drainage facilities designed in accordance with this ordinance, the Borough of Tipton Storm Water Management Ordinance and the Sacony Creek Watershed Storm Water Management Ordinance as applicable.
 04. An Approval letter from the Berks County Conservation District for the Erosion and Sedimentation Control Plan.
 05. A traffic impact study when required by Section 817.1 of this Ordinance.
 06. 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.
 07. All Historic and Archaeological Resources which have been identified and/or inventoried by the Borough, the County, the Berks County Planning Commission, and/or the Pennsylvania Historical and Museum Commission and/or are listed in the National Register of Historic Buildings and Places located within the tract or within fifty (50) feet of the tract.
 08. Where the developer proposes to locate a street, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, an agreement from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line.

09. Schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.
10. Impact studies as required by Section 817.
11. When on-site sewage disposal is proposed, final documentation of the approval of the tract for on- site sewage disposal.
12. The disposition of solid waste generated within the proposed subdivision or land development.
13. Landscape Plan, including the following:
 - a. Locations of treelines and existing forested areas.
 - b. Locations of individual mature trees with trunk diameters greater than six (6) inches measured at a height of three (3) feet above the surrounding ground level, other than trees within wooded areas and treelines.
 - c. Any proposed evergreen screening, buffer yards or earth berming (if required by the Borough Zoning Ordinance).
 - d. Areas of existing mature woods that are to be protected and preserved or removed, see Section 809.
 - e. Types, sizes and locations of any required trees, paved area landscaping and any other major proposed landscaping.
 - f. Any proposed fencing, including height and type, and/or landscaping around any stormwater detention/retention basin.

- g. Where any open excavation has or will have a depth of ten (10) feet or more and a slope of more than thirty (30) degrees, there shall be substantial fence, approved by the Borough Council, with suitable gates where necessary, effectively blocking access to the area in which such excavation is or will be located. Such fence shall be located no less than fifty (50) feet from the edge of excavation. All fencing required by this Section shall be screened from view of nearby residential uses or residential zoning districts.
 - h. View easements. Any scenic viewshed potentially impacted by the Development.
- 14. Copy of any information submitted to Penn DOT and any correspondence from Penn DOT regarding the proposed access to State roads.
 - 15. A list of any Modifications or Waivers requested to this Ordinance.
 - 16. A list of any zoning variances, special exceptions, conditional uses, or other relief granted by the Borough Zoning Hearing Board or Borough Council. Any relief granted from the Zoning Ordinance shall be noted on the Plan indicating the applicable Zoning Ordinance section number and the date the relief was granted, and any conditions imposed.
 - 17. If commercial or industrial operations, are proposed, a written description of any proposed commercial, industrial or storage operation in sufficient detail to indicate any noise, glare, smoke, fumes, and nuisances to allow a general determination of possible fire or other hazards from the use of toxic or hazardous substances or other public health or safety hazards. Written estimate of the amount, direction and times of truck traffic that is expected shall be provided.
 - 18. A development schedule stating the approximate date when construction can be expected to begin and be completed.

Section 609. Soil Percolation Test Requirements

- 609.1. Soil percolation tests shall be performed for all subdivisions in which buildings at the time of construction will not be connected to an operating public or community sanitary sewage disposal system.

- 609.2. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection and the Borough Sewage Enforcement Officer.
- 609.3. Soil percolation tests shall be performed at or near the site of proposed on-site sanitary sewage disposal facilities. At least one test shall be performed on each lot within the subdivision.

If the soil percolation tests are performed at a site, which the Borough believes is not a feasible location for an on-site system given the proposed lot and street layout, topography, and intended use of the lot, the Borough may require soil percolation tests to be performed at a location that it deems feasible.

- 609.4. The results of the soil percolation tests shall be analyzed by the Borough, and by the Pennsylvania Department of Environmental Protection as necessary, and the Final Plan lot layout shall be based on this analysis. If the analysis of the soil percolation test results reveals that the soil is unsuitable for the intended use at the lot size(s) originally proposed, the Borough may require that the lot size(s) be increased in accordance with the test results.

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ARTICLE VII
PLANS EXEMPTED FROM STANDARD PROCEDURES

Section 700. Minor Subdivision

700.1. In the case of any subdivision in which (1) all proposed lots will have frontage on and direct vehicular access to an existing improved Borough or State road, (2) the parcel being subdivided will be divided into a total of not more than three lots or parcels after the effective date of this Ordinance, and (3) the lots will be used for only single family detached dwellings, the Borough Planning Commission may, at its discretion, permit the Applicant to submit only Sketch and Final Plans. The Sketch Plan shall contain all information required by Section 404 of this Ordinance and be submitted and reviewed in accordance with Section 403. The Final Plan shall contain all information required by Section 608 of this Ordinance and be submitted and reviewed in accordance with Sections 601 through 605. The Final Plan shall be submitted to the Berks County Planning Commission for review. The Borough Council may also require submission to and review by the County Conservation District and the Pennsylvania Department of Transportation. Further subdivision from a tract subdivided under this section or subdivision of a lot or tract created under this Section will require a review of Plans in accordance with the standard procedures of this Ordinance, and this shall be noted on the Plan.

Section 701. Re-Subdivision - Revised Final Plan

701.1. Any replatting or re-subdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with all requirements of this Ordinance; however, in those instances where (1) only lot lines shown on a recorded plan will be changed, (2) all resultant lots will conform to the Borough Zoning Ordinance and this Ordinance, (3) easements and rights-of-way will not be changed, (4) street horizontal and vertical alignment will not be changed, (5) block sizes will not be changed, (6) utility sizes and locations will not be changed, (7) open space and recreation areas will not be changed, and (8) the number of lots will not be increased, the Borough Council may at its discretion permit the developer to submit only a revised Final Plan to the Borough for review.

In addition to all items specified in Section 608 of this Ordinance, the plan shall graphically show the lot line changes being made. The Final Plan shall be reviewed in accordance with Sections 601 through 605 and shall be submitted to the Berks County Planning Commission for review.

If the revision of lot lines would result in the relocation of driveway access points previously approved by PennDOT, the Borough Council shall require submission of the revised plan to PennDOT for approval.

Section 702. Auction Sale

- 702.1. In the case of the proposed subdivision of land by process of auction sale, the following procedure may be used by the developer.
- 702.2. The developer shall prepare and submit a Preliminary Plan in accordance with the requirements of this Ordinance.
- 702.3. The Preliminary Plan shall comply with the requirements of this Ordinance and in addition contain the following notation:

This property is intended to be sold by auction on or about _____, 20 _____, in whole or in part according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall occur until a Final Plan showing such subdivision of property is approved by the Borough Council in accordance with the Borough Subdivision and Land Development Ordinance and recorded in the office of the County Recorder of Deeds.

- 702.4. After approval of the Preliminary Plan by the Borough Council, the auction sale may proceed. After the auction sale the developer shall prepare and submit a Final Plan in accordance with this Ordinance.

Section 703. Lot Annexations

703.1. Where the conveyance, sale or transfer of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the developer may submit only a Final Plan to the Borough. The Final Plan shall contain all information required by Section 608 of this Ordinance and be submitted and reviewed in accordance with Sections 601 through 605. Precise bearings and distances from field survey shall be shown for the parcel being transferred, and evidence shall be submitted that the parcel from which a parcel is being transferred will not violate or further violate, as the case may be, any requirement of the Borough Zoning Ordinance or other Borough Ordinances or Regulations. If development is subsequently proposed for the parcel which has been increased in size, no building or zoning permit shall be issued unless all applicable requirements of Borough Regulations are complied with. The subdivision plan shall contain a notation that the parcel being transferred is not to be considered a separate building lot and that it will be combined in a common deed description with the parcel to which it is being annexed, and a new deed containing the same should be recorded with the Plan.

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ARTICLE VIII DESIGN STANDARDS

Section 800. Application and General Standards

- 800.1. The standards and requirements contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Borough Planning Commission and Borough Council in reviewing all subdivision and land development plans.
- 800.2. Whenever other Borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of this Ordinance shall apply.
- 800.3. The layout or arrangement of the subdivision or land development shall conform to the Comprehensive Plan, any regulations or maps adopted in furtherance thereof, and any other official plans of the Borough which have been adopted.
- 800.4. The plan of the proposed subdivision or land development shall be coordinated with existing adjacent development in order to provide for harmonious development of the area as a whole.
- 800.5. Land shall be suited to the purpose for which it is to be subdivided or developed. Lands subject to hazards to life, health, or property such as may result from fire, flood, disease or other causes shall either be made safe for the purpose for which such land is proposed to be used, or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- 800.6. All subdivisions and land developments shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage, that all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards.

Section 801. Streets

801.1. General Standards

01. All design elements of all streets, including horizontal and vertical alignment, sight distance, and super-elevation, are subject to review and approval by the Borough Council. When reviewing the design of streets, in addition to the standards in this Ordinance, the Rural Design Criteria in the Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, latest edition, and a Policy on Geometric Design of Rural Highways and Streets, latest edition, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.
02. For certain aspects of vertical and horizontal alignment discussed below, standards are determined by design speed of the road involved. For all proposed streets, the developer shall indicate the proposed design speed. The designated design speed is subject to the approval of the Borough Council. In general, the maximum design speed on arterial streets shall be considered as 55 mph (to be determined in each individual case), on collector streets a minimum of 45 MPH (to be determined in each individual case) and on minor streets 35 MPH unless a lesser design speed is permitted by the Borough Council.
03. The speed limit proposed to be posted for streets shall not exceed the design speed.
04. Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
05. The location and width of all proposed streets shall conform to the Official Plans which have been adopted by the Borough and shall be properly related to all existing streets, recorded streets, and Official Plans which have been adopted or approved by the Borough, County, or State.
06. Streets within the subdivision or land development and adjacent roads which will receive traffic from and distribute traffic to the subdivision or land development shall be improved to not less than Borough Standards by the developer to accommodate traffic generated by the subdivision or land development.

07. The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet or exceed the standards of Section 801.3. If the existing or recorded streets do not meet or exceed the standards of Section 801.3, the proposed street extensions shall meet the standards of Section 801.3.
08. Where, in the opinion of the Borough Council, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. The location and number of access points to adjoining properties are subject to Borough Council approval.
09. When streets will be extended to the boundaries of the subdivision or land development to provide for access to potentially developable tracts and sanitary sewer and/or water lines will be constructed in the streets within the developer's tract, the Borough Council may require extension of the sanitary sewer and/or water lines to the tract boundary in order to facilitate future extensions to abutting land.
10. If a subdivision proposes lots, some of which front on existing public roads, the Borough Council may require the developer to reserve land adequate to provide for future street and utility access from the public roads on which the lots front to the land to the rear of the proposed lots. Such reserved areas shall be of such dimensions to permit the construction of streets and utilities meeting the standards of this Ordinance.
 - a. When reservations for future streets will adjoin lots to be developed prior to the construction of the streets, the developer shall install the proposed grades of the future streets and the extent of the area necessary for the construction of those streets. If the area necessary for the construction of the streets extends beyond the proposed street right-of-way lines, all excavation and grading necessary for the roads beyond the right-of-way lines shall be done as required improvements in conjunction with the subdivision which contains the adjoining lots, or else construction easements shall be provided on the adjoining lots, sufficient to permit construction of the future street.
 - b. Where reservations for future streets intersect existing streets, radii shall be provided for the reservations to meet the requirements of Sections 801.8.06 and 801.8.07 of this Ordinance.

11. If lots or parcels in the subdivision are large enough for resubdivision, or if a portion of the developer's property is not proposed to be subdivided but could be subdivided in the future, the Borough Council may require the reservation of land adequate to provide for future street access to land which could be re-subdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan.
12. Connection rights-of-way shall be provided between streets within the subdivision or land development to provide adequate access for emergency vehicles, other vehicles, and pedestrians.
13. New minor streets shall be designed to discourage through traffic, but the developer shall provide for the extension and continuation of arterial and collector streets into and from adjoining properties. Minor streets shall be extended and continued into and from adjoining properties when necessary for the proper development of and traffic circulation in the Borough.
14. Where a subdivision or land development abuts an existing street which does not meet the standards of this Ordinance, the Borough Council may require the dedication of land sufficient to widen the street to meet the standards of this Ordinance.
15. Where a subdivision or land development fronts on an existing Borough road which does not meet the minimum cartway width requirements of this Ordinance, the developer shall improve, at his expense, the Borough road cartway to meet those requirements. Pavement shall be constructed in accordance with the requirements of the Borough of Topton Road and Street Ordinance, as amended. In addition, provision shall be made for adequate drainage along the sides of the roads. Such drainage provisions shall be approved by the Borough Council.
16. Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of this Ordinance as well as the requirement of Section 801.16.e. The maximum number of residential dwelling units or lots fronting on or gaining access to a public street via a private street shall be limited to three (3). The private street shall be improved to public street standards, at the expense of the developer or developer and existing lot owners, at such time that an additional dwelling unit or dwelling units and/or lot or lots beyond three (3) are proposed.

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- a. Private streets not to be offered for dedication are prohibited, unless they meet the design standards of this Ordinance as well as the requirement of Section 801.16.e.
 - b. A private street may be constructed to the driveway standards of Section 801.16.e when no more than three (3) residential dwelling units or lots front on or gaining access to a public street via the private street. Notwithstanding the forgoing, the applicant must demonstrate that the private street can be constructed; meeting the design standards of this Ordinance.
 - c. The private street shall be improved to public street standards, at the expense of the developer or developer and existing lot owners, at such time that an additional dwelling unit or dwelling units and/or lot or lots beyond three (3) are proposed.
 - d. All commercial and industrial uses, buildings, structures, and lots must front on public streets or private streets meeting the design standards of this Ordinance and the requirement of Section 801.16.e.
 - e. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough may require the subdivider to submit, and also to record with the Plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
 - i. That the street shall conform to Borough specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money as estimated by the Borough Engineer, to restore the street to conformance with Borough specifications.
 - ii. That an offer to dedicate the street shall be made only for the street as a whole.
 - iii. That the method of assessing repair costs be as stipulated, and
 - iv. That agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
17. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to

street widths, shall be submitted to both municipalities. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.

18. The street system shall be designed with regard to:
 - a. consideration of existing topographical considerations.
 - b. providing buildable lots.
 - c. minimizing the number of street intersections, by encouraging the use of three-way rather than four-way intersections particularly when intersections of minor streets are involved.
19. All access drives within multiple family and non-residential developments which are intended for circulation within the development shall be designed to the horizontal and vertical alignment standards for streets contained within this Ordinance.
20. Residential Single Access Developments
 - a. Residential Single Access Developments shall be limited to twenty (20) residential dwelling units or lots or combination of both. The proposed intersection with the existing or proposed through street shall meet the design standards of this Ordinance for local or collector streets, whichever is deemed appropriate by the Borough.
 - b. When the number of proposed or existing plus proposed dwelling units or lots or a combination of both exceeds twenty (20) in a Residential Single Access Development; a minimum of two independent means of ingress and egress shall be provided. Each independent means of ingress and egress shall:
 - i. meet the design standards of this Ordinance for local or collector streets, whichever is deemed appropriate by the Borough; and
 - ii. connect to one or more through streets.

21. Non-Residential Single Access Developments

- a. Non-Residential Single Access Developments shall be limited to twenty (20) principal non-residential uses, principal non-residential buildings/structures or non-residential lots or combination of both. The proposed intersection with the existing or proposed through street shall meet the design standards of this Ordinance for collector streets.
- b. When the number of proposed or existing plus proposed principal uses, principal buildings/structures or lots or a combination of both exceeds twenty (20) in a Non-Residential Single Access Development; a minimum of two independent means of ingress and egress shall be provided. Each independent means of ingress and egress shall:
 - i. meet the design standards of this Ordinance for collector streets; and
 - ii. connect to one or more through streets.

801.2. Partial and Half Streets

New half or partial streets will not be permitted, but wherever a tract to be developed borders an existing half or partial street, the Borough Council may require the developer to provide adjacent to such half or partial street a reservation of land adequate to allow the construction of a road meeting the standards of this Ordinance.

801.3. Street Widths

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

Street Type	Required Widths (Feet)
Minor Street	
No on street parking permitted	
Right-of-Way	44
Cartway	24
On street parking permitted	
Right-of-Way	54
Cartway	34

Street Type	Required Widths (Feet)
Collector Street	
No on street parking permitted	
Right-of-Way	60
Cartway	36
Major Street	
No on street parking permitted	
Right-of-Way	See Note (a)
Cartway	See Note (a)
Permanent Cul-de-Sac Street	
No on street parking permitted	
Right-of-Way	44
Cartway	24
On street parking permitted	
Right-of-Way	54
Cartway	34
Marginal Access Street	
No on street parking permitted	
Right-of-way	See Note (b)
Cartway	26
Service Street	
No on street parking permitted	
Right-of-Way	24
Cartway	24

Notes:

- (a) As specified in the "Official Borough Map," or as determined after consultation with the Borough, the Berks County Planning Commission and Penn DOT.
- (b) Variable, depending on the width of the adjacent right-of-way, but not less than thirty-six (36) feet.

Additional right-of-way and pavement widths may be required by the Borough for the purpose of promoting the public safety and convenience or to provide parking in commercial or industrial subdivisions or land developments and in areas of high density residential development or high traffic volumes.

801.4. Restriction of Access

01. Whenever a subdivision or land development abuts or contains an existing or proposed arterial, collector or local street the Borough Council may require restriction of access to the street by:
 - a. provision of reverse frontage lots, or
 - b. provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or collector street, or
 - c. provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be maintained under an agreement with the Borough, or
 - d. provision of a system of minor streets which intersect the arterial or collector street.
02. Except as specified by Section 801.4.01.a and 801.4.01.c, reserve strips shall be prohibited.

801.5. Street Grades

01. There shall be a minimum center line grade of three quarters percent (0.75%).
02. Centerline grades shall not exceed the following:
 - a. Minor Street or Service Street: ten (10) percent
 - b. Collector Street: seven (7) percent
 - c. Arterial Street: six (6) percent
03. Grades of not more than twelve percent (12%) may be permitted by the Borough Council on minor streets, except cul-de-sacs, if the Borough Council finds that unsafe conditions will not result.

801.6. Horizontal Curves

01. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.
02. Minimum sight distance shall be provided as follows:

Design Speed (miles per hour)	Minimum Sight Distance (feet)
20	125
25	150
30	200
35	250
40	325
45	400
50	475
55	550

03. Minimum center line radii for horizontal curves shall be as follows:

Design Speed (miles per hour)	Minimum Radius (feet)
20	100
25	125
30	230
35	310
40	430
45	500
50	700
55	850

The Borough Council may permit smaller center line radii than required above when the developer substantiates that the minimum sight distance as required by Section 801.6.02 will be provided.

04. A straight section of road of at least one hundred (100) feet shall be provided between all horizontal curves on collector streets. A straight section of road of at least two hundred (200) feet shall be provided between all horizontal curves on arterial streets.
05. Combinations of the minimum radius and maximum grade are prohibited.

801.7. Vertical Curves

01. At all changes in street grades where the algebraic difference in grade exceeds one percent (1 %), vertical curves shall be provided. The minimum sight distance provided shall be as follows for both crest and sag vertical curves.

Design Speed (miles per hour)	Minimum Sight Distance (feet)
20	125
25	160
30	200
35	250
40	325
45	400
50	475
55	550

801.8. Intersections

01. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees (measured at the intersection of the street centerlines) nor more than one hundred five (105) degrees. The angle of intersection with an arterial street shall be ninety (90) degrees.
02. No more than two streets shall intersect at the same point.
03. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred fifty (150) feet between centerlines, measured along the centerline of the street being intersected if only local streets are involved. When one or more of the streets at the proposed intersection is classified as or meets the definition of collector street the separation distance shall be increased to at least two hundred fifty (250) feet between centerlines, measured along the centerline of the street being intersected; however, the Borough may require a greater distance based on recommendations contain in the traffic impact study submitted for the development or AASHTO's A Policy on Geometric Design of Highways and Streets, latest addition..

04. Approach intersections that require vehicular traffic to stop by the presence of either a stop sign or other traffic control device shall be approached by a straight leveling area, the grade of which shall not exceed five (5) percent within fifty (50) feet of the intersection of the nearest right-of-way lines, measured along the street centerline.
05. Intersections with arterial streets shall be located not less than five hundred (500) feet apart, measured from center line to center line along the center line of the arterial streets.
06. Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - a. twenty (20) feet for all intersections involving only minor streets or service streets;
 - b. thirty (30) feet for all intersections involving a collector street;
 - c. forty (40) feet for all intersections involving an arterial street
07. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

801.9. Sight Distances at Intersections

01. Clear sight triangles shall be provided at all street intersections, shall be reserved as such, and shall be drawn on the Plan. Within such triangles, no vision-obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below the height of ten (10) feet, measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:
 - a. a minimum of seventy-five (75) feet from the point of intersection of the center lines, except that
 - b. Clear sight triangles of a minimum of one hundred fifty (150) feet shall be provided for all intersections involving a collector street.
 - c. clear sight triangles of a minimum of one hundred and fifty (150) feet shall be provided for all intersections involving an arterial street.

02. Whenever a portion of the line of such clear sight triangles occurs behind the required building setback line, such portion shall be considered a building setback line.

03. Sight distance at street intersections shall provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:

Design Speed Of Approaching Street With No Stop Or Signal Control (miles per hour)	Minimum Stopping Distance (in feet) Required Unless Alternative Permitted By Borough Council	Alternative Stopping Distance (in feet) Permissible At The Discretion Of The Borough Council Only On Highways With ADT Less Than 100, Where The Removal Of Sight Obstructions Would Be Costly
20	150	90
25	175	110
30	200	130
35	240	155
40	275	180
45	320	200
50	350	220
55	425	240

04. Street intersections shall be located and designed to provide the following minimum sight distance for a vehicle traveling on an approaching street which has a Stop Control:

Design Speed Of Street Being Approached By Vehicle On Stop Control Street (miles per hour)	Minimum Sight Distance Required (in feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

For calculating sight distance, refer to American Association of State Highway and transportation Officials publication A Policy on Geometric Design of Rural Highway and Streets, latest edition.

801.10. Cul-de-Sac Streets

01. Dead-end streets are prohibited unless designed as cul-de-sac streets, provided that in the case of streets which are planned for future extension into adjoining tracts and will not be the primary means of access to any lot or dwelling unit, a turnaround is not required.
02. Except as provided in Section 801.10.01 any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a turnaround within the subdivision or land development and the use of such turnaround shall be dedicated to the public until such time as the street is extended.

If a cul-de-sac turnaround is offset, it shall not be offset to the right.

Should a temporary cul-de-sac be proposed, agreements satisfactory to the Borough Council and Borough Solicitor shall be made for construction and installation responsibilities of all improvements when the temporary cul-de-sac is abandoned and the street is extended.

In the event that the Borough Council shall not consider development of adjoining property to be imminent, the Borough Council may require that a permanent curbed cul-de-sac be constructed.

03. Cul-de-sac streets shall be at least two hundred fifty (250) feet from the right-of-way of the street intersected to the beginning of the turnaround. Cul-de-sac streets shall not exceed seven hundred fifty (750) feet in length and shall not furnish access to more than twenty (20) dwelling units. The Borough Council may permit temporary cul-de-sacs longer than seven hundred fifty (750) feet at their discretion if future extension of the cul-de-sac is likely in the opinion of the Borough Council. At their discretion, the Borough Council may permit cul-de-sacs to serve more than twenty (20) dwelling units when it believes adequate provision will be made for vehicular circulation and parking.
04. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.
05. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. Minimum radius to the pavement edge or curb line shall be fifty (50) feet, and minimum radius to the right-of-way line shall be sixty (60) feet.
06. Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or by other means approved by the Borough Council.
07. The center line 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%).

801.11. Street Names

01. Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.
02. In no case shall the name of a proposed street duplicate an existing street name in the Borough and the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

03. All street names shall be subject to the approval of the Borough Council and Postmaster having jurisdiction.

801.12. Service Street (Alleys)

01. Service streets are prohibited in residential subdivisions except where required by the Borough Council to avoid direct driveway access to arterial or collector streets.
02. Service streets may be permitted by the Borough Council in commercial or industrial types of development, provided that the developer produces evidence satisfactory to the Borough Council of the need for such service streets and provided that the service streets are not the primary means of access.
03. Dead-end service streets are prohibited unless permitted at the discretion of the Borough Council. Dead-end service streets shall be terminated with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of forty (40) feet.
04. Parking is prohibited along service streets, and no parking signs shall be erected by the developer at his expense.

Section 802. Guide Rail

- 802.1. Streets shall be designed to preclude or minimize the need for guide rail. The Borough Council may require guide rail to be placed by the developer for protection on embankments when a barrier is required in Design Manual Part 2 Highway Design by the Pennsylvania Department of Transportation, latest edition.
- 802.2. Fixed obstructions along streets which would require guide rail shall be precluded or minimized. The Borough Council may require guide rail to be placed when a barrier is required for fixed objects in Design Manual Part 2 Highway Design by the Pennsylvania Department of Transportation, latest edition.
- 802.3. The design and selection of guide rail shall be in accordance with the standards in Design Manual Part 2 Highway Design, latest edition, however, the Borough Council shall approve all guide rail systems.

Section 803. Blocks

803.1. Layout

The length, width and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, topography, and requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial and collector streets.

803.2. Length

01. Blocks shall have a maximum length of one thousand eight hundred (1,800) feet and a minimum length of five hundred (500) feet. The Borough Council may alter the permitted maximum and/or minimum lengths of blocks if the topography of land, proposed lot sizes, or surface water drainage conditions warrant such alteration.

02. Blocks along arterial streets shall not be less than one thousand (1,000) feet long.

803.3. Depth

Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots are required or where prevented by the size, topographical conditions, or other inherent conditions of the property.

803.4. Non-Residential Blocks

Blocks in nonresidential areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provisions shall be made for off-street parking and loading areas and pedestrian and vehicular circulation.

803.5. Crosswalks

Crosswalks may be required by the Borough Council whenever necessary to facilitate pedestrian circulation and to give access to community facilities. Such crosswalks shall have a minimum width of ten (10) feet and contain a walkway, constructed of a material approved by the Borough Council, with a minimum width of four (4) feet.

Section 804. Lots and Parcels

804.1. General Standards

01. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and be in accordance with the provisions of the Borough Zoning Ordinance. Lots shall be capable of being built upon in accordance with the provisions of the Borough Zoning Ordinance.
02. Side lot lines shall be at right angles to straight street lines and radial to curved street lines.
03. Lot lines shall follow municipal boundaries rather than cross them.
04. The depth of residential lots shall be not less than one nor more than three (3) times their width. Lot width shall be measured at the right-of-way line, between the side lot lines, and the lot depth shall be measured between the street right-of-way line and rear lot line or the mean distance between the street right-of-way line and rear lot line when the rear lot line is not parallel to the street right-of-way line. Lots having an area three (3) times or greater than the minimum lot area as required by the Zoning District in which the lot is located are exempt from this regulation.
05. 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, buffer yards and landscaping, etc.
06. Subdivisions shall be designed to avoid the creation of residue of land. If residue of land would result after subdividing, adequate provision, which shall be approved by the Borough Council, shall be made for the disposition and maintenance of the residue.
07. Flag lots are prohibited, unless permission is granted by the Borough Council. In granting permission to use flag lots, the Borough Council shall find:
 - a. That flag lots are appropriate because of topographical or other conditions unique to the site. The access strip portions of a flag lot must be wide enough to permit the construction of a road with a right-of-way meeting the requirements of this ordinance and shall not be used for building purposes.

- b. That the use of flag lots will not result in conditions which will cause increased interruptions to traffic flow, accident hazards and sedimentation and runoff problems onto public roads.
 - c. That the use of an internal street system or marginal access streets on which lots would front will not be more appropriate for development of the tract than the use of flag lots.
 - d. That the use of flag lots is necessary to permit utilization of a tract of ground, which otherwise is not feasible to utilize under the applicable standards for lots found in this Ordinance.
 - e. No more than one (1) flag lot shall be created from the original tract of land for each ten (10) lots created from the original tract of land which meet the requirements of this Ordinance for lot configuration.
 - f. Should a flag lot be divided into two or more lots, the access strip shall be constructed into a street complying with the specifications of this Ordinance.
 - g. All structures shall be located on the flag lot so as to provide the required setback should the access strip be used for construction of a street.
 - h. The area of land contained in the access strip shall not be included in the calculation of minimum lot area.
08. Where an ultimate right-of-way line has been provided, all setbacks and lot areas shall be measured from such ultimate right-of-way line.
09. Wherever feasible, lots shall be designed so that buildings can be constructed above street grade. Where this is not possible, the developer shall indicate what measures are to be taken to assure proper drainage away from the buildings.
10. When only a portion of a tract is designed at a time and there exists the potential for development of the remainder of the tract, lots shall be designed such that they do not restrict access to the remainder of the tract, do not unduly restrict the potential development of the remainder of the tract, nor result in the creation of awkward or difficult-to-develop parcels in the remainder of the tract.

11. The maximum slope utilized when grading lots or streets along an adjoining tract of land not owned by the developer shall be a three (3) to one (1) slope ratio of horizontal distance to vertical distance.

804.2. Lot Frontage and Access

01. All lots shall abut and have direct driveway access to an existing or proposed public street or private street meeting the requirements of this Ordinance.
02. Reverse frontage lots shall be avoided except where required by the Borough Council to restrict access to existing streets or to overcome specific disadvantages of topography or orientation. All residential reverse frontage lots shall contain a landscape screen, fence, earth mounding, or similar screening device and barrier to vehicular access subject to Borough approval within the rear yard and with a minimum width of ten (10) feet.
03. Where access to land within a subdivision or land development will be solely by proposed roads within an adjoining municipality, the Borough Council may require assurance from the adjoining municipality that adequate provisions have been made to insure construction of the proposed access roads.
04. When the rear wall of a building will face a public street, the Borough Council may require a landscape screen, fence, earth mounding, or similar screening device subject to Borough approval between the building and the public street.
05. After consideration of street speeds, traffic volumes, projected traffic generated at a proposed land use, and the location and arrangement of existing and proposed driveways and intersections, the Borough Council may require the developer to install at his expense an acceleration or deceleration lane, or both, to serve a proposed driveway or street in the development. If additional street right-of-way is required to construct the acceleration or deceleration lane, the additional right-of-way shall be provided by the developer.

When required by the Borough Council, the developer shall furnish a study to the Borough which will provide the information necessary to permit the determination as to whether an acceleration or deceleration lane is required.

06. For lots proposed to abut a railroad right-of-way containing railroad tracks which are used for rail service, when deemed necessary by the Borough a landscape screen to provide a sight and noise buffer shall be placed within those lots in the yards abutting the railroad right-of-way. The screen shall be adequate

for the intended purpose and a plan for the screen shall be approved by the Borough Council.

804.3. Lot Size

The minimum lot size and width requirements set forth in the Borough Zoning Ordinance shall be met. The minimum lot area requirements found in the Zoning Ordinance may be increased by the Borough according to the results of the soil percolation tests required by Section 805 of this Ordinance.

804.4. Off-Street Parking

01. Each proposed dwelling unit in a subdivision or land development shall be provided with a minimum of two off-street parking spaces.
 - a. In the case of single-family or two-family dwellings and townhouses with on-lot parking, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport, or driveway. The spaces shall not be located within any clear sight triangle required by this Ordinance,
 - b. In the case of multiple-family dwellings, such off-street parking spaces shall be provided in parking facilities located adjacent to, within or near the multiple family dwellings. Spaces shall be located behind the street right-of-way line and not be located within any clear sight triangle required by this Ordinance. Each off-street parking space shall contain a minimum of two hundred (200) square feet. In addition, adequate aisles with a minimum width of twenty-four feet (24') for maneuvering and movement of vehicles shall be provided. The grade of areas used for parking shall not exceed six (6) percent. The grade of areas used only for access shall not exceed ten (10) percent.
02. Nonresidential development shall meet the off-street parking requirements of the Borough Zoning Ordinance.

804.5. Driveways

01. Subdivisions and land developments shall be provided with internal streets to which the lots will have driveway access in order to minimize the number of driveway intersections with existing public streets. This reduction in driveway

intersections will lessen interruptions to traffic flow and accident hazards and minimize sedimentation and runoff problems onto streets.

02. All driveways shall be designed with turnaround areas so that cars will not back onto streets.
03. Provision shall be made at all intersections of driveways with streets to ensure adequate storm water drainage and erosion and sediment control.

The Borough Council may require subdivision and land development plans to show a typical treatment of the construction of driveways and handling of storm drainage where the driveways intersect a street. The Borough Council may require as a condition to approval of a plan that prior to the issuance of zoning or building permits the specific proposals for the construction of a driveway and treatment of storm drainage and erosion and sediment control for that driveway be submitted to the Borough for approval.

04. Driveways shall be placed at locations at which sight distance is adequate to safely allow each permitted movement to be made into or out of the driveways; that the free movement of normal street traffic is not impaired; that the driveways will not create a hazard; and that the driveways will not create an area of undue traffic congestion on streets. Applicable safe sight distance as established in the regulations of the Pennsylvania Department of Transportation shall be provided.

The Borough Council may require the driveway to a lot which abuts two or more streets to be restricted to that street which can more safely accommodate its traffic. The Borough Council may also require a driveway to be located directly across from a street or driveway on the opposite side of the street the driveway intersects if the Borough Council find that offset driveways will create a safety hazard.

The Borough Council may require the location of a driveway for a lot to be shown on the subdivision or land development plan, and further require that driveway locations be subject to approval of the Borough Council.

Clear sight triangles shall be measured from the intersection of the centerline of the driveway and the centerline of the street and -measured along the centerline of the street and driveway.

Within clear sight triangles, no vision-obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below the height of ten (10) feet, measured from the center line grades of the intersecting driveway and street.

05. Entrances to private driveways serving multiple-family dwellings shall be rounded at a minimum radius of ten feet (10'). The maximum radius shall be thirty feet (30').

Entrances to private driveways serving one and two family dwellings shall be rounded at a minimum radius of five feet (5'). The maximum radius shall be twenty feet (20').

06. Driveways shall intersect streets as nearly as possible at right angles, and in no case at an angle of less than seventy (70) degrees or more than one hundred ten (110) degrees, provided that the Borough Council may permit the use of one-way driveways but at an angle of not less than forty-five degrees (45°).
07. Private driveways shall have such grades as to furnish safe and convenient parking spaces and to provide a safe and convenient means of access. The grades and construction materials of driveways shall be such that the materials of the driveway will not wash onto public streets. The maximum permissible grade shall be fourteen percent (14%) on all driveways, except that driveway grades shall not exceed five percent (5%) within twenty feet (20') of street cartway lines. Driveways shall be paved.
08. The center line of entrances to private driveways serving one and two family dwellings shall be located at least forty feet (40') from the point of intersection of the nearest street right-of-way lines from a minor street, at least eighty feet (80') from a collector street, and at least one hundred twenty feet (120') from an arterial street. The center line of entrances to private driveways serving multiple-family dwellings or non-residential buildings shall be located at least eighty feet (80') from the point of intersection of the nearest street cartway lines from a minor street, at least one hundred twenty feet (120') from a collector street, and at least one hundred sixty feet (160') from an arterial street. This requirement shall apply to both sides of any street forming part of a cross-street or "T" intersection.
09. The standards for driveways are in addition to those established in the Borough's Driveway, Curb, and Sidewalk Ordinance.

Section 805. Sanitary Sewage Disposal

805.1. The developer shall provide the most desirable type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions. The following types of sanitary sewage and disposal facilities are listed in order of decreasing desirability:

01. Public sanitary sewer and treatment plant system;
02. Community sanitary sewer system with a temporary sewage treatment plant;
03. Capped sewers with temporary, approved on-site facilities;
04. Approved on-site facilities.

805.2. Each property shall connect with an approved public or community sewer system, if reasonably accessible. Where sewers are not yet accessible but are planned for extension to the subdivision or land development within ten (10) years, the developer shall install sewer lines, including lateral connections, necessary to provide adequate service to each commercial and industrial lot and each dwelling unit when connection with the sewer system is made. Sewer lines shall be suitably capped at the limits of the subdivision or land development, and laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.

805.3. All sanitary sewer systems shall conform in all respects to the requirements of the Pennsylvania Department of Environmental Protection, the Borough, and any applicable Authority.

805.4. Whenever approval by a Municipal Authority or the Pennsylvania Department of Environmental Resources is required for the sanitary sewer system for a proposed subdivision or land development, the developer shall submit a copy of such approval to the Borough prior to final approval of a Plan. Indication of ability to serve the tract shall be furnished to the Borough at preliminary plan stage.

805.5. Sanitary sewer systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

805.6. If on-site sanitary sewage disposal facilities are proposed, the Borough may require that the developer submit a feasibility report if the Borough considers that such facilities are not the highest type consistent with existing conditions. Such report shall

compare the feasibility of providing on-site facilities with that of providing more desirable types of facilities (see Section 805.1). Based on analysis of the feasibility report, the Borough may require the installation of a more desirable type of facility.

805.7. Before covering and backfilling, all on-site facilities must be inspected by the Borough Sewage Enforcement Officer and must comply with the approved engineering drawings that are part of the plans. Such approval shall be in writing. Two copies of an "as-built" drawing of on-site facilities shall be provided for the Borough Engineer showing the location sizes and/or capacities of all pipes, tanks, cleanouts, vents and tile fields.

805.8. Submittal to the Pennsylvania Department of Environmental Protection

01. In accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) municipalities shall revise their official plan for sewage disposal whenever a new subdivision is proposed, unless DEP determines that the proposal is for the use of individual on-lot sewage systems serving detached single family dwelling units in a subdivision of ten (10) lots or less and certain criteria set forth in the Rules and Regulations of DEP are met.
02. An official plan revision for new land development shall be submitted to DEP in the form of a completed sewage facilities planning module provided by DEP and including all information required by DEP.
03. The developer or developer or his agent shall complete the DEP sewage facilities planning module and submit it to the Borough for action.
04. No plan revision for new land development will be considered complete unless it includes all information specified within DEP's Rules and Regulations.
05. The municipality shall not adopt a proposed revision to the official plan, conditionally or otherwise, until it determines that the proposal complies with applicable Borough zoning, land use or other Borough comprehensive plans. If changes to the proposed revision or the applicable plan, regulation or ordinance are necessary, the changes shall be completed prior to adoption of the revision by the Borough.

06. Upon adoption of a proposed revision to the official plan, or refusal to adopt such a proposed revision, the Borough shall forward the proposed revision or statement refusing to adopt to DEP. DEP may approve or disapprove a proposed plan revision for new land development.
07. The time limits for actions by Borough and county agencies and DEP are set forth in the rules and regulations of DEP.
08. Subdividers and developers are advised that no subdivision or land development plan will be finally approved and released for recording by the Borough until all necessary approvals of the official plan revision or requests for exceptions to the requirement to revise the official plan have been secured from the Borough and DEP. This fact and time limits for action should be considered by subdividers and developers when submitting the DEP sewage facilities planning module to the Borough.

Section 806. Water Supply

- 806.1. Subdivisions and land developments shall incorporate provisions for reliable, safe and adequate water supplies to support intended uses.
- 806.2. The developer shall provide the most desirable water supply and distribution facility consistent with existing physical, geographical, and geological conditions. The following types of water systems are listed in order of decreasing desirability:
 01. Public water supply and distribution system
 02. Community water supply and distribution system
 03. Approved on-site system
- 806.3. Each property shall connect with an approved public or community water system, if reasonably accessible. A distribution system shall be designed to furnish an adequate supply of water to each commercial, industrial, and residential lot and dwelling unit with adequate main sizes, water pressure and fire hydrant locations to meet the specifications of the Insurance Services Office.
- 806.4. All water supply and distribution systems shall be constructed in full compliance with Pennsylvania Department of Environmental Protection specifications, and all ordinances, rules, and regulations of the Borough and applicable Authorities.

- 806.5. Where public or community water and sewer systems are not reasonably accessible, cannot be connected to, or are not adequate to service the proposed development, but on-site water and sanitary sewage disposal systems are proposed to be used; or when a water distribution system is planned for extension to the subdivision or land development within ten (10) years; or if deemed necessary by the Borough Council for the public health, safety and welfare, a public or community water supply and distribution system may be required by the Borough. If such a system is provided, it shall be approved by the Borough and the Pennsylvania Department of Environmental Protection, and appropriate agreements established to ensure proper and adequate maintenance shall be approved by the Borough.
- 806.6. Where individual onsite water supply system(s) are to be utilized, the developer shall provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bed rock, at least fifty (50) feet deep, and should have a production capacity of at least five gallons per minute of safe, potable drinking water, as certified by a State Certified Testing Laboratory. No well shall be closer than Pennsylvania Department of Environmental Protection regulations permit from an on-site sewage disposal system.
- 806.7. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the developer shall present evidence to the Borough Council at preliminary plan stage that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be submitted.
- 806.8. Whenever approval by an Authority or other public agency, a utility company, or the Pennsylvania Department of Environmental Protection is required for the water supply and distribution system for a proposed subdivision or land development, the developer shall submit a copy of such approval to the Borough prior to approval of a Final Plan.
- 806.9. Water supply systems shall be designed to eliminate infiltration of flood waters into the systems.

Section 807. Storm Water Management Standards and Design

- 807.1. The developer shall provide a plan for the surface drainage of the tract, including storm water runoff calculations and the proposed method of accommodating the

anticipated runoff. Storm water calculations shall be made and drainage facilities designed in accordance with the Borough of Tipton Storm Water Management Ordinance, Ordinance No. 50 as amended and/or the Sacony Creek Watershed Act 167 Storm Water Management Ordinance, Ordinance No. 76, as amended.

Section 808. Erosion and Sediment Controls and Plan Requirements

Land shall not be developed or changed by grading, excavation or the removal or destruction of natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.

808.1. A plan for erosion and sediment control shall be prepared and submitted to the Borough. The plan shall meet all requirements and be approved by the County Conservation District, the Borough, and the Pennsylvania Department of Environmental Protection (Chapter 102 of Title 25, latest revision), when applicable.

808.2. The erosion and sediment control plan shall be submitted at Final Plan submission. The plan shall contain two (2) parts: (1) a map(s) describing the topography of the area within the subdivision or development, the proposed alterations of the area, and the erosion and sediment control measures and facilities which are proposed; and (2) a Narrative Report describing the project and giving the purpose, engineering assumptions, and calculations for control measures and facilities.

01. The map(s) shall show:

- a. The types, depth, slope, and area extent of the soils on the site.
- b. The proposed alteration to the area, including:
 - i. Arrows indicating existing and proposed runoff flow direction, when contours do not adequately describe flow paths.
 - ii. Areas of cuts and fills exceeding five feet (5') in vertical difference.
 - iii. Structures, roads, paved areas, buildings.
 - iv. Storm water and erosion and sediment control facilities.

- v. Existing contours on the site at intervals required by this Ordinance and finished contours at the same interval. The Borough Council may require that the proposed grading of individual lots be shown on the plan.

02. The following certification statements:

- a. "I CERTIFY THAT THE PLAN OF DEVELOPMENT AND THE PLAN FOR SOIL EROSION AND SEDIMENT CONTROL MEET THE REQUIREMENTS, STANDARDS AND SPECIFICATIONS OF THE COUNTY CONSERVATION DISTRICT."

Engineer for Developer Date

- b. "I CERTIFY THAT ALL CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE AS DESCRIBED BY THIS PLAN OF DEVELOPMENT AND THE PLAN FOR SOIL EROSION AND SEDIMENT CONTROL, INCLUDING THE NARRATIVE REPORT."

Developer Date

03. The Narrative Report shall contain:

- a. A General Statement of the Project which shall contain:
 - i. A general description of the project.
 - ii. A general description of storm water control methods.
 - iii. A general description of accelerated erosion control.
 - iv. A general description of sedimentation control.
- b. The staging of earthmoving activities, including cover removal, control facility installation, installation of improvements, and program of operations.

- c. A maintenance program for the control facilities, including:
 - i. frequency of inspection of control facilities, and a method of disposal of materials removed from the control facilities of the project area.
 - ii. The methods, frequency, and ultimate disposal site for solid waste material. Construction waste shall be removed from the site and disposed of in an approved landfill. Construction waste shall not be buried on the site.
 - iii. A specification for both temporary, and permanent seeding, including preparation of the seed bed. Application rates for seed, fertilizer and mulch shall be provided, and shall comply with the specifications and standards established by the County Conservation District.

- 04. The following items shall be shown on a map and also described in the Narrative Report:
 - a. Temporary control measures and facilities for use during earthmoving, including:
 - i. Purpose
 - ii. Types of control measures and facilities
 - iii. Location of control measures and facilities
 - iv. Dimensioned construction details of the facilities

 - b. Permanent control measures and facilities for site restoration and long-term protection, including:
 - i. Purpose
 - ii. Types of control measures and facilities
 - iii. Location of control measures and facilities

- iv. Dimensioned construction details of the facilities
 - v. Design considerations and calculations
05. All erosion and sediment control facilities shall be periodically inspected and checked for adequacy and compliance with the approved erosion and sediment control plan by the Borough. The approved erosion and sediment control plan shall be maintained at the site of earthmoving at all times.
- 808.3. All control facilities shall be maintained for their designed operation to ensure adequate performance.
- 808.4. The following guidelines shall be followed as needed in developing erosion and sediment control measures:
- 01. Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be kept to a minimum and shall be done in such a way that will minimize erosion.
 - 02. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
 - 03. The disturbed area and the duration of exposure shall not exceed twenty (20) days, except in the case of building construction.
 - 04. Disturbed soils shall be stabilized as quickly as practicable.
 - 05. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - 06. Erosion control and drainage measures shall be installed prior to earthmoving activities.
 - 07. Both permanent and temporary provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be mechanically retarded.
 - 08. Until disturbed areas are stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other similar approved measures.

- 808.5. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls:
01. All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings, without ponding.
 02. Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard, and to adequately handle surface runoff.
 03. Natural drainage patterns shall be preserved wherever possible and desirable.
 04. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
 05. Cut and fills shall not impact adjoining property.
 06. Fill shall be placed and mechanically compacted to minimize sliding and erosion of the soil.
 07. Fills shall not encroach on natural watercourses, floodplains, or channels.
 08. During grading operations, necessary measures for dust control shall be exercised.
 09. Grading equipment shall not cross running streams. Provisions must be made for the installation of culverts or bridges.
 10. Whenever sedimentation is caused by stripping vegetation, regrading, or other development or earthmoving, it shall be the responsibility of the developer, causing such sedimentation, at his expense, to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage which was caused within seventy two (72) hours of such sedimentation or damage. The Borough Council may require a note to this effect to be placed on the Final Plan.

Section 809. Natural Features

- 809.1. Subdivisions and land developments shall be designed to preserve natural features such as trees greater than one (1) foot in diameter, water courses, rock outcroppings, wooded areas, viewsheds, natural water courses and bodies of water.
- 809.2. Topsoil shall not be removed from the subdivision or land development site nor used as structural fill without the permission of the Borough Council. Topsoil may be removed from areas of earthmoving activity, but shall be stored elsewhere within the subdivision or land development and stabilized to minimize erosion. Upon completion of construction, the topsoil shall be redistributed on the site.
- 809.3. Street and lot designs of tracts shall minimize alterations of the natural landscape.

Section 810. Flood Plains

- 810.1. Flood plains shall be calculated using the method established in Appendix IV of this Ordinance and shown on all subdivision and land development plans, where applicable. The Flood Plain controls established within the Borough of Tipton Zoning Ordinance, as amended shall be applied to those floodplains.
- 810.2. The Borough Council may require that vehicular access be provided to each dwelling unit within a subdivision or land development over a street or other approved means of access which is elevated above the level of the 100 year flood.

Section 811. Utilities and Easements

- 811.1. Easements shall be provided for electric, telephone, and television cables, drainage swales, wires and conduits, storm and sanitary sewers, gas, water and heat mains and other utility lines. No structures, roads or other improvements shall be built within such easements. No trees or shrubs shall be permitted within easements unless approved by the Borough Council. The Borough, applicable authorities and municipalities, and utility companies shall be consulted when locating utilities and easements, and all utilities and easements shall be located in accordance with their standards.
- 811.2. Easements abutting street rights-of-way shall be a minimum of ten (10) feet in width. Other easements shall be a minimum of twenty (20) feet in width.

- 811.3. There shall be a minimum distance of one hundred (100) feet between any proposed dwelling unit and the right-of-way line of any petroleum products, gas transmission line, or electric line which traverses the subdivision or land development.
- 811.4. Where gas or petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction shall occur within a right-of-way of fifty (50) feet minimum and shall comply with the applicable requirements of the Pennsylvania Public Utilities Commission.
- 811.5. Underground electric distribution lines shall be installed in all new subdivisions and land developments. In existing subdivisions, any extensions of the electric distribution lines shall be placed underground.
- 811.6. All telephone and television distribution lines shall be placed underground when electric distribution lines are placed underground.
- 811.7. When required by the Borough Council, the location of utility easements and rights-of-way shall be marked in the field.

Section 812. Compliance with Borough Zoning Ordinance

All subdivisions and land developments shall be designed to meet the requirements of the Borough's Zoning Ordinance, except as may be otherwise provided in this Ordinance.

Section 813. Access to the Subdivision or Land Development

- 813.1. The location and number of access points to a subdivision or land development shall be adequate for and appropriate to the size and nature of the development and surrounding roads and land uses.
- 813.2. All subdivisions and land developments containing more than twenty (20) dwelling units shall have at least two means of ingress and egress via streets or access drives meeting the design and construction standards of the Borough.
- 813.3. For all subdivisions and land developments for which only one means of ingress and egress is proposed, the Borough Council may require, where deemed necessary in the public interest and for the public safety, the provision of additional street or access drive access meeting Borough standards or the provision of an alternate means of ingress and egress meeting Borough standards which could be used by emergency vehicles in addition to the primary means of ingress and egress. Such alternate means of ingress and egress shall be of such width and improved to such an extent to be

usable by emergency vehicles, and no structures, trees, or similar obstructions shall be permitted.

Section 814. Solid Waste Management

- 814.1. Provision shall be made in developments containing apartments and townhouses and in nonresidential developments to adequately store within containers all solid waste generated between collections.
- 814.2. All storage containers shall be located to permit efficient depositing of wastes in the containers and efficient collection from the containers.
- 814.3. Debris, rubbish, or other waste material resulting from grading or construction activities on the lot shall be removed from the lot prior to the issuance of a certificate of use and occupancy for the lot.

Section 815. Considerations for Solar Access

- 815.1. When provision is to be made for the use of solar energy by structures, streets toward which buildings are to be oriented should run in an east-west direction.
- 815.2. Side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Borough Council may allow variation from this requirement where provision is to be made for use of solar energy, in which case side lot lines generally may run from due north to due south or with slight variation east or west of this axis.
- 815.3. In land developments where lot lines will not be provided, consideration should be given to orienting buildings to maximize solar access. Generally, buildings should be located with their long axes running east to west, though in some high density or townhouse developments a north-south orientation for the long axes may be desirable.
- 815.4. Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.
- 815.5. Consideration should be given to reserving solar easements within lots for protection of solar access.

Section 816. Carbonate Areas

816.1. Designation of Area

Areas subject to this Section shall include all soils classified as carbonate in the Berks County Soil Survey.

In Carbonate Areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Borough shall attempt to make reasonable judgments as to the developer's compliance with the standards of Section 816.2. Under no circumstances shall the Borough or any officer or employee of the Borough be liable for any damages that may result from an applicant's or any interested party's reliance upon the regulations of Section 816.2 or any decisions made by the Borough in the administration of such regulations.

816.2. Standards

01. Land grading or construction of buildings or other site improvements shall not directly or indirectly diminish the flow of natural springs or contaminate existing or potential water supplies. If warranted, as determined by the Borough Council, water table data from observation wells shall be provided by the developer.
02. All buildings, structures, roads, storm drainage facilities, utilities and other impervious surfaces shall be situated, designed and constructed to minimize the risk of structural damage from existing or future sinkholes. A professional geologist or geotechnical engineer with competence in the field shall demonstrate that a minimal risk of structural damage due to sinkholes will exist, or indicate mitigating measures to be taken to minimize the risk of structural damage.
03. Whenever a detention or retention basin for the control of storm water will be located in a Carbonate Area, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formation. The design of all basins over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors ("K" factors). The Borough may require the installation of an impermeable liner in basins. All detention or retention facilities shall be above ground unless otherwise approved by the Borough Council.

04. The following guidelines shall govern during construction activities:
- a. Care should be taken to prevent collection and drainage of surface water into excavated or low lying areas of the site during excavation and construction.
 - b. Soft and wet conditions should be located wherever they may exist or be encountered.
 - c. Soft areas should be removed and replaced with suitable fill compacted in accordance with recognized standards.
 - d. The bottom of all excavations should be inspected for soft or yielding conditions. A visual inspection of the excavated bearing surface, together with soundings or probes of the soil at regular intervals, should be done. Any soft or unusually moist soil should be further excavated and a determination made of the extent of the problem. Remedial measures should be used as necessary.
 - e. The low points of swales and outlet locations for drainage pipes should be lined with impermeable liners instead of stone rip-rap in order to prevent infiltration of runoff.
 - f. Excavation should be kept to a minimum.
 - g. Water from roof drains or other drainage systems should be collected and conveyed away from structures to prevent infiltration near foundations. If possible, roof drains should discharge directly into a storm sewer system or the street gutter.
 - h. Subsoil erosion/sinkholes that occur during the construction of a project should be corrected as quickly as possible under the supervision of a professional geotechnical engineer or geologist with competence in this field.
 - i. Blasting should be avoided.
05. Should the Borough Council find that an developer may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risks, or should the Borough Council determine that the applicant

has not taken all reasonable actions to minimize such risks, the Borough Council may deny the application.

816.3. Submission Requirements

The following information shall be submitted:

01. For areas proposed for grading, construction of buildings and other improvements, the developer shall indicate the presence of any of the following carbonate features:
 - a. Depressions
 - b. fissures, lineaments, faults or air photo fracture traces
 - c. ghost lakes occurring after rainfall events
 - d. outcrops of bedrock
 - e. seasonal high water tables
 - f. sinkholes
 - g. soil mottling, as defined by a soil scientist
 - h. springs
 - i. surface drainage entering the ground

Such information shall be supported by documentation of its source, including the qualifications of the individuals directly responsible for preparing such information.

02. The developer shall furnish a plan indicating existing and proposed drainage conditions, existing and proposed grading, the locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements.

03. An Environmental Assessment Report containing the following information:
 - a. Description of existing conditions showing the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.
 - b. Description of the proposed action including types, locations and phasing of proposed site disturbances and construction, as well as future ownership and maintenance of the property and the proposed improvements.
 - c. Proposed measures to control potential adverse environmental impacts including all measures proposed by the applicant to control all adverse impacts which may occur as a result of the proposed action.
 - d. List and qualifications of preparers showing the names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the Environmental Assessment Report shall be provided.

Section 817. Required Studies to be Submitted by the Developer

- 817.1. The following impact studies shall be submitted to the Borough in the following instances:
 01. A residential subdivision or land development which has or will have twenty-five (25) or more lots and/or dwelling units.
 02. A nonresidential subdivision of five (5) or more lots.
 03. A nonresidential land development containing 20,000 square feet or more of gross floor area.
 04. Any nonresidential land development within one quarter (1/4) mile of an intersection involving an arterial road or two collector roads.
 05. The Borough Council 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 Borough Council deems such a study necessary to adequately review the impact of the subdivision or land development on existing and proposed roads.

817.2. Traffic Impact Study

01. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer with verified experience in preparing such studies.
02. 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 Borough Council.
03. The Traffic Impact Study shall contain the following:
 - a. The study area boundary and identification of the roadways included within the study area.
 - b. A general site description, including:
 - i. Size and location of existing and proposed land uses and dwelling types
 - ii. Construction staging, and completion date of the proposed development.
 - iii. 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 Borough Council as having bearing on the development's likely impact.
 - iv. 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.
 - c. Analysis of existing conditions, including:
 - i. 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.

- ii. Volume/Capacity Analyses at Critical Points Utilizing techniques described in derivative Highway Capacity Manual, latest edition or derivative 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.
 - iii. 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 for all movements. Included in this section shall also be a description of typical operating conditions at each level of service.
 - iv. A tabulation of accident locations during the most recent three-year period shall be provided.
- d. Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Borough and will be dependent on the timing of the proposed development. The following information shall be included:
- i. 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 817.2.03.c.i in terms of location and times (daily and peak hours).
 - ii. 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.

In the case of existing signalized intersections, Traffic signal timing shall be optimized to determine the best possible levels of service that can be obtained utilizing existing roadway geometry and traffic signal equipment.

- iii. Levels of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be determined.
- 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 Borough Council. Trip Generation (latest edition) published by the Institute of Transportation Engineers shall be used unless the Borough Council approves other studies.
- 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 Borough can replicate these results.
- 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 817.2.03.d to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
- 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 area (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:

- i. 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.
 - ii. Volume/Capacity Analysis at Critical Points. Similar to Sections 817.2.03.c.ii and 817.2.03.d.ii, a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 - iii. 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 for all movements.
- i. Recommended Improvements. In the event that the analysis indicates a decrease in the level of service for all movements 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 Borough and State which were described in Section 817.2.03.b.iii and reflected in the analysis contained in Sections 817.2.03.c and 817.2.03.d.

The following information shall be included:

- i. 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.
- ii. 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.
- iii. 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.

- j. Conclusion. The last section of the report shall be a clear, concise description of the study findings.

817.3. 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 Borough. 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 Borough considering added service requirements of the proposed development.

817.4. 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:

01. A description of the projected age breakdown of the residents of the proposed development.
02. A description of any recreational facilities to be provided by the developer.
03. A description of existing public recreational facilities in the Borough and the impact of the proposed development on these facilities. The National Recreation and Parks Association Guidelines shall be used in the analysis.
04. Discussion of potential for any recreational facilities to be provided by the developer to compensate for any anticipated deficiencies of the Borough's recreational facilities.
05. A description of any contributions the developer plans to make for Borough recreation to compensate for expected impacts.

817.5. Fiscal Impact Analysis

A fiscal impact analysis shall be prepared identifying the likely impact of the development on the Borough and School District's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the Borough 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 Borough to deliver fire, police, administrative, public works and utility services to the development and on the Borough'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 Borough's service delivery capability to be analyzed shall include:

01. 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.
02. Administration - This includes time that would be required by the Borough Council, 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.
03. 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.
04. Police - The study shall project the overall effects of the proposed development on existing Borough police personnel numbers, equipment, vehicles and working space. The study shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigation, armed robbery, or other security-related problems.

817.6. Historic and Archeological Resources Impact Study

All Historic and Archaeological Resources which have been identified and/or inventoried by the Borough, 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.

817.7. Environmental Impact Study

The study shall include the following:

01. 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.

02. 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
03. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

817.8. Hydrogeologic Impact Study

Those applications proposing the use of a well shall require the preparation of a hydrogeologic study. Such study shall be conducted by a qualified hydrogeologist and consist of the following minimum considerations:

01. A map showing the location of the site and proposed wells.
02. A description of the geologic conditions on and within one-quarter (1/4) mile around the site, including factors which would affect the groundwater recharge rate and the degree of groundwater renovation. Site geology, including stratigraphy, structure, and soils shall be analyzed. Hydrogeology, including aquifer characteristics, groundwater movement, local water use, aquifer yield, and water quality shall be analyzed. Groundwater impacts, availability of

groundwater, well interference, water quality, and yield availability shall be analyzed.

03. Should it be determined that the proposed use(s) would result in a degradation of groundwater quality, or impact the potential groundwater use at nearby properties, the study shall present measures that will be employed to prevent these adverse impacts.
04. Results of a test well, including quality of water and flow rate.

Section 818. Public Use and Service Areas

818.1. Public Open Spaces

01. The Borough Planning Commission and Borough Council shall consider whether community facilities in the area are adequate to serve the needs of the additional dwellings proposed by the subdivider or land developer, who shall make such report thereon as deemed necessary by the Borough Council in the public interest.
02. Subdividers/land developers shall give consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including parks, playgrounds, and playfields for active and passive recreational use. Areas provided or reserved for such 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 use.
03. The Borough Planning Commission shall consider and recommend to the Borough Council, the Borough's need for either newly dedicated suitable open space areas for public recreation or the improvement of nearby existing public recreation area or areas at the expense of the developer, or the private reservation of land, the payment of fees in lieu thereof, or both. The standards to be utilized by the Borough Council and the Borough Planning Commission in deciding which of the aforesaid alternatives shall be in the best interest of the Borough, shall be as follows:
 - a. whether a public recreation area exists or is planned within one (1) mile of within the proposed subdivision and/or land development;

- b. whether an arterial street or road separates the nearby existing public recreation area and the proposed subdivision and/or land development; and
- c. whether the nearby existing public recreation area adequately fulfills the recreational needs of the future residents of the proposed subdivision and/or land development. In the event it shall be determined that a new suitable open space area for public recreation is needed, the Borough Council shall request that the developer shall set aside and dedicate, for public recreation purposes, the following quantities of suitable open space areas based upon site density.

Density (dwelling units per acre)	% Of Tract In Open Space
1-3	5
3.1-6	10
6.1-10	15
10.1-15	20
15.1 or more	25

The above percentages shall apply in subdivision or land developments which intends to provide housing for the following number of families, by unit type.

Unit Types	Open Space Required
Single Family	5 units or more
Townhouse or Multi-Family	Densities in excess of 2.0 d.u. / acre and/or 10 or more units
Mobile Home Park	Always required

When mixed unit types are proposed within a development (e.g., single-family and townhouses) open space shall be required where there are ten (10) or more units and/or the density in excess of 2.0 dwelling units per acre.

- 04. In the event it shall be determined that a payment of fees shall be made by a developer in lieu of dedication of suitable open space, such fee shall be based upon a contribution to the Borough of the sum as established by the Borough Council by resolution from time to time per new building lot or proposed dwelling unit in the subdivision where such lot does not then contain a presently existing and occupied dwelling unit.

05. Monies contributed in lieu of dedication of suitable open space shall be deposited by the developer in an interest-bearing account in the name of the Borough, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected. Upon request of any person who paid any such fees, the Borough shall refund any unused fee, plus interest accumulated thereon from the date of payment, if the Borough has failed to utilize the entire fee paid for the purposes set forth in this Section within three (3) years from the date such fee was paid.

06. Open Space Agreement:

The developer shall provide a contract for the maintenance of the open space or recreation facilities and the method of management, together with all offers of dedication and covenants governing the reservation and maintenance of undedicated open space. This agreement is subject to the review of the Borough Solicitor and acceptance by the Borough Council.

818.2. Community Assets

Consideration shall be given for the preservation of all natural features, such as large trees, water courses, viewsheds, historic area and structures and similar community assets which, if preserved, will enhance the development and add to the value of the subdivision or land development.

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ARTICLE IX MOBILE HOME PARKS

Section 900. Area, Density, Yard, and Lot Requirements

- 900.1. The minimum area of a mobile home park shall be ten (10) acres. The area of said site shall be in single ownership or under unified control.
- 900.2. All mobile home parks shall be served by either a public or community sewage disposal system and by either a public or community water supply system. The Pennsylvania Department of Environmental Resources shall approve both the sewage disposal and water supply systems.
- 900.3. The maximum gross density of any mobile home park shall be five (5) dwelling units per acre.
- 900.4. Recreation Areas
01. Not less than fifteen percent (15%) of the total area of the mobile home park shall be devoted to recreation areas for the use of all residents of the park.
 02. Not more than twenty-five (25) percent of the area required for recreation purposes shall contain wetlands or slopes greater than twenty-five (25) percent.
 03. The recreation area shall be so located as to be reasonably free of traffic hazards, centrally located, and easily accessible to all park residents.
 04. Provision shall be made by the owner of the mobile home park for the development, installation, and perpetual maintenance of such recreation areas.
- 900.5. Minimum area and width of a mobile home lot shall be as follow:
01. Single wide mobile home units:
 - a. Area 6,000 square feet.
 - b. Lot width:
 - i. At the street right-of-way line forty (40) feet.
 - ii. At the building setback line fifty (50) feet.

02. Double wide mobile home units:
 - a. Area 8,000 square feet.
 - b. Lot width:
 - i. At the street right-of-way line fifty (50) feet.
 - ii. At the building setback line sixty (60) feet.
- 900.6. Two off-street parking spaces shall be provided on each mobile home lot behind the street right-of-way line.
- 900.7. The minimum allowable distance between any mobile home, mobile home park service or accessory building, or parking facility and a boundary line of the mobile home park shall be fifty (50) feet, provided that no mobile home shall be located closer than seventy-five (75) feet to any street right-of-way line located outside the boundary lines of the park or the minimum required front yard setback established for the Zoning District in which the mobile home park is located, which ever is greater. No mobile home shall be located closer than twenty-five (25) feet to any street right-of-way line located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building, or common parking facility shall be thirty (30) feet.
- 900.8. Accessory buildings, to individual mobile homes, shall not be located in the front yard or within five (5) feet of the side or rear mobile home lot line, nor shall an accessory building be located within ten (10) feet of a mobile home.
- 900.9. An evergreen planting screen a minimum of four (4) feet in height at-planting shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen, which shall be maintained permanently. Plant material, which does not live, shall be replaced within one year. The distance between trees shall be such that a full screen will be provided within three years of planting. The permissible distance between plants will vary with the species of planting.
- 900.10. Each mobile home shall be placed on a lot, which has frontage on and direct access to an approved street and shall be located to provide safe and convenient access for servicing and fire protection.

- 900.11. The limits of each mobile home lot shall be clearly marked on the ground by permanent markers.
- 900.12. Each mobile home space shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration, or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. Each mobile home space shall be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces as specified in Section R301.2.1 of the International Residential Code for One and Two-Family Dwellings, 2000 Edition.

The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

Section 901. Compliance with State Requirements

- 901.1. All mobile home parks shall comply with the requirements for mobile home parks established by the Pennsylvania Department of Environmental Resources.

Section 902. Compliance with Borough Design Standards and Improvements Specifications

- 902.1. Mobile home parks shall comply with the requirements of Article VIII Design Standards and Article X Improvements Specifications.

Section 903. Additional Design Standards

- 903.1. Access to Mobile Home Parks

Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exists and allow free movement of traffic on adjacent streets. Each mobile home park shall be provided with at least two (2) prints of ingress and/or egress in conformance with Section 801.8.

903.2. Pedestrian Circulation System, Service and Accessory Buildings and Landscaping

01. All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed, and maintained for safe and convenient movement from all mobile home spaces to principal destinations within the park and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside of the park. "Principal destinations" include such uses as recreation areas., service buildings, storage areas, common parking areas and management offices.
02. All pedestrian walks shall have a minimum width of four (4) feet.
03. All pedestrian walks shall be paved.
04. All pedestrian walks must be provided with lighting units spaced, equipped, and installed to allow safe-movement of pedestrians at night.
05. All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall conform to the requirements of the Borough Building Code. Attachments to mobile homes in the form of sheds and lean-to's are prohibited.
06. The mobile- home park shall have a structure designed and clearly identified as the office of the mobile home park manager.
07. Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.
08. Ground surfaces in all parts of a mobile home park must be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the emanation of dust.
09. Park grounds must be kept free of vegetative growth which is poisonous or which may produce pollen or harbor rodents, insects, or other pests harmful to man.

903.3. Solid Waste and Vector Control and Electric Distribution System

01. The storage, collection, and disposal of solid wastes from the mobile homes park shall be the responsibility of the mobile home park operator.

02. The storage, collection, and disposal of solid wastes must be conducted so as to prevent insect and rodent problems.
03. All solid wastes must be stored in approved fly-tight, rodent-proof and water-tight containers, and these containers shall be maintained in a clean condition.
04. Solid wastes containers must be distributed throughout the mobile home park in adequate numbers and be readily accessible to the mobile home spaces in use.
05. Exterior storage areas for solid wastes must be completely screened on three sides with evergreen plantings.
06. Adequate measures must be taken by the operator of the mobile home park to prevent an infestation of insects and rodents.
07. Every mobile home park shall be provided with an electrical distribution system to which every mobile home and service building shall be connected. Such system and connections shall be installed, inspected, and maintained in accordance with the specifications and rules of the appropriate utility company, the Borough, and the State. The appropriate electric utility shall inspect all transformers and underground connections to all mobile homes located within mobile home parks and shall attach its dated "tag-of-approval" to each mobile home at a visible location before any mobile home is occupied.
08. Underground electric distribution lines are to be installed in all mobile home parks.

903.4. Utility Improvements

01. All mobile home parks shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.
02. Natural Gas System
 - a. Natural gas piping systems, when installed in a mobile home park, shall be maintained in conformity with accepted engineering practices.

- b. Each mobile home park provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

03. Liquefied Petroleum Gas (LPG) Systems

Liquefied petroleum gas systems, when provided in a mobile home park shall include the following:

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

04. Fuel Oil Supply Systems

All fuel oil supply systems, when provided in a mobile home park, shall be installed and maintained in conformity with the following regulation:

- a. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.
- b. All fuel oil supply systems shall have shut-off valves located within five (5) inches of the storage tanks.

- c. All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five (5) feet from any mobile home parking area or exit.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

903.5. Other Site Improvements

- 01. The park operator shall require that a fire extinguisher of an approved type shall be maintained in each mobile home and in all public service buildings under the mobile home park control.
- 02. Each mobile home lot shall be provided with a four (4) inch thick concrete slab on a stable surface at least ten (10) feet by eighteen (18) feet in size for use as a terrace.

Section 904. Non-Residential Uses

No part of any mobile home park or mobile home shall be used for a non-residential purpose, except where required for the management and maintenance of the park.

Section 905. Required Permits and Application for Permits

- 905.1. It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the Borough unless he holds a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Resources and a valid occupancy permit issued by the Borough Council.
- 905.2. Proof that a valid Certificate of Registration from the Pennsylvania Department of Environmental Resources is held shall be submitted to the Borough Secretary each year.
- 905.3. Every person holding a Certificate of Registration shall file notice in writing to the Pennsylvania Department of Environmental Resources and the Borough Secretary within ten (10) days after having sold, transferred, given away, or otherwise having disposed of interest in or control of any mobile home park.
- 905.4. Mobile home parks in existence upon the effective date of this ordinance shall be required to meet only the standards of the Pennsylvania Department of Environmental Resources, the Borough Zoning Ordinance, and other applicable Borough Ordinances,

as a prerequisite to the issuing of an occupancy permit by the Borough. The standards of the Department of Environmental Resources, the Borough Zoning Ordinance, other applicable Borough Ordinances, and the standards prescribed in this ordinance shall be met before an occupancy permit is issued by the Borough for a mobile home park constructed or expanded after the effective date of this ordinance.

- 905.5. A representative of the Borough may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this ordinance.
- 905.6. A copy of the occupancy permit for a mobile home park issued by the Borough shall at all times be posted in the office of the mobile home park manager.
- 905.7. Applications for Occupancy Permits for mobile home parks shall be filed with the Borough Secretary, using application forms available from the Borough Secretary.
- 905.8. Accompanying all applications for occupancy permits shall be three (3) copies of all information, which was submitted to the Pennsylvania Department of Environmental Resources when an application for a Certificate of Registration from that body was filed.
- 905.9. An application for an occupancy permit for a mobile home park shall be accompanied by three copies of plans for the mobile home park and three copies of any supplemental drawings, which shall contain all information necessary to allow the Borough Council to determine that all the requirements of this Ordinance have been met.
- 905.10. The Borough Council shall act on each application for an occupancy permit for a mobile home park and shall issue an occupancy permit if the application is approved, proof that the Pennsylvania Department of Environmental Resources has issued a Certificate of Registration is submitted to the Borough, and a permit fee is paid to the Borough. The occupancy permit shall be valid for a period of one year from the date it is issued.
- 905.11. An annual permit fee shall be required for each mobile home park. An occupancy permit must be renewed each year and will not be renewed by the Borough unless the annual permit fee is paid to the Borough and the Borough determines that all the standards of the Pennsylvania Department of Environmental Resources are met. In the case of mobile home parks constructed or expanded after the effective date of this ordinance, the Borough must also determine that the standards of this Ordinance are met.

- 905.12. An application for renewal of an occupancy permit for a mobile home park must be submitted each year. Application forms shall be obtained from the Borough Secretary. A plan of the mobile home park is not required when a permit is to be renewed.
- 905.13. After the effective date of this Ordinance, before the area, number of mobile home spaces, road system, service facilities, sewer facilities, water facilities, or any other aspect of a mobile home park, which is regulated by this Ordinance, may be altered or expanded, this alteration or expansion must be approved by the Borough Council in accordance with the provisions of this Ordinance.

Section 906. Supervision of Park

- 906.1. The person to whom an occupancy permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- 906.2. A register containing the names of all park occupants, the make, model, and serial number of each mobile home, the date of arrival of each mobile home in the park, and the lot number upon which the mobile home is parked, and the date of departure from the park shall be maintained by the person to whom an occupancy permit for a mobile home park was issued. The register shall be available to any person whom the Borough Council authorize to inspect the park and shall be kept within the office of the mobile home park manager.
- 906.3. A space within a mobile home park shall be rented for periods of one hundred eighty (180) days or more.
- 906.4. Whenever the ownership or management of any mobile home park changes, the new owner or manager of the mobile home park shall notify the Borough Secretary of the change.

Section 907. Notices, Hearings and Orders

- 907.1. Whenever, after inspection of any mobile home park, it is determined by the Borough Council that conditions or practices exist which are in violation of any provision of this ordinance, the Borough Secretary shall give notice in writing to the person to whom an occupancy permit for a mobile home park was issued, advising such person that unless such conditions or practices are corrected within a reasonable period of time specified within the notice, the permit to operate a mobile home park in the Borough will be suspended. At the end of the specified period of time the mobile

home park will be reinspected by the Borough Council and if the conditions or practices in violation of the ordinance have not been corrected, the Borough Council shall suspend the occupancy permit and give notice in writing of such suspension to the person to whom the permit was issued.

907.2. The written notice advising that conditions or practices exist which are in violation of this Ordinance and that these conditions or practices may result in the suspension of an occupancy permit for a mobile home park shall:

01. be in writing
02. include a statement of the reasons for its issuance
03. allow a reasonable time for the performance of any act it requires
04. contain an outline of remedial action which, if taken, will effect compliance with the provisions of the Ordinance
05. be served upon the person to whom an occupancy permit for a mobile home park was issued

907.3. Any person affected by any notice, which has been issued in connection with the enforcement of any provision of this ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Borough Council, provided that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds for the request for the hearing within ten days after the notice was served.

907.4. Upon receipt of such petition, the Borough Council shall set a place and time for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner will be given an opportunity to show why the notice, which was issued, should be modified or withdrawn. The hearing shall be held not later than ten (10) days after the day on which the petition was filed. Upon written application by the petitioner, the Borough Council may waive this ten (10) day requirement when in their judgment the petitioner has submitted sufficient reasons for such a postponement.

907.5. After the hearing has been held, the Borough Council shall make findings as to the compliance with the provisions of this ordinance and shall issue an order in writing sustaining, modifying, or withdrawing the notice provided for in Section 907.1 of this Ordinance. Upon failure to comply with the conditions of the sustained or modified notice, the Borough Council shall suspend the occupancy permit for the mobile home

park in question and give notice in writing of such suspension to the person to whom the permit was issued.

- 907.6. Any person aggrieved by the decision of the Borough Council may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

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ARTICLE X IMPROVEMENT SPECIFICATIONS

Section 1000. General Requirements

All streets, storm sewers, sanitary sewers, water mains, curbs, sidewalks, and other physical improvements to the property being subdivided or developed shall be provided, constructed, and installed by the developer as shown on the approved Final Plan and all supplemental plans and drawings accompanying the Preliminary Plan and approved Final Plan.

Section 1001. Subdivision and Improvements Agreement

The developer shall execute a Subdivision Improvements Agreement with the Borough for the installation of all such improvements. All improvements shall be constructed in accordance with the applicable specifications of the Borough or Authority having jurisdiction, or other applicable regulations. Where none apply, specifications of the Pennsylvania Department of Transportation and/or Pennsylvania Department of Environmental Protection shall be used. If none exist, specifications prepared by the Borough Engineer shall be used.

Section 1002. Supervision

Supervision of the installation of improvements required by Section 1003 shall in all cases be required by Borough or by the appropriate State agency. The applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of the improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution.

The contractor shall schedule a meeting with the Borough's representative prior to any construction. Shop drawings and specifications of all material to be used shall be submitted to the Borough for approval prior to commencement of construction.

If the representative of the Borough observing the construction or installation of improvements determines that the work is not in accordance with approved plans and specifications or is not being done in a workmanlike manner, said representative may stop work and/or require corrections to be made. Prior to any construction or installation, a forty-eight (48) hour start work notice is to be given to the Borough's representative.

Section 1003. Required Improvements

The following improvements shall be provided by the developer at his expense:

1003.1. Street Grading.

All streets, existing and proposed, including those to be dedicated and those not to be dedicated, shall be graded at full right-of-way width in accordance with Borough regulations.

Planting strips within street rights-of-way shall be graded, properly prepared, and seeded or sodded with lawn grass.

Where wet conditions are encountered, the Borough Council may require underdrains, removal of soft and yielding soil and placement of geotextile.

1003.2. Cartway Paving

All streets, existing and proposed, including those to be dedicated and those not to be dedicated, shall be paved to full cartway width in accordance with the Borough of Tipton Road and Street Ordinance, Ordinance No. 54, as amended.

1003.3. Curbs

Vertical curbs shall be installed along both sides of all existing and proposed streets within and abutting the subdivision or land development in accordance with Borough specifications.

1003.4. Sidewalks

Sidewalks with a minimum width of four (4) feet and meeting requirements of applicable Borough regulations shall be installed on both sides of all existing and proposed streets within and abutting the subdivision or land development.

Sidewalks shall be provided along all parking areas in apartment, townhouse, commercial, industrial, and office land developments.

1003.5. Storm Drainage

Storm sewers and related facilities shall be installed consistent with acceptable design principles and the standards contained in the Borough of Tipton Storm Water Management Ordinance.

1003.6. Sanitary Sewage Disposal

01. Sanitary sewage disposal systems shall be provided consistent with the requirements contained in Section 805 of this Ordinance.
02. Whenever individual on-site sanitary sewage disposal systems are utilized, the developer shall either install such facilities or shall require (by deed restriction or otherwise) as a condition of the sale of each lot or parcel within the subdivision that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.
03. If individual on-site systems are not used, the developer shall provide a community or public sanitary sewage disposal system. The design and installation of all systems shall be subject to the approval of the Borough and the applicable public agencies. A community sewage disposal system shall be subject to satisfactory provisions for the maintenance thereof.

1003.7. Water Supply

01. Water supply system(s) shall be provided consistent with the requirements of Section 806 of this Ordinance.
02. Where the developer proposes that on-site water supply systems shall be utilized within the subdivision, the developer shall either install such facilities or shall require (by deed restriction or otherwise) as a condition of the sale of each lot or parcel that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.
03. The design and installation of public and community water distribution systems shall be subject to the approval of the Borough and the applicable public agencies or private companies. The water shall be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the

area in question, whichever is appropriate, shall be acceptable evidence. A community water distribution system shall be subject to satisfactory provisions for the maintenance thereof.

1003.8. Fire Hydrants.

Fire hydrants shall be installed in all subdivisions and land developments containing public or community water supply systems. The location, number and separation of hydrants shall be approved by the Borough and Fire Company in accordance with the guidelines of the Insurance Services Office. The maximum distance between fire hydrants shall be 600 feet.

1003.9. Monuments

01. Permanent stone or concrete monuments shall be accurately placed at changes in direction of lines in the boundary of the property and at all lot corners.
02. All streets shall be monumented on the right-of-way line or the five feet range line on one side of the street at the following locations:
 - a. At least one (1) monument at each street intersection;
 - b. At changes in direction of street lines.
 - c. At each end of each curved street line.
 - d. At intermediate points wherever topographical or other conditions make it impossible to site between two (2) otherwise required monuments;
 - e. At such other places along the line of streets as may be determined by the Borough Council to be necessary so that any street may be readily defined in the future.
03. All monuments shall be placed so that the center of the monument coincides exactly with the point of intersection of the lines being monumented,
04. Monuments shall be set with their top level at the finished grade of surrounding ground, except that where monuments are located beneath a sidewalk, access shall be provided for their use.
05. Lot corner monuments shall be set at all lot corners prior to the sale of the lot.

1003.10. Street Lights

In accordance with the conditions to be agreed upon by the developer, the Borough, and the appropriate public utility, street lights shall be installed in all subdivisions and land developments.

1003.11. Erosion and Sediment Control Measures

Installations necessary to implement the erosion and sediment control plan shall be made on the tract by the developer as required improvements.

1003.12. Shade Trees

Deciduous hardwood trees of a species approved by the Borough having a minimum caliper of two (2) to two and one-half (2-1/2) inches shall be provided. The trees are to be placed outside the street right-of-way at a maximum distance of fifty (50) feet between trees. Conditions of placement and inspection shall be specified by the Borough. In addition, the developer shall preserve existing shade trees within the tract when feasible.

1003.13. Solid Waste Management

The developer shall provide a solid waste management plan for apartment, townhouse, commercial, office and industrial developments.

1003.14. Traffic Control Devices

The traffic control devices shown on the approved plan, including such items as traffic light standards, stop signs, speed limit signs, street name signs, and signs restricting parking, shall be installed as required by the Borough Council.

1003.15. Rock Removal

Provision shall be made for rock removal in the Subdivision Improvements Agreement and Guarantee.

1003.16. Backfilling

Utility excavations in areas of streets, access drives, parking areas, and loading areas shall be backfilled in accordance with the following standards:

01. Backfilling shall be done as promptly as possible.
02. The trench shall be filled with hand-placed stone acceptable to the Borough to a height of at least one foot (1) above the top of the conduit, pipe or pipe bell.
03. The remainder of the trench shall be backfilled with 2-A aggregate and promptly compacted. The backfill material shall be mechanically tamped in approximately six (6) inch layers.
04. Where excavations are made behind the curb line, work shall be protected as required in these specifications and the opening covered with good topsoil to a depth of six (6) inches and seeded or sodded to the satisfaction of the Borough.
05. Whenever the trenches have not been properly filled or if settlement occurs, they shall be refilled, compacted, smoothed off and made to conform to the surface of the ground.
06. Frozen material shall not be used for backfill, nor shall any backfilling be done when materials in the trench are frozen.

1003.17. Parking and Loading Area Paving

All access drives and parking and loading areas for apartment, townhouse, commercial, office and industrial land developments shall be constructed of a minimum of six inches (6) of 2A subbase material, six (6) inches bituminous concrete base course, one and one-half inches (1-1/2") ID-2 binder course, and one inch (1") ID-2 wearing course. Alternate cross-sections may be permitted at the discretion of the Borough Council. All construction shall conform to PennDOT Publication 408, latest edition.

1003.18. Guide Rail

Guide rail shall be provided pursuant to Section 802 of this Ordinance.

1003.19. Driveways

Driveways shall be paved in accordance with this Ordinance and the Borough of Tipton Curb, Sidewalk and Driveway Entrance Ordinance, Ordinance No. 55, as amended.

ARTICLE XI ADMINISTRATION

Section 1100. Review Fees

The Borough Council shall establish by resolution a Schedule of Fees for the review of plans to be paid by the developer. The Schedule of Fees shall be obtainable from the Borough Secretary. No Final Plan shall be released for recording unless all fees have been paid in full.

Section 1101. Modifications

1101.1. The Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds or provisions of this Ordinance involved and the minimum modification necessary. The request for modification will be referred to the Planning Commission for advisory comments. The Borough Council shall keep a written record of all action on all requests for modifications. The record of the modifications shall be shown on the Final Plan.

In granting modifications, the Council may impose such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so modified.

1101.2. No changes, erasures, modifications or revisions shall be made to any final plan of a subdivision or land development after the plan has been approved by the Borough Council unless the plan is first resubmitted to and approved by the Borough Council in accordance with the provisions of this Ordinance.

Section 1102. Appeals

1102.1. Any person desiring to challenge the validity of any provision of this Ordinance or any amendment thereof shall make such challenge as prescribed by law.

1102.2. Any person aggrieved by action of the Borough Council may appeal the action as prescribed by law.

Section 1103. Preventive and Enforcement Remedies

1103.1. Preventive Remedies.

In addition to other remedies, the Borough may institute and maintain appropriate actions of law or in equity to restrain, correct or abate violations, to prevent unlawful sale of lots prior to the recording of the Final Plan (except as permitted by auction sale), 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 Borough 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 of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

01. The owner of record at the time of such violation.
02. The grantee or lessee of the owner of record at the time of such violation whether or not such a grantee or lessee had actual or constructive knowledge of the violation.
03. The current owner of record who acquired the property subsequent to the time of violation whether or not such current owner had actual or constructive knowledge of the violation.
04. The grantee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such grantee or lessee had actual or constructive knowledge of the violation.

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

1103.2. Enforcement Remedies.

Any person, partnership, corporation, or other entity who or which has violated the provisions of this Ordinance or any prior subdivision and land development ordinance of the Borough shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation, or other entity violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

The court of common pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

Section 1104. Conflicts and Saving Clause

1104.1. Whenever there is a difference between the standards specified herein and those included in other Borough ordinances or regulations, the more stringent requirements shall apply.

1104.2. All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect, except as noted in Section 1105 or elsewhere in this Ordinance; provided, however, that the provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense under any such repealed ordinance committed prior to the effective date of this Ordinance.

Section 1105. Severability

The provisions of this Ordinance are severable, and 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 provision thereof other than the part declared to be invalid.

ARTICLE XII DEFINITIONS

Section 1200. General

For the purpose of this Ordinance, certain terms and words are defined as follows:

- 1200.1. Words in the singular include the plural and those in the plural include the singular.
- 1200.2. Words used in the present tense include the future tense.
- 1200.3. Words "person", "subdivider", "owner", "applicant", and "developer" include an individual corporation, limited liability company, unincorporated association and a limited partnership, or other legal entity.
- 1200.4. The words "subdivider" and "developer" shall be interchangeable.
- 1200.5. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
- 1200.6. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- 1200.7. The words, "should" and "may" are permissive; the words "shall", "must" and "will" are mandatory.
- 1200.8. Words used in this Ordinance but not defined in this Ordinance, shall be defined in the Borough Zoning Ordinance, or such words shall have their common, everyday meaning.

Section 1201. Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

- 1201.1. Alley - See Street, Service Street
- 1201.2. Access Drive - A private drive providing vehicular access between a public or private street and a building, parking area and/or loading area within a land development.

- 1201.3. **Applicant** - A landowner or developer, who has filed an application for development, including his heirs, successors and assigns.
- 1201.4. **Application for Development** - Every application, whether preliminary or final, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.
- 1201.5. **Architect** - A licensed architect in the Commonwealth of Pennsylvania.
- 1201.6. **Block** - All land fronting on one side of a street between the nearest streets, intersecting, meeting or crossing the aforesaid street.
- 1201.7. **Borough** - The Borough of Topton, Berks County, Pennsylvania.
- 1201.8. **Borough Planning Commission or Planning Commission** - The Planning Commission of the Borough of Topton, Berks County, Pennsylvania.
- 1201.9. **Building** - A structure having a roof supported by columns or walls, or any structure affording shelter to persons, animals, or chattels.
- 1201.10. **Building Setback Line** - The line within a property defining the minimum required distance between any building and a street right-of-way.
- 1201.11. **Carbonate Area** - An area containing limestone soils.
- 1201.12. **Cartway** - The portion of a street, paved or unpaved, intended for vehicular use.
- 1201.13. **Clear Sight Triangle** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
- 1201.14. **Common Parking Area** - A parking facility other than that provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, one townhouse, one two family detached dwelling, or one two family semi-detached dwelling is located.
- 1201.15. **Common Open Space** - A parcel or adjacent parcels of land or an area of water, or a combination of adjacent land and water within a development site designed and intended for the use of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

- 1201.16. **County** - The County of Berks, Commonwealth of Pennsylvania.
- 1201.17. **Berks County Planning Commission** - The Planning Commission of the County of Berks, Commonwealth of Pennsylvania.
- 1201.18. **Crosswalk** - A right-of-way for public use to facilitate pedestrian access in a subdivision. Also, an area for pedestrians to cross a street.
- 1201.19. **Developer (Subdivider)** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 1201.20. **District or Zoning District** - An area including all buildings and lots within certain designated boundaries, as indicated on the Zoning Map.
- 1201.21. **Drainage Right-of-Way** - The lands required for the installation of sanitary or storm sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against damage.
- 1201.22. **Dry Bottom Water Storage Area** - A manmade area used to detain surface water and meter the flow at an acceptable rate.
- 1201.23. **Dwelling**
01. **Single Family Detached Dwelling** - A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no party wall with an adjacent building. The term "Single Family Detached Dwelling" shall include factory built "Modular Home" and "Mobile Home" that shall be placed on a permanent perimeter foundation.
- a. **Modular Home** - Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site; housing units defined as mobile homes are excluded from this definition.

- b. **Mobile Home** - A transportable, single family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile Homes shall be constructed in accordance with Safety and Construction Standards of the U.S. Department of Housing and Urban Development. The term "Mobile Home" shall not include "Recreation Vehicle" nor a "Modular Home" placed on a permanent perimeter foundation.

- 02. **Single Family Semi-Detached Dwelling** - A building arranged, intended, or designed to be occupied exclusively as a residence for two families, each family living on either side of a party wall.

- 03. **Two Family Detached Dwelling** - A building arranged, intended, or designed to be occupied exclusively as a residence for two families, with one family living wholly or partly over the other and with no party wall with an adjacent building.

- 04. **Multiple Family Dwelling** - A building arranged, designed and intended for three (3) or more dwelling units and which includes the following housing types:
 - a. **Townhouse** - A building arranged, intended or designed to be occupied exclusively as a residence for one family which is one of a group of three or more such dwelling units, placed side by side and separated by unopened party walls, each dwelling having at least one separate entrance from the outside.

 - b. **Apartment Building** - A building on a single lot arranged, intended, or designed to be occupied as a residence for three or more families, and in which the dwelling units may be separated horizontally and/or vertically.

- 1201.24. **Dwelling Unit** - A building or portion thereof providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

- 1201.25. **Easement** - A right-of-way granted, for limited use of private land for public or quasi-public purpose, and within which the owner of the property shall not erect any permanent or temporary structures, plant or cause to have planted any trees or shrubs, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee or this Ordinance.
- 1201.26. **Endorsement** - The application of the following to the final plan: a) Berks County Recorder of Deeds signature and appropriate stamp, b) Berks County Planning Commission's appropriate stamp and signature of the Executive Director; c) signatures of the majority of the Borough Planning Commission members, d) signatures of the majority of the Borough Council.
- 1201.27. **Engineer** - A professional engineer, registered by the Commonwealth of Pennsylvania.
- 1201.28. **Family** - An individual or two or more persons related by blood, marriage or adoption and not more than two additional persons unrelated to such persons, or a group of not more than two persons who need not be related by blood or marriage, all living together as a single housekeeping unit and using common cooking facilities, and including bona fide servants with or without separate accommodation thereof.
- 1201.29. **Flood Plain** - A land area susceptible to being inundated by water from any source.
- 1201.30. **Grade**. - The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.
- 1201.31. **Improvements** - Any man made physical addition or change to the land.
- 1201.32. **Improvements Guarantee or Performance Guarantee** - Any security which is accepted by the Borough to guarantee that certain improvements will be made within the subdivision or land development, including letters of credit, performance bonds, escrow agreements and any other collateral or surety agreements.
- 1201.33. **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 building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums,

building groups or other features; (2) a subdivision of land. The following land development activities shall be excluded from the definition of a Land Development: (a) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; (b) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or (c) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Borough Council.

- 1201.34. **Landowner** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
- 1201.35. **Landscape Architect** - A landscape architect, registered in the Commonwealth of Pennsylvania.
- 1201.36. **Lot** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
- 1201.37. **Lot Area** - The area contained within the property lines of a lot excluding space within all street rights-of-way.
- 1201.38. **Lot, Flag** - A lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Borough Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction or a principal building and which wider portion complies with the minimum lot width requirements of the Borough Zoning Ordinance.
- 1201.39. **Maintenance Guarantee** - A guarantee by the developer of the structural integrity of improvements dedicated to the Borough for a period of not less than twelve (12) months nor more than eighteen (18) months from the date said improvements are dedicated to the Borough.

- 1201.40. **Mobilehome 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.
- 1201.41. **Mobile Home Park** - A parcel or contiguous parcels of land which has been designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.
- 1201.42. **Monument** - (1) A stone or concrete monument with a flat top at least four (4) inches in diameter or square, containing a copper or brass dowel (1/4" drill hole) and at least 24 inches in length. It is recommended that the bottom sides or radius be at least two (2) inches greater than the top to minimize movements caused by frost. (2) An iron pin at least 30 inches in length with the bottom encased in concrete to a minimum depth of 8 inches.
- 1201.43. **Municipal Engineer or Borough Engineer** - A professional engineer or a firm of engineers licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Borough of Topton.
- 1201.44. **Municipality** - Borough of Topton, Berks County, Pennsylvania.
- 1201.45. **Official Map** - See "Plan, Official"
- 1201.46. **Parcel** - See Lot above.
- 1201.47. **Plan, Final** - A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording to define property rights and proposed streets and other improvements.
- 1201.48. **Plan, Preliminary** - A tentative subdivision or land development plan (including all required supplementary data), in lesser detail than a final plan, showing, among other things, topographical data and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- 1201.49. **Plan, Record** - The copy of the Final Plan which contains the original endorsements of the Berks County Planning Commission, Borough Council and the Borough Planning Commission and which is intended to be recorded or has been with the County Recorder of Deeds.
- 1201.50. **Plan, Sketch** - An informal plan indicating salient existing features of a tract and the general layout of a proposed subdivision or land development.

- 1201.51. **Plan, Official** - The Comprehensive Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such plans, or portions thereof, as may have been adopted by Borough of Tipton.
- 1201.52. **Plat** - A map or plan of a subdivision or land development, whether preliminary or final.
- 1201.53. **Public Grounds** - Parks, playgrounds, trails, paths and other recreational areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; publicly owned or operated scenic and historic sites.
- 1201.54. **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 the Municipalities Planning Code.
- 1201.55. **Public Meeting** - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."
- 1201.56. **Reserve Strip** - A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street, either proposed or existing.
- 1201.57. **Re-Subdivision** - Any replatting of land, including changes to recorded subdivision or land development plans. See also Subdivision.
- 1201.58. **Reverse Frontage Lot** - A lot extending between and having frontage on two generally parallel streets, excluding service streets, with vehicular access solely from one street.
- 1201.59. **Right-of-Way** - Any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.
- 1201.60. **Sanitary Sewage Disposal System, Onsite** - Any structure designed to treat sanitary sewage within the boundaries of an individual lot.
- 1201.61. **Sanitary Sewerage System, Community** - 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, serving a neighborhood area or single subdivision or land development.

- 1201.62. **Sanitary Sewerage 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, not confined to one neighborhood, subdivision or land development and operated by the Borough or Municipal Authority.
- 1201.63. **Sight Distance** - The required length of roadway visible to the driver of a vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.75 feet above the center line of the road surface to a point 0.5 feet above the center line of the road surface.
- 1201.64. **Single Access Development** - A subdivision or land development, whether existing or proposed, that ultimately has only one street intersection with a public through street regardless of the internal street system or vehicular circulation patterns.
- 1201.65. **Single Access Street** - A street intersecting a [public] through street and said intersection provides the sole access to abutting properties within any subdivision or land development whether existing or proposed.
- 1201.66. **Solid Waste** - Garbage, refuse, and other discarded materials.
- 1201.67. **Street** - A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicles or pedestrians. The word "street" includes 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.
01. **Arterial Street** - A street serving a large volume of comparatively high speed and long distance traffic.
 02. **Collector Street** - A street which intersects minor streets to provide access to community facilities or other collector or arterial streets. Generally, streets in industrial and commercial subdivisions shall be considered collector streets.
 03. **Cul-de-Sac Street** - A minor street intersecting another street at one end and terminating in a vehicular turnaround at the other end or, a minor street which intersects another street at one end, forms a loop and intersects itself.

The length of a cul-de-sac street shall be measured from the street intersection to the farthest portion of the turnaround, along the centerline of the cul-de-sac street.

04. **Half (Partial) Street** - A street, generally parallel and adjacent to a property line, which is less than the full required right-of-way width.
 05. **Marginal Access Street** - A minor street parallel and adjacent to an arterial or collector street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial or collector street.
 06. **Minor Street** - A street used primarily to provide access to abutting properties or buildings.
 07. **Service Street (Alley)** - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
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- 1201.68. **Street, Through** - A street that provides connectivity to the Borough street network in both directions.
 - 1201.69. **Structure** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
 - 1201.70. **Subdivider** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or a land development.
 - 1201.71. **Subdivision** - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels of other division 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 or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agriculture purposes into parcels of more than ten acres not involving any new street or easement of access or any residential dwelling shall be exempted. The term subdivision shall refer, as appropriate in this ordinance, to the process of subdividing land or to the land proposed to be subdivided. The term subdivision includes re-subdivision.

The enumerating of lots shall include as a lot that portion of the original tract remaining after other lots have been subdivided therefrom.
 - 1201.72. **Substantially Completed** - Where, in the judgment of the municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final

approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

- 1201.73. **Surveyor** - A licensed surveyor registered by the Commonwealth of Pennsylvania.
- 1201.74. **Turnaround** - An area of specified dimensions and material intended for use by vehicles for the purpose of making turning movements at the terminus of a street.
- 1201.75. **Viewshed** - The entire area an individual can see from a given point.
- 1201.76. **Vista** - A view to or from a particular point with a characteristic emphasis on length, as along a corridor or down an avenue, and with some sense of narrow enclosure, as through a canyon or between rows of trees or buildings.
- 1201.77. **Water Distribution System, Community** - A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood, subdivision or land development.
- 1201.78. **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.
- 1201.79. **Water Distribution System, Public** - A system for supplying and distributing water from a common source to dwellings and other buildings, but not confined to one neighborhood, subdivision or land development and operated by the Borough, Municipal Authority, or private company.
- 1201.80. **Wet Bottom Water Storage Area** - A water storage area in which a permanent water surface is maintained.
- 1201.81. **Wetlands** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and those areas which may be classified as wetlands under applicable guidelines issued by the Federal government or by the Commonwealth of Pennsylvania.

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FORMS

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FORM I

APPLICATION FOR REVIEW OF SKETCH PLAN

Application is hereby made for review of the Sketch Plan submitted herewith and more particularly described below:

1. Title of Plan: _____
Plan Dated: _____
2. Name of Applicant(s): _____
Address: _____
Phone No.: _____
3. Name of Owner(s): _____ (If other than Applicant)
4. Applicant's interest, if other than owner: _____
5. Location of Subdivision: _____
6. Engineer of Surveyor responsible for plan: _____
Address: _____
Phone No. _____ Fax No. _____
7. Acreage being subdivided: _____ Number of Lots: _____
8. Acreage of adjoining land in same ownership (if any): _____
9. Lot use proposed: _____

_____ Single Family	_____ Commercial
_____ Two Family	_____ Industrial
_____ Townhouse	_____ Other (Specify)
_____ Multi-Family	
10. Zoning Classification: _____
Zoning changes to be requested: _____

Form 1 – Page 2

11. Type of water supply proposed: _____ Public System
_____ Community System
_____ Individual On-Site
12. Type of sanitary sewage disposal proposed: _____ Public System
_____ Live
_____ Capped
_____ Community System

Individual Onsite

13. Type of off-street parking proposed: _____ Garages
_____ Driveways
_____ Other

14. List proposed improvements:
1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____

15. Intent: Sell Lots Only _____
Construct houses for sale _____
Other _____

Signature of Applicant

FORM 2

APPLICATION FOR REVIEW OF PRELIMINARY PLAN

Application is hereby made for review of the Preliminary Plan submitted herewith and more particularly described below:

1. Title of Plan: _____

Plan Dated: _____

2. Source of Title: _____

County Deed Book No.: _____ Page No. _____

3. Name of Applicant(s): _____

Address: _____

Phone No.: _____ Fax No. _____

4. Name of Property Owner(s): _____ (If other than applicant)

Address: _____

Phone No.: _____

5. Applicant's interest, if other than owner: _____

6. Engineer of Surveyor responsible for plan: _____

Address: _____

Phone No.: _____ Fax No. _____

7. Acreage being subdivided: _____ Number of Lots: _____

8. Acreage of adjoining land in same ownership (if any): _____

9. Minimum lot area proposed: _____

Form 2 - Page 2

10. Lot use proposed: _____ Single Family _____ Commercial
_____ Two Family _____ Industrial
_____ Townhouse _____ Other (Specify)
_____ Multi-Family
11. Will construction of buildings be undertaken immediately?
Yes _____ No _____
- By Whom? _____ Subdivider
_____ Other Developers
_____ Purchasers of Individual Lots
12. Type of water supply planned: _____ Public System
_____ Community System
_____ Individual Onsite
13. Type of sanitary sewage disposal planned: _____ Public System
_____ Live
_____ Capped
_____ Community System
_____ Individual Onsite
14. Type of off-street parking proposed: _____ Garages
_____ Driveways
_____ Other (Specify)
15. Lineal feet of new streets planned: _
16. Are all streets proposed for dedication? _____ Yes _____ No
17. Deed restrictions that apply or are contemplated. (if no restrictions, state "none," if "yes" attach copy): _____
18. Acreage proposed for parks or other public use: _
19. Zoning classification: _____
20. Have appropriate public utilities been consulted? _____ Yes _____ No

Form 2 - Page 3

21. List proposed improvements and utilities and intentions to install or post performance guarantee prior to final endorsement by the Borough.

	<u>Improvement</u>	<u>Intention</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

22. List of maps and other material accompanying application and number of each:

	<u>Item</u>	<u>Number</u>
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
e.	_____	_____
f.	_____	_____
g.	_____	_____

Date: _____

Signature of Applicant: _____

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FORM 3

APPLICATION FOR REVIEW OF FINAL PLAN

Application is hereby made for review of the Final Plan submitted herewith and described in the accompanying maps and documents.

1. Title of Plan: _____

Plan Dated: _____

2. Name of Applicant(s): _____

Address: _____

Phone No.: _____ Fax No. _____

3. Name of Property Owner(s): _____ (If other than Applicant)

Address: _____

Phone No.: _____ Fax No. _____

4. Date of approval of Preliminary Plan: _____

5. Final Plan follows exactly the approved Preliminary Plan: _____ Yes _____ No

6. List of maps and other documents accompanying application and the number of each.

	<u>Item</u>	<u>Number</u>
(a)	_____	_____
(b)	_____	_____
(c)	_____	_____
(d)	_____	_____
(e)	_____	_____
(f)	_____	_____
(g)	_____	_____
(h)	_____	_____

Date: _____

Signature of Applicant: _____

FORM 4

FORM FOR SUBMITTAL OF IMPROVEMENTS COSTS ESTIMATES

<u>Item No.</u>	<u>Description</u>	<u>Escrowed Quantities</u>		<u>Unit Price</u>	<u>Total</u>
		<u>Units</u>	<u>Quantity</u>		
1.	_____				
2.	_____				
3.	_____				
4.	_____				
5.	_____				
6.	_____				
7.	_____				
8.	_____				
9.	_____				
10.	_____				

Subtotal of Items 1 – 10 _____

Escalation _____

Contingencies _____

TOTAL AMOUNT OF ESCROW _____

I hereby certify that the foregoing estimate of the cost of completion of the required improvements is a fair and reasonable estimate of such cost.

 Professional Engineer

(Seal of Engineer)

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APPENDICES

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APPENDIX I

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

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

Commonwealth of Pennsylvania
County of

On this, the ____ day of _____, 19__, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the ____ (1) _____, of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, and 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 offered for dedication to the public use ____ (4) _____.

____ (5) _____ _____ (6) _____
____ (7) _____ _____ (8) _____ _____ (9) _____

My commission expires
_____, 20 ____

- (1) insert either: Owner
Equitable Owner
- (2) whenever applicable, insert: and desires the same to be recorded as such according to law
- (3) Whenever applicable, insert: and open spaces
- (4) if applicable, insert: except those labeled "not for dedication": (and any other restrictions or reservations)
- (5) where necessary, signature of secretary of corporation
- (6) signature of individual, of partners, or of president of corporation
- (7) if necessary, corporate seal
- (8) signature and (9) seal of notary public or other officer

APPENDIX III

CERTIFICATE OF MUNICIPAL APPROVAL

The approval of the Final Plan by each municipality in which the subdivision is located must be indicated on the Record Plan, in substantially the following form:

At a meeting held on _____, 20__, the Borough Planning Commission of Borough of Tipton recommended for approval the subdivision plan of the property of _____ (1) as shown hereon.

(2)

(2)

(2)

(2)

- (1) insert name of property owner
- (2) signatures of the Borough Planning Commission

At a meeting held on _____, 20__, the Borough Council of Borough of Tipton approved the subdivision plan of the property of _____ (1) as shown hereon.

(2)

(2)

(2) (3)

(2)

- (1) insert name of property owner
- (2) signatures of the Borough Council
- (3) municipal seal

APPENDIX IV

DETERMINATION OF FLOODPLAINS

For all subdivisions and land developments, all existing and proposed 100-year floodplain areas shall be shown on the subdivision or land development plans. Floodplain areas shall be determined using the methods set forth below, except that where 100-year floodplains have been calculated and mapped by FEMA, such FEMA mapping shall be used.

A. Hydrologic Criteria for Estimating Runoff

The following methods may be used in computing runoff for the 100-year storm. A conservative average of at least two (2) methods shall be used, and the design flow is subject to approval.

1. The method in Technical Release No. 55, "Urban Hydrology for Small Watersheds", latest edition, by the United States Department of Agriculture Soil Conservation Service. The graphical method may be used for streams whose drainage area at the point of interest is no larger than 2,000 acres, and the tabular method may be used for drainage areas up to twenty (20) square miles.
2. The Rational Method can be used for streams whose drainage area at the point of interest is no larger than 320 acres.
3. The method in Water Resources Bulletin Number 13, Floods in Pennsylvania, issued by the Pennsylvania Department of Environmental Resources can be used for streams whose drainage area at the point of interest is larger than two (2) square miles.
4. The "Procedure PSU-IV for Estimating Design Flood Peaks on Ungauged Pennsylvania Watersheds".
5. The Penn State Runoff Model.

B. Hydraulics of Flow

The horizontal and vertical limits of the floodplain shall be determined utilizing the Standard Stop Method (i.e., HEC-2, HEC-RAS or similar approved computer model). If the HEC-2 model is used, the applicant shall submit a computer disc containing all input

files for the calculations, in order to expedite the floodplain review. For drainage areas less than one hundred (100) acres, the Mannings Equation may be used.

All methods used and calculations performed in estimating runoff and computing flood elevations are subject to the review and approval of the Borough.

C. Cross Sections and Profiles

1. Cross-section showing the stream channel, the projected high water level of the 100-year storm, the elevation of the land on either side of the stream, and the areas proposed for construction. One such cross-section shall be submitted for each one thousand (1,000) feet of stream profile, with not less than three (3) such cross-sections being submitted for each subdivision or land development.
2. Contours at twenty (20) foot intervals, soil types, land use, and vegetation upstream and downstream from the subdivision or land development.
3. A profile showing the slope of the stream channel or flow line and extending one thousand (1,000) feet.

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Duly enacted by the Borough Council of the Borough of Topton, Berks County, Pennsylvania, this 8TH day of May, 2006, in lawful session duly assembled.

This Ordinance shall take effect five (5) days from the date of its enactment.

BOROUGH COUNCIL
BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

By: Arthur Hahn
President of Council

Attest: Kevin R. Tolson
Secretary

Approval by Mayor: [Signature]

Date: _____