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## **PART 1**

### **GENERAL PROVISIONS**

#### **§ 100. Authority and Purpose**

This Ordinance is designed in accordance with and enacted through the authority provided by Article V of the Pennsylvania Municipalities Planning Code, Act 247, as amended, for the following purposes:

- A. To assure that building sites created hereafter shall be suitable for building and for human use and habitation.
- B. To provide for the harmonious development of the Township.
- C. To ensure that new streets will be complement the existing street network.
- D. To ensure coordination and conformance of proposed subdivision and land development plans with the improvement plans of the Township for traffic circulation and public and community open spaces.
- E. To create conditions favorable to the health, safety, and general welfare of the residents of Robeson Township.

#### **§ 101. Title**

This Ordinance shall be known and may be cited as "The Robeson Township Subdivision and Land Development Ordinance of 2010".

#### **§ 102. Interpretation**

The provisions of this Ordinance shall be held to be the minimum measures required to meet the purposes stated in Section 100, above. Where the provisions of this Ordinance impose greater restrictions than those of any statute, regulation, or other ordinance in effect, the provisions of this Ordinance shall prevail. Where the provisions of any statute, regulation, or other ordinance in effect impose greater restrictions than those of this Ordinance, the provisions of such statute, regulation, or other ordinance shall prevail.

#### **§ 103. Jurisdiction**

The Board of Supervisors shall have jurisdiction of subdivision and land development within the Township limits. In order to aid the Board of Supervisors in its consideration of subdivisions and land developments, the Board of Supervisors hereby decrees that the Robeson Township Planning Commission shall serve the following functions:

- A. All plans proposing subdivision or land development, upon submission to the

duly authorized representative of the Township shall be referred to the Planning Commission for review.

- B. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, or disapproval of such plans.
- C. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation of and waiver from the provisions and standards of this Ordinance.

#### **§ 104. Subdivision and Land Development Control**

- A. No lot in a subdivision may be sold; no permit to erect, alter, or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision unless and until a final subdivision plan has been approved and recorded and until the improvements required by the Board in connection therewith have either been completed or guaranteed as hereinafter provided.
- B. No lot, tract, or parcel of land shall be subdivided; no land shall be developed; and no street, alley, sanitary sewer, storm sewer, water main, or related facility shall be laid out, constructed, opened, or dedicated for public use or travel, or for the use of occupants of buildings abutting or to abut upon them, except according to the provisions of this Ordinance and the Robeson Township Zoning Ordinance and all other applicable Ordinances and regulations of the Township.
- C. The scope of this Ordinance shall include all matters over which the Township is legally authorized to exercise control through this Ordinance, including but not necessarily limited to:
  - 1. All improvements within the tract being subdivided or developed;
  - 2. The improvements of adjacent public facilities, including streets and drainage facilities which border upon the tract; and
  - 3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development.

#### **§ 105. Severability**

The provisions of this Ordinance shall be severable. If any of the provisions herein shall be found unconstitutional, illegal, or invalid by a court of competent jurisdiction, such finding shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provisions not been included herein.

#### **§ 106. Repealer**

All ordinances or parts ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

## **PART 2**

### **DEFINITIONS**

#### **§ 200. Interpretation**

- A. Unless otherwise stated hereafter, words and phrases within this Ordinance shall have the meanings assigned in this Part. Terms not defined in this Part shall be interpreted according to common usage.
- B. The words "shall," "will," and "must" always express mandatory action. The words "can" and "may" express optional action.
- C. The present tense includes the future tense; the singular includes the plural; the plural includes the singular; the masculine gender includes the feminine and neuter genders.
- D. The word "person" shall include corporations, unincorporated associations, institutions, and partnerships, as well as an individual or other entity.
- E. The words "building" and "structure" shall be interpreted as if followed by the phrase "or part thereof."
- F. The word "lot" shall include the terms plot, parcel, site, tract, and all similar terms.

#### **§ 201. Definitions of Terms**

**ACCESSORY BUILDING.** A building subordinate to the principal building on a lot and used for purposes incidental to those of the principal building. The total floor area of all accessory buildings on any given lot shall not exceed seventy-five (75) percent of the total floor area of the principal building.

**ACT 247.** The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, re-enacted and amended December 21, 1988, P.L. 1329, No. 170, and as may be further amended from time to time.

**ACTIVE SPORTS.** Any strenuous athletic activity, usually requiring a marked field or court and specialized equipment. Such sports include, but are not limited to: badminton, baseball, basketball, football, ice skating, racquetball, rugby, soccer, softball, squash, tennis, and volleyball.

**ALLEY.** A minor way which is used primarily for vehicular service access to the back or side of properties which front on a street.

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



**BOARD (OF SUPERVISORS).** The Board of Supervisors of Robeson Township, Berks County, Pennsylvania.

**BUILDING.** Any structure which has enclosing walls and a roof and rests on a permanent foundation.

**BUILDING SETBACK LINE.** The rear line of the front yard required by the Robeson Township Zoning Ordinance, as measured from the street right-of-way line.

**CALIPER.** Diameter of a tree trunk, measured forty-eight (48) inches above the ground or, if the tree is balled nursery stock, forty-eight (48) inches from the top of the ball.

**CARTWAY.** The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

**CONDOMINIUM.** A form of real property ownership which consists of an undivided interest in a portion of a parcel along with a separate interest in a space within a structure. Condominium ownership is further defined and controlled by the Pennsylvania Uniform Condominium Act of 1980.

**COUNTY.** Berks County, Pennsylvania.

**CUT.** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

**DENSITY, GROSS.** Dwelling units per acre, calculated by dividing the total number of dwelling units by the total acreage of the tract prior to subdivision, inclusive of yard areas, parking spaces, common open space, interior streets and their associated rights-of-way, utility and access easements, and environmentally constrained areas, but exclusive of rights-of-way for public streets existing at the time of the proposal and (in Planned Residential Developments) areas proposed for non-residential development.

**DENSITY, NET.** The number of dwelling units per acre, calculated by dividing the total number of dwelling units for a given dwelling type by the number of acres so developed, inclusive of yard areas and on-site parking spaces, but exclusive of common open space, interior streets, rights-of-way, easements, stormwater control measures and facilities, and environmentally constrained areas.

**DETENTION BASIN.** A structure designed to retard surface water runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and rate of surface flows leaving a site, thereby minimizing erosion.

**DEVELOPER.** Any landowner, equitable owner, 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.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to the erection of buildings or other structures, the subdivision of land, the placement of mobile homes, the paving of streets and other areas, the installation of utilities, filling, grading, excavation, mining, dredging, and drilling operations.

**DEVELOPMENT AGREEMENT.** A written contract among the developer, the land owner (if different from the developer), and the Township, specifying the conditions of final approval by the Township of a land development proposal.

**DRIVEWAY.** A private access strip, graded and usually hard-surfaced, intended for use as a means of vehicular access to an individual structure.

**EASEMENT.** A permanent right granted for limited use of private land. The owner of the property shall have the right to make any other use of the land which does not obstruct or diminish the rights of the grantee.

**EROSION.** The removal of surface materials by the action of natural elements.

**EXCAVATION.** Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

**FILL.** Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural or stripped surface of the ground, including conditions resulting therefrom. Also, the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. Also, the material used to make a fill.

**FLOODPLAIN.** The area along a natural watercourse which is periodically overflowed.

**IMPROVEMENTS.** Buildings for public or quasi-public use; streets, including grading, base layer(s), surface layer, curbs, gutters, street lights, traffic signals, and signs; water mains; fire hydrants; sanitary sewer mains; storm sewer mains; stormwater management facilities; paths for pedestrians, equestrians, and non-motorized vehicles; recreational facilities and open space improvements; shade trees; screen and buffer landscaping; and all other additions to a tract that are required to effect a complete land development in the fullest sense of the term.

**IMPROVEMENTS GUARANTEE.** A type of financial security in the form specified by this Ordinance which shall be posted by the developer as a condition of final plan approval in accordance with Section 408 of this Ordinance in an amount equal to one hundred ten (110) percent of the cost of completion of the improvements to be constructed by the developer.

## LAND DEVELOPMENT

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. a group of two (2) 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 form of tenure; or
  - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. For the purposes of this Ordinance, the following activities are exempted from the subdivision and land development procedures herein:
  - 1. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - 2. 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 definition, an amusement park is defined as a tract or area used principally as a location 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.)

**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.

**LANE, ACCELERATION or DECELERATION.** A portion of cartway intended for use by vehicles entering or leaving a travel lane such that the flow of traffic is uninterrupted.

**LOT.** A designated parcel, tract, or area of land established by an approved plan or otherwise as permitted by law and to be used, developed, or build upon as a unit.

**LOT LINE ADJUSTMENT or LOT LINE REVISION.** A type of minor subdivision wherein the line separating two (2) or more abutting tracts is altered by mutual or

corporate agreement of the land owners. Land exchange between or among the land owners may or may not be involved. No new building lots for sale or rent may be proposed or created; the number of lots after the subdivision and any land exchange must be the same as the number of lots prior to such activity.

**LOT, REVERSE FRONTAGE.** A lot having frontage on both a local access street and an arterial or collector street, with access restricted to the local access street.

**LOT SIZE.** The area of a lot, excluding land contained within a public street right-of-way, within a private street or access easement, and within any utility easement.

**MAINTENANCE GUARANTEE.** A type of financial security in the form specified by this Ordinance which shall be posted by the applicant upon the dedication of water mains, sanitary sewer lines, or both, along with apparatus or facilities related thereto, to a public utility or municipal authority separate and distinct from the municipality in order to assure proper maintenance of such water mains, sanitary sewer lines, and related apparatus and facilities.

**MARKER.** A three-quarter (3/4) inch thick reinforcing rod (re-bar), a minimum length of thirty-six (36) inches, which indicates the point of intersection of two (2) or more lot lines.

**MEDIATION.** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILE HOME.** A transportable single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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 and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME PARK.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MONUMENT.** A permanent survey reference point of concrete with a square cross-section at the top of four (4.0) inches on a side and a total length of not less than thirty (30) inches.

**MUNICIPAL ENGINEER.** Township Engineer, q.v.

**MUNICIPALITIES PLANNING CODE.** The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, re-enacted and amended December 21, 1988, P.L.

1329, No. 170 and as may be further amended from time to time.

**OPEN SPACE, COMMON.** A parcel or parcels of land, an area of water, or a combination of land and water within a development designed and intended for the use and enjoyment of residents. Calculations of open space shall exclude streets, parking areas, areas set aside for utilities, stormwater control, and private yard areas.

**OPEN SPACE, RECREATIONAL.** Open space that is developed with amenities to accommodate active recreational use. Such amenities include, but are not limited to, ball fields, game courts, tot lots, playgrounds, and similar facilities.

**PennDOT.** The Pennsylvania Department of Transportation.

**PERFORMANCE GUARANTEE.** A type of financial security in the form specified by this Ordinance which shall be posted by the applicant upon acceptance by the Township of all or some of the public improvements constructed by the applicant in an amount not to exceed fifteen (15) percent of the replacement cost of installation of said improvements. Such security shall insure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

**PLANNING COMMISSION.** The Planning Commission of Robeson Township, Berks County, Pennsylvania.

**PUBLIC HEARING.** A formal meeting held pursuant to public notice by the Board of Supervisor or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

**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."

**PUBLIC NOTICE.** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days prior to the hearing date and the second publication shall not be less than seven (7) days prior to the hearing date.

**REPLACEMENT COST.** When computing the proper amount of a performance guarantee, the replacement cost shall be the estimated cost to the Township of one hundred (100) percent replacement of all improvements to be covered by the guarantee, assuming that the Township shall subcontract for all replacement activity. The replacement cost shall be calculated by the party posting the guarantee and shall be a valid estimate as of the date of acceptance of said improvements by the Township. The Board of Supervisors shall approve the amount of the estimate upon advisement by the

Township Engineer. In no case shall the replacement cost be less than the actual cost of construction. In the event that the Township shall make use of the performance guarantee to correct design or construction errors, this definition shall not be interpreted to require the Township to subcontract for all such activity.

REPORT. Any letter review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RETENTION BASIN. An earthen reservoir designed to permanently retain a certain amount of stormwater from a drainage area and to temporarily detain an additional amount of stormwater. Retention basins may also receive fresh water from year-round streams and springs. Unlike detention basins, retention basins always contain water.

RIGHT-OF-WAY. The total width of land reserved or dedicated as a street, alley, crosswalk, or for any other similar purpose, whether public or private.

RIGHT-OF-WAY LINE. The dividing line between a street and an adjoining lot. The right-of-way line shall not be less than twenty-five (25) feet from the center line of any street. Where a future right-of-way width for a street has been established by the Board of Supervisors, then that width will determine the location of the right-of-way line, but in no case shall such line be less than twenty-five (25) feet from the center line of said street.

RUNOFF. The surface water discharge or rate of discharge of a given watershed after a fall of precipitation that does not enter the soil but runs off the surface of the land.

SEDIMENTATION. The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is referred to as "sediment."

SHOULDER. The portion of a street right-of-way, paved or stabilized, which adjoins the travel lanes.

SLOPE. Any ground the surface of which is at an angle to the plane of the horizon. Also, the measurement of such angle; within this Ordinance, slopes are expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

STREET. A strip of land devoted to use by primarily vehicular traffic, including the

entire right-of-way thereof, the right to use of which arises either out of ownership in fee by a governmental body, or from an easement for vehicular purposes granted to a governmental body. Streets may, but need not, accommodate pedestrian use. The term "street" shall be construed as synonymous with avenue, boulevard, highway, lane, road, thoroughfare, way, and all other similar terms describing ways used or intended to be used by vehicular or pedestrian traffic, whether public or private.

**STREET, ARTERIAL.** A street which serves high volumes of traffic at relatively high rates of speed and may feature controlled access. Except in rural areas, individual properties usually do not have direct access to an arterial street.

**STREET, COLLECTOR.** A street which serves moderate volumes of traffic, collecting traffic from the system of local access streets for distribution to arterial streets and expressways.

**STREET, LOCAL ACCESS.** A street which serves the lowest volumes of traffic on short-distance trips and provides access for all abutting properties. All streets which are not expressways, arterial streets, or collector streets are local access streets. Cul-de-sacs and single access streets are types of local access streets.

**STRUCTURE.** Any man-made arrangement of building or structural materials involving the provision of support, bracing, tying, anchoring, or other protection against the forces of the elements. The term "structure" includes, but is not limited to, buildings, sheds, garages, pavilions, signs, billboards, and telecommunication antennae of all kinds.

**SUBDIVISION.** The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or 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. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION, MINOR.** A subdivision proposing the creation of three (3) or fewer lots for single-family detached dwellings, wherein all proposed lots will have frontage upon an existing public street, which does not propose the creation of any new public or private street or of any right-of-way for access, and which will not require the posting of an improvements guarantee under §512 of this Ordinance. All lot line adjustments are minor subdivisions.

**TOWNSHIP ENGINEER.** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Robeson Township to perform the duties described throughout this Ordinance.

**TRAFFIC SIGNAL.** An electric device for controlling traffic flow at intersections, featuring red, yellow, and green lights.

**WATERCOURSE.** A permanent or intermittent stream, river, brook, creek, channel, swale, or ditch for water, whether natural or man-made.

**WATER SURVEY.** An inventory of the source, quantity, yield, and use of groundwater and surface water resources.



## PART 3

### PLAN REQUIREMENTS

#### § 300. Sketch Plan

- A. A sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission and may also be submitted to the Board of Supervisors, if desired. A sketch plan shall be considered as an unofficial submission to Robeson Township for the purposes of informal review and discussion between the applicant and the Township.
- B. A sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan. For maximum usefulness, sketch plans should contain the information specified herein.
- C. Exact scale and precise dimensions are not required. Scale is at the discretion of the applicant, but a scale of one (1) inch equals not more than two hundred (200) feet is recommended.
- D. Data furnished in a sketch plan is at the discretion of the applicant. For fullest usefulness, it is suggested that a sketch plan include or be accompanied by the following information:
  - 1. Tract boundaries and total acreage of the tract.
  - 2. North arrow, graphic scale, and date of drawing.
  - 3. Streets on and within one hundred (100) feet of the tract.
  - 4. Significant topographical and physical features.
  - 5. Proposed general street layout.
  - 6. Proposed general lot layout and approximate size in acres of proposed lots.
  - 7. Zoning district boundaries.
  - 8. All contemplated land uses.
  - 9. Physical features such as soil types, floodplains, streams, ponds, lakes, wetland areas, and contours at intervals of no more than five (5) feet.
  - 10. Proposed major changes to the physical features.
  - 11. Indication of the contemplated intensity of use, such as gross density in

residential developments or the number and nature of prospective tenants in office, commercial, or industrial developments.

12. All existing man-made features, including buildings and infrastructure for public utilities.
  13. The name and address of the current owner of record.
  14. The name and address of the developer, if different from that of the owner.
- E. The applicant shall meet with the Planning Commission at a regularly scheduled public meeting or at a special public meeting to informally discuss the Sketch Plan. As part of this process, the following issues should be discussed:
1. The compatibility of the proposed development with the Southern Berks Regional Comprehensive Plan.
  2. The compatibility of the proposed development with the Robeson Township Sewage Facilities Plan.
  3. The application procedures that may be required to obtain municipal approval, as specified under the Robeson Township Zoning Ordinance.
  4. The conceptual suitability of the proposed development considering land use, community facilities, utilities, transportation, and other infrastructure needs
- F. The Robeson Township Planning Commission may schedule a public meeting on the subject site to conduct a site review of the area being considered for the subdivision plan and/or land development plan. The applicant may be present to provide a presentation of the proposed concept plan and site improvements.
- G. Robeson Township may recommend that a sketch plan be submitted as a prerequisite to the formal submission of a preliminary subdivision and land development plan. The sketch plan shall not be considered as an official plan submission in accordance with the review procedures and provisions of the Pennsylvania Municipalities Planning Code.

### **§ 301. Preliminary Plan**

A complete preliminary plan shall include all the information described by this Section, including such studies, analyses, reports, documents, permits, and fees as may be reasonably required by the Board of Supervisors, Section 302 of this Ordinance, and any other governmental body or agency having jurisdiction. (See Appendix A)

- A. Preliminary plans shall be in the form of copies or prints and shall show the property boundaries of the entire tract being subdivided. Drawings shall not be

freehand, but shall be professionally drafted.

- B. Scale of preliminary plans.
  - 1. Where the total area of the tract proposed for subdivision or land development is less than one hundred (100) acres, the scale of the plan shall be one (1) inch equals not more than fifty (50) feet.
  - 2. Where the total area of the tract proposed for subdivision or land development is greater than one hundred (100) acres or more, the scale of the plan shall be one (1) inch equals not more than one hundred (100) feet.
- C. Plans shall be on sheets measuring a minimum twenty-four (24) inches by thirty-six (36) inches. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision and indicating which sheets cover which portions of the subdivision. Match lines must be shown on each sheet. Accompanying studies or supplementary data shall be in a uniform format.
- D. Subdivisions and land developments to be built in phases may be submitted for review in contiguous phases with the assent of the Board of Supervisors.
- E. The preliminary plan shall show or be accompanied by the following information.
  - 1. Name or identifying title of the proposed subdivision or land development and a notation of the total tract area and the proposed number of lots.
  - 2. A location map at a scale of one (1) inch equals not more than two thousand (2000) feet. The location map shall be on each sheet and shall have the same orientation as the main plan.
  - 3. North arrow, graphic scale, date of original drawings and any revisions, and a block for signatures. The signatures block shall provide space for the signatures of the Township Engineer as included in Appendix E, the Chairman and three members of the Robeson Township Planning Commission, the Chairman and two members of the Robeson Township Board of Supervisors, and a three and one-half (3.5) inches by six (6) inches square for the signatures of the Chairman and Executive Director of the Berks County Planning Commission and a three (3) inch square for the Recorder of Deeds.
  - 4. Name of the owner of record of the property, Deed Book volume and page number(s) which refer to the property, and name of the applicant for subdivision or land development, if different from the owner.
  - 5. Lot lines and the name(s) of the owner(s) of record of all properties adjacent to the property proposed for subdivision or land development and the Deed

Book volume(s) and page number(s) which refer to such properties.

6. Name and seal of the registered professional engineer, surveyor, architect, or landscape architect responsible for the plan. The seal shall be required only if the Developer proposes to proceed with required public improvements prior to Final Plan approval in accordance with the Pa. Municipalities Planning Code.
7. Tract boundaries with bearings and distances. Bearings shall be shown to the nearest fifteen (15) seconds. All linear dimensions shall be shown to the nearest one-hundredth (0.01) of a foot.
8. All existing streets, public and private, traversing, abutting, or within one hundred (100) feet of the tract, including street name, ownership, right-of-way width, and cartway width.
9. All existing access and utility easements and rights-of-way traversing or adjacent to the tract, including maintenance responsibilities and any use restrictions. The ownership of all such easements and rights-of-way shall be shown, including the owner's name, address, and a contact person.
10. Proposed lot layout with the area of each proposed lot calculated to the nearest one-thousandth (0.001) of an acre. Proposed lots smaller than one (1.000) acre shall be further labeled with their lot size to the nearest square foot. Lot areas shall be exclusive of rights-of-way and easements for streets, access, and utilities.
11. The location, dimensions, purpose, and anticipated ownership of all proposed streets (including proposed street names), rights-of-way, and easements.
12. Location of all tract corner markers and required monuments as required by Section 503 of this Ordinance. Note that all tract corner makers must be placed prior to consideration of a preliminary plan for approval.
13. Lot numbers and block numbers for ease of reference during the review process. Lot numbers shall be consecutive throughout the proposal and not independent for each block or phase of the proposal.
14. Notice that a highway occupancy permit is required pursuant to Section 420 of the State Highway Law (P.L. 1242, No.428) before access to a state road is permitted, where proposals require access to a road under the jurisdiction of PennDOT.
15. Acknowledgement permit requirement from the Pennsylvania Department of Environmental Resources, where the construction of roads or driveways in or across a stream or floodplain is proposed.

16. A summary of the area and bulk standards applicable to the zoning district(s) in which the proposal is located.
17. The minimum building setback line for each proposed lot.
18. Where on-lot sewage disposal is proposed, the location of percolation test sites shall be shown.
  - (a) The results of such tests shall also be shown or may be supplied as an accompanying document.
  - (b) Where the soil type of the test location has moderate or severe constraints for on-site disposal of sewage effluent (according to the Soil Survey of Berks County, Pennsylvania published by the Soil Conservation Service of the U.S. Department of Agriculture), a second approved site for on-lot sewage disposal shall be indicated in accordance with the Robeson Township Sewage Ordinance and the regulations of the Pennsylvania Department of Environmental Resources as administered by the Township Sewage Enforcement Officer.
19. Sites, if any, reserved or dedicated for parks, playgrounds, or other public uses.
20. Sites, if any, for multi-family dwellings, shopping centers, churches, industrial uses, and other non-public uses exclusive of single-family dwellings.
21. Significant physical features within the tract. Such features shall include the following as a minimum.
  - (a) Contour lines with a vertical interval of not more than two (2) feet for land with an average natural slope of less than eight (8.0) percent, and a vertical interval of not less than five (5) feet for areas with an average natural slope of eight (8.0) percent or greater. Contours shall be established by survey of the tract and shall not be enlarged from U.S.G.S. Quadrangle maps or any other similar source.
  - (b) Datum to which control elevations refer. Where possible, datum shall refer to known elevations as established by the U.S. Coastal and Geodetic Survey or by PennDOT.
  - (c) Soil types, which may be based upon the U.S.D.A. Soil Survey of Berks County.

- (d) Man-made or natural watercourses and their accompanying floodplains, swales, ponds, and reservoirs. Any one hundred (100) year floodplain must be shown, regardless of whether or not the watercourse extends over the lot.
  - (e) Delineation of freshwater wetlands as determined by a qualified environmental scientist using the procedures of the U.S. Army Corps of Engineers as outlined in the Wetlands Delineation Manual (publication TRY-87-1, latest edition).
  - (f) Existing vegetation and ground cover.
  - (g) All existing buildings, streets, sewer mains and on-lot disposal, water mains and fire hydrants, wells, culverts, pipelines for petroleum products, gas mains, power lines, telephone lines, and any other significant man-made features.
  - (h) Where photographs have been supplied as part of the submission, camera locations and directions of view shall be clearly indicated and a key provided.
22. A statement of the proposed method of water supply, including evidence that such source is capable of providing a reliable supply of potable water in sufficient quantity for the entire proposal. Further study and analysis shall be required in conformance with Section 506 of this Ordinance. When connection to a public water supply is proposed, evidence of adequacy and reliability shall be in the form of a letter or a statement on the preliminary plan, signed by a responsible officer of the supplying company indicating their ability and willingness to serve the development.
23. A statement of the proposed method of sewage disposal. Where on-site sewage disposal facilities are proposed, the developer shall submit a statement concerning the ability of the soil to absorb such waste, which shall include the analysis and recommendation of the Robeson Township Sewage Enforcement Officer. Such statement shall not be required where:
- (a) on-lot sewage disposal systems are already installed and operating in a satisfactory manner (i.e., no new system is proposed), or
  - (b) the plan is a re-subdivision of a previously approved plan, proposing larger lots.
24. A statement describing all proposed improvements to be dedicated to the Township.

25. Where the preliminary plan covers only a portion of the tract under the control of the owner or developer, a sketch shall be submitted showing a possible street layout for the remainder of the tract.
  26. Recommendation from the Township Park and Recreation Board.
- F. For all subdivision or land development plans, except for those subdivisions and land developments considered as Minor - Preliminary / Final Plans in accordance with Section 400.B., the Applicant must provide review comments and any corresponding recommendations from applicable Township Emergency Services personnel. It is the responsibility of the Applicant to forward plans to the Township Emergency Management Coordinator, Police Chief, local Fire Chief and other officials as applicable to initiate the emergency services review.
  - G. For all subdivision or land development plans, except for those subdivisions and land developments considered as Minor - Preliminary / Final Plans in accordance with Section 400.B., the Applicant must provide review comments and any corresponding recommendations from the Robeson Township Environmental Advisory Council (EAC). It is the responsibility of the Applicant to forward plans to the Township EAC to initiate the review.
  - H. Subdivision plans proposed using the Conservation Design approach as provided in the Robeson Township Zoning Ordinance shall comply with all requirements of this Robeson Township Subdivision and Land Development Ordinance (see Zoning Ordinance Section 607.F.9.).
  - I. All subdivision and land development plans within the Historical Overlay District as provided in the Robeson Township Zoning Ordinance shall comply with the requirements of Zoning Ordinance Section 506.E.

### **§ 302. Supplementary Data for Preliminary Plans**

Preliminary plans shall be accompanied by the following supplementary data:

A. Site Analysis.

The site analysis shall show the complete boundary of the tract proposed for subdivision or development and shall show how the proposal will accommodate the existing natural assets of the tract. Features shown on the site analysis shall include as a minimum:

1. Tract boundary with bearings and distances.
2. Freshwater wetlands, according to the criteria described by the most recent edition of U.S. Army Corps of Engineers publication TRY-87-1, entitled Wetlands Delineation Manual.

3. Man-made or natural watercourses and water bodies, swales, the 100-year floodplain identified upon the Flood Insurance Rate Map of the Federal Emergency Management Agency, alluvial soils, and soils with a seasonal high water table within eighteen (18) inches of the surface.
  4. Contour lines with a vertical interval of not more than five (5) feet.
  5. Steep slope areas: areas with slopes between twenty (20) and thirty (30) percent and areas with slopes of thirty (30) percent and greater shall be shown as different categories.
  6. Vantage points and vistas.
  7. Existing tree masses and remarkable specimen trees as required to determine compliance with applicable Zoning Ordinance requirements.
  8. Existing structures.
  9. Existing uses on surrounding properties.
  10. Existing dimensions and conditions of roads abutting and traversing the tract.
  11. Zoning district boundaries within five hundred (500) feet of the tract – typically indicated on the Location Map plan view.
- B. A Stormwater Management Plan in accordance with the Robeson Township Stormwater Management Ordinance.
- C. An Erosion and Sedimentation Control Plan in accordance with §511 of this Ordinance.
- D. An Improvements Construction Plan.

An improvements construction plan shall be required as part of the preliminary plan submission whenever an improvement is to be constructed or installed. The improvements construction plan shall contain sufficient information to provide working plans for the layout and construction of proposed improvements, including public and private streets, utilities, and stormwater management structures. The plan shall include, but not necessarily be limited to the following elements.

1. A profile plan showing existing and final grades and relative location of streets, water and sanitary sewer mains, and storm sewers. The horizontal scale on the plan shall be one (1) inch equals not more than one hundred (100) feet and the vertical scale shall be one (1) inch equals not more than ten (10) feet. Regardless of scale, the vertical to horizontal ratio must remain



- 1:10. The following elements must be included on the profile plan:
- (a) The extent of cut and fill operations.
  - (b) Vertical section of the existing grade along the centerline and right-of-way limits of proposed streets. Where water mains, sanitary sewer mains, or storm sewers are to be installed, their location, gradients, size, and invert elevation shall be indicated on the diagram. All elevations shall be based upon the datum plane established by the United States Geological Survey.
  - (c) Cross-section of typical street construction showing:
    - (i) right-of-way widths and the location and width of paving within the right-of-way;
    - (ii) type, thickness, and crown of paving;
    - (iii) location, width, type, and thickness of sidewalks to be installed, if any; and
    - (iv) typical location, size, and depth of any underground utilities that are existing or to be installed within the right-of-way, where such information is available.
  - (d) Cross-section of existing roads showing shoulders, drainage areas and right-of-way.
2. A horizontal plan, drawn to the same scale as the final plan, showing the layout of the proposed improvements, including stations corresponding to those shown on the profiles, horizontal curves, location and size of manholes and stormwater inlets, and limits of grading with reference to cut-and-fill for road construction, showing road stations and existing and proposed lot lines within the graded area.

E. Traffic Impact Study

- 1. A traffic impact study shall be required as part of the preliminary plan submission under any one (1) of the following conditions:
  - (a) The proposal will increase the number of peak-hour trips on adjacent roads by more than fifty (50), according to the most recent trip-generation information from the Institute of Transportation Engineers:

- (i) a residential subdivision or development of fifty (50) or more single family units with access onto a single road, regardless of the number of access points or whether the development will be phased;
  - (ii) a residential subdivision or development of eighty (80) or more single family units, regardless of the number of roads accessed, number of access points, or whether development will be phased;
  - (iii) a residential development of eighty (80) or more units in multi-unit structure(s), regardless of whether or not development will be phased;
  - (iv) a general office building with a gross floor area in excess of twenty thousand (20,000) square feet;
  - (v) a convenience store with a gross floor area in excess of one thousand (1,000) square feet;
  - (vi) a fast-food restaurant with a gross floor area in excess of two thousand (2,000) square feet;
  - (vii) a planned residential development;
  - (viii) a mixed-use development; or
  - (ix) a shopping center.
- (b) The proposal will increase the then-current average daily trips on any abutting road by more than ten (10) percent or five hundred (500) trips.
  - (c) The proposal will have access upon a road functioning at a "D," "E," or "F" level of service.
  - (d) Traffic generated by the proposed development will exacerbate conditions at any intersection functioning at a "D," "E," or "F" level of service.
2. Unless otherwise directed by Robeson Township, the TIS shall contain the following:
- (a) The study area boundary and identification of the roadways included within the study area.

- (b) A general description, including:
  - (i) The size and location of existing and the proposed land use activity and dwelling types.
  - (ii) Construction staging and the completion dates of the proposed development.
  - (iii) Existing land uses, including any approved or proposed subdivision or land development activity that may have an impact.
  - (iv) A description of the existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by landowners, developers or governmental agencies.
  - (v) The TIS shall include documentation of the existing and proposed transit service within 1,000 feet of the site of the development.
  
- (c) Analysis of existing conditions, including:
  - (i) Daily and Peak Hour(s) of Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes within the study area. Turning movement and mainline volumes shall be presented for the three (3) 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 Analysis 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 shall 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 upon 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 to be made shall be specified by Robeson Township and will be dependent on the timing or phasing 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 specified by Robeson Township in terms of location and times (daily and peak hours).
  - (ii) Volume/Capacity Analysis 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 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 upon 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 three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of Robeson Township. Trip Generation (latest edition) published by the Institute of Transportation Engineers (ITE) shall be utilized.
- (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 so that Robeson Township 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 be combined with the anticipated traffic volumes specified by the TIS in order to describe mainline and turning movement volumes for future conditions with the site developed in

accordance with the implementation schedule for the proposed site improvements.

- (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 affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be considered. 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. 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 for all movements.
- (i) Recommended Improvements. In the event that the analysis indicated a decrease in the level of service for all movements will occur on study area roadways, a description of the proposed improvements to remedy the deficiencies shall be provided. These proposals should not include committed projects by Robeson Township or the Commonwealth of Pennsylvania. The following information shall be included:
  - (i) Proposed Recommended Improvements. This section shall include the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Cost estimates shall be included for the recommended improvements.
  - (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 recommendations.
  - (iii) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented within the TIS, levels of service for the roadway system shall be presented.

- (j) Conclusion. The last section of the TIS shall include a clear and concise description of the conclusions.
- 3. The applicant shall provide advanced notification to the Robeson Township Engineer regarding any meetings that may be scheduled with the Pennsylvania Department of Transportation.
- 4. On-site traffic improvements may be required by Robeson Township in order to control traffic patterns, to lessen traffic congestion, to facilitate the adequate provision for future community or transportation improvements, and/or when clearly in the interest of the public health, safety, or general welfare. On-site traffic improvements may include, but are not limited to, cartway widening, right-of-way dedication, shoulder stabilization, vertical or horizontal curve realignment, grading and/or traffic control devices. The TIS shall include a list of recommendations for on-site traffic improvements and shall assure safe interior circulation patterns by separating vehicular and pedestrian traffic within the site whenever possible.
- 5. On-site pedestrian improvements may be required by Robeson Township in to order to improve non-motorized modes of transportation, and/or when clearly in the interest of the public health, safety, or general welfare. On-site traffic improvements may include, but are not limited to, sidewalks, crosswalks, bicycle lanes, walking trails and handicapped ramps. The TIS shall include a list of recommendations for pedestrian improvements.
- 6. The applicant shall incur the cost of all required TIS as well as all on-site traffic and pedestrian improvements that may be required by Robeson Township or the Pennsylvania Department of Transportation.
- 7. The traffic impact study shall be submitted by the applicant for review by the Township Engineer. Said study shall meet with the satisfaction of the Board, as advised by the Township Engineer, prior to plan approval.

F. Community Association Document

Community associations, including homeowners' associations and condominium associations, shall be permitted only when no less than fifty (50) owner-occupied dwelling units will require association membership. When a proposed development is to be built in phases over a period of time, the community association shall not be delegated authority until fifty (50) units have been sold and are occupied by their owners.

- 1. A community association document (also known as homeowners' association document or a condominium association document) and an informational brochure shall be included with all subdivision and land development

applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Township.

2. The community association document shall empower the association to own and maintain the common property and to make and enforce rules.
3. The document shall be accompanied by a map showing the precise location of the lands and facilities to be owned or operated by the community association.
4. The community association document must contain, but shall not necessarily be limited, the elements listed below.
  - (a) Description of all lands and facilities to be owned or operated by the community association.
  - (b) Description of how the lands and facilities of the association will be insured, including limit of liability.
  - (c) Acknowledgement that, where the community association is deemed negligent by the Township in the execution of responsibilities affecting the health, safety, or welfare of residents, the Township has the right to intervene and to perform such duties normally reserved to the community association. The community association shall be billed by the Township and shall reimburse the Township for all expenses incurred for such activities.
  - (d) Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned or operated by the community association.
  - (e) Provision of mandatory membership in the community association for each homeowner in the subdivision or land development.
  - (f) Articles of Incorporation.
  - (g) Any and all use restrictions, including use restrictions applicable to utility easements and rights-of-way.
  - (h) Where applicable, provisions regulating responsibility for exterior maintenance and party walls.
  - (i) By-laws for the association governing the functions of the association and its Board of Directors. A copy of the by-laws shall be given to each homeowner within the development. The by-laws shall include,

as a minimum, the elements listed below.

- (i) Statements setting forth the powers, duties, and responsibilities of the community association, including the power to make and enforce rules, and services to be provided.
  - (ii) Provision of automatic membership for all homeowners in the subdivision or land development.
  - (iii) A description of the process by which members participate in the association, including meetings, voting, and elections.
  - (iv) Statements setting cross-covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
  - (v) Requirement for all homeowners to provide a pro rata share of the operation cost of the association.
  - (vi) A process of collection and enforcement to obtain funds from owners who fail to comply.
  - (vii) A process for transition of control of the association from the developer to the homeowners.
  - (viii) Provisions for the dissolution of the association, in the event the association becomes unviable.
5. An informational brochure shall be provided to all homeowners within the subdivision or land development and upon request to any prospective owner or their agent. The brochure shall include the information listed below as a minimum.
- (a) A complete description of the lands and facilities owned or operated by the association.
  - (b) A description of the organizational structure of the association.
  - (c) Membership requirements and voting rights of the homeowners and the developer.
  - (d) The current amount (or the initial amount, if the association is not yet functioning) of the association fee, frequency of collection, and method by which the fee may be changed.
  - (e) Method for enforcement of fee payment.



- (f) A description of services provided by the association.
  - (g) A description of the responsibilities of the individual homeowners insofar as exterior maintenance of structures and yard areas is concerned.
  - (h) A description of any architectural or aesthetic restrictions.
6. The community association shall maintain a current copy of the community association document and the informational brochure, and shall make such available upon request to member residents, prospective residents or their agent(s), and Township officials. The developer shall bear this responsibility until full control of the association is assumed by the residents.

G. Water Resources Study

Under the conditions specified by this Section, applicants will be required to include a water resources study as part of the preliminary plan submission.

1. The water resources study shall address the following issues:
  - (a) the impact of the proposed development on groundwater resources including anticipated impacts on groundwater users within the Township resulting from the development; and
  - (b) the preservation of groundwater and surface water resources.
2. The determination of whether a water resources study is needed shall be made by the Township Engineer at the sketch plan phase. Failure to submit a sketch plan shall not stop the Township from requiring such a study.
3. The applicant is strongly encouraged to solicit advice from the Berks County Conservation District and the Township Engineer in order to refine the scope of the water resources study prior to commencement.
4. The water resources study shall be prepared by a qualified hydrogeologist at the expense of the developer.
5. The water resources study shall make determinations and provide supporting data on the following issues:
  - (a) the impact of the proposed development on groundwater recharge as the result of newly created impervious surfaces or modified land cover conditions;

- (b) the impact of groundwater pumping, when proposed; and
  - (c) the impact of the proposed development upon surface water quality and quantity, including suitability for human consumption, for recreational use, and as a habitat for indigenous aquatic life.
6. The following elements shall be considered essential to any water resources study. Additional elements may be required depending upon the conditions of the tract in question and the type of development proposed.
- (a) Average rainfall and storm patterns.
  - (b) An analysis of the soils and geologic conditions on the site to establish the degree of groundwater recharge occurring prior to the proposed development.
  - (c) A pre-development and post-development water budget, specifying the total volume of water lost to the site as the result of the creation of new impervious surfaces or of the land cover alteration on the site. Pumping of groundwater and wastewater disposal methods must also be evaluated within the water budget.
  - (d) An estimation of the effects upon the base flow of nearby streams, with special attention given to critical low-flow periods.
  - (e) Any special groundwater quality issues.
  - (f) Any special surface water quality issues, including pollutant loading analysis using an accepted methodology to address metals/inorganics, hydrocarbons, suspended solids, nutrients, biological oxygen demand/chemical oxygen demand, volatile organics, and fecal coli form.
7. For the following types of development, a water resources study shall not be required, except under any condition specified in §302(E)8.
- (a) Fifteen (15) or fewer single-family detached residences where each residence will have an individual on-lot sewage disposal system. Where development is phased, a study shall be required if the total number of houses in all phases combined is greater than fifteen (15).
  - (b) Multi-family residential structure(s) with a total of fifteen (15) or fewer units. If at least seventy-five percent of the tract proposed for development consists of soils in hydrologic soil groups C and D, then no study is required for multi-family residential structure(s) with a total of twenty-five (25) or fewer units.

- (c) All non-residential development on tracts of less than one (1.00) acre.
    - (d) Non-residential development on tracts of less than ten (10.00) acres where at least seventy-five (75) percent of the tract consists of soils in hydrologic soil groups C and D.
  - 8. A water resources study may be required by the Township under any one (1) of the following conditions, regardless of whether or not the proposed development meets the exemption requirements specified in Section 302(E)7 above.
    - (a) Where the development proposes the creation of extensive areas of impervious coverage, thereby reducing recharge area and increasing the total volume of stormwater runoff.
    - (b) Where extensive lawn or other areas of maintained ground cover are proposed which will result in increased non-point source pollutant loadings.
    - (c) Where water supply will be groundwater from an on-site source and wastewater will be exported to some off-site stream discharge facility.
- H. Plans submitted to effect a lot line revision shall be accompanied by a legal description of the lots as they will exist after such revision.
- I. Fiscal Impact Studies
  - 1. The fiscal impact studies listed below shall be submitted in the following instances:
    - (a) A residential subdivision or land development of fourteen (14) or more lots and/or dwelling units.
    - (b) A nonresidential subdivision of five (5) or more lots.
    - (c) A nonresidential land development containing twenty thousand (20,000) square feet or more of gross floor area.
  - 2. The Board of Supervisors reserves the right to require fiscal impact studies for any subdivision or land development when the Board of Supervisors deems such a study necessary to adequately review the impact of the subdivision or land development on the Township.
  - 3. The addition to or construction of buildings for nonresidential farm use only on farms devoted to farming on the effective date of this Ordinance are

exempted from the provisions of Section 302.I.

4. Fiscal Impact Analysis.

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

- (a) Community Systems. This includes potential effects on the maintenance, repair and upkeep of roads, signal systems, community 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. A description of the effect of the proposed use on the need for additional Township buildings, improvements and services including, but not limited to, municipal and maintenance buildings and properties and any measures taken to account for these additional needs shall be provided.
- (b) Administration. This includes time that would be required by the Township, Township 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.
- (c) Fire and Emergency Services. The analysis shall incorporate the development's impact on fire company capabilities including, but not limited to, Township water supply, pumping capacity, specialized equipment and training requirements and the Township's ability to maintain standards specified in any comprehensive plan, other specifications, documentation, codes or regulations adopted by the Board of Supervisors.

- (d) A description of the effect of the proposed use on the need for any additional public facilities or services deemed necessary by the Township to protect and promote the health, safety and general welfare of the public.

**§ 303. Final Plan**

- A. Final plans must be submitted in the form of copies or prints and shall show the property boundaries of the entire tract being subdivided or developed. Drawings shall not be freehand but shall be professionally drafted. (See Appendix B)
- B. Final plans for tracts of less than one hundred (100) acres shall be drawn at a scale of fifty (50) feet equals one (1) inch. Final plans for tracts of one hundred (100) acres or more shall be drawn at a scale of one hundred (100) feet equals one (1) inch.
- C. Plans shall be on sheets measuring a minimum twenty-four (24) inches by thirty-six (36) inches. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision and indicating which sheets cover which portions of the subdivision. Match lines must be shown on each sheet. Accompanying studies or supplementary data shall be in a uniform format.
- D. For large subdivisions, the final plan may be submitted for approval progressively in contiguous sections satisfactory to the Board of Supervisors.
- E. The final plan shall show all information required upon the preliminary plan, as described in Section 301. In addition, the final plan shall display the following information.
  - 1. Primary control points, as approved by the Township Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall refer.
  - 2. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites. Dimensions, arc length, and curve radii shall be shown to the nearest one-hundredth (0.01) foot. Bearings or deflection angles at changes in direction of line as well as central angles of all curves shall be shown to the nearest fifteen (15) seconds.
  - 3. The type and location of each approved on-site sewage disposal system.
  - 4. Location, size, and invert elevation of all sanitary, storm and combination sewers shall be indicated as well as the location of all manholes, inlets, and culverts.

5. Location, dimensions, maintenance responsibility, use restrictions, purpose, and ownership of all easements and rights-of-way. Maintenance responsibility, use restrictions, purpose, and ownership of rights-of-way for public streets need not be shown.
6. Name, right-of-way width, and intended cartway width of all streets, whether existing or planned. Centerline grades shall be shown, including percent of grade, elevations at every break in grade and change in alignment, and distances between shown elevations.
7. Numbers to identify each lot or site. In addition, all newly created lots or parcels which are intended for development shall be assigned a street address by the Robeson Township Code Officer. All such addresses shall be listed on the drawings along with applicable Post Office and Zip Code.
8. Purpose for which sites are dedicated or reserved.
9. Minimum building setback line for all tracts and proposed lots.
10. Location and elevation of monuments, as required by Section 503.
11. Reference to recorded subdivision plats of adjoining platted land by record name and date.
12. Certification by the professional engineer, surveyor, architect, or landscape architect responsible for the plan attesting to the accuracy of the survey and plan.
13. Name and address of the owner of the tract, along with a certification of title or an affidavit to the effect that the applicant is the owner or equitable owner of the tract being proposed for subdivision or land development.
14. Statement by owner dedicating streets, public rights-of-way, and any other sites for public use. Such statement shall be made on a form available from the Township Manager.
15. List of all granted waivers along with date of approval and any clarifying conditions relate to the waiver approval.

#### **§304. As-Built Plan**

Upon completion of construction, the subdivider or developer shall supply to the Township a set of plans for the entire tract showing all lot lines as deeded and all surface and subsurface improvements as actually constructed. Plans shall be at the same scale as the final plan submitted during the approval process and shall be on Mylar.

## **PART 4**

### **PLAN REVIEW PROCEDURE**

#### **§400. General Procedures**

- A. Applicants submitting plans for subdivision or land development shall apply for and secure approval in accordance with the procedures described in this Part:
  - 1. All applicants are strongly encouraged to make their initial proposal in the form of a Sketch Plan, as described in Section 300. The Township believes that all parties concerned can benefit from discussion concerning the major elements of a proposal and its general arrangement upon the land, prior to significant expenditure on the part of the applicant for the fully engineered drawings and detailed studies required for preliminary plan application.
  - 2. All applicants are required to submit a Preliminary Plan meeting the specifications of Section 301 and including the supplementary information as may be required by Section 302.
  - 3. Most applicants will be required to submit a Final Plan meeting the specifications of Section 303.
  - 4. Where construction of public improvements has been approved as part of a subdivision or land development proposal, an As-Built Plan meeting the specifications of Section 304 shall be submitted by the applicant upon the completion of all such construction.
- B. For minor subdivisions proposing the creation of three (3) or fewer lots for single-family detached dwellings wherein all proposed lots will have frontage on an existing public street or for land developments involving a single lot with frontage on an existing public street, applicants may submit a plan as a Preliminary / Final Plan in one step. All such submissions will be required to comply with all applicable requirements of both preliminary and final plan submissions.
- C. Plans shall be submitted at the regular monthly meeting of the Robeson Township Planning Commission. Plans submitted between meetings will be officially accepted for review at the next regularly scheduled Planning Commission meeting. Plans shall be distributed as required below by the Township Manager.

#### **§ 401. Submission of Sketch Plan**

- A. Applicants for subdivision or land development may submit a sketch plan to the Township Planning Commission and may also submit to the Board of Supervisors, if desired, for informal review prior to formal application for plan approval.

- B. Although sketch plan submission is not required, applicants are strongly encouraged to consult with the Township prior to formal application. For maximum usefulness, sketch plans should contain the information specified in Section 300.

**§ 402. Review of Sketch Plan**

- A. The Planning Commission shall meet with the applicant and informally discuss the general suitability of the development proposed by the sketch plan, its relationship to existing streets and utilities, the proposed arrangement and density of housing, and the compatibility of the plan with the Comprehensive Plan. Such meeting may be part of the regular monthly meeting of the Planning Commission or at a special public meeting.
- B. Based upon this meeting, the Planning Commission shall submit its written comments to the applicant. Failure of the Planning Commission to submit comments in writing shall not be deemed an approval of any application nor shall any rights vest to the applicant due to such failure.
- C. The applicant may, but need not, request further review of the sketch plan by the Board of Supervisors.
- D. Nothing contained in this Section, nor the failure of the Planning Commission or the Board of Supervisors to proceed in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights to the applicant.

**§ 403. Submission of Preliminary Plan**

- A. When filing for preliminary plan approval, the applicant shall submit to the Township Manager seven (7) complete copies of the plan reflecting all data specified in Sections 301 and 302 unless additional copies are requested. Applicant shall also submit two (2) complete sets of all reports, and studies prepared in support of the plans unless additional copies are requested by the Township. When submitting information for subsequent review, Applicant shall submit four (4) copies of all plans and two (2) copies of revised reports unless additional copies are requested by the Township.
- B. Submissions shall be accepted only at the regular monthly meeting of the Planning Commission at which time the ninety (90) day plan review period begins. Plan submissions, whether initial or revised, must be received two weeks prior to a scheduled Planning Commission meeting to be reviewed prior to the meeting. All plans received less than two weeks prior to the Planning Commission meeting will be reviewed at the subsequent meeting.



- C. All submissions shall be accompanied by the proper application forms, letter(s) of transmittal, and fees as determined by the Board of Supervisors. Submissions shall further include packaging and adequate postage for mailing of plans to the Berks County Planning Commission and all other reviewing bodies, as specified by this Ordinance or required by law.
- D. The Township Manager shall distribute the submitted copies for review to the Township Planning Commission, the Township Engineer, Township Park and Recreation Board (as appropriate), Township EAC, Township Emergency Services personnel, and the Berks County Planning Commission. When requested, a copy of the plan shall be provided to the Township Solicitor on an as needed basis.
- E. No application shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required in Part 3 have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
- F. Such review fees shall be reasonable and based upon the ordinary and customary charges by the Township Engineer for review; in no event shall the Township review fee exceed the rate or cost charged to the Township by the Engineer for his professional review. Should the applicant contest the amount of the review fee, the applicant and the Township shall follow the procedure for dispute resolution set forth in Section 510 of the Pennsylvania Municipalities Planning Code.
- G. Revised preliminary plans must be submitted to the Township at least two (2) weeks prior to the regularly scheduled planning commission meeting.

#### **§ 404. Approval of Preliminary Plan**

- A. Following review of the Preliminary Plan and the accompanying data by the Township Engineer, the Township Planning Commission, and the Berks County Planning Commission, the Board of Supervisors shall approve, approve with conditions, or reject the Preliminary Plan. Conditions for approval must be clearly stated in writing. If rejected, the Board shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this and other Township ordinances.
- B. The decision of the Board shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to the Township Manager. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement of the applicant and the Township.

- C. The action of the Board of Supervisors, including all conditions for approval, shall be set forth in a letter to the applicant within fifteen (15) days of final action by the Board of Supervisors and noted on at least three (3) copies of the preliminary plan. One (1) copy of the action and plan shall be transmitted to the Berks County Planning Commission, one (1) copy shall be retained by the Township, and the remaining copy or copies shall be returned to the applicant. Upon approval or conditional approval of the Preliminary Plan, the Applicant shall provide two (2) CD's containing digital copies of all Preliminary Plans in “.pdf” format.
- D. Approval or approval with conditions of a preliminary plan shall not constitute approval of the final plan. Rather, it shall be deemed an expression of approval of the layout shown on the preliminary plan as a guide to the preparation of the final plan. The final plan must also be reviewed and approved by the Township as described below.
- E. At the discretion of the Board of Supervisors, a preliminary plan for a minor subdivision may be approved as a final plan in accordance with Section 400.B.

**§ 405. Submission of Final Plan**

- A. Within five (5) years of receiving approval or approval with conditions of a preliminary plan, the applicant shall submit seven (7) copies of the final plan and all supplementary data as required to the Township Manager.
- B. Submissions shall be made to the Township Manager at the regular meeting of the Planning Commission at which time the plan review period begins. Plan submissions, whether initial or revised, must be received two weeks prior to a scheduled Planning Commission meeting to be reviewed prior to the meeting. All plans received less than two weeks prior to the Planning Commission meeting will be considered at the subsequent meeting. Initial Final Plan submissions must include seven (7) copies of all plans and two (2) copies of all supporting data. Subsequent submissions for review shall include three (3) copies of all plans and two (2) copies of all data which has been updated since the initial Final Plan submission. Additional copies of plans or data may be requested by Robeson Township as required, such as a copy for the Township Solicitor. Two (2) copies of the plans and one (1) copy of the data will be retained by Robeson Township for review by the Township Planning Commission and the Board of Supervisors, and one (1) copy of the plan and data shall be forwarded to the Township Engineer. Copies of the plans shall be forwarded to the Berks County Planning Commission, Township EAC, Township Emergency Services personnel and the Township Park and Recreation Board as appropriate.
- C. The Township Manager shall distribute the submitted copies for review NOTE, all plans must be packaged for distribution with appropriate postage.

- D. No application shall be deemed filed and accepted for review until any supplementary data, reports, and studies as may be required in Part 3 (including revisions thereto required during the preliminary plan review) have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
- E. Review fees shall be reasonable and based upon the ordinary and customary charges by the Township Engineer for review; in no event shall the Township review fee exceed the rate or cost charged to the Township by the Engineer for his professional review. Should the applicant contest the amount of the review fee, the applicant and the Township shall follow the procedure for dispute resolution set forth in Section 510 of the Pennsylvania Municipalities Planning Code.
- F. Revised final plans must be submitted at least two weeks prior to the regularly schedule Planning Commission meeting.

**§ 406. Approval of the Final Plan**

- A. Following review of the final plan and the accompanying data by the Township Engineer, the Township Planning Commission, the Berks County Planning Commission, the SEO, and the Board of Supervisors shall approve, approve with conditions, or reject the final plan.
- B. Any conditions for approval must be clearly stated in writing and placed in the subdivision and land development improvements agreement, as provided for in Section 407, below.
- C. If the plan is rejected, the Board shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this and other Township ordinances. Copies of the statement shall be forwarded to the applicant and all concerned parties no more than fifteen (15) days following the decision.
- D. The decision of the Board shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to the Township Manager. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement of the applicant and the Township.
- E. Submissions of Final Plans for approval and recording shall include a minimum of five (5) copies – three (3) of which will be retained by Berks County at the time of recording and two (2) of which must be returned by the Applicant to Robeson Township as a condition of plan approval – plus additional copies to be retained by the Applicant for their records. In addition, this submission must include two (2)

CD's containing digital copies of all Final Plans in “.pdf” format.

**§ 407. Subdivision and Land Development Improvements Agreement**

The applicant shall execute an agreement, to be approved by the Board of Supervisors, before the final plan is released by the Board and recorded. Said agreement shall specify the following, where applicable:

- A. The applicant shall agree to lay out and construct all streets and other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas, and erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval.
- B. The applicant shall guarantee completion and structural integrity of all improvements by means of a type of financial security acceptable to the Township, as described in Section 408 of this Ordinance.
- C. The applicant agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer.

**§ 408. Required Financial Security: Improvements Guarantee**

- A. Where an improvements guarantee is provided in lieu of the completion of improvements required as a condition of final approval for a subdivision or land development proposal, the Township shall not condition the issuance of a building, grading, or other permit relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the approved final plan upon actual construction of the said improvements. Moreover, if an improvements guarantee has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following:
  - 1. The completion of the construction of new streets as described in Part 6 of this Ordinance in all respects except for the installation of the wearing course.
  - 2. The completion of all other improvements as depicted upon the approved final plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

- B. Improvements Guarantees and all other types of financial security required by this Ordinance shall be in the form of a Federal- or Commonwealth-chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such an institution or a financially responsible bonding company, cash or cash equivalent, or such other type of financial security subject to the approval of the Township. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania and stipulates that it will submit to Pennsylvania jurisdiction and Berks County venue in the event of legal action.
- C. When requested by the applicant, the Township shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the provision of financial security by the applicant. The final plan shall not be signed or recorded until the improvements guarantee has been executed. The resolution and letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board of Supervisors. Request for such extension by the applicant shall be in writing.
- D. The agreement(s) for the improvements guarantee(s) and for all other forms of financial security required by this Ordinance shall be executed by the applicant or developer and shall be approved by the Township upon advisement of the Township Solicitor.
- E. The improvements guarantee shall be an amount sufficient to cover the replacement cost of all improvements, both public and private, and common amenities, including but not limited to streets, curbs, walkways, shade trees, stormwater management facilities, pipes and other related drainage facilities, recreational facilities, improvements to open space, buffer or screen plantings, water mains and other water supply facilities, fire hydrants, and sanitary sewage disposal facilities.
- F. The improvements guarantee shall provide for and secure to the public the completion of all subdivision improvements for which such guarantee is being posted within one (1) year of the date fixed on the final plan and noted within the subdivision and land development improvements agreement.
- G. The amount of the improvements guarantee shall be equal to one hundred ten (110) percent of the estimated replacement cost of improvements, including engineering and inspection costs, as of ninety (90) days following the completion date anticipated by the applicant.
- H. The Township may adjust the amount of the improvements guarantee annually by comparing the actual cost of the improvements which have been completed and the estimated cost of the completion of the remaining improvements as of the

expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the applicant to post additional security in order to assure that the amount of the improvements guarantee will equal no less than one hundred ten (110) percent of the replacement cost of the remaining improvements at all times.

- I. The amount of the improvements guarantee shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant and prepared by a professional engineer licensed as such by the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Township and the applicant are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another, neutral, professional engineer licensed as such by the Commonwealth of Pennsylvania and chosen mutually by the Township and the applicant. The estimate certified by the neutral engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a neutral engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant.
- J. If the party posting the improvements guarantee requires more than one (1) year from the date of posting the guarantee to complete the improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from the date of the original posting. The new amount shall not exceed one hundred ten (110) percent of the cost of completing the remaining required improvements as established upon the expiration date of the preceding one (1) year period, described in Section 408(H), above.
- K. Where development is projected over a period of years, the Township may authorize submission of final plans by section of stage of development, subject to such requirements or guarantees for improvements within the future sections or stages of development as the Board of Supervisors deems essential for the protection of any finally approved section or stage of the development.
- L. As the work of installing the required improvements proceeds, the party posting the improvements guarantee may request the Board of Supervisors to release or to authorize the release of such portions of the improvements guarantee necessary for payment to the contractor(s) performing such work. Any such requests shall be in writing and addressed to the Board of Supervisors. The Board shall have forty-five (45) days from the receipt of such request within which to allow the Township Engineer to certify in writing to the Board that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly

representing the value of the improvements completed. If the Board fails to act within said forty-five (45) day period, the Board shall be deemed to have approved the release of funds as requested.

- M. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board his independent evaluation of the proper amount of partial releases.
- N. Where a subdivision involves annexation of land and the Township, as a condition of plan approval, requires that the Applicant provide evidence of the recording of a deed joining an annexation parcel with an adjoining parcel, the Applicant may be required to provide a deposit of five hundred (\$500) dollars. The deposit will be held by the Township until such time as evidence of the recording is provided in written form to the Township whereupon the deposit shall be returned to the Applicant.

#### **§ 409. Permits**

- A. No building permit under the Robeson Township Zoning Ordinance shall be issued for any new building in any subdivision or land development and no work shall be done on any new building in any subdivision or land development until the final plans for said subdivision or land development have been approved as provided for herein and until a subdivision and land development improvements agreement in accordance with Section 407 of this Ordinance has been completed, except that existing structures may be repaired. Where final plan approval has been conditioned upon the submission and approval of individual lot grading plans for some or all lots, no building permit shall be issued for construction on any such lot until this condition has been met.
- B. No water system or sewer system, including extensions to existing systems, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Resources or from other federal, state, or local agencies, as may be required. Copies of such permits shall be provided to the Township.
- C. When building permits are to be issued in a phased development, permits for subsequent phases will be issued only upon a completion of a minimum of seventy-five (75) percent of the total units or dwellings within a previous phase and all improvements supporting said phase have been installed.

#### **§ 410. Recording**

Upon the approval of a final plan, the developer shall within 90 days of such approval or 90 days after the date of delivery of an approved plan signed by the BOS following completion of

conditions imposed upon such approval, whichever is later, record the plan in the recorder of deeds office. Plans presented for recording must also bear evidence that they have been reviewed by the Berks County Planning Commission. Failure to present the plans for recording within this time shall render the Township approval null and void and shall preclude recording.

#### **§ 411. Appeals**

If the Board of Supervisors rejects a final plan for subdivision or land development, the applicant may, within thirty (30) days after such rejection, appeal from such decision by petition to the Court of Common Pleas of Berks County, which court shall hear the matter de novo and, after hearing, shall enter a decree affirming, reversing, or modifying the action of the Board, as may appear just. The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested.



## **PART 5**

### **CONSTRUCTION AND DESIGN STANDARDS**

#### **§ 500. Application of Standards.**

- A. The following principles, standards, and requirements shall be applied by the Planning Commission and the Board of Supervisors to evaluate proposals for subdivision and land development. In addition, the regulations and standards set forth in the Robeson Township Zoning Ordinance for the district within which the proposal is located shall govern the layout of lots and the design of buildings, parking lots, and other facilities.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, and general welfare.
- C. Where literal compliance with the standards and requirements herein is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property without endangering the public health, safety, or welfare and without voiding the intent of the standard in particular of this Ordinance in general.

#### **§ 501. Land Requirements.**

- A. Land shall be suitable for the purposes for which it is to be subdivided or developed. Proposed land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may benefit from such development.
- B. No land shall be developed for residential purposes unless any and all known existing hazards to life, health, or property from flood, fire, and disease shall have been eliminated.
- C. No plan for subdivision or land development shall be approved which would result in lots or land use inconsistent with the Robeson Township Zoning Ordinance then in effect for the zoning district in which the land to be developed or subdivided is located.

#### **§ 502. Lots and Lot Sizes.**

- A. Lot dimensions and areas and minimum front yard setbacks shall not be less than as required by the Robeson Township Zoning Ordinance.
- B. All lots shall have frontage on and direct access to a street, existing or proposed.

See Appendix F. Each lot shall have sufficient free and complete access to an existing street to avoid the crossing any portion of another lot to reach such street.

- C. Side lot lines shall be at right angles to street line tangents or radial to street line curves.
- D. Lots abutting an existing or proposed arterial and collector streets in the Township shall be designed as reverse frontage lots having direct access only to a collector or local access street.
- E. House numbers and street names shall be assigned to each lot by the Robeson Township Code Officer.
- F. For any lot proposed to front on the curved portion of a street, including the turn-around portion of a cul-de-sac, the required minimum lot width at the building setback line, as specified in the Robeson Township Zoning Ordinance, must be achievable at that point regardless of the existence of sufficient lot width at a point or points deeper within the lot.
- G. Depth-to-width ratios in excess of 3-to-1 shall be approved only where the subdivider can demonstrate to the satisfaction of the Board of Supervisors that such configuration is justified.

**§ 503. Markers and Monuments.**

- A. Markers (36" pin of 3/4" thick reinforcing rod (rebar)) shall be accurately placed at the intersection of all lot lines and at changes in direction of lot lines in the perimeter of tract being surveyed. Twelve (12) inches of the pin shall be exposed and painted orange. Where existing markers in the proper locations are discovered in the course of surveying, new markers need not be placed.
- B. Markers shall be accurately placed at the intersection of and at changes in direction of all approved lot lines as shall be shown on the finally approved plan.
- C. Concrete monuments (4" x 4", standard thirty (30) inch in length) shall be placed along the right-of-way line of all streets, existing or proposed, with eight (8) inches of stone beneath the monument. Two (2) inches of the monument shall be exposed on the surface. Monuments shall be placed at the following locations:
  - 1. At all points of tangency and points of intersection.
  - 2. At such places where topographical or other conditions make it impossible to sight between two (2) sequential required monuments, intermediate monuments shall be placed.

3. At such other places along the right-of-way line as may be determined necessary by the Township Engineer, so that any street may be readily defined for future use.
  4. Unless specifically directed otherwise by the Board of Supervisors, monuments shall be provided along one (1) side of the street right-of-way.
  5. Monuments shall be placed flush with the finished grade if recommended by Township Engineer.
- D. All monuments and markers shall be placed by a registered professional engineer or surveyor so that scored point at the center of the monument or the center of the marker, as the case may be, shall coincide exactly with the point of intersection or tangency of the lines being marked or monumented.
- E. The top elevations of all lot corner markers and monuments, required by this Section, shall be recorded by the Professional Engineer or Surveyor responsible for the plan and shall be noted on the plan prior to plan approval.

#### **§ 504. Driveways**

- A. Driveways shall be designed and constructed in accordance with Township Ordinance #93-7, as thereafter amended.
- B. Where appropriate, the Township may permit the construction of shared driveways for not more than two residential lots. In such cases, a shared access easement must be provided and the rights and responsibilities related to the access easement must be formalized by an agreement prepared by, or in a format approved by, the Township Solicitor.
- C. Where shared driveways are permitted, the Applicant must design and provide sufficient supporting evidence to verify that a separate driveway to provide access to one or both lots is physically constructible and within the scope of normal applicable permitting requirements.

#### **§ 505. Rights-of-Way and Easements.**

- A. To the fullest extent possible, easements and rights-of-way shall be centered upon, nearly centered upon, or shall abut rear or side lot lines. No structures or trees shall be placed within such easements.
- B. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve the natural drainage channel and provide sufficient width for maintenance. Drainage easements shall be no less than twenty (20) feet in width.
- C. Where easements are required to accommodate utility installations, such easements

shall have a minimum width of twenty (20) feet. New utility easements shall be located only upon consultation with the appropriate utility company. Evidence of acceptance of utility easement(s) shown on a plan by the company or companies indicated must be provided by the applicant to the Township prior to final plan approval. Responsibility for contacting the utility company or companies and securing such evidence shall be the responsibility of the applicant.

- D. Right-of-way standards and installation procedures for natural gas and petroleum product transmission lines shall conform to all applicable federal and state regulations, including regulations governing right-of-way width, location of pipeline within the right-of-way, proposed depth of pipe, and pipe wall thickness.
- E. At no point shall there be less than one hundred (100) feet between any natural gas or petroleum product pipeline right-of-way and any existing or proposed dwelling.
- F. Temporary easements should be provided in cut and fill sections.

**§ 506. Required Landscaping.**

- A. A landscaped screen planting shall be provided between residential areas and all other non-residential land uses or as required in the Zoning Ordinance.
- B. Required screen plantings shall be no less than five (5) feet in height within one (1) year of installation and shall be of sufficient density to conceal the residential building(s) from casual observation from the parking area(s) and all structures upon the adjoining non-residential property.
- C. The screen planting shall consist entirely of living plant material. Non-living decorative elements may be incorporated with the permission of the Board of Supervisors. The required height of the screen planting may include the height above average grade of an earthen berm when plantings are placed on top of the berm.
- D. Generally, a proportion of thirty-five (35) percent evergreen material mixed among deciduous material shall be deemed sufficiently opaque to meet the standards of this Section. Flowering shrubs and trees are encouraged.
- E. All existing deciduous and evergreen trees above two (2) inches in caliper shall be preserved within the screen planting area and may be included as part of the required screen planting. Such existing trees may be removed if diseased or if they intrude within the required clear sight area.
- F. No landscaping or screen planting element shall be located within three (3) feet of any lot line.
- G. Screen plantings shall be permanently maintained. Dead plants shall be replaced within twelve (12) months from initial installation or as required in the Zoning

Ordinance.

- H. Parking areas shall be landscaped in accordance with Section 510.
- I. Street trees shall be provided as required in Section 507.L.
- J. See Appendix D of this Ordinance and / or Section 505 of the Robeson Township Zoning Ordinance for planting guidance.

**§ 507. Streets.**

- A. Location and arrangement of streets.
  - 1. The arrangement, extent, width, grade, and location of all existing and proposed streets shall be evaluated for their relation to proposed lots and/or planned streets, to topographic conditions, to public convenience and safety, and to the proposed uses of the land to be served by such existing or proposed streets.
  - 2. New local access streets shall be designed to discourage use by through traffic or unless desired by the municipality.
  - 3. Where a proposal is of sufficient size to warrant an interior circulation system, a clear hierarchy of streets shall be established, including an interior collector street which shall intersect only local access streets, access driveways to parking lots, and the Township street network. The collector shall not provide direct access to individual units. Such collector shall be designed to the standards for collector streets specified within this Section. Parking shall not be permitted along the collector street.
  - 4. If the lots resulting from a subdivision are sufficiently large to permit re-subdivision, or if a developable portion of the tract is not included in the proposal, suitable accommodation for additional streets to serve future development shall be provided.
- B. Street access.
  - 1. Where a subdivision or land development abuts or contains a present or proposed arterial street, the Board of Supervisors shall require reverse frontage with screen planting along the rear property line.
  - 2. Reserve strips controlling access to streets shall be prohibited except where control thereof is vested in the Township under conditions approved by the Board of Supervisors.
- C. Street intersections.

1. Streets shall be laid out to intersect at right angles as nearly as possible. No street shall intersect another street at an angle of less than seventy-five (75) degrees.
2. Intersections of more than two (2) streets are prohibited.
3. A minimum clear sight distance of one hundred fifty (150) feet in each direction shall be provided at intersections which are controlled by a traffic signal. This distance shall be measured in each direction along the centerline of the intersected street from a point fifty (50) feet behind the curb line along the centerline of the intersecting street.
4. A minimum clear sight distance shall be provided at all uncontrolled intersections and at all intersections controlled by "stop" signs or flashing signals according to the speed limit of the intersected street as follows:

<u>Speed Limit of Intersected Street</u>	<u>Minimum Distance</u>
less than 35 mph	200 ft.
35 mph	250 ft.
40 mph	300 ft.
45 mph	350 ft.
50 mph	400 ft.
55 mph	500 ft.

This distance shall be measured in each direction along the centerline of the intersected street from a point fifty (50) feet behind the curb line along the centerline of the intersecting street.

Additional distances may be required where certain conditions exist as determined by the Township Engineer. PENNDOT criteria shall be utilized to calculate required sight distances.

No plant material or obstructions may be placed within any clear sight triangle which could obstruct sight distance.

5. Local access streets entering opposite sides of another street shall be laid out either directly opposite each other where feasible or with a minimum offset of one hundred fifty (150) feet between their centerlines. For collector roads the minimum offset shall be five hundred (500) feet between their centerlines. For arterial streets the minimum offset shall be one thousand (1,000) feet between their centerlines.
6. Intersections of local access streets and/or collector streets shall have a minimum curb radius of thirty (30) feet. Intersections with an arterial street shall have a minimum curb radius of forty (40) feet.

D. Single Access Streets.

1. Single access streets, public or private, shall not be the sole means of vehicular access to more than twenty (20) residential units unless where future road extension is possible and so determined by the Township.
2. Use of a public single access street as the sole means of vehicular access to a non-residential use should be avoided where practical.
3. A single access street shall be designed with a paved turn-around area sufficient to allow emergency vehicles to perform a one hundred eighty (180) degree turn with no backing motion. Circular turn-around areas which are entirely paved are prohibited. Turn-around areas shall have a tear-drop configuration including a landscaped island which is a minimum of one hundred (100) feet in diameter and a paved one-way loop street with a minimum width of 16 feet. Tear-drops shall have approved shoulders along both sides of the loop street or curbing on both sides with a mountable style curb in the inside around the island. Plans including tear-drop islands shall include detailed landscaping plan for the island and must specify responsibility for long-term maintenance of the island – typically to a Home Owner’s Association or an adjoining property owner. The Township will not accept responsibility for maintenance of tear-drop islands.
4. No single access street may be designed as a dead-end street; that is, as a cul-de-sac lacking a paved turn-around area.
5. Where the future extension of a proposed street to an adjoining tract is feasible, the full width of the right-of- way of such street shall be extended to the property line, and offered for dedication to the Township.
6. Single access streets with more than five hundred (500.0) linear feet of cartway shall not be permitted, except with the specific approval of the Board of Supervisors. Single access streets in excess of five hundred (500.0) linear feet may be approved where the additional length is necessary to make an extension to the lot line of a developable tract, thereby providing an opportunity for interconnection with future development. The Township may consider single access streets in excess of five hundred (500) linear feet in other circumstances; however, single access streets in excess of one thousand two hundred (1,200) linear feet shall not be permitted.
7. Single access streets with less than two hundred fifty (250.0) linear feet of cartway shall not be permitted, except with the specific approval of the Board of Supervisors.

E. Street width.

1. Minimum right-of-way and cartway width for streets shall be determined by

the design speed and function of the street. The minimum cartway width for any given street shall be computed according to the following requirements:

- (a) Each travel lane shall be a minimum of twelve (12) feet wide; single access streets with no potential for extension may have travel lanes ten (10) feet wide.
  - (b) Where center left-turn lanes or right-turn-only lanes are provided, each such lane shall be a minimum of twelve (12) feet wide.
  - (c) Where acceleration or deceleration lanes are provided, the non-tapered portion of each such lane shall be a minimum of ten (10) feet wide.
  - (d) Where on-street parallel parking is to be accommodated, an additional paved width of no less than eight (8) feet shall be provided on each side of the street where parking will be permitted. No other parking configuration shall be permitted along collector streets. Local Access Streets where parking is provided shall include an eight (8) feet wide parking lane unless otherwise approved by the Township.
  - (e) Where the cartway of an existing road is less than the width noted above, the width of the cartway, shoulder and subgrade shall be widened and improved per Township or PennDOT specifications per classification of road where deemed appropriate by Township and Township Engineer. Further, the Township may require that the existing roadway along the frontage of a tract be resurfaced with a minimum wearing course of one and one half (1½”) inch thickness in conjunction with such road widening.
2. Expressways shall be built to PennDOT specifications. Interstate Route 176 is classified as an expressway.
  3. Arterial Streets.
    - (a) Arterial streets shall be provided with a dedicated public right-of-way of not less than forty (40.0) feet on each side of the street centerline.
    - (b) Where no curbs are provided, arterial streets shall be provided with a paved shoulder not less than sixty (60) inches wide on each side and a stabilized shoulder beyond the paved area not less than forty-eight (48) inches wide. Frontage along existing Arterial Streets shall be improved in accordance with the Improvements Chart included in Appendix F.
    - (c) PA Route 10 (Morgantown Road) and PA Route 724 (Main Street) are classified as arterial streets.
  4. Collector Streets. - Major and Minor.



- (a) Collector streets shall be provided with a dedicated public right-of-way of not less than thirty (30.0) feet on each side of the street centerline.
  - (b) Where no curbs are provided, collector streets shall be provided with a paved shoulder not less than thirty-six (36) inches wide on each side and a stabilized shoulder beyond the paved area not less than forty-eight (48) inches wide. Frontage along existing Collector Streets shall be improved in accordance with the Improvements Chart included in Appendix F.
  - (c) PA Route 82 (Hay Creek Road), PA Route 568 (Green Hills Road), and White Bear Road are classified as major collector streets.
  - (d) Minor collector roads are: Gibraltar, Golf Course, Chestnut Hill, Cocalico, Furnace, Hopewell, Buck Hollow, Westley, Plow, Red Hill, Alleghenyville, Weaver, Cold Run, Rock Hollow, Old River, Schuylkill, Cedar Hill, and Quarry.
5. Local Access Streets.
- (a) Local access streets shall be provided with a dedicated public right-of-way of not less than twenty-five (25.0) feet on each side of the street centerline.
  - (b) Where no curbs are provided, local access streets shall be provided with a graded and stabilized shoulder not less than eighty-four (84.0) inches wide on each side. Frontage along existing Local Access Streets shall be improved in accordance with the Improvements Chart included in Appendix F.
  - (c) All streets not classified as expressways, arterial streets, or collector streets are local access streets.
  - (d) Single access streets are a type of local access street.
6. Additional right-of-way and cartway widths, beyond what is required above, may be required by the Board of Supervisors when clearly in the interest of the public health, safety, or welfare to lessen traffic congestion; to secure safety from fire, panic, and other dangers; to facilitate the adequate provision and maintenance of transportation facilities. Additional right-of-way width may also be required along roads where extensive cut-and-fill activity has occurred, or where other conditions have required road construction activity beyond typical grading and paving.
7. Where a subdivision or land development abuts or contains an existing street

of inadequate right-of-way width and cartway width, additional right-of-way width and cartway width shall be dedicated and constructed to conform with the standards of this Section.

(a) Vertical curve adjustments may be required for improved safety.

8. Half Streets.

(a) Half streets are defined as streets which are improved only on one side of the cartway centerline.

(b) Wherever a half street is adjacent to a tract proposed for subdivision or land development, the other half of the street shall be plotted within such tract. The proposal shall not be approved unless the subdivider or developer agrees to improve and dedicate the remaining half of the street and such agreement is incorporated into the Contract described in Section 407 of this Ordinance.

(c) New half streets are prohibited.

F. Street grades.

1. Street grades shall not exceed the following:

<u>Street Type</u>	<u>Maximum Gradient</u>
Expressway	as per PennDOT
Arterial Street	6.0 %
Collector Street	8.0 %
Local Access Street	12.0 %

2. Vertical curves shall be used at changes in street grade where the algebraic difference of the grades exceeds one (1.0) percent and shall be designed in relation to the extent of grade change. The Township may require vertical curves at street intersections, regardless of change in gradient.

3. Vertical curves shall be designed to accommodate the following minimum sight distances:

<u>Street Type</u>	<u>Minimum Sight Distance</u>
Expressway	as per PennDOT
Arterial Street	400 feet
Collector Street	300 feet
Local Access Street	200 feet

Note that for all sag vertical curves, the sight distances noted must be provided based upon the provided Headlight Sight Distance.

4. Street grades shall not exceed four (4.0) percent within fifty (50) feet of an intersection, as measured from the right-of-way of the intersecting street. If necessary to protect the public health, safety, or welfare in the opinion of the Township Engineer, the Board of Supervisors may require that the four (4.0) percent grade be extended more than fifty (50) feet from the intersection.
5. Street grades within an intersection shall not exceed four (4.0) percent.

G. Street alignment.

1. A tangent of no less than one hundred (100) feet, as measured along the street centerline, shall be provided between reverse curves on all streets except local access streets.
2. The minimum centerline radius permitted for arterial streets is five hundred (500) feet, for collector streets is three hundred (300) feet, and for local access streets is one hundred fifty (150) feet. Areas inside of curves must be graded / cleared to provide the minimum sight distances as noted for vertical curves in Section 507.F.3.

H. Street construction.

1. The street shall be excavated of whatever materials are encountered to grade the street to produce a finished subgrade of the necessary depth, accommodating the placement of curbs where necessary, and including a three (3) inch crown, thoroughly compacted. The subgrade shall be prepared in accordance with all applicable PennDOT specifications for "subgrade".
2. Coarse aggregate meeting PennDOT specifications for 2A coarse aggregate shall be spread evenly on the prepared subgrade to a depth of eight (8) inches (or more as may be required by the Township Engineer) and compacted in accordance with applicable PennDOT Specifications subject to the approval of the Township Engineer. After the aggregate has been spread and rolled, all irregularities shall be corrected with #2A coarse aggregate and re-rolled.
3. New streets must be constructed of Superpave Materials in accordance with applicable PennDOT specifications in accordance with the following:

	Local Access Street	Collector Street
PG-Grade	64-22	64-22
Skid Resistance Level	SRL-L	Based upon design

ESAL's	0.00 to 0.3 Million	Based upon design
Minimum Bituminous Material Structural Number	3.14	3.76

Total structural number shall be computed based upon a structural number of 0.40 per inch for base courses and 0.44 per inch for binder and wearing courses.

A typical pavement design for a local access street is as follows:

$$\begin{aligned}
 \text{Base Course} - 4'' \text{ of } 25.0\text{mm} @ 0.40 &= 1.60 \\
 \text{Binder Course} - 2'' \text{ of } 19.0\text{mm} @ 0.44 &= 0.88 \\
 \text{Wearing Course} - 1\frac{1}{2}'' \text{ of } 9.5\text{mm} @ 0.44 &= \underline{0.66} \\
 \text{Total Structural Number} &= 3.14
 \end{aligned}$$

Alternate designs providing the required minimum structural number above may be provided for review. Alternate designs involving alternates for the aggregate base shall assume a structural number of 0.88 for the aggregate base noted in Section 507.H.2.

I. Street names.

1. No street names shall be used which will duplicate or may be reasonably confused with the names of existing streets; however, new streets which are obvious extensions of existing streets shall bear the same name as the existing street.
2. Street names shall be subject to the approval of the Board of Supervisors and the Berks County Department of Emergency Services 9-1-1 Coordinator.

J. Signage and lighting.

1. All street signs, including but not limited to traffic control signs, street name signs, parking restriction signs and directional signs, shall be procured and installed by the developer. Where signs are required, the developer shall furnish to the Township all studies, engineering reports, and documentation necessary for procuring PennDOT approval. Signs and their support posts shall be of a material and style approved by the Township and shall meet all applicable Township and State regulations.
2. All street lights shall be installed at the expense of the developer.
3. Street lights are required in all subdivisions and land developments where the net density is two (2) dwelling units per acre or greater or at intersections

or along streets where safety concerns are at issue as identified by Township Engineer.

4. The developer shall pay the cost of street light operation until such time as the street or streets upon which said lights are installed shall be accepted by the Township as a public street, shall be turned over to the care of a community association, or shall be condemned by the Township for use as a public street.
5. All street lighting must meet Met-Ed specifications or prevailing power company.
6. Additional street lights may be required for pedestrian sidewalks, trails, and recreational areas as identified by the Township Engineer.

K. Street trees.

1. Street trees are required wherever the development site is not naturally wooded and so determined by the Board of Supervisors.
2. Street trees shall be healthy nursery stock with a minimum caliper of two and one-half (2.5) inches caliper and shall be planted along each side of the street at intervals of not more than fifty (50) feet. Street trees shall be alternately placed such that trees are not directly across from each other.
3. Street trees shall be planted ten (10) feet outside of right-of-way line.
4. Appropriate street tree species shall be salt-resistant and possess characteristics conducive to their intended use. Refer to Landscape Guide in Appendix 4 or the Robeson Township Zoning Ordinance for recommended species.

L. Alleys.

1. Alleys are prohibited in residential developments.
2. Alleys shall be provided in commercial and industrial districts, unless other provisions are made to accommodate service vehicles and off-street loading areas.
3. The width of an alley shall not be less than twenty-six (26) feet with no shoulder.
4. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut to permit safe vehicular movement of large trucks 36 feet to 40 feet in length.

5. Dead-end alleys shall be avoided. Where unavoidable, a turn-around area shall be provided at the dead-end.

M. Requirements for dedication of streets for public use.

1. Private streets are prohibited except that upon approval of the Board of Supervisors, and within their sole discretion, certain Private Streets may be recognized by the Township by approval of a waiver of this Section 507.N subject to the following:
  - (a) The Board of Supervisors will only recognize streets which have been built to the standards of this Ordinance for new street construction.
  - (b) To initiate review of a proposal involving a private street, the Applicant must review the proposal with the Robeson Township Planning Commission initially at Sketch Plan stage. The sketch plan submittal must include a sufficiently detailed proposal related to the street to provide the Commissioners with an overview of the proposed street configuration, number of units to be served, justification for the proposal to designate the street as private. Upon review of the proposal, the Planning Commission may request additional information which may be reasonably provided in support of the request. Following their complete review of the proposal, the Planning Commission will provide a recommendation related to the proposal to the Board of Supervisors for their consideration.
  - (c) The Applicant must provide a detailed plan for review by the Board of Supervisors ensuring the perpetual maintenance the proposed private street(s). The plan must include an anticipated schedule of required capital improvements, a schedule of annual routine maintenance, and a financial program to provide a financial reserve to fund the street program.
  - (d) Any approval of a private street must include the right for the Township to conduct annual inspections of the private street with the associated costs of the inspections to be borne by the Home Owner's Association or Developer.
  - (e) The Agreement related to creation of a private street must include a provision that road can never be offered for dedication.
  - (f) The Township may require other reasonable conditions as may be appropriate related to permitting the creation of a private street
2. The Township will accept only those roads which have been built to the standards of this Ordinance as part of the Township road network. Proof of

such compliance shall be provided by the Township Engineer or his authorized representative who shall inspect street construction activities at the following intervals:

- (a) Upon completion of finished subgrade, but prior to application of tar primer.
  - (b) During and after application and rolling of modified stone, but prior to application of asphalt emulsion.
  - (c) During and after application of asphalt emulsion, but prior to application of base course.
  - (d) During and after application of the base course.
  - (e) During and after application of the wearing course.
3. The developer shall notify the Township Engineer no less than twenty-four (24) hours in advance before the start of any construction operations requiring an inspection.
  4. Related to offers of dedication for streets:
    - (a) Offers of streets for dedication will only be considered between March and August in order to provide the Township with the opportunity to have the street added to the Township's road system before the September 1 annual PennDOT deadline to add streets to the Liquid Fuels system.
    - (b) All offers of dedication must include a boundary description including complete metes and bounds of the right-of-way being offered and a corresponding letter-size plan(s) indicating the extent of the street offered for dedication.
    - (c) Prior to offer of any street for dedication, all required public improvements must be completed and accepted as meeting the requirements of the Township, and not less than eighty-five (85) percent of the adjoining newly created lots must be substantially developed. For streets with 7 or fewer newly created lots, no more than one (1) newly created lot may remain undeveloped when a street is offered for dedication.

**§ 508. Curbs.**

- A. Vertical curbs shall be provided along all streets and street intersections.
- B. All curbs shall be constructed of concrete in accordance with the applicable

PennDOT standards of Publication 408, Section 630, for plain cement concrete curbs.

- C. Applicants may propose alternate styles of curbing to be considered by the Planning Commission including concrete “slant” curbing to be provided around traffic islands and concrete rolled curb or Belgian block curb. Substitution of alternate types of curbing is subject to the review and approval of the Planning Commission and Board of Supervisors.

#### **§ 509. Sidewalks**

- A. Sidewalks shall be required on one side of the cartway in all residential subdivisions and land developments with a net density of two (2) dwelling units per acre and on both sides of the cartway when net density is two (2) or more dwelling units per acre. Sidewalks may also be required for any commercial development where to provide pedestrian access from adjacent or nearby commercial or residential development.
- B. Sidewalks shall be setback thirty-six (36) inches from the curb line. Sidewalks shall be constructed of concrete with a minimum 28-day strength of 3000 psi, shall have a minimum width of four (4) feet, and shall have a minimum thickness of four (4) inches, except at driveway crossings where the minimum thickness shall be six (6) inches and shall be reinforced.
- C. Sidewalks shall have a minimum slope in cross-section of one-half (0.5) inch per foot, toward the cartway.
- D. Wider sidewalks may be required by the Township in high-density areas and in commercial areas.
- E. To facilitate circulation, pedestrian walkways may be required to serve the interior of developments. Such walkways shall be a minimum of four (4) feet in width and shall be of a durable surface (not necessarily concrete) satisfactory to the Board of Supervisors. Where the walks are not within a street right-of-way, a separate right-of-way at least ten (10) feet wide shall be designated on the preliminary plan. Provisions for the maintenance of such walkways shall also be noted on the plan.
- F. Where sidewalks are not required a four (4) foot leveling area shall be provided to the rear of the curb or adjoining the cartway where curbs do not exist.
- G. In accordance with A.D.A. Standards for accessibility, all sidewalks must be constructed in a barrier-free configuration. Accordingly, all sidewalks must include access ramps constructed as specified in PennDOT Publication 72M on sheets RC-67M as revised.

#### **§ 510. Parking Areas.**



- A. Off-street parking shall be provided as required by the Robeson Township Zoning Ordinance.
- B. Except where parallel parking has been provided for, parking shall not be permitted along public streets or alleys.
- C. Parking lots shall be graded to prevent the collection of stormwater upon the surface of the lot and shall be designed in compliance with the Robeson Township Zoning Ordinance.
- D. A landscaped area at least fifteen (15) feet wide and no shorter than the adjoining parking space shall separate each row of ten (10) parking spaces. Such area(s) shall be designed to define traffic lanes and pedestrian areas.
- E. Parking lots accommodating sixty (60) vehicles or more shall be designed with an internal collector road which shall access no parking space directly, but shall feed traffic from the parking lot aisles into the Township road network.
- F. Parking lots shall be designed to include a pedestrian circulation system to enhance pedestrian safety and minimize conflicts between pedestrians and vehicles.
- G. Parking areas shall be designed such that parked vehicles shall not interfere with pedestrian and emergency access to buildings.
- H. Dead-end parking bays are prohibited.
- I. Interconnection of adjoining parking areas of adjoining properties may be required for access management as determined by the Township Engineer.

**§ 511. Erosion and Sediment Control**

- A. No changes shall be made in the contour of the land and no grading, excavating, removal, or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed and approved by the Berks County Soil Conservation District, or the Township Engineer has determined that such a plan is not necessary.
- B. No subdivision or land development plan shall be approved without a plan for minimizing erosion and sedimentation consistent with this Section.
- C. Measures used to control erosion and sedimentation shall, as a minimum, meet the standards and specifications of the Berks County Conservation District and the guidelines under Chapter 102 of Administrative Code Title 25 for the Pennsylvania Department of Environmental Resources. The Township Engineer, or other designated official, shall ensure compliance with such specifications. Copies of these specifications are available from the Conservation District.

- D. 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 structurally retarded.
- E. The following measures are effective measures toward minimizing erosion and sedimentation and shall be included as applicable upon this plan.
  - 1. For that area of land which must be cleared of trees and other vegetation to allow construction of building and other improvements, the area of clearing shall be limited to:
    - (a) Dedicated streets and public service or utility easements.
    - (b) Building roof coverage areas plus the minimum area required for construction activity.
    - (c) Driveways, alleyways, walkways, and ancillary structures such as patios.
    - (d) Parking lots, except that the area subtracted for parking space shall not include any trees which are unique by reason of size, age, or some other outstanding quality, such as rarity or status as a landmark or species specimen.
    - (e) Other area necessary to accommodate construction activity for the proposed structures and other improvements.
  - 2. Development plans shall preserve salient natural features, keep cut-and-fill operations to a minimum, and accommodate the natural topography to minimize erosion potential.
  - 3. Wherever feasible, natural vegetation shall be retained, protected, and supplemented.
  - 4. The disturbed area and the duration of exposure shall be kept to a practical minimum. Sediment in stormwater run-off shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
  - 5. Disturbed soils shall be stabilized as quickly as practicable.
  - 6. Temporary vegetation (sod or hydroseed) or mulching shall be used to protect exposed critical areas during development. Permanent (final) vegetation and structural erosion and drainage control measures shall be installed as soon as practical in the development. Soil shall be limed and fertilized according to soil tests taken by the developer. Topsoil and sod may be required as determined by the Township Engineer.

7. At the end of each working day, or as requested by a Robeson Township law enforcement officer, any and all sediment tracked onto or conveyed by other means onto a public roadway will be removed and returned to the development site. Removal may be achieved by the use of machinery or hand tools. Sediment shall never be washed off the road surface with water.
- F. To achieve the intent of this Section, the following regulations shall apply to all cut-and-fill activity:
1. 3 to 1 slopes are encouraged and may use conventional seeding. Steeper slopes to 2 to 1 shall require special conditions per Township Engineer. Cut-and-fill slopes shall not be steeper than fifty (50) percent unless specifically authorized by the Board of Supervisors. Such slopes shall be stabilized by a retaining wall, cribbing, or other means acceptable to the Township. Finished grades shall not be less than one and one-half (1.5) percent.
  2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills.
  3. No cut-and-fill operation shall create a hazard upon an adjoining property.
  4. Fill shall be placed and compacted so as to minimize sliding, slumping, and erosion of the soil.
  5. Fills shall not encroach upon or be placed adjacent to natural watercourses or constructed channels.
  6. Where no other option exists and fill is placed adjacent to natural watercourses or constructed channels, it shall have suitable protection against erosion during periods of flooding.
- G. The following regulations shall apply to all grading and excavation activity:
1. The location, grading, and placement of sub-grade (i.e., base) material of all roads, streets, and parking areas shall be accomplished as the first work done on a subdivision or development.
  2. Grading shall not result in the diversion of water onto the property of another landowner without the express permission of that landowner and an easement in writing shall be included within the deed and duly recorded.
  3. During grading and excavation operations, necessary measures for dust control shall be implemented.
  4. Grading and construction equipment will not be allowed to cross live streams. Provisions shall be made for the installation of culverts or bridges,

as appropriate.

- H. Whenever sedimentation is caused by stripping vegetation, regrading, or other activity, it shall be the responsibility of the entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage as quickly as possible at his expense.
- I. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until such facilities and watercourses become the responsibility of a community association or are accepted by the Township or some other official agency, after which they become the responsibility of the accepting entity.
- J. It is the responsibility of any person, corporation, or other entity performing any activity on or across a communal stream or watercourse or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, floodplain, or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is complete.
- K. Maintenance of drainage facilities or watercourses originating and completely upon private property is the responsibility of the property owner to the point of open discharge of the watercourse at the property line or at a communal watercourse within the property.
- L. No person, corporation, or other entity shall impede the flow of, alter, construct a structure within, deposit any material or thing within, or commit any act which will affect normal or flood flow of any communal stream or watercourse without prior approval from the Township.
- M. Each person, partnership, corporation, or other entity which makes any surface changes shall be required to:
  - 1. collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area;
  - 2. handle existing and potential off-site runoff through the development by considering the impact of stormwater runoff from a fully developed area upstream;
  - 3. provide and install at his expense all drainage, sedimentation, and erosion control improvements as required by the erosion and sedimentation control plan.

#### **§ 512. Stormwater Management Standards and Facility Design**

- A. All required Stormwater Management Designs must be prepared in accordance with the requirements of the Robeson Township Stormwater Management

Ordinance (Ordinance No. 08-02) as amended.

B. Floodplain.

Floodplain areas shall be established and preserved as provided below.

1. A one hundred (100) year floodplain shall be established for all watercourses and shall be delineated by one of the following methods:
  - (a) A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties.
  - (b) A hydrologic report prepared by an agency of the County, State, or Federal Government (such as the Federal Emergency Management Agency).

In case of any dispute concerning when, where, and how the floodplain is to be established, the Township will determine the ultimate design criteria and flood boundary limits.

2. Whenever a floodplain is located within or along a lot, the plan shall include:
  - (a) the boundary of the floodplain, along with the elevation or locational dimensions from the centerline of the watercourse;
  - (b) a plan note that the floodplain shall be kept free of structures, fill, and other encroachments; and
  - (c) a plan note that floor elevations for all structures adjacent to the floodplain shall be two (2) feet above the Q100 year flood elevation.
3. The above provisions shall not be construed as a prohibition of the following, provided they comply with Section 512(B)4.
  - (a) Stormwater management facilities.
  - (b) Stream improvements solely to improve aquatic life habitat and approved by the Pennsylvania Fish Commission.
  - (c) Farm ponds.
  - (d) Flood-proofing and flood hazard reduction structures to protect existing buildings.
  - (e) Public and private utility facilities, except buildings.
  - (f) Water-oriented uses, except buildings, but including docks, piers, boat

launching ramps, and fish hatcheries.

- (g) Water monitoring devices.
  - (h) Culverts, bridges, and their approaches for floodplain crossings by streets, access drives, and driveways.
4. Proposals for any of the uses permitted within a floodplain under Section 512(B)3, above, shall be incorporated into the design plans and shall be subject to approval by the Township. With any proposal for an encroachment, calculations demonstrating compliance with the requirements of this Section shall be submitted to the Township. All encroachments are subject to Township approval. Encroachments into the 100-year floodplain must be reviewed and approved by the Pennsylvania Department of Environmental Resources and the Federal Emergency Management Agency.
  5. Proposals for floodplain encroachment shall demonstrate that the proposed structure(s)
    - (a) will not increase the height or frequency of flood waters;
    - (b) will be installed so as to withstand the maximum volume, velocity, and force of floodplain water;
    - (c) is flood and flotation proof;
    - (d) will not create unhealthy or unsanitary conditions; and
    - (e) will not degrade the quality of surface waters or groundwater.
  6. The inclusion of a floodplain within lots in order to meet minimum lot area or yard requirements is allowed provided that each such lot contains sufficient area exclusive of the floodplain for buildings and, when applicable, on-lot sanitary sewage disposal systems.
  7. Where the Federal Emergency Management Agency (FEMA) has identified a five hundred (500) year floodplain, such floodplain shall be identified on plans. Any structures located between the one hundred (100) and five hundred (500) year floodplain shall be flood-proofed to the limits of the five hundred (500) year floodplain corridor.
  8. The Township 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.
  9. No watercourse shall be altered or relocated unless approved by the

Township and the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management.

10. No construction or development shall be permitted within the floodplain without approval from the U.S. Corps of Engineers and the Pennsylvania Department of Environmental Resources.

### **§ 513. Water Supply.**

#### **A. General.**

1. The provision of on-lot, public, or community water supply in residential subdivisions shall be consistent with the requirements of the Robeson Township Zoning Ordinance.
2. All subdivisions proposed to be developed with townhouses, apartments or a planned residential development shall be provided with public or community water systems.
3. All projects proposed to be developed in accordance with Part 5 of the Zoning Ordinance may also be required to provide public or community water systems.
4. All subdivisions providing community water supply shall be required to provide fire protection in accordance with Section 513(D)8. Under extenuating circumstances, this requirement may be waived if the applicant can demonstrate that the fire flow required will be available after connection to a planned extension of a public or community water system. All distribution systems for community or public water systems shall be equipped with adequately sized mains and the appurtenances required to provide fire protection.

#### **B. On-Lot Water Supply.**

1. Each lot to be served by individual on-lot water supply shall be of a size and shape to allow safe location of each well. All wells shall be uphill of on-lot sewage disposal areas, subject to approval by the Township Sewage Enforcement Officer, and shall be a minimum of one hundred (100) feet away from any on-lot sewage disposal area. Each well shall also be a minimum of fifty (50) feet from any watercourse or surface waters. If a proposed well is to be located downhill of an existing or proposed on-lot sewage disposal area, the Developer shall indemnify Robeson Township for any liability related to possible pollution of the well. The indemnification shall be as included in Appendix G and shall be placed on the plan and signed by the Owner.
2. The subdivider shall provide at least one test well for each ten (10) proposed

dwelling units. The yield of each test well shall be no less than eight (8) gallons per minute. A sample shall be obtained from each test well and tested to ensure that the well is free of bacteriological contaminants. The Board of Supervisors shall be provided with documents from a licensed well driller verifying the yield of each test well and from a state certified laboratory verifying that the sample(s) is/are potable. For minor subdivisions, quantity and quality data from a well on the development site, or two wells from adjoining sites within one thousand (1,000) feet of the site, documenting the availability of an adequate water source may be provided in lieu of data from a test well.

3. The subdivider may be required to submit a study prepared by a professional hydrogeologist certifying that the proposed individual wells will be able to supply each lot with a dependable water supply and that the proposed wells will not adversely affect the groundwater table or existing wells near the project site. The study shall examine the possibility of contamination to the proposed wells due to existing environmental factors, such as landfills, underground fuel tanks, and septic tanks.

#### C. Public Water Supply

1. Subdivisions and land developments to be served by existing public water supplies shall be provided with water distribution facilities designed in accordance with regulations of the Pennsylvania Department of Environmental Resources and the standards and specifications of the public water supplier.
2. The distribution facilities shall be designed to provide fire protection at a minimum flow rate of 1000 GPM with a minimum residual pressure of 20 psi.
3. The subdivider or developer shall provide the Board of Supervisors with a copy of a letter of intent from the public water supplier prior to preliminary plan approval and with a copy of an approved Water Service Agreement prior to final plan approval.

#### D. Community Water Supply

1. General Requirements
  - (a) Community water systems shall be developed, designed, constructed and maintained so as to meet the standards of the Pennsylvania Department of Environmental Resources (DER) and, where applicable, the Environmental Protection Agency (EPA), the Delaware River Basin Commission (DRBC), and the Public Utility Commission (PUC). At a minimum the system shall be designed in accordance with the Pennsylvania Department of Environmental Resources



Division of Water Supplies Public Water Supply Manual, latest revision.

- (b) All community water systems shall be offered for dedication to Robeson Township for permanent ownership, operation, and management. The Township shall not be required to accept dedication, but may elect to do so in order to provide a system which may be expanded to serve other areas of the Township. In lieu of acceptance of dedication by the Township, the water system shall be organized to fall within the jurisdiction of the Pennsylvania Public Utility Commission. Evidence of such organization and a copy of the application for a Certificate of Public Convenience shall be provided to the Robeson Township Board of Supervisors prior to Final Plan approval.
- (c) Where a community water system is proposed to serve a subdivision or land development, detailed plans and specifications, supply source data, and supply and demand calculations shall be submitted to and approved by the Township Engineer before Preliminary Plan approval. A permit must be obtained from DER and any other government body having jurisdiction over the work before final plan approval.

2. Water Source.

(a) Surface Water

- (i) Surface water sources may be developed in accordance with the DER Public Water Supply Manual criteria for quality, quantity, and treatment.
- (ii) Surface waters shall be supplied with a graveled approach and a properly sized dry hydrant to facilitate the use of the water for firefighting purposes.

(b) Ground Water.

A minimum of two (2) wells shall be developed. The long term capacity of each well shall be estimated using acceptable testing procedures. The total developed groundwater source capacity shall: (a) equal or exceed the design maximum day demand, and (b) equal or exceed the design average day demand with the largest producing source out of service.

3. Water Demand.

The average daily water system demand shall be based on the type of use as determined in Title 25, Part 1, Subpart C, Article 1, Chapter 73 of the Pennsylvania Code. The maximum daily water system demand shall be estimated as no less than two hundred (200) percent of the average daily water system demand. Modification of these flows may be allowed where specific metered data is available from similar projects.

4. Source Protection

(a) General

- (i) In order to protect the long-term quality of each public water supply system, a protective area, minimum radius equal to one hundred (100) feet, shall be established around each water source.
- (ii) No sewage or wastewater disposal system shall be permitted within the protective area.
- (iii) The following uses are specifically excluded from within the protective area(s) of community water sources:
  - (A) Permanent buildings
  - (B) Septic tanks
  - (C) Soil fertilization
  - (D) Storage of oil, gasoline, or other hazardous chemicals.
  - (E) Sanitary sewer lines
  - (F) Other hazardous uses as determined by the Board of Supervisors.
- (iv) Where suitable precautions are taken, the following may be permitted within the protective area(s) of community water sources:
  - (A) Roadways
  - (B) Parking lots
  - (C) Tennis courts

- (D) Surface water such as lakes, rivers, and streams
- (E) Where sanitary sewer lines must pass within the protective radius, the piping type must be cast iron or approved equal pressure-type pipe with mechanical joints, and must be tested for water-tight construction after installation.
- (F) Other compatible uses as determined by Board of Supervisors.

- (v) The area within the protective radius should exist entirely on the developer's property. If this is not possible, written legal easements from the owners of abutting properties must be obtained. Such easements must specifically exclude the hazardous uses described above from the area within the protective radius. Where this radius is on the developed property, the area within the protective radius cannot be subdivided for sale, but must be owned or controlled by the owner of the water system.

(b) Groundwater Sources

- (i) It is required that the well be located at least 25 feet from surface waters and natural drainage ways, and not subject to 100-year flooding.
- (ii) The well must be kept at least 50 feet from the edge of road rights-of-way to minimize contamination from de-icing salts.
- (iii) Where wells must be located within a flood plain, the area immediately surrounding the well and pump station must be built up above the 100-year flood elevation.

5. System Concept

For any particular project there is likely to be more than one appropriate water system design concept. Factors governing the design criteria of the three most common concepts used for small systems are noted below.

- (a) Where only hydropneumatic storage (i.e., straight pressure) is provided, multiple high-capacity wells (or source pumps) are required.
- (b) Accumulation and hydropneumatic storage. One or more wells with low or intermediate yields discharge into a relatively high capacity holding tank. Water from this tank is then re-pumped into the hydropneumatic tank for direct feed into the distribution system by high capacity pumps rated at peak flow.

- (c) Gravity storage. A minimum pressure of 60 psi during peak flow is required at the highest service connection on the system.

6. Sizing of Storage Tanks (without fire protection)

- (a) Atmospheric (including gravity) storage:

<u>Minimum groundwater source capability with largest producing well out-of-service</u>	<u>Atmospheric Storage required (percent of average day demand)</u>
Peak hourly demand	None required
2.5 times the avg. day demand	25 percent
1.5 times the avg. day demand	50 percent
Average day demand	75 percent
Less than average day demand	100 percent

- (b) Hydropneumatic Storage

Adequate storage must be provided to ensure minimum pump run time, provide chlorine contact time, and to provide a completely functional system. Under no conditions shall the storage be less than forty-five (45) gallons per unit.

7. Booster and fire pump capacity

Total booster and fire pump capacity shall be equal to the fire flow and peak hour domestic demand with the largest pump out of service. Where electric pumps are provided, there must be a back-up pump and a functioning generator.

8. Fire flow and storage requirements

- (a) For single-family and two-family dwellings not exceeding two (2) stories in height the following fire flows shall be provided:

<u>Distance between Buildings</u>	<u>Needed Fire Flow</u>	<u>Fire Duration</u>	<u>Fire flow Storage</u>
over 11'	1000 GPM	3 HRS	180,000 gal.
under 11'	1500 GPM	3 HRS	270,000 gal.

- (b) Other dwellings: up to 3500 GPM maximum

- (c) At a minimum, fire flows must be greater than or equal to the values provided in the Fire Suppression Rating Schedule, latest edition, published by ISO Commercial Risk Services.

- (d) For systems providing fire flow, the total storage required shall be equal to the fire flow storage required above plus one (1) day's average consumption.

9. Distribution System

- (a) Pipe materials. All pipe shall be class 52 ductile iron pipe manufactured in accordance with the latest standards of the American Water Works Association.
- (b) Main sizes and design. The distribution system shall consist of minimum eight (8) inch inside diameter mains laid out in a well gridded system in the interest of maintaining flow equilibrium and keeping sedimentation to a minimum.
- (c) System pressure. Minimum system pressure shall be 60 psi during peak hourly flow and 50 psi during fire flow events.
- (d) Service connections. Residential connections shall be minimum of three-quarter (3/4) inch I.D. type K copper. Diameter of service connections to multiple family or non-residential units shall be a minimum of two (2) inches, or more as may be recommended by the Township Engineer. Corporation stops and curb stops shall be provided for each connection. Cross connections shall be prohibited. All services shall be metered.
- (e) Fire hydrants. Fire hydrants shall be provided so that no portion of a subdivision is more than four hundred (400) feet from a fire hydrant and shall include two (2) two and one half (2.5) inch nozzles and one (1) four and one half (4.5) inch nozzle. Hose connections shall be equipped with national standard threads.
- (f) Municipality reserves the right to test fire hydrant flow to determine adequacy.

10. Well capacity testing.

- (a) Adequate supply quantity must be proven by a sustained 48-hour pumping test performed under the supervision of a qualified hydrogeologist, and in accordance with Delaware River Basin Commission guidelines. Data documenting the pump test shall be submitted on a pumping log and shall include:

<u>Factor</u>	<u>Units</u>
Well Depth	(feet)
Time and date of pump test	
Pumping rate	(gpm)

Static level (no pumpage) (feet below top of casing)  
Drawdown level during pumping (feet below top of casing)  
Graph showing drawdown vs. time curve

- (b) Each log sheet must be identified by project name, location, and submittal date.
- (c) Readings shall be taken at least every hour (so long as the change in drawdown exceeds 2 feet/hour). Thereafter, readings may be taken at appropriate intervals not to exceed four (4) hours.
- (d) The minimum source capability for community systems shall not be less than two (2) times the anticipated average system demand (based on a 24 hour day).
- (e) Where wells are within five hundred (500) feet of each other, pump tests must be run simultaneously.
- (f) Where possible, wells should be test-pumped in the late summer, when groundwater tables are lowest, at the highest feasible safe yield to allow for future expansion of the system.
- (g) An adequate number of existing wells shall be monitored throughout the pumping test to evaluate the effect of the test on the aquifer. The proposed monitoring well network shall be submitted to the Township Engineer for approval prior to performing the pumping test.

11. Financial Security.

- (a) Where a community water system is to be installed within a proposed subdivision or land development, the procedures and requirements set forth in Sections 408, 602, and 603 of this Ordinance for financial security shall be followed.
- (b) Final specifications for the design and installation of the centralized water system shall be included as part of the contract between the developer and the Township described in Section 407. Approval of the final plan for subdivision or land development shall not take place until such specifications are finalized within the contract and until the necessary financial security is posted. Engineering review of the specifications for the water system by the Township Engineer shall take place before signing of the contract and before approval of the final plan. Inspection by the Township during construction shall be required.

**§ 514. Public, Individual, and Community Systems for Sanitary Sewerage.**

This Section, along with other Ordinances and Resolutions of the Township shall be construed as implementing the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 24, 1966, 35 P.S. §750.1-750.20 (1982) and the Clean Streams Law; Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. §691.1 et. seq. (1982) or both as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania.

All sewage disposal systems within the Township shall conform to the requirements of the Pennsylvania Department of Environmental Protection. The installation of systems shall be the responsibility of the developer.

Approved plans and the specifications of this Section shall be of equal force and effect. In case of any discrepancy between the plans and these specifications, the decision of the Township or its authorized representative shall be final and conclusive as to which is preferred.

A. Public Sewer System.

1. The drainage system of any building in which plumbing fixtures are installed shall be connected to a public sewer system, if available.
2. No privy vault, private sewer, septic tank or cesspool for sewage shall be constructed, altered, repaired, or cleaned or emptied on any property where public sewer is available, in which case the property shall be connected to the public sewer, and the continued use of an existing privy vault, private sewer, septic tank or cesspool on such property accessible to the public sewer is declared to be unlawful and to constitute a nuisance. No privy vault, private sewer, septic tank or cesspool shall be connected to the public sewer.
3. A public sewer system shall be deemed available to any property accessible to, and whose principal building is located within one hundred fifty (150) feet from, such public sewer system; and a connection conforming with the standards set forth in the Robeson Township Plumbing Code may be made thereto.
4. Copies of the said Plumbing Code including all revisions and additions thereto, as herein referred to, are available for public inspection and review at the Office of the Secretary of the Township of Robeson at the Township of Robeson Municipal Building, 2689 Main Street, Birdsboro, Berks County, Pennsylvania, and the same are hereby adopted and incorporated as if more fully set forth, at length herein, and the provisions thereof are controlling for the regulation of plumbing, within the corporate limits of the said Township of Robeson, Berks County, Pennsylvania.
5. In addition to the above, public sewer systems shall also conform to the standards, rules, and regulations set forth by the Robeson Township Municipal Authority. Copies of said standards including all revisions and additions are also available for public inspection and review at the office of

the Secretary of the Township of Robeson at the Township of Robeson Municipal Building, 2689 Main Street, Birdsboro, Berks County, Pennsylvania, and the same are hereby adopted and incorporated as if more fully set forth, at length herein, and the provision thereof are controlling for the regulation of the construction, installation and connection to the public sewer system of the Robeson Township Municipal Authority.

B. Individual and Community Sewer Systems.

1. Connections with Individual Sewage Systems. Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions of this part.
2. Permit Required for Installation; Systems Subject to Approval by DEP. A permit shall be required for the installation of a community sewage system or new individual sewage system and building sewer prior to the construction of any buildings for which such system or systems will be installed, and prior to the alteration, replacement, repair or extension of any such existing sewage system; provided, every such sewage system shall be subject to approval by the Pennsylvania Department of Environmental Protection. As part of any subdivision, all newly created parcels and residue tracts, except for annexation parcels, shall include an approved sewage disposal system site(s) and all sites must be approved by DEP.
3. Application for Permit; Conditions of Issuance. Application for such permit to install a community sewage system or an individual sewage system and building sewer, shall be made prior to the expected date of commencement of construction of such facilities, on forms provided by the Township Sewage Enforcement Officer, which the applicant shall submit with any plans, specifications or other information deemed necessary by the Sewage Enforcement Officer. No person shall commence any construction requiring a written permit until such permit has been issued by the Sewage Enforcement Officer and the fee for issuing such permit has been paid in full.
4. Permit Fee. A permit design review and inspection fee established pursuant to a Resolution of the Township shall be paid at the time the application is filed.
5. Effective Date of Permit Contingent upon Satisfactory Completion of Work. A permit for a community sewage system or an individual sewage system and building sewer shall not become effective until the installation is completed to the satisfaction of the Sewage Enforcement Officer. He shall be permitted to inspect the work at any stage of construction, and the applicant shall notify him when the work is ready for final inspection, and before any underground portions are covered.



6. **Conformity to All Regulations.** The type, capacities, location and layout of a community sewage system or an individual sewage system and building sewer shall comply with the recommendations of the Sewage Enforcement Officer, the Township Sewage Ordinance No. 06-01 as amended, rules and regulations of the Township and of the Pennsylvania Department of Environmental Protection, and applicable statutes of the Commonwealth of Pennsylvania.

**§ 515. Other Utilities.**

- A. All other utility lines including, but not limited to, electric, gas, street light supply, cable television, and telephone shall be placed underground.
- B. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the municipal authority or public utility concerned.
- C. Where such underground utilities lie under a proposed cartway, they shall be put in place, connected, and approved before the streets are constructed and before any person is permitted to occupy any building to be served by such utilities.
- D. The applicant shall be responsible for contacting all applicable utilities and accurately determining the locations and depths of all underground utilities within the tract proposed for subdivision or land development, prior to excavation. A complete list of the applicable utility companies and their phone numbers shall appear on the preliminary and final plans.

**§ 516. Community Facilities.**

- A. In residential subdivisions and land developments, recreational open space areas shall be offered for dedication or otherwise reserved by the applicant within the tract proposed for subdivision or land development, or a fee in lieu of such areas shall be paid by the applicant in accord with the requirements of this Section. The decision to accept either the offer of dedication or a fee in lieu of such dedication shall be made by the Board of Supervisors in accord with the Robeson Township Open Space and Recreation Plan.
- B. The Board of Supervisors may, within their reasonable discretion and at the request of the applicant, accept a combination of land and a fee in lieu of dedication to meet the requirements of this Section. The resulting combination shall not be required to have a total value greater than what would be required if the donation were of land alone or of the fee alone.
- C. The amount of recreational open space shall be calculated as follows:
  1. Calculation of the projected population of the subdivision or development.
    - (a) The number of proposed new dwellings multiplied by the average

number of persons per housing unit in Robeson Township (according to the most recent census or other source as may be acceptable to the Supervisors) shall provide an acceptable estimate of the projected population of the proposed subdivision or development.

- (b) According to the 2000 U.S. Census of Population, the average number of persons per housing unit in Robeson Township is 2.76. This number shall be an accepted value for use in the calculation described in this Section. The Board of Supervisors may accept other values upon showing of some evidence that such other value will more accurately reflect the number of residents to be added to the Township population by a proposed subdivision or development. However, nothing in this Section shall be construed to compel the Board to accept such other value.

2. Calculation of recreation open space demand.

The projected population shall be multiplied by 0.0095 to determine the minimum acreage to be provided as recreational open space. This number represents the currently accepted standard for the provision of recreational open space, which is 9.5 acres per 1000 residents.

3. Calculation of recreational open space donation.

- (a) The number of acres of recreational open space to be provided shall be determined according to the formula:

$$[(\# \text{ of new housing units}) \times (\text{persons/housing unit})] \times 0.0095$$

The resulting number represents the number of acres to be developed with recreational amenities.

- (b) Open space required by the Zoning Ordinance may exceed this requirement. Recreational open space provided to fulfill this requirement shall be credited toward open space required by the Zoning Ordinance; however, all such recreational space shall be subject to review by the Township. Recreational open space areas shall not include more than a total of 25% of the area dominated by utility easements and environmentally sensitive features. See also Zoning Ordinance Section 607.H.

- (c) Specific recreational amenities to be supplied within the recreational open space shall be upon recommendation of the Robeson Township Parks and Recreation Board. Such amenities shall be constructed by the developer and be completed upon by such time that fifty (50) percent of the dwelling units within the subdivision or land development have been completed.

- (d) The costs of such recreational amenities shall be included within the improvements agreement.

4. Example.

The following example is provided solely as a convenience to the user of this document and shall not be construed as a standard, minimum, or maximum donation to be required.

Given a proposed development of forty (40) new housing units and an average of 2.76 persons per housing units (according to the 1990 Census), the minimum acreage to be donated would be calculated as follows:

$$(40 \times 2.76) \times 0.0095 = 1.05 \text{ acres}$$

D. Calculation of fee to be paid in lieu of open space.

Where a fee is to be paid in lieu of a donation of open space, the amount of such fee shall be equivalent to the fair market value of the acreage required under §516(C), above. The Board of Supervisors may, from time to time, establish by resolution an estimate of the fair market value of one (1) acre of undeveloped land in the Township to be used in the calculation of the fee to be paid in lieu of open space dedication.

- E. Lands set aside for open space shall be suitable for recreational use, configured to accommodate a variety of recreational uses, placed to serve all parts of the subdivision or land development, and accessible from a public street. No more than twenty-five (25) percent of the open space area may be wetland, alluvial soil, or have slopes in excess of twenty-five (25) percent.

**§ 517. Fire Protection Water Supplies.**

It is the intent of Robeson Township to maximize the availability of existing water sources that can functionally provide water to be used by local emergency services providers for fire fighting. Accordingly, the following shall apply to all tracts proposed for Subdivision and/or Land Development:

- A. All tracts containing natural or man-made surface waters shall be evaluated to determine if the water source can feasibly be utilized as a source of water for Township Emergency Services usage. Such evaluation shall be made jointly by the Robeson Township Emergency Management Coordinator and the Developer and shall include evaluation of the available water volume, accessibility and suitability for use by available fire-fighting equipment.
- B. Upon determination that a suitable source is available, Robeson Township and the Developer will enter into an agreement whereby the water source will thereafter be

accessible and available for use by Robeson Township Emergency Services personnel in response to emergency conditions. Such legally binding agreement shall be executed providing irrevocable rights of access and use of the water supply to the Township of Robeson, the Friendship fire Company of Geigertown, the Gibraltar Fire Company #1, and such mutual aid companies as they may specify, providing for the use of said water source(s) for firefighting, municipal use, or fire department training and maintenance, as required. The water source agreement shall be prepared to the satisfaction of the Township Solicitor and recorded at the cost to the Developer.

C. For all residential subdivisions of fourteen (14) lots or more, nonresidential subdivisions of five (5) lots or more and nonresidential land developments over twenty thousand (20,000) square feet on which a feasible water source has been identified, the following guidelines shall be used to develop the water source for emergency use:

1. A mud-free access to such water source(s), capable of supporting vehicles with a gross weight of 80,000 pounds, shall be available.
2. A mud-free area shall be provided, adequate to allow a truck with a 220-inch wheelbase and a gross vehicle weight of 80,000 pounds to execute a 180-degree turn with no more than one (1) backing motion.
3. A dry hydrant shall be installed by the developer, per specifications.
4. All such rights and improvements related to the designated emergency water source for such subdivision or land development shall be detailed on the preliminary and final plan submissions and shall be approved by the Township Emergency Management Coordinator and the Board of Supervisors.
5. All construction work done pursuant to the provisions of this Section shall be inspected and approved by the Township Engineer. All dry hydrants shall be tested for flow, at the cost of the Developer.
6. To the extent necessary, Developer shall provide "No Parking" signs within fifty (50) feet of the water supply.
7. Water sources must be accessible under all weather conditions.

D. Exemptions.

1. Any land development or subdivision which is within one-half (1/2) mile of a similar water source which has previously been similarly developed for public fire protection and provides comparable available water volume.

2. Subdivisions for annexation purposes and lot line revisions, where no new structures are to be accommodated, are exempt from the requirements of this Section.
3. Subdivisions or Land Development for which such available water sources have other designated uses such that depletion of the water source would impose a prohibitive imposition on the Development and it is documented that the time period to achieve replenishment of the source would impose an unreasonable hardship.

**§ 518. Line Painting.**

- A. Line painting of street centerline and shoulders shall be the responsibility of the developer and at the developer's expense.
- B. Line painting is required within the proposed subdivision or land development at the recommendation of the Township Engineer and in accord with applicable Township or PennDOT specifications.

**§ 519. Lighting Requirements and Design Standards.**

- A. The purpose of this Section is to set minimum standards for outdoor lighting in order to:
  1. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
  2. Protect drivers and pedestrians from the glare of non-vehicular light sources.
  3. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.
  4. Promote energy efficient lighting design and operation.
  5. Protect and retain the intended visual character of the Township.
- B. Applicability
  1. Uses that are proposed to operate during hours of darkness where there is public assembly and traverse, including but not limited to the following: residential, multi-family residential, other residential developments with lot sizes of 20,000 square feet or smaller, as well as commercial, industrial, recreational/sports and institutional uses and signs, as well as billboards, architectural and landscape lighting.
  2. The Board of Supervisors may require that lighting be incorporated for other uses, applications and locations, as it deems necessary.

3. The glare-control requirements herein contained apply to lighting in all uses, applications and locations.
4. Temporary decorative lighting is exempt from all but the glare-control requirements of this Section.

C. Definitions

1. Footcandle. Unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a/k/a light meter.
2. Full Cutoff. Attributes of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.
3. Glare. Excessive brightness in the field of view that causes loss in visual performance or annoyance, to jeopardize health, safety or welfare.
4. Illuminance. Quantity of light, measured in footcandles.
5. Light Trespass. Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
6. Lumen. The light-output rating of a lamp (light bulb), as used in the context of this Section.

D. Criteria

1. Illumination Levels
  - (a) Lighting, where required by this Section or otherwise required by the Board of Supervisors, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook and applicable Recommended Practices, except as otherwise required by the Board of Supervisors.
2. Lighting Fixture Design
  - (a) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Planning Commission.
  - (b) For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria, unless the aggregate wattage per-fixture does not exceed the output of a standard 60-watt

incandescent lamp, i.e. 1,000 lumens, in which case non-cutoff fixtures shall be permitted.

- (c) For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays, flags and statuary, the use of lighting not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Board of Supervisors, based upon acceptable glare control (Board of Supervisors approval shall not be required if the aggregate wattage per fixture does not exceed the output of a standard 60-watt incandescent lamp, i.e. 1,000 lumens).
- (d) “Barn lights,” a.k.a. “dusk to dawn lights” shall not be permitted where they are visible from other uses unless fitted with a reflector to render them full-cutoff.

### 3. Control of Nuisance and Disabling Glare

- (a) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse the area and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (b) Floodlights and spotlights, where their use is specifically approved by the Board of Supervisors, shall be so installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- (c) Parking facility and vehicular and pedestrian way lighting (except for safety and security applications), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation.
  - (i) When safety or security lighting is proposed by the Applicant for after-hours illumination, lighting intensities shall not be in excess of thirty-five percent (35%) of the illumination levels normally required or permitted for the lighting application.
- (d) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after the closing.
- (e) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and

baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

- (f) The intensity of illumination projected from any use onto a residential use shall not exceed 0.1 initial vertical footcandle, measured line of sight from any point on the residential property.
- (g) Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, placed, fitted and aimed to limit the light output on and not beyond the sign or billboard.
- (h) Except as provided in Section 519.F – Recreational Uses, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade and fixtures not meeting IESNA full-cutoff criteria, when specifically approved by the Board of Supervisors, shall not be mounted in excess of sixteen (16) feet above finished grade.
- (i) Directional fixtures, when their use is specifically permitted by the Board of Supervisors, for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11 p.m. and dawn and shall not be in conflict with the Township’s aim to maintain its rural character.
- (j) Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag. Flag lighting sources shall not exceed 10,000 lumens per flagpole.
- (k) Under-canopy lighting for such applications as a gas/service station, hotel/theater marquee, fast-food/bank/drugstore drive thru, shall be accomplished using flat-lens, full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum intensity shall not exceed 30 maintained footcandles.

#### 4. Installation

- (a) Electrical feeds for lighting standards shall be run underground, not overhead.
- (b) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows, shall be placed a minimum of five (5) feet outside paved area or placed on concrete pedestals at least thirty (30) inches



high above the pavement, or suitably protected by other approved means.

(c) Pole mounted fixtures shall be aimed straight down.

5. Maintenance

Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Section.

6. Illumination Intensities

(a) Unless otherwise specified by the Board of Supervisors, illumination intensities shall be as published in the latest edition of the Lighting Handbook and Recommended Practices of the IESNA.

E. Residential Development Lighting

When specifically required or allowed by the Board of Supervisors, residential development lighting shall be provided as follows:

1. For residential developments where lot sizes are or average less than 20,000 square feet, lighting shall be provided at the following locations:
  - (a) At the intersection of public roads with entrance roads to the proposed development.
  - (b) Intersections involving proposed public or non-public major-thoroughfare roads within the proposed development.
  - (c) At the apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a minimum 300-foot horizontal curve.
  - (d) Cul-de-sac bulb radii.
  - (e) Terminal ends of center median islands having concrete structure curbing, trees, and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater.
  - (f) At defined pedestrian crossings located within the development.
  - (g) At other locations along the street as deemed necessary by the Board of Supervisors.
  - (h) At common parking areas where six (6) or more common, contiguous parking spaces are proposed.
2. Common parking areas in apartment house developments.

F. Recreational Uses

When facilities for such outdoor recreational activities as baseball, tennis, football and miniature golf are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

1. Lighting shall be accomplished only through the use of fixtures conforming

to IESNA full-cutoff criteria, or as otherwise approved by the Board of Supervisors based on suitable control of glare and light trespass.

2. Sporting events shall be timed so that all lighting in the sports facility, other than lighting required for safe exit of patrons, is extinguished by 10:00 p.m. regardless of such occurrences as extra innings or overtimes.
3. Golf driving ranges, racetracks, trap-shooting ranges and other facilities requiring that lighting to be projected at horizontal or near horizontal angles shall not be artificially illuminated.
4. The outdoor recreational activities contained in Section 519.F.5.e. below, with the exception of tennis, shall not be illuminated if located within any residential district or sited on a nonresidential property located within 1200 feet of a residential use.
5. Maximum mounting heights for recreational lighting shall be in accordance with the following:

(a)	Basketball	20'
(b)	Football	70'
(c)	Soccer	70'
(d)	Little League Baseball	
	(1) 200' Radius	60'
	(2) 300' Radius	70'
(e)	Miniature Golf	20'
(f)	Tennis	20'
(g)	Track	20'

G. Plan Submission

1. For subdivision and land-development applications where site lighting is required by this Section, is otherwise required by the Township or is proposed by Applicant, lighting plans containing the following information shall be submitted to the Board of Supervisors for review and approval with preliminary and final subdivision/land development plan applications. The Board of Supervisors also may require that some or all of the following information be submitted with conditional use applications:
  - (a) Lighting plans, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, mounting height and type. The submission shall include, in addition to area lighting, all other

exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, billboard, etc.

- (b) A 10' x 10' illuminance-grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Section or as otherwise required by the Board of Supervisors.
  - (c) The lamp lumen ratings and types, maintenance (light-loss) factors and IESNA file nomenclature used in calculating the illuminance levels.
  - (d) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
  - (e) Landscaping plans shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
2. When required by the Board of Supervisors, the Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the rural character of the Township. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.

3. Plan Notes

The following notes shall appear on the lighting plan:

- (a) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Board of Supervisors for review and approval.
- (b) The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Section and approved lighting plan commitments, and if deemed appropriate by the Board of Supervisors, to require remedial action at no expense to the Township.
- (c) All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Board of Supervisors.

## H. Compliance Monitoring

### 1. Safety Hazards

- (a) If the Board of Supervisors determines a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.
- (b) If appropriate corrective action has not been effected within fifteen (15) days of notification, the Township may initiate appropriate legal action.

### 2. Nuisance Glare and Inadequate Illumination Levels

- (a) When the Board of Supervisors determines an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Section, the Board of Supervisors may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.
- (b) If the infraction so warrants, the Township may initiate appropriate legal action.

## I. Nonconforming Lighting

Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Section, shall be considered as lawful nonconformance subject to the following:

- 1. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Section when:
  - (a) Minor corrective action, such as re-aiming or shielding can produce conformity with the requirements of this Section.
  - (b) It is deemed by the Township to create a safety hazard.
  - (c) It is replaced with another fixture or fixtures, abandoned or relocated.
  - (d) There is a change in use.
- 2. When requested to do so by the Township, nonconforming lighting fixtures and lighting installations shall be made to conform with the requirements of this Section or removed after five (5) years from the effective date of this Section.

J. Street Lighting Dedication

1. When the Board of Supervisors agrees to accept dedication of street lighting, Applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
2. Prior to dedication and in the event of the formation of a homeowner's association and/or property managing declaration, the Township shall require said agency to enter into an agreement guaranteeing the Township payment of all costs associated with dedicated street lighting.
3. Assumption of Costs of Dedicated Street Lighting
  - (a) Upon dedication of public streets, the Township shall assess the homeowners' association, individual property owners, or corporations, as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific street lighting fixture. These costs shall include:
    - (i) Administration.
    - (ii) Collection.
    - (iii) Pro-ration of non payables.
    - (iv) Actual utility electrical charges.
    - (v) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.

**§ 520. Riparian Buffers.**

- A. The Riparian Buffer Overlay District shall be a conservation overlay to the underlying zoning districts of Robeson Township. The purpose and objective of the Riparian Buffer Overlay District Overlay District is further outlined under Section 507 of the Robeson Township Zoning Ordinance.
- B. The Riparian Buffer Overlay District shall apply to all perennial stream corridors and intermittent streams (to the extent that they are regulated by the PA Department of Environmental Protection) within Robeson Township. The following provisions shall apply:
  1. The limits of the Riparian Buffer Overlay District shall be recognized as a conservation overlay as part of the Robeson Township Zoning Ordinance. The design standards and specifications for the Riparian Buffer Overlay District are referenced under this Ordinance.

2. Properties located along or adjacent to a perennial stream corridor, which are not subject to subdivision and land development activity shall be subject to an education and volunteer effort, whereas, the landowner may implement the design standards contained within this Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such efforts enhances, restores, stabilizes and/or maintains the integrity woodland and vegetation within the Riparian Buffer Overlay.
  3. Properties located along or adjacent to a perennial stream corridor, which are subject to subdivision and land development activity shall be subject to a mandatory effort, whereas, the landowner or developer shall be required to implement the design standards contained within this Ordinance. All such efforts may be coordinated with other agencies, provided that such efforts enhances, restores, stabilizes and/or maintains the integrity woodland and vegetation within the Riparian Buffer Overlay.
  4. All land uses and site improvements should be located, design and conducted in a manner that meets the design standards contained within this Ordinance.
  5. Volunteer and mandatory efforts should be reviewed by the Berks County Conservation District to determine if the selected landscape materials will implement the overall purpose and objective of the Riparian Buffer Overlay District.
- B. The Riparian Buffer Overlay District shall be delineated in accordance with the following zones and provisions:
1. Zone 1 shall include the landward area located between the stream bank edge under typical flow conditions, as measured twenty (20) feet upland or perpendicular to the stream bank.
  2. Zone 2 shall include the area beginning at the inland edge of Zone 1, extending a minimum of twenty (20) feet inland from Zone 1, which shall include the 100-year floodplain and all areas delineated as wetlands. The inland edge of Zone 2 shall be a maximum of fifty (50) feet unless wetlands extend beyond the fifty (50) feet in which case the wetland limit shall be the edge of Zone 2
  3. Zone 3 shall include the area beginning at the inland edge of Zone 2, extending a minimum of twenty (20) feet inland from Zone 2.
- C. Unless otherwise permitted by Robeson Township, the following uses and activities shall be permitted within the Riparian Buffer Overlay District:
1. Accessory uses and accessory buildings to a permitted land use provided that

they are not located within Zone 1 or wetlands.

2. General agricultural uses provided that they are not located within Zone 1. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are approved by the Berks County Conservation District and have been completed considering best management practices.
  3. Conservation uses including the preservation and utilization of land and surface water as wildlife habitats, forests, farmland, meadows, wetlands, lakes, streams, rivers and other similar uses or features that involve no site improvements other than those required for education, recreation or municipal uses provided that no structures are located within Zone 1.
  4. Municipal site improvements, including streets, curbs, sidewalks, sanitary sewer facilities, water supply facilities, stormwater management facilities, public utilities, and other similar improvement, provided they are located in a manner to minimize impacts on Zones 1, 2 and 3, and provided that they are designed and constructed in accordance with this Ordinance.
  5. Stormwater detention or retention facilities, provided they are not located within Zone 1 or wetlands.
  6. Passive recreation uses, provided they are not located within Zone 1 or wetlands.
  7. Municipal uses.
- D. The Riparian Buffer Overlay District should be designed to include native vegetation that may exist prior to any earth disturbance activities. The following plantings for each zone are recommended and should be utilized as a guide to establish the desired riparian buffer:
1. Zone 1 should include mature canopy trees and a ground cover of native grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for Zone 1 should thrive in wet conditions.
  2. Zone 2 should include mature canopy trees and natural undercover. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. The undercover plants shall be allowed to “evolve” with the canopy of Zone 2. All vegetation selected for planting within the 100 year floodplain should thrive in wet conditions.

3. Zone 3 should be planted with natural ground cover that could mature naturally without maintenance, mowing or harvesting activities. The selected species should accommodate overland stormwater flows and act as an upland filter to Zone 2.
- E. Riparian buffers should be maintained in a natural condition with minimal disturbance. Mature trees and native grasses and ground cover have the capacities to absorb more nutrients. As a result, best management practices are established, erosion is limited, hydrological resources are balanced, and biodiversity corridors are preserved. Unless otherwise permitted by Robeson Township, the following maintenance activities and disturbance limitations shall apply to the Riparian Buffer Overlay District:
1. Zone 1 should require minimal maintenance. As trees mature, die and decay, the natural debris should be allowed to decompose within the stream. This will provide important food sources and habitats for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed. Streamside grasses shall be allowed to seasonally flourish and recede.
  2. Zone 2 should receive significant attention since the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 should be pruned and trimmed on an as-needed basis, but should not jeopardize the overhead canopy of shade. The natural undercover should be undisturbed.
  3. Zone 3 requires minimal maintenance. Native grasses and ground cover should flourish and recede with the seasons. Grazing and haying are permitted provided that the residual grass length is sufficient to disperse overland stormwater flows.
  4. Trees that have been damaged, contracted with disease, or create an unsafe situation may be removed within the Riparian Buffer Overlay Zone, provided that the tree is replaced with another tree that could survive and flourish within the Riparian Buffer Overlay District.
  5. Replacement trees shall be deciduous, noninvasive and native to Robeson Township, which are nursery stock grown within a locale with similar climatic conditions as Robeson Township. The replacement trees shall be balled and burlapped and not less than two (2) inches in caliper measured, as measured at breast height. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
  6. Replacement trees should not be used as credits to meet other planting requirements of this Ordinance relative to street tree plantings, landscape



buffers, unless the original trees would have satisfied such requirements.

7. Replacement trees shall be planted within one hundred and twenty (120) days of the existing tree being removed from the Riparian Buffer Overlay District.
8. In designated Exceptional Value (EV) and High Quality (HQ) watersheds, the widths of Zones 1, 2 & 3 shall be increased to fifty (50) feet each.

**§ 521. Wetland Buffers.**

- A. The Wetlands and Hydric Soil Overlay District shall be a conservation overlay to the underlying zoning districts of Robeson Township as defined in Section 503 of the Robeson Township Zoning Ordinance. The buffers specified in Sections 503.E.(2) and (3) shall be increased to fifty (50) feet for all wetlands within watersheds which are rated as either High Quality or Exceptional Value in accordance with Pa DEP Chapter 93

## PART 6

### ACCEPTANCE OF PUBLIC IMPROVEMENTS

#### § 600. Release from Improvements Guarantee

- A. When the developer has completed all of the necessary and appropriate improvements, he shall notify the Board, in writing by certified or registered mail, and the Township Engineer of the completion of the required improvements. Upon receipt of such notice, the Township Engineer shall give a final inspection to the improvements covered by the guarantee. The Township Engineer shall file a report in writing with the Board, and shall promptly mail a copy of the report to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the notification from the developer. The report shall be detailed and shall indicate his recommendation of approval or rejection of improvements, whether in whole or in part. If the Township Engineer recommends non-approval or rejections of the improvements, or any portion thereof, the report shall state the reasons for such recommendation.
- B. The Board of Supervisors shall notify the developer in writing by certified mail of the action of the Board with regard to approval, non-approval, or rejection of the improvements.
- C. If any portion of the improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete those improvements. Upon completion, the same procedure of notification and inspection as described here above shall be used.
- D. Ten (10) percent of the improvements guarantee shall be held back by the Township until the developer has posted a performance guarantee, as specified in Section 602.

#### § 601. Form of Financial Security.

- A. Financial security required throughout this Ordinance shall be in the form of a federal- or Commonwealth-chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such an institution or a financially responsible bonding company, cash or cash equivalent, or such other type of financial security subject to the approval of the Township. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania and stipulates that it will submit to Pennsylvania jurisdiction and Berks County venue in the event of legal action.

- B. All agreements for required guarantees shall be executed by the applicant or developer in such form as shall be approved by the Board of Supervisors upon advisement of the Township Solicitor.

**§ 602. Performance Guarantee**

- A. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and are accepted by the Township or have been placed under the control of a community association.
- B. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board shall require the posting of financial security for the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan.
- C. The security required shall be in the form required by Section 601 of this Ordinance, shall be for a term of eighteen (18) months from the date of the acceptance of dedication, and shall be in an amount equal to fifteen (15) percent of the actual installation cost of the dedicated improvements.

**§ 603. Maintenance Guarantee**

- A. Where maintenance of stormwater retention facilities is to be the responsibility of individual lot owners, a community association, or some other qualified organization, the Board shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.
- B. If water mains, sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction of and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, 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.

**§ 604. Dedication and Acceptance of Public Improvements.**

- A. Within ninety (90) days of the approval of any public improvements by the Township Engineer, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements together with satisfactory proof establishing the developer's clear title to said property. Such documents are to be

filed with the Township Manager for review by the Township Solicitor.

- B. Deeds of dedication for public improvements may be accepted by resolution of the Board of Supervisors at a regular meeting thereof. The Supervisors may require that at least fifty (50) percent of the lots in any approved subdivision or land development (or phase thereof, if final plan approval is in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication.
- C. Should the streets, even though constructed according to the specifications of this Ordinance, deteriorate before the said fifty (50) percent of the lots have certificates of occupancy issued, such streets shall be repaired in a manner acceptable to the Board of Supervisors before being accepted by the Township.
- D. The Board of Supervisors may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owner, a community association, or an organization capable of assuming maintenance responsibilities.

## **PART 7**

### **MOBILE HOME PARKS**

#### **§ 700. General Requirements**

- A. All mobile home parks shall comply with Pennsylvania Department of Environmental Resources Article 415, as may be amended, "Regulations for Mobile Home Parks."
- B. All mobile home parks shall be served by a public or community sewage disposal system and by a public or community water supply.

#### **§ 701. Regulations for the Overall Design of Mobile Home Parks**

- A. Tracts proposed for development as a mobile home park shall have a minimum lot area of ten (10) acres.
- B. Mobile home parks shall have a gross density of not more than five (5.0) mobile homes per acre of lot area of the tract.
- C. The design of the mobile home park shall include a pedestrian circulation system.
- D. The perimeter of the tract shall be provided with a buffer strip not less than twenty (20) feet wide. The design of this buffer strip shall include a landscaped screen meeting the requirements of §506 of this Ordinance.
- E. The area of impervious surface over the entire tract shall not exceed forty (40.0) percent.
- F. Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides; all trash and rubbish stored outside shall be contained in airtight, waterproof containers.

#### **§ 702. Regulations for Sitting Individual Mobile Home Units**

- A. All mobile homes shall be provided with a permanent foundation that will not heave, shift, settle, or move as a result of frost action, inadequate drainage, vibration, or other forces acting on the foundation. The foundation shall be of such size, material, and construction so as to be durable and adequate for the support of the maximum anticipated load during all seasons of the year.
  - 1. Open space between the floor of a mobile home and the foundation shall be permanently enclosed to prevent unauthorized entry, to conceal supports, and to protect utility connections.

2. The mobile home unit shall be anchored to the foundation to prevent overturning, lifting, and shifting. Such anchorage shall be adequate to withstand wind forces and uplift as specified for buildings and structures in the most recent version or amendment of Article 9 of the BOCA Basic National Building Code.
  3. The Preliminary Plan for the mobile home park shall be accompanied by specifications for the foundations and anchorages, including the calculations demonstrating compliance with the terms of this Section.
- B. Mobile homes shall be sited at least twenty (20) feet from the nearest cartway edge of the interior circulation system.
  - C. Mobile homes shall be separated from each other by a distance of not less than twenty-five (25) feet.
  - D. Mobile homes shall be sited at least fifty (50) feet from all service buildings, park accessory structures, parking areas, and property lines.
  - E. Mobile homes shall be sited at least seventy-five (75) feet from all public street rights-of-way.

### **§ 703. Circulation and Parking**

- A. The number of parking spaces provided shall be in compliance with Section 1309 of the Robeson Township Zoning Ordinance. Parallel parking along any street within the mobile home park is prohibited.
- B. Parking areas shall be designed and located such that no vehicle is required to back onto a public street order to enter or exit a parking space. No parking space shall be located within fifty (50) feet of a public street right-of-way.
- C. Points of egress and ingress for parking areas are considered to be a type of driveway, subject to the design requirements of §504 of this Ordinance in all aspects except width. These driveways shall have a minimum width of twelve (12) feet for each traffic lane.
- D. Private streets within the mobile home park shall have a minimum cartway width of twenty-four (24) feet.
- E. No parking area, driveway, or private street within the mobile home park shall be located within the buffer strip required here above.
- F. All dead-end parking areas shall be designed to provide adequate backing space for

vehicles occupying the end spaces.

- G. No more than fifteen (15) parking spaces shall be permitted in a continuous row without a landscaped break. Parking lots shall be landscaped in accordance with Section 510 of this Ordinance.

#### **§ 704. Recreational Facilities**

- A. Not less than fifteen (15) percent of the lot area of the tract to be developed as a mobile home park shall be set aside for recreational purposes serving all residents of the mobile home park. The entire portion of the required recreation area must be included within an area approved for Mobile Home Parks.
- B. Provisions shall be made by the park developer and the park operator for the development, installation, perpetual maintenance, and legal liability of such recreational areas.
- C. The Preliminary Plan submission shall show how the proposed recreational areas will be developed and equipped.
- D. The areas of land set aside for recreational areas shall be conducive to such use by reason of their size, shape, and surface condition.
- E. At least fifty (50) percent of the proposed recreation area shall be covered by soils with either "Moderate" or "Slight" limitations for use as athletic fields, according to the Soil Survey: Berks County Pennsylvania, issued September 1970 by the United States Department of Agriculture.
- F. Recreation areas shall be readily accessible to residents of the park, and shall be so located that they can be reached and used safely, without endangerment from motor vehicles or other hazards.

#### **§ 705. Administration**

Prior to the placement of a mobile home, all applicable permits shall be obtained from the Township.

- A. Certificate of Use and Occupancy.
  - 1. A Certificate of Use and Occupancy issued for a mobile home park shall be valid for a period of one (1) year, and shall be annually renewable.
  - 2. Each application for a Certificate of Use and Occupancy, whether for the original issue or for a renewal, shall be accompanied by a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Resources. Each such application shall also be accompanied by such annual

permit fee as the Board of Supervisors may establish.

3. The person to whom the Certificate is issued shall operate the mobile home park in compliance with this and all other applicable codes and ordinances, providing supervision as necessary to maintain the park, its facilities, and equipment in a clean and sanitary condition.
- B. The manager of the mobile home park shall maintain an accurate register which shall include all of the following information, as a minimum. This register shall be kept in the office of the mobile home park manager and shall be available to any person authorized by the Board of Supervisors to inspect the mobile home park.
    1. the make, model, and serial number of each mobile home in the park;
    2. the date of arrival of each mobile home within the park;
    3. the lot number upon which each mobile home has been placed; and
    4. the date of departure of each mobile home from the park.
  - C. The mobile home park shall contain a structure clearly designated as the office of the park manager.
  - D. No space within a mobile home park shall be rented for residential use of a mobile home located thereupon for a period of time of less than one (1) month.
  - E. A representative of the Township, authorized as such by the Board of Supervisors, may inspect a mobile home park at reasonable intervals during customary business hours (or at such other times as may be acceptable to the park manager) in order to determine compliance with this Ordinance.



## PART 8

### ADMINISTRATION AND ENFORCEMENT

#### § 800. Amendment.

- A. The Board of Supervisors may, from time to time, revise, modify, or amend this Ordinance.
- B. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice, as defined by this Ordinance and the Pennsylvania Municipalities Planning Code.
- C. The public notice announcing the public hearing for an amendment to the Subdivision and Land Development Ordinance shall include the time and place of the hearing and shall indicate where within the Township one may obtain copies of the proposed amendment. Copies of the amendment shall be available at a cost not greater than reproduction cost.
- D. The proposed amendment shall be published in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to the date of passage. Publication shall include either the full text of the amendment or the title and a brief summary of the amendment prepared by the Township Solicitor and setting forth all the provisions in reasonable detail, meeting the requirements of Section 506(a)1 of the Pennsylvania Municipalities Planning Code.
- E. The Board of Supervisors shall submit proposed amendments to the Planning Commission for recommendations at least thirty (30) days prior to the hearing on the amendment, unless the Planning Commission is the entity which originally proposed the amendment to the Board of Supervisors.
- F. The Board of Supervisors shall also submit the proposed amendment to the Berks County Planning Commission for their recommendations at least thirty (30) days prior to the public hearing.
- G. Within thirty (30) days of adoption, the Township shall forward a certified copy of the amendment as adopted to the Berks County Planning Commission.

#### § 801. Remedies.

Where any structure is erected, constructed, re-constructed, altered, repaired, converted, or maintained; or where any structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance, or use; to

restrain, correct, or abate such violation; to prevent occupancy or use of said structure or land; to prevent any illegal act, conduct, business, or use in or about such premises; or to prevent the recording of deeds, where appropriate.

**§ 802. Hardship.**

Where conditions existing upon a tract indicate that literal enforcement of this Ordinance would result in unreasonable hardship to the landowner or developer, the Board of Supervisors may make such reasonable exception(s) hereto as will not be contrary to the public interest nor will create any hazard to the public health, safety, or welfare. Within reasonable discretion, the Board of Supervisors may permit the sale of a lot, issuance of a permit, or erection of a structure, subject to conditions necessary to assure adequate streets and other public improvements.

**§ 803. Fees.**

- A. No application for plan review shall be deemed accepted until all required fees have been paid.
- B. The applicant shall reimburse the Township for all engineering and legal expenses incurred by the Township for services rendered by the Township Engineer and Township Solicitor pursuant to the provisions of this Ordinance in accordance with the schedule of fees adopted by the Board of Supervisors.
- C. Upon approval of the final plan, the Township Manager shall refund to the applicant any funds remaining from the fee charged for the purpose of plan review.

**§ 804. Penalties**

- A. Any person, partnership, or corporation as the owner or agent thereof of any lot, tract, or parcel of land who lays out, constructs, opens, or dedicates any street or other improvement for public use or for the common use of occupants of buildings abutting thereon without a final recorded plan approved by the Board of Supervisors, shall be guilty of a civil violation.
- B. Any person, partnership, or corporation as the owner or agent thereof of any lot, tract, or parcel of land who builds upon, sells, offers to sell, transfers, or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development and does not have a final recorded plan approved by the Board of Supervisors, shall be guilty of a civil violation.
- C. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from such remedies as herein provided.

- D. Upon finding of liability for any civil violation as described above, the offender shall be required to pay to the Township a judgment of five hundred (500) dollars plus all court costs, including attorney fees incurred by the Township. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice.
- E. If the offender neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- F. Each day that a violation continues shall constitute a separate violation. However, if the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice; thereafter, each day that a violation continues shall constitute a separate violation.
- G. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- H. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**§ 805. Appeal to Court**

Any person aggrieved by any decision of the Board of Supervisors or Planning Commission may, within thirty (30) days of such decision, appeal to the Court of Common Pleas of Berks County by a duly verified petition, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law and further setting forth the grounds for such complaint.

**§ 806. Repealer**

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**§ 807. Unconstitutional Language**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**§ 808. Effective Date.**

This Ordinance shall become effective on the fifth day after enactment.

(Ord No. 10-05, 6/15/2010; amended by Ord No. 11-01, 3/15/2011)

# APPENDICES

**APPENDIX A**

**APPLICATION FOR REVIEW OF AN OFFICIAL SKETCH & PRELIMINARY SUBDIVISION PLAN**

Robeson Township Planning Commission

The undersigned hereby applies for Review by the Planning Commission of the Township of Robeson of the Official Sketch and Preliminary land subdivision plan submitted herewith and described below:

1. Name of subdivision: \_\_\_\_\_  
Municipality: \_\_\_\_\_ Plan dated: \_\_\_\_\_
2. Name of property owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_
3. Name of applicant: \_\_\_\_\_  
(If other than owner)  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_
4. Applicant's interest is as: \_\_\_\_\_ Equitable owner  
\_\_\_\_\_ Agent or owner
5. Engineer or surveyor responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_  
e-Mail Addr. \_\_\_\_\_ Fax No. \_\_\_\_\_
6. Total acreage: \_\_\_\_\_ Number of lots: \_\_\_\_\_
7. Acreage of adjoining land in same ownership (if any): \_\_\_\_\_
8. Type of lot use proposed: \_\_\_\_\_ Single Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two-Family \_\_\_\_\_ Industrial  
\_\_\_\_\_ Row \_\_\_\_\_ Other  
\_\_\_\_\_ Multi-Family
9. Zoning data, including all of the following which are applicable:  
Classification: \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial  
Minimum lot area \_\_\_\_\_ Sq. Ft.  
Minimum yard requirements: \_\_\_\_\_ Front \_\_\_\_\_ Rear \_\_\_\_\_ Side

(The following to be entered by the Robeson Township Planning Commission)

Subdivision Name: \_\_\_\_\_

Location: \_\_\_\_\_

Accepted for Commission Review on: \_\_\_\_\_

Plan to be considered by Commission on: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_ File No. \_\_\_\_\_

10. Will construction of building be undertaken immediately: \_\_\_\_\_ Yes \_\_\_\_\_ No

By whom: \_\_\_\_\_ Subdivider  
 \_\_\_\_\_ Other developers  
 \_\_\_\_\_ Purchasers of

individual lots

11. Average selling price:           \$ \_\_\_\_\_ Of house and lot  
  \$ \_\_\_\_\_ Of lot only  
  \$ \_\_\_\_\_ Other
12. Type of water supply proposed:       \_\_\_\_\_ Public (municipal) system  
  \_\_\_\_\_ Semi-public (community)  
  \_\_\_\_\_ system  
  \_\_\_\_\_ Individual on-site
13. Type of sanitary sewage  
disposal proposed:                             \_\_\_\_\_ Public (municipal) system  
  \_\_\_\_\_ Live  
  \_\_\_\_\_ Capped  
  \_\_\_\_\_ Semi-public (community)  
  \_\_\_\_\_ system  
  \_\_\_\_\_ Individual on-site  
  \_\_\_\_\_ (septic tank and tile  
  \_\_\_\_\_ field)
14. Type of off-street parking  
proposed:   \_\_\_\_\_ Garages  
  \_\_\_\_\_ Drives  
  \_\_\_\_\_ Other  
  \_\_\_\_\_ None
15. Are all streets proposed for dedication: \_\_\_\_\_ Yes \_\_\_\_\_ No
16. Acreage proposed for park or other public use: \_\_\_\_\_
17. Zoning changes, if any to be requested: \_\_\_\_\_
18. Linear feet of new streets proposed: \_\_\_\_\_
19. Have plans been submitted to the municipality: \_\_\_\_\_ Yes \_\_\_\_\_ No
20. Have appropriate public utilities been consulted: \_\_\_\_\_ Yes \_\_\_\_\_ No

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

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

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

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



**APPENDIX B**

**APPLICATION FOR REVIEW OF A FINAL SUBDIVISION PLAN**

Robeson Township Planning Commission

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

1. Name of subdivision: \_\_\_\_\_  
Municipality: \_\_\_\_\_ Plan dated: \_\_\_\_\_
2. Name of property owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_
3. Name of applicant: \_\_\_\_\_  
(If other than owner)  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_
4. Applicant's interest is as: \_\_\_\_\_ Equitable owner  
\_\_\_\_\_ Agent or owner
5. Engineer or surveyor responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone No. \_\_\_\_\_  
e-Mail Addr. \_\_\_\_\_ Fax No. \_\_\_\_\_
6. Total acreage: \_\_\_\_\_ Number of lots: \_\_\_\_\_
7. Acreage of adjoining land in same ownership (if any): \_\_\_\_\_
8. Type of lot use proposed: \_\_\_\_\_ Single Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two-Family \_\_\_\_\_ Industrial  
\_\_\_\_\_ Row \_\_\_\_\_ Other  
\_\_\_\_\_ Multi-Family
9. Zoning data, including all of the following which are applicable:  
Classification: \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial  
Minimum lot area \_\_\_\_\_ Sq. Ft.  
Minimum yard requirements: \_\_\_\_\_ Front \_\_\_\_\_ Rear \_\_\_\_\_ Side

\_\_\_\_\_  
(The following to be entered by the Robeson Township Planning Commission)

Subdivision Name: \_\_\_\_\_

Location: \_\_\_\_\_

Accepted for Commission Review on: \_\_\_\_\_

Plan to be considered by Commission on: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_ File No. \_\_\_\_\_

10. Will construction of building be undertaken immediately: \_\_\_\_\_ Yes \_\_\_\_\_ No

By whom: \_\_\_\_\_ Subdivider  
 \_\_\_\_\_ Other developers  
 \_\_\_\_\_ Purchasers of



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

**APPENDIX C**

NAME OF DEVELOPMENT: \_\_\_\_\_

AMOUNT OF SECURITY: \_\_\_\_\_

**SUBDIVISION IMPROVEMENT AND MAINTENANCE AGREEMENT**

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and among, \_\_\_\_\_, adult individuals, with an address of \_\_\_\_\_, (hereinafter called the "Developer"); and ROBESON TOWNSHIP, a Township of the Second Class, with an address of 2689 Main Street, Birdsboro, Berks County, Pennsylvania 19508 (hereinafter called the "Township").

**RECITALS**

WHEREAS, Developer has filed with the Township a proposed Subdivision Plan and application for final approval thereof for a certain development known as \_\_\_\_\_, prepared by \_\_\_\_\_, Plan Number \_\_\_\_\_, as revised (hereinafter "Final Plan"); and

WHEREAS, the Final Plan anticipates a total of \_\_\_\_\_ lots; and

WHEREAS, one of the purposes of this Agreement is to provide for full and complete compliance by the Developer with the Final Plan, together with the conditions attached to the approval thereof; and

WHEREAS, Developer has the privilege to sell or transfer title to part or all of said subdivision to a third party developer, it being hereby acknowledged that the terms and conditions of this Improvement and Maintenance Agreement shall be binding upon said purchasers or successors in title, if any; and

WHEREAS, the Developer desires to complete the construction of the improvements as contemplated in the Final Plan, and carry out all of the other conditions imposed upon the approval of the Final Plan by Robeson Township; and

WHEREAS, in lieu of completion of the improvements required as a condition for final approval of the Final Plan, the Developer must deposit with the Township: (1) financial security in an amount sufficient to cover the cost of said improvements, plus inspection and related costs and a contingency amount, in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_); and (2) upon completion of the improvements, financial security to secure structural integrity and the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan and in accordance with the Township's Subdivision and Land Development Ordinance; and

WHEREAS, Developer further acknowledges and agrees that compliance with all terms and conditions of this Agreement and completion of all improvements as set forth or as anticipated by this Agreement, is a necessary condition of the Township's approval of the Final Plan and that the Developer shall, to the extent that the terms and conditions of this Agreement are not satisfied and undertaken by Developer and to the extent that the financial security submitted herewith is insufficient to permit Township to complete the construction or installation of said improvements, provide for their dedication to the Township (where applicable) or satisfy the required maintenance and repair thereof, that the Developer shall be responsible and liable for the installation, completion, offer for dedication and maintenance of said improvements and Developer further expressly and voluntarily acknowledges and

agrees that Township shall have the specific and expressed right to withhold any and all permits, approvals, authorizations and other required consents with regard to the continued development of said project;

NOW, THEREFORE, the parties hereto, in consideration of the preamble and undertakings thereof, and intending to be legally bound, hereby agree as follows:

1. The Recitals and the terms and conditions as therein set forth, shall specifically be made a part of this Agreement.

2. The Final Plan, as approved by the Township, is identified as the \_\_\_\_\_, approved on \_\_\_\_\_. The Final Plan shall be comprised of the approved plan, together with all conditions attached thereto and appearing thereon or annexed thereto.

3. Developer shall cause to be installed in accordance with the Final Plan all required improvements, including, but not limited to, storm drains, streets, roads, driveways, storm water detention and/or retention basins and other related drainage facilities, monuments, signs, and any other required actions, improvements or facilities designated on or required by the Final Plan or the conditions of approval thereof (hereinafter "Improvements").

4. All work in construction and installation of the Improvements, as well as all permits issued or to be issued by the Township and any other regulatory authority pursuant thereto or in furtherance thereof, shall be done in strict compliance with the Final Plan, the conditions imposed upon the approval thereof by the Supervisors of the Township, and the ordinances, rules or regulations of the Township heretofore adopted or promulgated, as well as in accordance with good and workmanlike construction practices.

5. Any change or amendment to the Final Plan or any permit or other document issued or to be issued in furtherance thereof, shall not be valid until the Township's approval thereof is endorsed in writing thereon, together with the date of such endorsement.

6. All construction and installation of the Improvements shall be subject to inspection and approval by the Township Engineer in accordance with all applicable Township and/or State specifications and procedures and no Use and Occupancy Certificate shall be issued for any structure on or about any portion of the subdivision as may be affected by the Improvements until the Township Engineer has inspected the construction and approved the same, which approval shall not be unreasonably withheld.

7. In any portion of the Improvements proposed to be offered for dedication to the Township, Developer agrees that any and all contractors and subcontractors who will be providing services for the installation of any such part shall conform with the terms and standards of the Workmen's Compensation Reform Act, Act 44 of 1993, and shall provide to the Township before commencement of such work a copy of a worker's compensation certificate which includes the name of the contractor, the contractor's federal employer identification number, the effective date of coverage, the name and signature of the insurer, and the workmen's compensation policy number; to the extent that any such certificate would expire during the term of the work to be performed hereunder, such certificate shall be replaced, by way of the submission of a new certificate reflecting that coverage has continued or remained in effect during the term of such work. And further, any contractor or subcontractor who receives notice of the termination or the expiration of such insurance coverage shall immediately notify the Township of the same and shall cease and desist from any and all further work on said project until insurance coverage has been obtained or in the alternative, should the Township determine that such coverage has expired or been terminated and the contractor or subcontractor has failed to give notice of such expiration or termination, the Township shall be entitled to enter onto the project and give immediate notice to cease and desist from any further work on said project.

8. Any underground utilities shall be installed before paving of streets or portions thereof. Developer shall make all necessary arrangements with and secure approvals from the public utilities serving the development for the location and installation of all utility facilities; and, further, agrees that all requirements of those utilities or other governmental regulatory agencies having jurisdiction thereof will be complied with in the installation and construction of such facilities.

9. For the sole purpose of establishing the amount of financial security to be required by the Township from the Developer pursuant to the Pennsylvania Municipalities Planning Code, the Developer has provided to the Township an estimate of the costs necessary to complete the Improvements. The estimate of the costs of the Improvements has been reviewed by the Township Engineer. These projected estimated costs, after review, modification and approval by the Township and its Engineer, are appended hereto as Exhibit "A", and made a part hereof.

10. To insure completion of the Improvements, the Developer shall, contemporaneously or prior to the execution of this agreement by the Township, deposit with the Township a form of financial security equal to the costs of the Improvements established as aforesaid, including, without limitation, inspection and administrative costs and a contingency amount.

11. In the event Developer requires more than one (1) year from the date of posting of the financial security to complete the Improvements, the Developer may, at least thirty (30) days prior to the expiration of said one (1) year term, request approval from the Township for an extension of time to complete the Improvements, and the amount of the security shall be increased by an additional ten percent (10%) for each one (1) year period or part thereof beyond the first anniversary date from the initial posting of the security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the Improvements as re-established and approved by the Township Engineer within the thirty (30) day period immediately preceding expiration of the initial one (1) year period.

12. The Developer may request, in writing, that the Township release or authorize release, from time to time, of such portions of the financial security necessary for the payment of the contractor or contractors performing the work or completing the installation and construction of the Improvements. Developer agrees that the Township's liability to release any such funds held as financial security shall be in accordance with the provisions and terms of release set forth herein. With respect to such financial security, the Township may authorize partial releases of such security to the Developer or to the contractor or contractors so designated by the Developer who has performed the work for which the release is sought, subject to pre-approval of all invoices or vouchers therefor by the Developer and the Township Engineer.

13. For purposes of this Agreement, the financial security required to be set aside for the benefit of the Township to secure completion of the improvements required by the Final Plan is determined and established to be the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_). No change or alteration in the amount hereof shall be authorized or valid unless and until approved by the Township in writing and appended to this Agreement as an addendum hereto. The said financial security shall be issued and tendered to the Township in the form of an irrevocable Letter of Credit issued by \_\_\_\_\_ Bank, which financial security shall be tendered concurrent with the execution of this Agreement. The Letter of Credit shall contain an "evergreen" provision, which shall provide that the Letter of Credit shall not expire or be terminated without at least thirty (30) days prior written notice to the Township.

14. Unless there is an agreement with the Township to the contrary, Developer shall remove all mud, debris, salt, snow and cinder and make passable any streets and roads or portions thereof within the

development and keep same passable commencing from the date of this Agreement. By \_\_\_\_\_ of each year, the Developer shall, by written notification to the Township, advise the Township of the name and telephone number of the individual, firm, person or corporation, together with a designated contact person, who will be responsible to perform the work required by this paragraph. If the Developer fails in its responsibility, as required by this paragraph, without any prior notice to the Developer, the Township may, in its discretion, undertake the Developer's responsibility and plow and keep passable said roadways or portions thereof, either with its own or with hired men and equipment, and the Township shall be reimbursed from the financial security for the cost of said work, plus an administrative fee of twenty percent (20%). Should the exercise of the Township's rights hereunder cause a deficiency to occur in the security, the Township shall advise the Developer who shall immediately restore the financial security to the full amount required hereunder.

15. Developer shall be responsible for the mowing or maintenance of all vegetative growth on the site, discarding of waste materials, including all construction waste materials and any other materials related to construction and development. No waste materials shall be buried on the site. Waste materials shall be prevented from being blown upon land adjacent to or in the vicinity of the development. In the event the provisions of this paragraph are violated, the Township shall give written notice to correct such violation within five (5) business days of the date of such notice, and if the violation is not corrected within that time, the Township may cause the violation to be corrected or cured at the Developer's cost. Developer agrees to pay all costs incurred to remedy and cure such violation within thirty (30) days of Developer's receipt of billing therefor. Failing such payment, the Township is hereby authorized to deduct such cost from the financial security, plus an administrative fee of twenty percent (20%). Should the exercise of the Township's rights hereunder result in a deficiency in the security, the Township shall advise the Developer who shall immediately restore the financial security to the full amount required hereunder.

16. Upon satisfaction of all of the conditions attached to approval of the Final Plan, including, without limitation, the execution of this Agreement and deposit with the Township of the required financial security, Developer shall be entitled to apply for the issuance of building, grading or other permits relating to the erection or placement of the Improvements upon the lots or land as depicted upon the Final Plan.

17. In the event of the Developer's failure to timely construct the Improvements in a good and workmanlike manner consistent with accepted construction and engineering practices and in accordance with the Final Plan and the terms and conditions of this Agreement, the Township shall give written notice thereof to the Developer specifically describing those conditions or improvements which are not in compliance therewith, and shall provide the Developer a period of thirty (30) days to complete the Improvements, except in case of emergency, in which event Developer shall correct such conditions immediately, but in no event later than forty-eight (48) hours after notice, either oral or written, or such further time as shall be agreed upon in writing by the Developer and the Township. Provided, however, that the failure of the Developer to cure at least fifteen (15) days prior to the lapse of the financial security shall be a default entitling Township to draw down said financial security without the necessity of prior thirty (30) days notice to the Developer.

18. Where the Developer has made written request to the Township to inspect the Improvements or stages of the Improvements which the Developer deems complete, the Township shall have forty-five (45) days from receipt of such written request within which to allow the Township Engineer to certify to the Township that such portion of the work upon the Improvements has been completed.

19. (a) If the Improvements or any of them are not timely completed within any period required by this Agreement or the Final Plan approval or such other extension period as the Township may approve, the Developer shall be in default of this Agreement, and the Township is authorized to cure the Developer's defective performance or nonperformance and charge all construction and other costs thereof, including, but not limited to, labor and materials, directly to the Developer, payment for which shall be made by the Township expending or

drawing against the financial security posted by the Developer either before or after such cure. By execution of this Agreement, the Developer authorizes, without limitation, any escrow agent or lending institution holding or issuing the requisite financial security guaranteeing completion of the Improvements, as hereinabove described, to pay to the Township, without further order or approval of the Developer, any sum or sums demanded by the Township to cure Developer's defective performance or non-performance. Further, the Developer hereby remises, releases and forever discharges the escrow agent or lending institution from any and all liability with respect to any sum or sums so paid or released, and directs that the same shall be paid or released, at the Township's sole discretion and direction, without further inquiry being made, and without any approval whatever by the Developer.

(b) In the event of a default by the Developer, the Township may, at its discretion, but shall not be required to, exercise any one or more of the following additional remedies, which remedies shall be deemed cumulative and not exclusive.

(1) Cause the removal of any contractor or subcontractor, materialman or other person from the job and cause the work to be performed or materials furnished by other reputable persons or firms (without the necessity of submitting to public bid), paying the costs thereof to the extent same is available from the financial security.

(2) Cause the removal of any contractor, materialman, laborer or other person and enter into a contract or contracts for a substitution thereof in the name of and upon the sole credit of the Developer, without the necessity of submitting the same to public bid.

(3) In the event of any deficiency in the financial security, proceed against the Developer as may be provided for by the Pennsylvania Municipalities Planning Code or as may otherwise be provided for herein.

(4) Cause any default in improvements, corrections, repairs, maintenance or removal to be cured, pay the same and enter the amounts expended, together with costs, including reasonable attorney's fees, as a municipal lien against the lands of the Developer as the Township may elect.

(5) Any other remedy available at law or in equity.

(6) In the event of the exercise of any of the foregoing remedies, there shall be included within the amount due for cure of the default a reasonable attorney's fee, together with interest at the rate of two percent (2%) above the then current prime rate, plus costs.

20. Developer agrees to notify the Township Engineer forty-eight (48) hours in advance of the commencement of any construction or installation of any portion of the Improvements in order to assure that adequate provision is made for appropriate inspection by the Township, its agents, servants and employees.

21. Upon completion and approval of the Improvements, the Developer agrees to tender the following documents to the Township:

(a) Deed(s) of Dedication (in triplicate) in customary form satisfactory to the Township Solicitor dedicating to the Township all streets and roads, or portions thereof, as and for public roads, and any easements required by the Final Plan; and,

(b) Financial security to secure structural integrity and functioning of the Improvements in accordance with their design and specifications and the Township's Subdivision and Land Development Ordinance



for a term not to exceed eighteen (18) months from the date of approval by the Township and in an amount equal to fifteen percent (15%) of the actual cost of installation of the Improvements; Developer shall repave, repair and resurface the roads and streets, or any of them, or any portion of them, and keep all other Improvements in good order and repair for said eighteen (18) month period, subject to the reasonable direction of the Township Engineer, and to make such other repairs or install replacements as the Township considers necessary by reason of inadequate, improper or defective construction, materials or workmanship or other cause; and,

(c) An amount equal to the cost of recording such Deed or Deeds of Dedication, together with the Township's legal expenses, if any, incurred in the preparation or review of said Deed(s) of Dedication.

(d) An amount equal to the cost of preparing, advertising and enacting, including legal expenses related thereto, any traffic regulation ordinance required by the Final Plan or the conditions imposed upon the approval thereof.

22. Acceptance of dedication of roads or other public improvements shall be within the sole and absolute discretion of the Board of Supervisors of the Township which will not be unreasonably withheld.

23. The Township's right to cure the Developer's defective performance in maintenance, repair or replacement of the Improvements within the eighteen (18) month period, as aforesaid, including the Township's right to expend or draw against the posted maintenance financial security, shall be identical to those rights granted the Township over the performance guarantee described in Paragraph 19 above.

24. The Developer agrees that it is responsible for and will reimburse to the Township the Township Solicitor's charges for legal services rendered in connection with the administration and enforcement of the Final Plan and this agreement, preparation and review of any documentation related hereto, and in those instances where the Township Solicitor prepares any necessary Declaration(s) or Deed(s) of Dedication, the Township Solicitor's charges therefor. Such charges shall be in accordance with the Solicitor's normal charge to the Township calculated on an hourly basis. In addition, the Developer agrees that it is responsible for and shall reimburse to the Township all engineering and inspection fees incurred by the Township for all field inspections by the Township Engineer during the course of development. Such fees shall be in addition to all of the Township's regular subdivision and land development review and approval fees, construction permit fees and use and occupancy fees to be charged by the Township to the Developer.

25. Within thirty (30) days after completion and approval by the Township of the Improvements and before acceptance of any of the Improvements, the Developer shall submit to the Township a corrected copy of the Final Plan, showing actual dimensions and conditions of streets and all other improvements, certified by the Developer to be in accordance with actual construction.

26. It is understood and agreed that the Township has reviewed the Final Plan and specifications for the purpose solely of protecting the interests of the Township and has not thereby expressly or impliedly warranted the technical suitability of the Improvements, their design, installation or construction. The Township and Developer acknowledge that the Township disclaims all liability for design, construction, installation or operational defects, which disclaimer extends to the Township, its agents, servants, employees, and/or other independent consultants who have reviewed or rendered services to the Township with regard to the Final Plan and project.

27. Nothing herein shall constitute acknowledgement, approval or agreement to the further development of \_\_\_\_\_, except to the extent that \_\_\_\_\_ may be the subject of further plan submission in accordance with the Municipalities Planning Code.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on the date first indicated hereinabove.

DEVELOPER

\_\_\_\_\_  
\_\_\_\_\_

ROBESON TOWNSHIP

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF BERKS :

On this, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the subscriber, a Notary Public, in and for the said County and State, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF BERKS :

On this, the \_\_\_\_ day of \_\_\_\_\_, 2009, before me, the subscriber, a Notary Public, personally appeared \_\_\_\_\_, who acknowledged himself to be the Chairman of the Board of Supervisors of Robeson Township, and that he as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Township by himself as Chairman.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

Exhibit "A"  
Estimated Improvements Cost

## **APPENDIX D**

### **LANDSCAPE GUIDE**

The following lists recommend particular plant species which are appropriate for the landscaping requirements of this Ordinance. In no case should these recommendations be interpreted to prohibit any species. Indeed, the lack of ornamental species on these pages is not meant to discourage ornamental plantings, but is simply a reflection of the fact that most ornamental varieties are unsuitable for the specific purposes which are required by the regulations of this Ordinance. In a few cases, specific varieties or cultivars are recommended. In most cases, this decision is the province of the developer.

The species listed below have been deemed suitable for use in various applications within Robeson Township. Designers are advised that the list should be used as a general guide only. Some of these species may be inappropriate under some circumstances and there are others not listed here which, under certain conditions, could be successfully used in specific applications. If a species other than one of those listed here is proposed, the applicant should be prepared to explain their suitability for the proposed purpose and setting.

#### **SCREENS OR BUFFERS**

For all screens and buffers, the use of a variety of species is encouraged in order to minimize the effects of plant diseases: excessive planting of a single species raises the possibility that the screen or buffer would need to be replaced if a disease peculiar to that species is introduced. Where screening is required to meet the requirements of Robeson Township, Applicants must select species which will provide sufficient screening using a mix of species within a period not to exceed five (5) years.

#### **STREET TREES**

Street trees must be selected for their suitability to the local climate, size, shape, hardiness, and cleanliness. Note that the list of shade trees is a guide only: some of these species may be inappropriate under some circumstances and there are others not listed here which, under certain conditions, could be successfully used as street trees. While some variety is appropriate in the interest of avoiding the effects of disease, too much variety will result in an unattractive streetscape.

#### **PARKING LOTS**

Many of the street trees are also suitable for landscaping in parking lots. Species with somewhat smaller size are particularly well-suited for parking areas (which makes them generally inappropriate as street trees). In general, species used in parking lots should have a high salt tolerance and should be a generally hardy tree.

<u>Shade Trees</u>	<u>Common Name</u>	<u>Botanical Name</u>
	Red Maple, ST	Acer rubrum
	Sugar maple, ST	Acer saccharum
	White ash, ST	Fraxinus Americana
	Green ash, ST	Fraxinus pennsylvanica
	Sycamore	Platanus occidentalis
	White oak, ST	Quercus alba
	Northern red oak, ST	Quercus rubra
	Tulip poplar	Liriodendron tulipifera
	Scarlet oak, ST	Quercus coccinea
	Pin oak, ST	Quercus palustris
	Shagbark hickory	Carya ovata
	American basswood	Tilia Americana
	American beech	Fagus grandifolia
	Black cherry	Prunus serotina
	London plane tree	Platanus acerifolia

“ST” indicates suitability for street tree placement

#### Evergreen Trees

Eastern redcedar	Juniperus virginiana
Canadian Hemlock	Tsuga Canadensis
Norway spruce	Picea abies
Eastern White Pine	Pinus strobes

#### Small Trees and Shrubs

Rhododendron	Rhododendron sp.
Black chokecherry	Aronia melanocarpa
Shadbush/Serviceberry	Amelanchier Canadensis
Redbud	Cercis Canadensis
Flowering dogwood	Cornus florida white
Winterberry	Ilex verticulata
Washington hawthorn	Crataegus phaemopyrum
Sourwood	Oxydendrum arboretum
Ironwood	Ostrya virginiana
Arrowwood	Viburnum dentatum
Black Haw	Viburnum prunifolium
Maple leaf viburnum	Viburnum acerifolium
Mountain laurel	Kalmia latifolia
Highbush blueberry	Vaccinium corybosum
Lowbush blueberry	Vaccinium vacillans
Common juniper	Juniperus communis

Further, [www.plantnative.com](http://www.plantnative.com) and [www.forestthreats.org](http://www.forestthreats.org) are suggested as additional resources for selection of appropriate species.

**APPENDIX E**

The following is the standard notation that should be placed on subdivision plans in compliance with §301.E.3. which requires a space for the Township Engineer's signature:

THIS PLAN HAS BEEN REVIEWED BY THE ROBESON TOWNSHIP ENGINEER IN ACCORDANCE WITH CURRENT SUBDIVISION AND ZONING ORDINANCES.

\_\_\_\_\_, 20 \_\_\_\_

**APPENDIX F**  
**ROBESON TOWNSHIP**  
**REQUIREMENTS FOR FRONTAGE IMPROVEMENTS**

**APPENDIX 6**

**ROBESON**  
**TOWNSHIP**  
**REQUIREMENTS FOR**  
**FRONTAGE**  
**IMPROVEMENTS**

ELEMENT	ARTERIAL	MAJOR COLLECTOR	MINOR COLLECTOR	LOCAL ACCESS
	Section E.3.b.	Section E.4.b	Section E.4.b	Section E.5.b.
ROADS	S.R. 0010 S.R. 0724	S.R. 0082 S.R. 0568 Whitebear	Gibraltar, Golf Course Chestnut Hill, Cocalico Furnace, Plow, Hopewell Buck Hollow, Red Hill Schuylkill, Weaver Cold Run, Old River Cedar Hill, Rock Hollow Quarry, Westley Alleghenyville	All Other
LANES	Nothing Required	Half width reconstruction as directed	Half width reconstruction as directed	Half width reconstruction as directed
* SHOULDERS (CARTWAY <20 FT)	Greater of PennDOT requirement or 4 ft wide Type 3	4 ft - Type 3: >5% slope 4 ft Graded: <5% slope	4 ft - Type 3: >8% slope 4 ft Graded: <8% slope	4 ft Graded
* SHOULDERS (CARTWAY >20 FT)	Greater of PennDOT requirement or 4 ft wide Type 3	4 ft - Type 3	4 ft - Type 3	4 ft - Type 3
GRADING	PennDOT Requirement	1-1/2 to 1 in cut 2 to 1 in fill or guiderail	1-1/2 to 1 in cut 2 to 1 in fill or guiderail	1-1/2 to 1 in cut 2 to 1 in fill or guiderail



TREES & STUMPS	Greater of PennDOT requirement or remove 8 ft from road	Remove 8 ft from road	Remove 6 ft from road	Remove 4 ft from road
LIMBS & BRUSH	Clear to 16 ft above shoulder to 8 ft from road	Clear to 16 ft above shoulder to 8 ft from road	Clear to 16 ft above shoulder to 6 ft from road	Clear to 16 ft above shoulder to 4 ft from road
DRAINAGE/ SAFETY FEATURES/ OTHER	Address problem areas case by case based on site inspection	Address problem areas case by case based on site inspection	Address problem areas case by case based on site inspection	Address problem areas case by case based on site inspection

\* Note that Shoulder treatment shall be uniform across the entire frontage in conformance with the most restrictive requirement.

**APPENDIX G**

The following is the standard form of indemnification to be placed on subdivision plans as a condition of placement of a well downhill of a proposed on-lot sewage disposal site in accordance with §513.B.1.:

DEVELOPERS, \_\_\_\_\_ , THEIR HEIRS, EXECUTORS AND ASSIGNS, HEREBY RELEASE ROBESON TOWNSHIP OF ANY AND ALL CLAIMS, DEMANDS OR LAWSUITS, ON ACCOUNT OF A WELL OR WATER SUPPLY BEING SITUATE BELOW OR AT A LOWER LEVEL THAN A PROPOSED ON-SITE SEWER SYSTEM FOR SAID LOT(S) \_\_\_\_\_.

\_\_\_\_\_  
(DEVELOPER)

**APPENDIX H**

The following is the required format for the Professional Surveyor's Certification that must be placed on subdivision plans in compliance with §303.E.12.:

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE ROBESON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

\_\_\_\_\_, 20\_\_\_\_\_

\* \_\_\_\_\_

\*\*

\* Signature of the registered Surveyor responsible for the preparation of the plan.

\*\* Seal of the Surveyor

**APPENDIX I**

The following is the required format for the Owner's Certification that must be placed on subdivision plans in compliance with §303.E.13-14.:

ON THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED \_\_\_\_\_, BEING \_\_\_\_\_ OF \_\_\_\_\_ WHO BEING DULY SWORN ACCORDING TO LAW AND SAYS THAT \_\_\_\_\_ IS THE \* \_\_\_\_\_ OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLAN THEREOF WAS MADE AT ITS DIRECTION, THAT IT ACKNOWLEDGES THE SAME TO BE ITS ACT AND PLAN, AND DESIRES THE SAME TO BE RECORDED, AND THAT ALL STREET AND OTHER PROPERTY IDENTIFIED AS PROPOSED PUBLIC PROPERTY ARE HEREBY DEDICATED TO THE PUBLIC USE.

\*\* \_\_\_\_\_  
\*\*\* \_\_\_\_\_

20\_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_ ,

- \* Identify Ownership or Equitable Ownership
- \*\* Signature of Individual
- \*\*\* Signature and Seal of Notary Public