

## CHAPTER 22

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## Part 1

### Authority, Title and Purpose

#### **§100. Authority.**

This Chapter 22 provides for the control of the subdivision and development of land and the approval of plans and replats of land within the jurisdiction of the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, ordained by the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, under the Authority of Article V of the “Pennsylvania Municipalities Planning Code,” Act of the General Assembly No. 247 of 1968, as amended. (Ord. 337, 12/-/1973, §1.00)

#### **§101. Title.**

This Chapter 22 shall be known and may be cited as “The Subdivision and Land Development Ordinance of the Borough of Mohnton.” (Ord. 337, 12/-/1973, §1.05)

#### **§102. Purpose.**

1. The purpose of this Chapter 22 shall be to provide uniform standards to guide the subdivision, resubdivision and development of land of the Borough of Mohnton in order to promote the public health, safety, convenience and general welfare of the Borough. It shall be administered to insure orderly growth and development; the conservation, protection and proper use of land; and to provide adequate provisions for traffic circulation, recreation, utilities and services.
2. It is not intended by this Chapter 22 to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this Chapter 22, or with private restrictions placed upon property by deed, covenant or other private agreement.

(Ord. 337, 12/-/1973, §1.10)



## Part 2

### Jurisdiction and Application

#### **§200. Compliance with Provisions.**

After the effective date of this Chapter 22, no subdivision or land development or any lot, sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter 22. (Ord. 337, 12/-/1973, §2.05)

#### **§201. Application of Provisions.**

The provisions of this Chapter 22 shall not apply to a subdivision recorded prior to the effective date of this Chapter 22. The provisions of this Chapter 22 shall apply to and control all other subdivisions and land developments within Mohnton Borough, except as provided for in §§203 and 204. (Ord. 337, 12/-/1973, §2.10)

#### **§202. Replatting and Resubdivision.**

Any replatting or resubdivision of land, including a change of a recorded plan, shall be considered a new subdivision and shall comply with the provisions of this Chapter 22. (Ord. 337, 12/-/1973, §2.15)

#### **§203. Effect of Change in This Chapter.**

Changes in this Chapter shall affect plats as follows:

1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of this Chapter, zoning or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Chapter, zoning or other gov-

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erning ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

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

(Ord. 337, 12/-/1973, §§2.20, 2.25; as amended by Ord. 516, 6/10/1992)

**Part 3**  
**Procedures**

**§300. Submission and Review Requirements.**

1. Hereafter, subdivision and land development plans shall be reviewed by the Borough Planning Commission, the County Planning Commission and other Borough, State, or County officials as necessary, and shall be approved or disapproved by the Borough Council in accordance with the procedures specified in this Part 3 and in other sections of this Chapter 22.
2. For all subdivision and land developments except those exempted from standard procedures, a Preliminary Plan, and a Final Plan must be submitted. Those subdivisions exempted from this procedure and the procedures to follow in the case of exempted subdivisions are to be found in §305 of this Part 3. [Ord. 516]

(Ord. 337, 12/-/1973, §3.00; as amended by Ord. 516, 6/10/1992)

**§301. Sketch Plan.**

1. Prospective subdividers and developers are strongly urged to discuss possible development with the Planning Commission prior to submission of a preliminary plan. A sketch plan shall be presented for review not less than 10 days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan with the Borough.
2. Data furnished in a sketch plan shall be at the discretion of the prospective applicant. For fullest usefulness, it is suggested that a sketch plan should include the following information:
  - A. Tract boundaries.
  - B. Location within the Borough.
  - C. North point.
  - D. Streets on and adjacent to the tract.
  - E. Significant topographical physical features including floodplains, if any.
  - F. Proposed general street layout.

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- G. Proposed general layout of the development, including location of proposed open space and other preservation areas and other general features of the development.
- H. A sketch plan need not be to scale nor are precise dimensions required.

(Ord. 337, 12/-/1973, §3.10; as amended by Ord. 516, 6/10/1992)

### **§302. Preliminary Plan.**

1. Submission. Preliminary Plans and required supplementary data for all proposed subdivisions and land developments, except minor subdivisions, shall be submitted in person by the Subdivider or his agent to the Borough Secretary.
  - A. The Borough Council shall, within 90 days after an application for review of a Preliminary Plan is filed with the Borough, review the Plan and notify the Subdivider of its action regarding the Plan. The Preliminary Plan shall not be considered as officially accepted for review, nor officially submitted to the Borough nor officially filed with the Borough until the date on which the Borough Planning Commission sends by certified or registered mail to the Subdivider or his agent a Preliminary Plan Receipt and a letter indicating the Borough Planning Commission's intent to review the Plan.
  - B. The Borough Planning Commission shall determine whether all the requirements of §302(2) and §401 are met. If the requirements of these two Sections are not met the Planning Commission may indicate in writing to the Subdivider or his agent the Commission's intention to not review the Preliminary Plan and request that the Plan be resubmitted to comply with the requirements of §302(2) and §401. The Planning Commission shall indicate in what ways the Plan did not comply with the requirements of these Sections if the Commission declines to review the Plan as submitted.
  - C. The Secretary of the Borough Planning Commission shall send a Preliminary Plan Receipt or a letter indicating refusal to review a plan to the Subdivider or his agent within two weeks of the date the Preliminary Plan was submitted to the Borough Secretary.
2. Official Submission of a Preliminary Plan shall include:
  - A. Submission of five completed Applications for Review of Preliminary Subdivision Plan (Form LSR-2).
  - B. Submission of 14 blue-on-white or black-on-white prints on paper of the Preliminary Plan. If a subdivision is located in or is adjacent to another municipality, one additional print shall be submitted for each additional municipality involved.

- C. Twelve copies of all other information and plans which are required.
- D. Payment of the filing fee.
- 3. Distribution. The Borough Secretary shall distribute submitted information as follows:
  - A. To the County Planning Commission.
    - (1) Two prints of the Preliminary Plan plus one additional print of the Preliminary Plan in each of the following circumstances:
      - (a) Whenever the property being subdivided abuts a State legislative route.
      - (b) Whenever a proposed subdivision is located in or adjacent to more than one municipality, in which case one additional print shall be submitted for each additional municipality involved.
    - (2) Three prints for use by the Berks County Conservation District.
    - (3) One copy of the Application for Review of Preliminary Subdivision Plan.
    - (4) Five copies of all other required information and plans.
  - B. To the Borough Planning Commission.
    - (1) Two copies of the Plan.
    - (2) One copy of the Application for Review of Preliminary Subdivision Plan.
    - (3) Two copies of all other required information and plans.
  - C. To the Borough Engineer.
    - (1) Two copies of the Plan.
    - (2) One copy of the Application for Review of Preliminary Subdivision Plan.
    - (3) Two copies of all other required information and plans.
  - D. To the Borough Zoning Officer. One copy of the Plan.
  - E. To the President of the Borough Council.

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- (1) Two copies of the Plan.
  - (2) One copy of the Application for Review of Preliminary Subdivision Plan.
  - (3) Two copies of all other required information and plans.
- F. To be retained by the Borough Secretary.
- (1) One copy of the Plan.
  - (2) One copy of the Application for Review of Preliminary Subdivision Plan.
  - (3) One copy of all other required information and plans.
4. Review. When a Preliminary Plan has been officially accepted for review, the Borough Planning Commission shall review the Plan at a regularly scheduled or special meeting to determine its conformance to the standards contained in this Chapter 22 and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this Chapter 22.
- A. The Borough Engineer and the Borough Zoning Officer shall review each Preliminary Plan to determine whether the Plan meets the requirements of this Chapter 22 and the Borough Zoning Chapter 27, and if the Plan does not meet these requirements recommend what modifications in the Plan are necessary to secure compliance with the requirements of these regulations.
- B. When reviewing a Plan at a regularly scheduled or special meeting the Borough Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision in question from the following:
- (1) The Borough Engineer.
  - (2) The Borough Zoning Officer.
  - (3) The County Planning Commission.
  - (4) When the property being subdivided abuts a State Legislative Route or when preliminary highway design would affect the property, the report of the Pennsylvania Department of Transportation on the effect of the proposed subdivision on existing or proposed State Highway facilities.
  - (5) The report of the Berks County Conservation District regarding sediment and erosion control.

- C. Within five calendar days after the meeting at which the Preliminary Plan is reviewed by the Borough Planning Commission, the Planning Commission shall notify the following of the action taken by the Borough Planning Commission regarding the Preliminary Plan. If the review of the Borough Planning Commission is unfavorable because the requirements of this Chapter 22 have not been met or because the Commission deems modifications in the Plan as submitted desirable or necessary, the recommended modifications in the Plan and/or the specific provisions of this Chapter 22 which have not been met shall be noted. If the Preliminary Plan is recommended to be approved subject to conditions, those conditions shall be noted. If the Preliminary Plan is recommended to be approved as submitted, that fact shall be noted.
  - (1) The Borough Secretary.
  - (2) The President of the Borough Council.
  - (3) The Borough Engineer.
  - (4) The Borough Zoning Officer.
  - (5) The County Planning Commission.
  - (6) The Subdivider or his agent.
- 5. Review by Borough Council. After a Preliminary Plan has been reviewed by the Borough Planning Commission, the Plan shall be reviewed at a regularly scheduled or special meeting of the Borough Council
  - A. At a regularly scheduled or special meeting the Borough Council shall review the Preliminary Plan and the written reports of the Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer, and all other reports which may have been received from County and State agencies. The Borough Council shall either approve or disapprove the Plan. No official action shall be taken by the Borough Council with respect to a Preliminary Plan until the Borough has received the written report of the County Planning Commission provided that the report is received within 30 days after the County Planning Commission received a request to review the Preliminary Plan. Failure of the County Planning Commission to act within 30 days shall constitute County approval of the Plan as submitted and the Borough Council may officially act on the basis of such approval.
  - B. Within five days after the meeting at which the Plan is reviewed, the Borough Secretary shall notify in writing the following of the action taken by the Borough Council regarding the Preliminary Plan:
    - (1) Borough Planning Commission.

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- (2) Borough Engineer.
  - (3) Borough Zoning Officer.
  - (4) County Planning Commission.
  - (5) Subdivider or his agent.
- C. Before acting on a Preliminary Plan, the Borough Council may arrange for a public hearing on the Plan, giving public notice as defined by law.
- D. The Borough Council shall within 90 days after the date the Borough accepted a Preliminary Plan for review notify the Subdivider or his agent of the action taken by Council.
- E. The action of the Council may be favorable, approving the Plan, or unfavorable, disapproving the Plan. The findings and reasons upon which the Council's action is based shall be given in writing to the individuals and groups listed in Subsection (B) and stated in the minutes of the meeting at which the Council reviews the Plan. When the Plan as submitted is not approved, the report shall specify the requirements of this Chapter 22 which have not been met and recommend changes which should be made in the Plan to secure approval.
- F. The approval of a Preliminary Plan does not authorize the recording of the Subdivision Plan nor the sale, lease, or transfer of lots.
- G. When a Preliminary Plan has been approved no subsequent change in the Zoning, Subdivision, or other governing regulations or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from the date of such approval. The terms of such approval shall be construed in light of the provisions of the governing regulations or plans as they stood at the time approval was given. [Ord. 516]
- H. Approval Stipulations. The approval of a Preliminary Plan shall assure a Subdivider that:
- (1) The general layout of streets, lots and other features shown on the Preliminary Plan is approved and shall be the basis for the preparation of final detailed improvement plans and the Final Plan, provided that the Final Plan is submitted within one year of the date of the approval of the Preliminary Plan or submitted within an extended period of time if such an extension is approved by the Borough Council.
  - (2) The general terms and any special conditions under which the approval of the Preliminary Plan was granted will not be changed. The Subdivider should note that a Final Plan not submitted within one

year of the date of approval of a Preliminary Plan, or within an extended period of time if such an extension is granted by the Borough Council, may be considered a new Preliminary Plan.

(Ord. 337, 12/-/1973, §3.20; as amended by Ord. 516, 6/10/1992)

**§303. Final Plan.**

1. Submission. Within 12 months after approval of the Preliminary Plan, the Subdivider or his agent shall submit a Final Plan with all necessary supplementary data in person to the Borough Secretary. An extension of time may be granted by the Borough Council upon written request, provided that the extension of time shall not exceed one year. Failure to meet this time limitation may result in a determination by the Borough that it will consider any plan submitted after 12 months as a new Preliminary Plan.
  - A. The Borough Council shall within 90 days after a Final Plan is filed with the Borough review the Plan and notify the Subdivider of its action regarding the Plan. The Final Plan shall not be considered as officially accepted for review, nor officially submitted to the Borough nor officially filed with the Borough until the date on which the Borough Planning Commission sends by certified or registered mail to the Subdivider or his agent a Final Plan Receipt and a letter indicating the Borough Planning Commission's intent to review the Plan.
  - B. The Borough Planning Commission shall determine whether all the requirements of §303(C) and (D) and §402 of this Chapter 22 are met. If the requirements of these §§303 and 402 are met, the Planning Commission may indicate in writing to the Subdivider or his agent the Commission's intention to not review the Final Plan and request that the Plan be resubmitted to comply with the requirements of §§303(D) and (E) and §402. The Planning Commission shall indicate in what ways the Plan did not comply with the requirements of these §§303 and 402 if the Commission declines to review the Plan as submitted.
  - C. The Secretary of the Borough Planning Commission shall send a Final Plan Receipt or a letter indicating refusal to review a Plan to the Subdivider or his agent within two weeks of the date the Final Plan was submitted to the Borough Secretary.
  - D. Official submission of a Final Plan shall include:
    - (1) Submission of five completed Application for Review of Final Subdivision Plan (Form LSR-3).
    - (2) Submission of eleven black-on-white or blue-on-white prints on paper of the Final Plan.

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- (3) Whenever a proposed subdivision is located in or adjacent to more than one municipality one additional print shall be submitted for each additional municipality involved.
    - (4) Submission of nine copies of all other supplementary data and plans as outlined in §402.
  - E. The Borough Planning Commission may permit submission of the Final Plan in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan.
  - F. The Final Plan shall conform to the approved Preliminary Plan but shall incorporate all modifications required by the Borough Council in its approval of the Preliminary Plan. Failure to comply with past reviews shall constitute grounds for the Borough to refuse to accept the Plan for review.
2. Distribution. Distribution of Final Plans and supporting data submitted to the Borough Secretary shall be made as follows:
  - A. To the County Planning Commission, if the Borough Planning Commission determines that the County Planning Commission should be asked to review the Final Plan:
    - (1) One copy of the Application for Review of Final Subdivision Plan.
    - (2) Two copies of all required supplementary data and plans.
    - (3) Two copies of the Plan.
    - (4) When the property being subdivided is in or adjacent to more than one municipality, one additional copy of the Plan for each additional municipality involved.
    - (5) When the property being subdivided abuts a State Legislative Route, one additional copy of the Plan.
  - B. To the Borough Engineer.
    - (1) One copy of the Application for Review of Final Subdivision Plan.
    - (2) Two copies of the Plan.
    - (3) Two copies of all supplementary data and plans.
  - C. To the Borough Zoning Officer. One copy of the Plan.
  - D. To the Borough Planning Commission.

- (1) One copy of the Application for Review of Final Subdivision Plan.
    - (2) Two copies of the Plan.
    - (3) Two copies of all supplementary data and plans.
  - E. To the President of Borough Council.
    - (1) One copy of the Application for Review of Final Subdivision Plan.
    - (2) Two copies of the Plan.
    - (3) Two copies of all supplementary data and plans.
  - F. To be Retained by the Borough Secretary.
    - (1) One copy of the Application for Review of Final Subdivision Plan.
    - (2) One copy of all supplementary data and plans.
    - (3) One copy of the Plan.
3. Review of Final Plan. When a Final Plan has been officially accepted for review, the Borough Planning Commission shall review the Plan at a regularly scheduled or special meeting to determine its conformance to the standards contained in this Chapter 22 and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this Chapter 22.
- A. The Borough Engineer and the Borough Zoning Officer shall review each Final Plan to determine whether the Plan meets the requirements of this Chapter 22 and the Borough Zoning Chapter 27, and if the Plan does not meet these requirements, recommend what modifications in the Plan are necessary to secure compliance with the requirements of these regulations.
  - B. When reviewing a Plan at a regularly scheduled or special meeting the Borough Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision from the Borough Engineer and the Borough Zoning Officer, and any other reports which may have been received.
  - C. Within five calendar days after the meeting at which the Final Plan is reviewed by the Borough Planning Commission, the Planning Commission Secretary shall notify in writing the following of the action taken by the Planning Commission regarding the Final Plan:
    - (1) Borough Secretary.

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- (2) Borough Engineer.
  - (3) Borough Zoning Officer.
  - (4) County Planning Commission.
  - (5) Subdivider, or his agent.
  - (6) President of Borough Council.
- D. If the review of the Borough Planning Commission is not favorable, the Planning Commission shall recommend that the Plan not be approved and explicitly state the reasons for such action. Any modifications in the Plan which the Planning Commission feels should be prerequisites to approval of the Final Plan shall also be noted.
4. Review by Borough Council. After a Final Plan has been reviewed by the Borough Planning Commission, the Plan shall be reviewed by the Council at a regularly scheduled or special meeting.
- A. At a regularly scheduled or a special meeting the Borough Council shall review the Final Plan and any written reports regarding the Plan from the Borough Planning Commission, the Borough Engineer, the Borough Zoning Officer and, where applicable, State or County agencies.
  - B. If the County Planning Commission has been asked to review a Final Plan, no official action shall be taken by the Borough Council with respect to a Final Plan until the Borough has received the written report of the County Planning Commission, provided that the report is received within 30 days after the County Planning Commission received a request to review the Final Plan. Failure of the County Planning Commission to act within thirty (30) days shall constitute County approval of the Plan as submitted and the Borough Council may officially act on the basis of such approval.
  - C. Before acting on a Final Plan, the Council may arrange for a public hearing on the Plan, giving public notice as defined by law.
  - D. Within five days after the meeting at which the Final Plan is reviewed by the Council, the Borough Secretary shall notify in writing the following of the action taken by the Council regarding the Final Plan:
    - (1) Borough Planning Commission.
    - (2) Borough Engineer.
    - (3) Borough Zoning Officer.
    - (4) County Planning Commission.

- (5) Subdivider or his agent.
- E. Action by the Council may be favorable, giving approval to the Final Plan, or the action may be unfavorable, giving disapproval to the Plan. The findings and reasons upon which the Council's action is based shall be given in writing to the persons listed under Subsection (D) and also stated in the minutes of the Borough Council. Any modifications in the Plan required as prerequisites to approval of the Final Plan shall be stated.
- F. The Borough Council shall within 90 days after the date the Borough accepts a Final Plan for review notify the Subdivider or his agent of the action taken by the Council.
- G. A Final Plan shall not be recorded until the requirements of §304 have been met.

(Ord. 337, 12-/1973, §3.30)

**§304. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.**

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Chapter, the developer may deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
2. When requested by the developer, in order to facilitate financing, the Borough Council, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Com-

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monwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth-day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.

9. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Borough engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five-day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
11. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be

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

(Ord. 337, 12/-/1973, §3.60; as amended by Ord. 516, 6/10/1992)

### **§305. Release from Improvement Bond.**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough engineer to inspect all of the aforesaid improvements. The Borough engineer shall, thereupon, file a report in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Borough Council with relation thereto.
3. If the Borough Council or the Borough engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough engineer.
6. Where herein reference is made to the Borough engineer, he shall be as a consultant thereto.

7. The applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
  - A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
  - B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
  - E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

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(Ord. 337, 12/-/1973, §3.60; as amended by Ord. 516, 6/10/1992)

### **§306. Remedies to Effect Completion of Improvements.**

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose. (Ord. 337, 12/-/1973, §3.60; as amended by Ord. 516, 6/10/1992)

### **§307. Recording of Final Plan.**

1. No Final Plan shall be approved by the Borough until a Sediment and Erosion Control Plan approved by the Berks County Conservation District is submitted to the Borough by the Subdivider. Such Plan shall also be approved by the Borough. Before the Record Plan is released for recording, a copy of any earth-moving permits required by the rules and regulations of the Pennsylvania Department of Environmental Resources (See Title 25, Chapter 102) shall be submitted to the Borough.
2. After the completion of the procedures required by this Chapter 22 the Council shall place its endorsement on the Record Plan and on as many other copies of the Final Plan as may be desired. The Record Plan shall be signed by at least a majority of the Borough Council and the Borough Seal shall be affixed to the Plan. No Subdivision Plan may be legally recorded unless it bears Borough approval indicated by such endorsement.

The Record Plan shall be a clear and legible black-on-white or blue-on-white print on linen.

3. After the Plan has been given final approval by the Borough, the Plan shall be submitted to the County Planning Commission for endorsement. No Subdivision Plan may legally be recorded unless it has been endorsed by the County Planning Commission and bears the County Planning Commission stamp "Reviewed," Such endorsement shall be indicated on the Record Plan. As a prerequisite for endorsement the County Planning Commission will require two paper prints bearing the Borough Seal and endorsement by the Borough Council and copies of all

earth-moving permits which may be required by the Pennsylvania Department of Environmental Resources.

4. The Subdivider shall file the Record Plan with the County Recorder of Deeds within 90 days of the date of the meeting at which Borough Council gave approval to the Final Plan. If the Subdivider fails to record the Final Plan within such period, the action of the Borough shall be null and void.
5. The Borough shall receive one reproducible reproduction of the Final Plan as approved.
6. All streets, parks, or other improvements shown on the Subdivision Plan shall be deemed to be private until such time as the same have been offered for dedication to the Borough and accepted by resolution of the Borough Council. If any improvement is to be dedicated to the Borough, such offer of dedication shall be submitted to the Borough for acceptance prior to the recording of the Final Plan. The acceptance of any improvement shall be by a separate action of the Borough Council.

(Ord. 337, 12/-/1973, §3.60)

**§308. Plans Exempted from Standard Procedures.**

1. Auction Sale. In the case of the proposed subdivision of land by process of auction sale, the following procedure may be used by the Subdivider:
  - A. The Subdivider shall prepare and submit a Preliminary Plan, in accordance with these regulations.
  - B. The Preliminary Plan shall comply with the requirements of §401 of this Chapter 22 and in addition contain the following notation:

This property is intended to be sold by auction on or about \_\_\_\_\_, 19 \_\_\_\_\_, in whole or in part according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a Final Plan showing such division of property shall have been approved by the Borough Council, in accordance with its regulations, and recorded in the Office of the County Recorder of Deeds.
  - C. The auction sale may then proceed in accordance with the above notation, after which the Subdivider shall prepare and submit a Final Plan in accordance with these regulations.
2. Minor Subdivision. In the case of any subdivision in which all proposed lots will have frontage on any existing improved Borough or State road, the Borough Planning Commission may, at its discretion, permit the Subdivider to submit only a Final Plan to the Borough, rather than requiring a Subdivider to submit Sketch,

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Preliminary, and Final Plans. The Final Plan shall contain all information required by §402 of this Chapter 22. Submissions to and review by the Pennsylvania Department of Transportation and the Berks County Conservation District may be required by the Borough when deemed applicable. Further subdivision from a tract recorded under this §305 will require a review of Plans in accordance with the standard procedures of this Chapter 22.

### 3. Resubdivision.

A. Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision, and shall comply with these regulations, except that:

(1) Lot lines may be changed from those shown on a Recorded Plan, provided that in making such changes:

(a) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Borough Zoning Chapter 27, and

(b) Easements or rights-of-way shall not be changed, and

(c) Street locations and block sizes shall not be changed, and

(d) No lot shall be created which does not abut a street, and

(e) The number of lots shall not be increased.

(2) In every case wherein lot lines are changed as permitted above, at the completion of each section the Subdivider shall:

(a) Submit to the Borough and County Planning Commission copies of the Final Plan revised to show such changes. After this submission the Borough Planning Commission will in writing advise the Subdivider and the Borough Secretary if the Revised Plan complies with Subsection (1).

(b) When the Plan does comply with Subsection (1) the Subdivider shall submit the Record Plan to the Borough for the endorsement of the Borough Council. The Subdivider shall also submit the Record Plan to the County Planning Commission for its endorsement (which shall specifically identify the previous Record Plan thus superseded) and then record the Plan if endorsement is secured.

(c) The Record Plan shall be a clear and legible black-on-white or blue-on-white on linen.

(Ord. 337, 12/-/1973, §3.70)



## Part 4

### Plan Requirements

#### §400. Preliminary Plans.

1. The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch equals 50 feet with all dimensions shown in feet and hundredths of a foot except that:
  - A. If the average size of the proposed lots in the subdivision is one acre or larger, the Plan may be drawn to a scale of one inch equals 100 feet, or
  - B. If the Subdivision proposes lots with an average frontage of less than 50 feet, the Plan may be drawn to a scale of one inch equals 20 feet, or
  - C. If the subdivision contains more than 100 acres, the Plan may be drawn to a scale of one inch equals 100 feet.
  - D. The original drawing, and all submitted prints thereof, shall be made on sheets either
    - (1) Seventeen inches to 18 inches by 22 inches to 24 inches, or
    - (2) Twenty-two inches to 24 inches by 34 inches to 36 inches, or
    - (3) Thirty-four inches to 36 inches by 48 inches.
2. If the Preliminary Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
3. The Preliminary Plan shall show:
  - A. Name of the proposed subdivision and the name of the Borough.
  - B. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.
  - C. Name and address of the record owner and the Subdivider.
  - D. Name, address and seal of registered Engineer or Surveyor responsible for the Subdivision Plan.
  - E. Names of all abutting subdivisions, if any, with the book and page numbers where recorded and the names of the owners of all adjacent unplatted land, if any, and the book and page numbers where recorded.

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- F. A key map for the purpose of locating the property being subdivided, drawn to a scale of one inch equals 800 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal boundaries within 1,000 feet of the proposed subdivision. A scale and north point shall be indicated.
- G. Total tract boundaries of the property being subdivided, showing bearings, distances, and a statement of total acreage of the property.
- H. Zoning District lines and area, yard, and height requirements shall be shown on the Plan.
- I. Contour lines at vertical intervals of no more than two feet for land with average natural slope of 4% or less and at intervals of no more than five feet for land with average natural slope exceeding 4%.
- J. Location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark.
- K. All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad, water courses, floodplain areas calculated using the method set forth in the Floodplain Regulations and other significant man-made or natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision.
- L. All existing buildings or other structures, and the approximate location of all existing tree masses within the proposed subdivision.
- M. All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
- N. The full Plan of proposed development, including:
  - (1) Location and width of all streets and rights-of-way with a statement of any conditions governing their use and suggested type (i.e. collector).
  - (2) Suggested street names and all public utility and private easement locations.
  - (3) Building reserve (setback) lines along each street, and/or the proposed placement of each building.
  - (4) Lot lines with approximate dimensions.
  - (5) A statement of the intended use of all non-residential lots and parcels.

- (6) Lot numbers and a statement of the total number of lots and parcels.
  - (7) Water mains and sanitary and/or storm sewer (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
  - (8) Parks, playgrounds, and other areas to be dedicated to the Borough shall be noted. Areas to be reserved for public use, but not to be dedicated shall be noted and any conditions governing such use and the arrangements to be made for the maintenance of these areas shall also be noted.
4. The Preliminary Plan shall be accompanied by the following supplementary data as applicable:
- A. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on the Profile Sheets required by Subsection (B).
  - B. Tentative profiles along top of cartway (pavement) edges or along the top of curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades at one of the following sets of scales or any combination thereof:
    - (1) One inch equals 10 feet horizontal and one inch equals one foot vertical, or
    - (2) One inch equals 20 feet horizontal and one inch equals two feet vertical, or
    - (3) One inch equals 40 feet horizontal and one inch equals four feet vertical, or
    - (4) One inch equals 50 feet horizontal and one inch equals five feet vertical.
  - C. In lieu of the separate Profile Sheets required by Subsection (B), the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan.
  - D. A Plan for the surface drainage of the tract to be subdivided. Such Plan shall include storm water runoff calculations for the entire property being subdivided and all property at a higher elevation in the same watershed when fully developed and shall show the proposed method of accommodating the anticipated runoff.

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- E. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the the Pennsylvania Department of Transportation. [Ord. 516]
- F. Where a Preliminary Plan shows the proposed subdivision of only a part of the Subdivider's total property, the Plan shall be accompanied by a Plan of the proposed street system for the remainder of the property so that the street system in the submitted portion can be considered in relation to future connections with the unsubmitted portion. In the case of extremely large properties, the Borough Planning Commission may delimit the area for which a prospective street system on adjacent property needs to be shown. The Subdivider shall also include a statement indicating the proposed future land use for the portion of his property.
- G. A soils map of the site drawn at the same scale as the Preliminary Plan.
- H. A Sediment and Erosion Control Plan meeting all requirements of the rules and regulations of the Pennsylvania Department of Environmental Resources. This Plan should be shown on a separate sheet from the Subdivision Plan drawing.
- I. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. [Ord. 516]

(Ord. 337, 12/-/1973, §4.20; as amended by Ord. 516, 6/10/1992)

### **§401. Final Plans.**

- 1. The Final Plan shall be clearly and legibly drawn to a scale of one inch equals 50 feet with dimensions shown in feet or hundredths of a foot; except that
  - A. If the average size of the proposed lots in the subdivision is one acre or larger, the Plan may be drawn to a scale of one inch equals 100 feet.
  - B. If the subdivision proposes lots with an average frontage of less than 50 feet, the Plan may be drawn to a scale of one inch equals 20 feet.
  - C. If the subdivision contains more than 100 acres, the Plan may be drawn to a scale of one inch equals 100 feet.

- D. The original drawing, and all submitted parts thereof, shall be made on sheets either:
  - (1) Seventeen inches to 18 inches by 22 inches to 24 inches, or
  - (2) Twenty-two inches to 24 inches by 34 inches to 36 inches, or
  - (3) Thirty-four inches to 36 inches by 48 inches.
2. If the Final Plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
3. The Final Plan shall show:
  - A. Name of proposed subdivision and of the Borough.
  - B. North point, graphic scale, written scale, and date, including the month, day and year that the original drawing of the Final Plan was completed and the month, day and year that the original drawing was revised, for each revision.
  - C. Name and address of the record owner and Subdivider, and the source(s) of title to the land being subdivided as shown by the records of the County Recorder of Deeds.
  - D. The name, address, and seal of the registered professional Engineer or Surveyor responsible for the Plan.
  - E. The names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land, if any, and the book and page number where recorded.
  - F. A key map for the purpose of locating the property being subdivided, drawn to a scale of one inch equals 800 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal boundaries within 1,000 feet of the proposed subdivision. In addition, a scale and north point shall be indicated.
  - G. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to 1/2 of a minute. These boundaries shall be determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet provided, however, that the boundary(s) adjoining additional unplatted land of the subdivision (example, between separately-submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided.

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- H. Zoning District lines and area, yard and height requirements shall be shown on the Plan.
- I. The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.
- J. The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets within the property:
  - (1) The length, in feet, to the second decimal point, of all straight lines and any two functions of a chord of all curved lines, and
  - (2) The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.
- K. All lot lines shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Bearings to 1/2 of a minute shall be shown for all straight lot lines. Each lot shall be balanced to an accuracy of one foot in 10,000 feet. For each lot, the total area in square feet shall be stated.
- L. Lot numbers (numbered consecutively) and a statement of the total number of lots (and parcels).
- M. A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number of the County Deed Book.
- N. The proposed building setback line for each lot, or the proposed placement of each building in other than single family lot developments, in accordance with Zoning Chapter 27 requirements.
- O. The location (and elevation, if established) of all existing and proposed street monuments as required by §601(9).
- P. All easements and rights-of-way and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the Plan, and easements shall either be shown or specifically described on the Plan. Easements should be located in cooperation with the appropriate public utilities.

- Q. Location, size and invert elevation of all sanitary, and/or storm sewers and location of all manholes, inlets and culverts (This data may be submitted as a separate Plan.). The location and size of all water mains shall also be shown.
  - R. If the subdivision proposes a new street intersection with a State Legislative Route, a letter from the Pennsylvania Department of Transportation indicating approval of such intersection.
  - S. A Certificate of Ownership, acknowledgement of Plan and offer of dedication shall be lettered on the Plan, using the form specified and shall be signed by the owner(s) of the property and notarized.
  - T. Certificate for approval of the Plan by the Borough Council.
  - U. A blank space measuring 3 1/2 inches square shall be left, preferably adjacent to the Borough Certification in which the appropriate stamp of the County Planning Commission may be applied.
  - V. A blank space measuring three inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the Plan when it is presented.
4. The Final Plan shall be accompanied by the following supplementary data, where applicable.
- A. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown either on the Final Plan or on the profile sheets required by Subsection (B).
  - B. Profile Sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
    - (1) Existing (natural) profile along both cartway edges of each street.
    - (2) Proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges.
    - (3) The length of all vertical curves.
    - (4) Existing and proposed sanitary sewer mains and manholes.
    - (5) Existing and proposed storm sewer mains, inlets, manholes, and culverts.
  - C. The Profile Sheets required by Subsection (B) shall be legibly drawn at one of the following sets of scales or any combination thereof:

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- (1) One inch equals 10 feet horizontal and one inch equals one foot vertical, or
  - (2) One inch equals 20 feet horizontal and one inch equals two feet vertical, or
  - (3) One inch equals 40 feet horizontal and one inch equals four feet vertical, or
  - (4) One inch equals 50 feet horizontal and one inch equals five feet vertical.
- D. All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space.
- E. Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being submitted.
- F. Whenever a Subdivider proposes to establish a street which is not offered for dedication to public use, the Borough may require the Subdivider to submit, and also to record with the Plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
- (1) That the street shall conform to Borough specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conformance with Borough specifications.
  - (2) That an offer to dedicate the street shall be made only for the street as a whole.
  - (3) That the method of assessing repair costs be as stipulated, and
  - (4) That agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
- G. A Sediment and Erosion Control Plan meeting all requirements of the rules and regulations of the Pennsylvania Department of Environmental Resources. This Plan should be shown on a separate sheet from the Subdivision Plan drawing.
- H. Five copies of the Improvements Agreement (Form LSR-4).
- I. With a proposal to change or diminish the course, current or cross-section of any stream or body of water, or to construct or change any water obstruction.

tion, approval and a permit from the Pennsylvania Department of Environmental Resources. This requirement applies to all lands having a drainage area (basin) exceeding 320 acres. [Ord. 516]

- J. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. [Ord. 516]
5. The Borough Council may require a Subdivider to submit a separate Landscape Plan showing the number, location, size and species of all shrubbery that will be planted.
6. Where requested by the Borough, a Final Grade Plan shall be submitted at the time of Final Plan submission.

(Ord. 337, 12/-/1973, §4.30; as amended by Ord. 516, 6/10/1992)



## Part 5

### Design Standards

#### §500. Application and General Standards.

1. The standards and requirements contained in Parts 5 and 6 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Borough Planning Commission and Borough Council in reviewing all Subdivision and Land Development Plans.
2. Whenever other Borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of this Chapter 22 shall apply.
3. The standards and requirements of this Chapter 22 may be modified by the Borough Council in the case of plans for complete communities, neighborhood units or other large-scale developments which, in the judgment of the Borough Council, achieve substantially the objectives of these regulations and which are further protected by such covenants of other legal provisions as will assure conformity to and achievement of the Subdivision Plan.
4. The Plan of the proposed subdivision shall be coordinated with existing adjacent development in order to provide for harmonious development of the area as a whole.
5. Subdivision Plans shall give due recognition to the Official Plans of the Borough or to parts of the Official Plans which have been adopted pursuant to statute.

(Ord. 337, 12/-/1973, §5.10)

#### §501. Streets.

1. General Standards.
  - A. The location and width of all streets shall conform to the Official Plans or to such parts thereof as may have been adopted by the Borough.
  - B. The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet or exceed the standards of Subsection (3)(A). If the existing or recorded streets do not meet or exceed the standards of Subsection (3)(A), the proposed street extensions shall meet the standards of Subsection (3)(A).

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- C. Where, in the opinion of the Borough Planning Commission, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.
  - D. New minor streets shall be so designed as to discourage through traffic, but the Subdivider shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
  - E. Where a Subdivision abuts an existing street which does not meet the standards of this Chapter 22 the Borough may require the dedication of land sufficient to widen the street to meet the standards of this Chapter 22.
  - F. Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of these regulations.
  - G. If lots or parcels in the subdivision are large enough for resubdivision, or if a portion of the Subdivider's property is not proposed to be subdivided but could be subdivided in the future, the Borough may require the reservation of land adequate to provide for future street access to land which could be resubdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the Subdivision Plan.
- 2. Partial and Half Streets. New half or partial streets will not be permitted.
  - 3. Street Widths.
    - A. Minimum street right-of-way and cartway (pavement) widths shall be as follows:

<b>Street Type</b>	<b>Required Width (in feet)</b>
Minor Streets and Permanent Cul-de-Sacs	
No Parking Permitted	
Right-of-way	44
Cartway	24
Parking Permitted One Side	
Right-of-way	48
Cartway	28
Parking Permitted Both Sides	
Right-of-way	56

<b>Street Type</b>	<b>Required Width (in feet)</b>
Cartway	36
Collector Street	
Right-of-way	56
Cartway	36
Arterial Street	
Right-of-way	As determined after consultation with the Borough, the County, and PennDOT.
Marginal Access Street	
Right-of-way	As determined after consultation with the Borough, the County and PennDOT.
Cartway	As specified for minor streets.
Service Street	
Right-of-way	34
Cartway	24

- B. Additional right-of-way and cartway widths may be required by the Borough Planning Commission for the purpose of promoting the public safety and convenience.
- 4. Restriction of Access. Whenever a subdivision contains an arterial street, the Borough Planning Commission may require restriction of access to the street by:
  - A. Provision of reverse frontage lots, or
  - B. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial street, or
  - C. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be placed within the jurisdiction of the Borough under an agreement meeting the approval of the Borough.
- 5. Street Grades.
  - A. There shall be a minimum center line grade of 1%.
  - B. Center line grades shall not exceed the following:
    - (1) Minor Street: 10%.

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- (2) Collector Street: 6%.
    - (3) Arterial Street: 6%.
    - (4) Street Intersection: 5%.
  - C. Grades up to 15% may be permitted on a through minor street where access to the street is possible over streets with grades of 10% or less.
6. Horizontal Curves.
- A. Whenever street lines are deflected in excess of 2°, connection shall be made by horizontal curves.
  - B. Minimum center line radii for horizontal curves shall be as follows:
    - (1) Minor Streets: 150 feet.
    - (2) Collector Streets: 300 feet.
    - (3) Arterial Streets: 500 feet.
  - C. A straight section of road of at least 100 feet shall be introduced between all horizontal curves on collector and arterial streets.
  - D. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
7. Vertical Curves. At all changes in street grades where the algebraic difference in grade exceeds 1%, vertical curves shall be provided to permit the following minimum sight distances:
- A. Minor Streets: 200 feet.
  - B. Collector Streets: 300 feet.
  - C. Arterial Streets: 400 feet.
8. Intersections.
- A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 70°, or more than 110°.
  - B. No more than two streets shall intersect at the same point.

- C. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least 150 feet between center lines, measured along the center line of the street being intersected.
  - D. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 5% within 50 feet of the intersection of the nearest right-of-way lines.
  - E. Intersections with arterial streets shall be located not less than 1,000 feet apart, measured from center line to center line, along the center line of the arterial street.
  - F. Street curb intersections shall be rounded by a tangential arc within a minimum radius of:
    - (1) Twenty feet for intersections involving only minor streets;
    - (2) Thirty feet for all intersections involving a collector street;
    - (3) Forty feet for all intersections involving an arterial street.
  - G. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.
9. Sight Distances at Intersections.
- A. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstruction object shall be permitted which obscures vision above the height of 30 inches and below 10 feet measured from the center line grade of intersecting streets. Such triangle shall be established from a distance of"
    - (1) Seventy-five feet from the point of intersection of the center lines, except that,
    - (2) Clear sight triangles of 150 feet shall be provided for all intersections with arterial streets.
  - B. Wherever a portion of the line of such triangles occurs behind the building setback line, such portion shall be considered a building setback line.
10. Cul-de-Sac Streets.
- A. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
  - B. Any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather

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turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

- C. Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length.
  - D. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
  - E. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. Minimum radius to the pavement edge or curb line shall be 50 feet, and minimum radius to the right-of-way lines shall be 60 feet.
  - F. The center line grade on a cul-de-sac street shall not exceed 10% and the grade of the diameter of the turnaround shall not exceed 5%.
11. Street Names.
- A. Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.
  - B. In no case shall the name of a proposed street duplicate an existing street name in the Borough and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
  - C. All street names shall be subject to the approval of the Borough and the Postmaster having jurisdiction.
12. Service Streets (Alleys).
- A. Service streets are prohibited in subdivisions for single-family detached residences, except where required to avoid direct driveway access to arterial streets.
  - B. Service streets may be permitted in other types of residential development, provided that the Subdivider produces evidence satisfactory to the Borough of the need for such service streets and provided that the service streets are not the primary means of access.
  - C. Where permitted, service streets in residential developments shall have a minimum paved width of 24 feet except that, where service streets serve dwellings on only one side, the Borough Planning Commission may permit a paved surface of not less than 12 feet for one-way streets.

- D. No part of any dwelling, garage, or other structure shall be located within 20 feet of the center line of a service street.
- E. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall be terminated with a paved circular turn-around with a minimum radius to the outer pavement edge (curb line) of 50 feet.
- F. Service street intersections and sharp changes in alignment shall be avoided. Design of service streets which will encourage their use for through traffic (i.e. intersecting service streets) shall also be avoided.

(Ord. 337, 12/-/1973, §5.20)

**§502. Blocks.**

- 1. Layout. The length, width and shape of blocks shall be determined with due regard to:
  - A. Provision of adequate sites for buildings of the type proposed;
  - B. Zoning requirements;
  - C. Topography;
  - D. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.
- 2. Length.
  - A. Blocks shall have a maximum length of 1,800 feet and a minimum length of 500 feet. The Borough may decrease the maximum and/or minimum lengths of blocks if the topography of the land in question and/or surface water drainage conditions warrant such a decrease.
  - B. Blocks along arterial and collector streets shall not be less than 1,000 feet long.
- 3. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except;
  - A. Where reverse frontage lots are required.
  - B. Where prevented by the size, topographical conditions or other inherent conditions of property.

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4. Commercial and Industrial Blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

(Ord. 337, 12/-/1973, §5.40)

### **§503. Lots and Parcels.**

1. General Standards.
  - A. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and in accordance with the provisions of the Borough Zoning Chapter 27.
  - B. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
  - C. Where feasible, lot lines shall follow Borough boundaries rather than cross them.
  - D. Generally, the depth of residential lots shall be not less than one nor more than three times their width.
  - E. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
  - F. Where extra width has been dedicated for widening of existing streets, lots shall begin at such adjusted right-of-way line, and all setbacks shall be measured from such line.
2. Lot Frontage.
  - A. All lots shall have direct access to an existing or proposed public street, or to a private street if it meets the requirements of these regulations.
  - B. Reverse frontage lots shall be avoided except where required to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation.
  - C. All residential reverse frontage lots shall have a rear yard with a minimum depth of 75 feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least 10 feet in width, across which there shall be no rights of access.

3. Building Reserve (Setback) Lines. Except where a greater setback is required by the Borough Zoning Chapter 27 or other regulations, the minimum building reserve (setback) line shall be 20 feet, measured from the ultimate right-of-way line of all abutting streets.
4. Driveways and Off-Street Parking.
  - A. Each proposed dwelling unit in a subdivision shall be provided with at least two off-street parking spaces.
    - (1) In the case of single-family or two-family dwellings, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport or driveway.
    - (2) In the case of multiple-family dwellings, such off-street parking spaces shall be provided in a parking compound(s) located adjacent to or near the multiple family building. Each off-street parking street parking space shall contain a minimum of 200 square feet. This shall be in addition to adequate aisles for maneuvering and movement of vehicles. The grade of such parking areas shall not exceed 6%.
  - B. Commercial and industrial subdivisions shall meet the off-street parking requirements of the Borough Zoning Chapter 27.
  - C. Entrances to private driveways serving one and two-family dwellings shall be located at least 60 feet from the point of intersection of the nearest street curb lines.
  - D. Entrances to private driveways serving multiple-family dwellings shall be located at least 100 feet from the point of intersection of the nearest street curb lines.
  - E. In order to provide a safe and convenient means of access, grades on private driveways shall not exceed 15%. Driveways shall be paved when the grade exceeds 7%.
  - F. Entrances to private driveways serving one and two-family dwellings shall be rounded at a minimum radius of five feet.
  - G. Entrances to private driveways serving multiple-family dwellings shall be rounded at a minimum radius of 10 feet.
  - H. Private driveway entrances shall not intersect streets at angles of less than 65°.

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- I. The width of driveways serving one family dwellings shall not be less than 10 feet nor more than 20 feet at the street line.
5. Lot Size. The minimum lot size and width requirements are to be found in the Borough Zoning Chapter 27.

(Ord. 337, 12/-/1973, §5.50)

### **§504. Sanitary Sewage Disposal.**

1. Each property shall connect with the Borough sanitary sewer system.
2. Sanitary sewers shall conform in all respects to the minimum requirements of the Pennsylvania Department of Environmental Resources and all ordinances, rules and regulations of the Borough.

(Ord. 337, 12/-/1973, §5.60)

### **§505. Water Supply.**

1. Each property shall connect with the Borough water system.
2. A copy of approval of such system by the appropriate public agency or utility company shall be submitted with the Final Plan.

(Ord. 337, 12/-/1973, §5.70)

### **§506. Storm Water Management Design Standards.**

1. General Principles for Storm Drainage Systems. Storm sewers, culverts, endwalls, inlets, and related installations and improvements shall be provided in order to:
  - A. Permit unimpeded flow of natural water courses.
  - B. Ensure adequate drainage of all streets.
  - C. Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.
  - D. Provide positive drainage away from on-site sewage disposal facilities and buildings.
  - E. Accommodate runoff so that there shall be no increase in rate of storm water peak discharge leaving the subdivision or land development during or after construction based on the design rainfall frequency established in this

Chapter. Pre- and post- development runoff shall be evaluated for all drainage areas discharging from the site.

- F. Ensure adequate drainage at intersections of driveways with streets.
  - G. Provide that where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing storm sewers.
  - H. Provide that when no existing storm sewer system is accessible and of adequate capacity, storm water runoff shall discharge to an existing watercourse with defined bed and barriers. Runoff shall not be increased or concentrated onto adjacent properties, nor shall the velocity of flow be increased beyond that existing prior to subdivision or land development unless written approval is given by the adjacent property owners to the proposed discharge of surface runoff and the written agreements are approved by the Borough Council.
  - I. Provide that when storm drainage will be directed into an adjacent municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review.
2. Design of Storm Drainage Systems.
- A. Complete storm water calculations in accordance with the design standards and appendices of this Chapter and all designs for drainage facilities shall be submitted to the Borough for review.
  - B. Where a subdivision of land development is traversed by or contains a pond, lake, watercourse, drainage way, channel, storm drainage system or stream, there shall be provided a drainage easement that conforms substantially with the line of such pond, lake, water course, drainage way, channel, storm drainage system, or stream of such width as will be adequate to preserve the unimpeded flow of drainage (one-hundred-year flow) and to provide for widening, deepening, relocating, improving or protecting such features or drainage facilities. Minimum easement width shall be 10 feet from each side of the water course, waterbody, stream, pond, lake or drainage facility, but the Borough may require a greater easement when necessary. Bearings and distances shall be provided for the boundaries of easements.
  - C. Any changes in an existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Resources, the Army Corps of Engineers, and/or the Federal Emergency Management Agency when each or all have jurisdiction. All permits and approvals shall be obtained prior to final plan approval.

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- D. The developer shall properly grade and seed slopes, and fence open ditches when a safety hazard can result. Areas within easements shall be kept as lawn or in natural conditions to allow maintenance and entrance.
- E. All drainage facilities shall be designed to adequately handle surface runoff and carry it to suitable outlets and shall be designed in accordance with the minimum design standards in the Appendices of this Chapter.
- F. Subsurface drainage systems shall have manholes spaced at intervals not exceeding 400 feet and located wherever branches are connected or sizes are changed and wherever there is a change in alignment or grade. Inlets or other means of interconnection may be used instead of manholes when approved by the Borough Council.
- G. For drainage lines of 36 inches diameter or greater, manholes may be spaced at intervals greater than 400 feet with the approval of Borough Council.
- H. Storm sewer lines within street rights-of-way shall be placed immediately in front of the curb when parallel to the right-of-way. Locating storm sewers under curbs in curves or at street intersections will not be permitted.
- I. Drainage structures that are to be located within State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that Department indicating such approval shall be submitted to the Borough.
- J. Subsurface storm drainage systems shall have PennDOT approved inlets located as required by this Chapter to intercept runoff. Inlets shall be designed and located to prevent hazards to vehicles, bicycles, and pedestrians.
- K. PennDOT approved endwalls or end sections shall be used in lieu of inlets where feasible, and with the approval of the Borough Council, to minimize clogging of grates with leaves, debris, etc.
- L. Reinforced concrete pipe shall be used for all storm sewer lines, including retention/detention facilities. Alternate pipe materials may be used with Borough Council approval; however, alternate materials shall be backfilled with select granular (2-RC) material, solidly compacted in six inch lifts. All pipe materials shall meet PennDOT requirements, and shall have a minimum diameter of 15 inches.
- M. Provisions shall be made to minimize erosion within water courses and at points of discharge from storm drainage facilities through the use of proper ground cover, rip-rap, or root-reinforcing systems.

- N. Where there is a change in pipe size through an inlet, the top inside elevation of the outlet pipe shall be at or below the elevations of all incoming pipes.
  - O. Storm sewers, culverts, swales, channels, and related facilities shall be designed to accommodate and discharge all runoff from adjacent upstream drainage areas, assuming the upstream area is fully developed.
3. Standards for Drainage of Streets.
- A. All streets shall be designed to provide for the discharge of surface water from their right-of-way. The design storm shall be a ten-year frequency for residential subdivisions with a gross density less than six units per acre, and a twenty-five-year frequency for all other subdivision or land developments. The Borough may require a greater design frequency at certain locations.
  - B. The pavement cross slope on streets shall not be less than 1/4 inch per foot and not more than 1/2 per foot. The slope of the shoulder areas shall not be less than 3/4 inches per foot and not more than one inch per foot.
  - C. Surface cross drainage at intersections or other roadway sections will not be permitted.
  - D. Inlets shall be spaced to limit the gutter flow spread into the travel lanes to 1/2 the lane width during the design storm.
  - E. Inlet efficiency and bypass flows, per PennDOT design charts, shall be considered in the design of storm sewer systems.
  - F. To insure adequate drainage at low points along the line of streets, overflow swales shall be designed to convey the full one-hundred-year storm flows away from all street low points. These swales shall be located to prevent flooding of the downslope properties.
4. Design of Retention and Detention Facilities.
- A. General Requirements.
    - (1) Where retention (permanent pool) and detention (dry bottom) basins are required by the Borough Council, adequate assurances of maintenance, indemnification, liability insurance, and security shall be provided and approved by the Council.
    - (2) Retention and detention facilities shall be designed and located so as to not present a hazard to the public health or safety, and shall be approved by the Borough Council.

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- (3) Such facilities shall be designed so that no adverse effects will result from backwater flooding.

### B. General Design Considerations.

- (1) The number and location of retention/detention facilities are subject to the approval of the Borough Council.
- (2) For detention basins, a method of carrying low flow through the basin area shall be provided and the basin shall be provided with a positive gravity outlet to a natural channel or storm sewer of adequate capacity.
- (3) If percolation of runoff is considered as a method of runoff abatement, percolation tests shall be taken at the site of the proposed detention facilities and the results submitted to the Borough for review. At the discretion of the Borough Council, percolation facilities may be prohibited.
- (4) The storage duration of storm water runoff shall not exceed 24 hours after rainfall has ceased. The Borough Council may require the fencing of retention/detention basins when deemed necessary for the public safety.
- (5) The pipe spillway outletting from the retention/-detention basin shall be designed on the basis of a rainfall frequency that is consistent with the requirements of this Chapter. Basin discharge velocities and quantities shall be consistent with the need to protect the public health, safety, and welfare and to prevent turbulent conditions and erosive velocities in a receiving watercourse.
- (6) Adequate drainage courses shall be provided and maintained for the discharge(s) from the basin. If the basin will not discharge to a suitable natural drainage course, the Township may require the developer to provide facilities to safely and efficiently convey the discharge to a suitable drainage course. Securing of necessary drainage easements for this purpose shall be the sole responsibility of the developer.
- (7) Minimum grades for turf areas inside detention basins shall be 1% and maximum side slopes of retention/detention basins shall be 33% (three units horizontally to one unit vertically). Depending upon the location and the intended use of the detention facilities during non-functioning times, a side slope of less than 33% for one or both slopes may be required by the Borough Council. Side slopes shall be kept as close to the natural land contours as practical, but when a detention basin is to be maintained by a future residential lot owner, the maximum side slope shall be 25% (four units horizontally to one unit vertically).

- (8) The following additional conditions shall be complied with for retention basins:
  - (a) Water surface area shall not exceed 1/10 of the tributary drainage area.
  - (b) Shoreline protection shall be provided to prevent erosion from wave action.
  - (c) Facilities shall be provided to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
  - (d) Aeration facilities as may be required to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Borough Council.

C. Specific Design Considerations for Retention/Detention Basins.

- (1) Retention/detention basins shall be designed to the methods outlined in U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 55, "Urban Hydrology for Small Watersheds," latest edition.
  - (a) Design Storm. Storage volume for all subdivision and land development retention/detention facilities shall be based on a twenty-five-year storm event. Where deemed necessary in the public interest and for the public safety by the Borough Council, the Council may require volume and allowable discharge to be calculated based on a 50 or one-hundred-year storm.
  - (b) Design Storm Rainfall. Storm water runoff shall be based on the following twenty-four-hour Type II distribution storm events:

<b>Storm Event</b>	<b>Inches Rainfall</b>
2 yr.	3.0
10 yr.	4.6
25 yr.	5.6
50 yr.	6.6
100 yr.	7.5

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- (2) The facilities shall be designed such that the peak discharge from the site after development to all points of discharge does not exceed the peak pre-development discharge for the two-, ten- and twenty-five-year storm events.
- (3) The pre-development ground condition for all lands within the subject property which are farm fields shall be considered as pasture with good ground cover.
- (4) Retention/detention basins shall be designed to safely convey the peak discharge of a post-development one-hundred-year frequency storm event through an emergency spillway in a manner which will not damage the integrity of the basin or the downstream drainage area. The emergency spillway shall be designed by routing the one-hundred-year inflow hydrograph through the spillway assuming no storage volume below the spillway invert.
- (5) Retention/detention basins which are designed as earth fill dams shall incorporate the following minimum standards:
  - (a) The height of the dam shall not exceed 15 feet, unless approved by the Borough Council and the Pennsylvania Department of Environmental Resources.
  - (b) The minimum top width of dams up to 15 feet in height shall be equal to  $\frac{3}{4}$  of the dam height, but in no case shall the top width be less than eight feet.
  - (c) The side slopes of the settled earth fill shall not be steeper than three horizontal to one vertical.
  - (d) A key trench at least two feet deep into undisturbed subsoil of compacted relatively impervious material (Unified Soil Classification CL-ML or ML). Minimum bottom width for the key trench shall be four feet. Maximum side slopes for the key trench shall be one horizontal to one vertical. A compacted impervious core at least four feet wide at the top, having a maximum side slope of one horizontal to one vertical, shall extend for the full length of the embankment, and the top elevation shall be set at the twenty-five-year design water surface elevation.
  - (e) All pipes and culverts through dams shall have properly spaced concrete anti-seep collars (minimum six inches thick). Design calculations shall be submitted for review.
  - (f) The top of berm shall be constructed at least six inches above the design elevations to allow for settlement of the embankment.

- (g) The emergency spillway shall be constructed in undisturbed earth, or be of concrete construction along its bottom and sides.
- 5. Design Submission Requirements. The following storm water management data are required submittals:
  - A. All calculations, assumptions, and criteria used in the design of storm water management facilities and in the establishment of the calculated pre-development and post-development peak discharge.
  - B. All plans and profiles (including cross-country systems) of proposed storm water management facilities (storm sewers, swales, etc.) including horizontal and vertical location, size, and type of material. This information shall provide sufficient information required for the construction of all facilities.
  - C. A map(s) clearly delineating and labeling all drainage areas used in the design of storm water management facilities
  - D. For all retention/detention basins, a plotting or tabulation of storage volumes with corresponding water surface elevations and outflow rates for those water surfaces.
  - E. For all retention/detention basins, the design inflow and outflow hydrographs and routing calculation to determine the function of the basin. The storage-indication routing method shall be used.
  - F. For all retention basins which hold 2 1/2 acre-feet or more of water during a twenty-five-year design storm and have an embankment that is 10 feet or more in height, soil structures and characteristics shall be investigated. Plans and data prepared by a registered professional, experienced and educated in soil mechanics, shall be submitted.
  - G. A map(s) clearly delineating any existing wetlands as classified by a qualified environmental scientist experienced in wetland determination. Wetland determination shall be performed in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Manual) by the Federal Interagency Committee for Wetland Delineation. No construction or development shall be permitted in wetlands without approval from the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management.
- 6. Maintenance of Storm Water Management Facilities. Proposals for the ownership and maintenance responsibilities for all proposed storm drainage facilities shall be submitted to the Borough for review and approval at the preliminary plan stage. The Borough Council shall be satisfied that sufficient provision has been made for adequate and perpetual maintenance of all such facilities. All drainage facilities shall be maintained to retain their design capacity.

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7. Ground Water Recharge. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the storm water management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. A detailed geologic evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist and/or soil scientist, and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability. Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
8. Erosion and Sediment Pollution Controls and Plan Requirements.
  - A. Land shall not be developed or changed by grading, excavation or the removal or destruction of natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.
  - B. A plan for erosion and sediment pollution control shall be prepared and submitted to the Borough as required by this Section. The plan shall meet all requirements and be approved by the Berks County Conservation District, the Borough, and the Pennsylvania Department of Environmental Resources (Chapter 102 of Title 25, latest revision), when applicable.
  - C. The erosion and sediment pollution control plan shall be submitted at preliminary plan submission for a subdivision or land development. The plan shall contain 2 parts: (1) a map(s) describing the topography of the area within the subdivision or development, the proposed alteration of the area, and the erosion and sedimentation control measures and facilities which are proposed; and (2) a narrative report describing the project and giving the purpose, engineering assumptions, and calculations for control measures and facilities. The map(s) shall show:
    - (1) The types, depths, slope and extent of area of the soils on the site.
    - (2) The proposed alteration to the area, including:
      - (a) Arrows indicating existing and proposed runoff flow direction when contours do not adequately describe flow paths.
      - (b) Structures, roads, paved areas, buildings.
      - (c) Storm water and erosion and sediment control facilities.

- (d) Existing contours on the site (including individual lots) at intervals required by this Chapter and finished contours at the same interval.
- (3) The following certification statements:
  - (a) "I CERTIFY THAT THE PLAN OF DEVELOPMENT AND THE PLAN FOR SOIL EROSION AND SEDIMENT POLLUTION CONTROL MEET THE REQUIREMENTS, STANDARDS AND SPECIFICATIONS OF THE BERKS COUNTY CONSERVATION DISTRICT."

\_\_\_\_\_  
Engineer for Developer

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Developer

\_\_\_\_\_  
Date

The narrative report shall contain:

- (4) A general statement of the project which shall contain:
  - (a) A general description of the project.
  - (b) A general description of storm water control methods.
  - (c) A general description of accelerated erosion control.
  - (d) A general description of sedimentation control.
- (5) The staging of earthmoving activities, including cover removal, control facility installation, installation of improvements, and program of operations.
- (6) A maintenance program for the control facilities including:
  - (a) Frequency of inspection of control facilities.
  - (b) Method of disposal of materials removed from the control facilities of the project area.

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- (c) The methods, frequency, and ultimate disposal site for solid waste material. Construction waste shall be removed from the site and disposed of in an approved landfill. Construction waste shall not be buried on the site.
- (7) A specification for both temporary and permanent seeding, including preparation of the seed bed. Application rates for seed, fertilizer and mulch shall be provided, and shall comply with the specifications and standards established by the Berks County Conservation District.

The following items shall be shown on a map and also described in the narrative report:

- (8) Temporary control measures and facilities for use during earthmoving including:
  - (a) Purpose.
  - (b) Types of measures and facilities.
  - (c) Location of measures and facilities.
  - (d) Dimensioned construction details of the facilities.
- (9) Permanent control measures and facilities for site restoration and long-term protection, including:
  - (a) Purpose.
  - (b) Types of measures and facilities.
  - (c) Location of measures and facilities.
  - (d) Dimensioned construction details of the facilities.
  - (e) Design considerations and calculations.
- D. All erosion and sedimentation control facilities shall be periodically inspected and checked for adequacy and compliance with the approved erosion and sediment pollution control plan by the Borough. The approved erosion and sediment pollution control plan shall be maintained at the site of earthmoving at all times.
- E. All control facilities shall be maintained for their designed operation to ensure adequate performance.
- F. The following guidelines shall be followed as needed in developing erosion and sedimentation measures:

- (1) Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be kept to a minimum and shall be done in such a way that will minimize erosion.
  - (2) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
  - (3) The disturbed area and the duration of exposure shall not exceed 20 days, except in the case of building construction.
  - (4) Disturbed soils shall be stabilized as quickly as practicable.
  - (5) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
  - (6) Erosion and sedimentation control measures shall be installed prior to general site earthmoving activities.
  - (7) Both permanent and temporary provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be mechanically retarded.
  - (8) Until disturbed areas are stabilized, sediment in runoff water shall be trapped by the use of sediment basins, sediment traps, or other similar approved measures.
  - (9) Provision shall be made to protect existing water supplies and geologic structures with water supply potential from contamination.
- G. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sedimentation controls:
- (1) All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings, without ponding.
  - (2) Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard, and to adequately handle surface runoff.
  - (3) Natural drainage patterns shall be preserved wherever possible and desirable.
  - (4) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
  - (5) Cut and fills shall not endanger adjoining property.

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- (6) Fill shall be placed and mechanically compacted to minimize sliding and erosion of the soil.
  - (7) Fills shall not encroach on natural watercourses, floodplains, or constructed channels.
  - (8) During grading operations, necessary measures for dust control shall be exercised.
  - (9) Grading equipment shall not cross live streams. Provisions must be made for the installation of temporary culverts or bridges.
- H. Whenever sedimentation is caused by stripping vegetation, regrading, or other development or earthmoving, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation, at his expense, to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage which was caused within 72 hours of such sedimentation or damage. The Borough Council may require a note to this effect to be placed on the final plan.
- I. The period of storage on the land being developed of materials or equipment used in grading operations shall be kept to a minimum. Such storage shall not be continued after the completion of grading activities, and materials or equipment may only be stored for a short period before the commencement of grading activities.

(Ord. 337, 12/-/1973, §5.80; as amended by Ord. 516, 6/10/1992)

### **§507. Public Use and Service Areas.**

1. **Public Grounds.** The Borough Council may by resolution prohibit the Subdivider from erecting any structure on, removing or destroying any trees or topsoil on, doing any grading on, and making any use of any land in his subdivision which is designated for street, park, or other public use on the Official Map of the Borough. The resolution may prohibit the Subdivider from engaging in such actions for a period of one year after the Subdivider has submitted a written notice to the Borough Council announcing his intentions to develop the land designated for public use, or has made formal application for an official permit to build a structure for private use. The reservation for public grounds shall lapse at the end of one year unless the Borough Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the year.
2. **Natural Features.** Whenever possible, all natural features such as large trees, rock outcroppings, the natural terrain, wooded areas, and natural water courses and bodies of water shall be preserved.

3. Utility Easements.
  - A. Easements shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements. Local utility companies shall be consulted when locating utility easements.
  - B. Easements abutting street right-of-ways shall be a minimum of 10 feet in width. Other easements shall be a minimum of 20 feet in width.
  - C. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
  - D. Where gas petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction shall occur within a right-of-way of 50 feet minimum and shall comply to the applicable requirements of the Pennsylvania Public Utilities Commission Regulations.
4. Underground electric distribution lines are to be installed in all new subdivisions of five dwelling units or more. In existing subdivisions with five or more unimproved lots any extensions of the electric distribution lines shall be placed underground. An approved plan for the utilization of an electric distribution system shall be submitted to the Borough prior to the recording of a Final Plan.

(Ord. 337, 12/-/1973, §5.90; as amended by Ord. 516, 6/10/1992)



**Part 6**

**Improvement Specifications**

**§600. General Requirements.**

1. Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of the Borough.
2. The Subdivider shall agree with the Borough as to installations of all improvements shown on the Plan and required by these regulations, and shall execute and file Subdivision Improvements Agreement, Form LSR-4.
3. All improvements installed by the Subdivider shall be constructed in accordance with the applicable design specifications of the Borough or, where none apply, as prepared by the Borough Engineer. Where required, the specifications of the applicable State agency shall be used.
4. Supervision and inspection of the installation of all improvements required of any developer in any Subdivision Improvement Agreement, or as more particularly set forth in §601 through §602(1), shall in all cases be the responsibility of the Developer for the payment of the same, although the actual supervision and inspection shall be made at the designation of the Borough of Mohnton or in lieu thereof by an appropriate State agency.

(Ord. 337, 12-/1973, §6.10; as amended by Ord. 405, 4/9/1980, §1)

**§601. Required Improvements.**

The following improvements shall be provided by the Subdivider:

1. Street Grading. All streets shall be graded at full right-of-way width.
2. Cartway Paving. All streets shall be paved to full cartway width in accordance with Borough requirements.
3. Curbs. Curbs shall be installed along both sides of all streets, in accordance with Borough specifications.
4. Sidewalks. Sidewalks shall be installed in accordance with Borough Specifications on both sides of all streets except that:
  - A. Sidewalks shall be installed on only one side of marginal access streets; and
  - B. No sidewalks shall be required along service streets.

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5. Storm Sewers. Storm sewers and related facilities shall be installed consistent with acceptable design principles and the standards contained in §506 of this Chapter 22.
6. Sanitary Sewage Disposal. The Subdivider shall provide a complete public system which shall be subject to the approval of the Borough Engineer.
7. Water Supply. The subdivision shall be provided with a complete public water distribution system. The design and installation of such public system shall be subject to the approval of the appropriate utility company.
8. Water Supply. The subdivision shall be provided with a complete public water distribution system. The design and installation of such public system shall be subject to the approval of the appropriate utility company.
9. Monuments.
  - A. Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles in the boundary of the subdivision and at changes in direction of lines in the boundary of the subdivision.
  - B. All monuments shall be placed so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented.
  - C. Monuments shall be set with their top level with the finished grade of surrounding ground, except:
    - (1) Monuments which are placed within lines of existing or proposed sidewalks shall be so located (preferably beneath sidewalks) that their tops will not be affected by lateral movement of the sidewalk.
    - (2) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
    - (3) Where sidewalks are existing, a stone point (a four inch square chisel cut with a drill hole in center) may be substituted for a monument.
  - D. All streets shall be monumented (preferably on the right-of-way line) at the following locations:
    - (1) At least one monument at each street intersection;
    - (2) At changes in direction of street lines, excluding arcs at intersections;
    - (3) At each end of each curved street line, excluding curb arcs at intersections;

- (4) At intermediate points wherever topographical or other conditions make it impossible to sight between two otherwise required monuments;
  - (5) At such other places along the line of streets as may be determined by the Borough Engineer to be necessary so that any street may be readily defined in the future.
10. Street Signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to Borough approval.
  11. Street Lights. In accordance with the conditions to be agreed upon by the Subdivider, the Borough, and the appropriate public utility, street lights are to be installed in all subdivisions. All street light fixtures and appurtenances shall meet the specifications of said public utility when the lights are to be located in a dedicated street. The subdivider shall also accurately locate all underground electric lines on the as-built plans. [Ord 516]
  12. Markers. Metal markers shall be accurately placed at all lot corners prior to sale of lots.
  13. Erosion and Sediment Control Measures. Installations necessary to implement the Erosion and Sediment Control Plan for the subdivision shall be made by the Subdivider as required improvements.

(Ord. 337, 12/-/1973, §6.20; as amended by Ord. 516, 6/10/1992)

#### **§602. Recommended Improvements.**

The following improvements are recommended but not required:

1. Shade Trees. Reasonable effort should be made by the Subdivider to preserve existing shade trees, and, in addition, deciduous hardwood trees with a minimum caliper of 1 1/2 inches should be provided, in accordance with conditions to be agreed upon by the Borough, and if necessary, the appropriate public authority.

(Ord. 337, 12/-/1973, §6.40)



## Part 7

### Administration and Amendments

#### §700. Fees.

1. The Borough Council shall establish by resolution a collection procedure and Schedule of Fees to be paid by the Subdivider at the time of filing a Preliminary Plan in the case of a Major Subdivision and at the time of filing of a Final Plan in the case of a Minor Subdivision Plan.
2. The Schedule of Fees shall be obtainable in the office of the Borough Secretary, and shall be posted therein and in such other places as the Borough Council may designate.
3. No Final Plan shall be approved unless all fees and charges have been paid in full.
4. Review Fees.
  - A. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or engineer for review and report to the Borough, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
  - B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
  - C. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

[Ord. 516]

(Ord. 337, 12-/1973, §7.10; as amended by Ord. 516, 6/10/1992)

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### **§701. Modifications.**

1. The Borough Council may grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary.
3. The request for modification shall be referred to the Planning Commission for advisory comments.
4. The Borough Council shall keep a written record of all action on all requests for modifications.

(Ord. 337, 12/-/1973, §7.20; as amended by Ord. 516, 6/10/1992)

### **§702. Challenges.**

1. Any person desiring to challenge the validity of any provision of this Chapter 22, or any amendment thereof, shall make such challenge as prescribed by law.
2. Any person aggrieved by action of the Borough Council may appeal to court as prescribed by law.

(Ord. 337, 12/-/1973, §7.30)

### **§703. Preventive Remedies.**

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This

authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
  - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 337, 12/-/1973, §7.40; as amended by Ord. 516, 6/10/1992)

**§704. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. 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.

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3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction in proceedings brought under this Section.

(Ord. 337, 12/-/1973, §7.40; as amended by Ord. 516, 6/10/1992)

### **§705. Keeping of Records.**

The Borough Planning Commission and the Borough Council shall keep a record of their findings, decision, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public for review. (Ord. 337, 12/-/1973, §7.50)

### **§706. Responsibility.**

The Subdivider shall be responsible for observing the procedures established in this Chapter 22 and for submitting all plans and documents as may be required. (Ord. 337, 12/-/1973, §7.60)

### **§707. Conflicts.**

1. Whenever there is a difference between the minimum standards specified herein and those included in other official regulations the more stringent requirements shall apply and are not hereby repealed.

(Ord. 337, 12/-/1973, §7.70)

### **§708. Amendments.**

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least 30 days prior to the public hearing on the amendment, the Borough shall submit the proposed amendment to the County planning agency for recommendations.

2. Within 30 days after adoption, the Borough Council shall forward a certified copy of the amendment to the County Planning agency.
3. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the County law library (or other County office designated by the County Commissioners).
4. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ord. 337, 12/-/1973, §7.80; as amended by Ord. 516, 6/10/1992)



**Part 8**  
**Definitions**

**§800. General Definitions.**

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

1. Words in the singular include the plural and those in the plural include the singular.
2. Words in the present tense include the future tense.
3. Words “person,” subdivider,” developer,” and “owner” include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.
4. The word “building” includes structures and shall be construed as if followed by the phrase “or part hereof.”
5. The word “watercourse” includes channel, creek, ditch, dry run, spring, stream and river.
6. The words “should” and “may” are permissive; the words “shall,” “must,” and “will” are mandatory and directive.

(Ord. 337, 12/-/1973, §8.10)

**§801. Specific Definitions.**

Other terms or words used herein shall be interpreted or defined as follows:

ALLEY — See “Service Street.”

APPLICATION FOR DEVELOPMENT — every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 516]

BLOCK — an area bounded by three or more streets.

BOROUGH — the Borough of Mohnton.

BOROUGH COUNCIL — the Council of Mohnton Borough.

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**BOROUGH PLANNING COMMISSION** — the Planning Commission of Mohnton Borough.

**BUILDING** — a structure or appendage to a structure permanently affixed to the ground, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure or support of humans, animals or property of any kind, or in the case of a mobilehome, connected in any fashion to any source of electricity, gas, heating fuel, telephone, or to a sewage disposal or water system of any type. [Ord. 516]

**BUILDING RESERVE (SETBACK) LINE** — the line within a property defining the minimum required distance between any dwelling to be erected and an adjacent right-of-way line.

**CARTWAY (ROAD)** — the portion of a street right-of-way, paved or unpaved, intended for vehicular use.

**CLEAR SIGHT TRIANGLE** — an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**COMMISSION** — the Planning Commission of the Borough of Mohnton.

**COMMON OPEN SPACE** — a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 516]

**COUNTY** — the County of Berks, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** — the Planning Commission of the County of Berks.

**DEVELOPER** — any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. [Ord. 516]

**DEVELOPMENT PLAN** — the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 516]

**DRAINAGE EASEMENT** — the lands required for the installation of storm sewers or drainage ditches, or required along a natural stream or water course for

preserving the channel and providing for the flow of water therein to safeguard the public against flood damage. [Ord. 516]

DWELLING UNIT — any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

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

ENDORSEMENT — the application of the County Planning Commission's appropriate stamp and the signature of the Executive Director to the Final Plan. The application of the signatures of at least a majority of the Borough Council and the Borough Seal to the Plan.

ENGINEER — a licensed professional engineer registered by the Commonwealth of Pennsylvania.

GRADE — the inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

IMPROVEMENTS — those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- B. A subdivision of land.
- C. "Land development" does not include development which involves:

## SUBDIVISION AND LAND DEVELOPMENT

- (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, 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 by the proper authorities.

[Ord. 516]

**LANDOWNER** — the legal or beneficial owner or owners of land including the holder of an option 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, shall be deemed to be a landowner for the purpose of this Chapter 22.

**LOT** — a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 516]

**LOT AREA** — the area contained within the property lines of a lot (as shown on the Plan) excluding space within all street rights-of-way and within all permanent drainage easements, but including the areas of all other easements.

**MAINTENANCE GUARANTEE** — a guarantee by the Subdivider that he shall maintain all improvements in good condition for a period of one year after completion of construction and installation of all such improvements.

**MARKER** — a metal pipe or pin of at least 3/4 inch in diameter and at least 24 inches in length.

**MOBILEHOME** — a transportable, single family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 516]

**MOBILEHOME LOT** — a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [Ord. 516]

**MOBILEHOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 516]

**MONUMENT** — a stone or concrete monument with a flat top at least four inches in diameter or square, containing a copper or brass dowel (1/4 inches drill hold) and at least 24 inches in length. It is recommended that the bottom sides or radius be at least two inches greater than the top, to minimize movements caused by frost.

**MULTIPLE DWELLING BUILDING** — a building providing separate dwelling units for three or more families.

**MUNICIPAL AUTHORITY** — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945.” [Ord. 516]

**MUNICIPALITY** — Borough of Mohnton.

**PARCEL** — See “Lot.”

**PERFORMANCE GUARANTEE** — any security which is accepted by the Township to guarantee that certain improvements will be made within the subdivision, including performance bonds, escrow agreements, and any other collateral or surety agreements.

**PLAN, SKETCH** — an informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

**PLAN, PRELIMINARY** — a tentative Subdivision or Land Development Plan (and including all required supplementary data), in lesser detail than a Final Plan, showing proposed street and lot layout as a basis for consideration of a Major Subdivision Plan, prior to preparation of a Final Plan.

**PLAN, FINAL** — a complete and exact Subdivision or Land Development Plan (and including all required supplementary data) prepared for official recording.

**PLAN, OFFICIAL** — the Comprehensive Development Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such plans, or portions thereof, as may have been adopted, pursuant to statute, for the area of the Borough in which the subdivision is located.

**PLAN, RECORD** — the copy of the Final Plan which contains the original endorsements of the County Planning Commission and the Borough Council, and is intended to be recorded with the County Recorder of Deeds.

## SUBDIVISION AND LAND DEVELOPMENT

PLAT — a map or plan of a subdivision or land development whether preliminary or final.

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

[Ord. 516]

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 516]

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,” 53 P.S. §§271 et seq. [Ord. 516]

PUBLIC NOTICE — notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 30 days and the second publication shall not be less than seven days from the date of the hearing. [Ord. 516]

RESERVE STRIP — a parcel of ground in separate ownership separating a street from other adjacent properties, or from another street, either proposed or existing.

RESUBDIVISION — any replatting of land, including changes to recorded Subdivision Plans. See also “Subdivisions.”

REVERSE FRONTAGE LOT — a lot extending between and having frontage on two generally parallel streets (excluding service streets), with vehicular access solely from one street.

RIGHT-OF-WAY — the total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.

SANITARY SEWERAGE SYSTEM, PUBLIC — a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

**SIGHT DISTANCES** — the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 4.5 feet above the center line of the road surface to a point 0.5 feet above the center line of the road surface.

**STREET** — includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 516]

**ARTERIAL STREET** — a street having a large volume of comparatively high-speed and long-distance traffic.

**COLLECTOR STREET** — a street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. (Streets in industrial and commercial subdivisions shall generally be considered collector streets);

**CUL-DE-SAC STREET** — a minor street intersecting another street at one end, and terminating in a vehicular turn-around at the other end;

**HALF (PARTIAL) STREET** — a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

**MARGINAL ACCESS STREET** — a minor street, parallel and adjacent to an arterial street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the arterial street;

**MINOR STREET** — a street used primarily to provide access to abutting properties;

**SERVICE STREET (ALLEY)** — a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**STRUCTURE** — any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground. Structures include, but are not limited to, buildings, factories, sheds, cabins, mobilehomes, signs, tents, tanks and towers. [Ord. 516]

**SUBDIVIDER** — any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of own-

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ership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 516]

**SUBSTANTIALLY COMPLETED** — where in the judgment of the Borough engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. [Ord. 516]

**SURVEYOR** — a licensed surveyor registered by the Commonwealth of Pennsylvania.

**WATER DISTRIBUTION SYSTEM, PUBLIC** — a system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

**WATER SURVEY** — an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough. [Ord. 516]

(Ord. 337, 12/-/1973, §8.20; as amended by Ord. 516, 6/10/1992)

## Part 9

### Floodplain Regulations

#### **§900. General Provisions.**

1. Purpose. The specific purpose of these provisions is:
  - A. To regulate the subdivision and/or development of land within any designated floodplain district in order to promote the general health, welfare, and safety of the community;
  - B. To require that each subdivision lot in floodprone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction;
  - C. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated floodplain districts.
2. Abrogation and Greater Restrictions. This Part 9 supersedes any regulations currently in effect in flood areas. However, any other applicable regulations shall remain in full force and effect to the extent that those provisions are more restrictive.
3. Municipal Liability. The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials or employees.

(Ord. 403, -/-/1980, Art. 1)

#### **§901. Application Procedures and Requirements.**

1. Pre-Application Procedures.
  - A. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.
  - B. Prospective developers shall consult the County Conservation District Representative concerning erosion and sediment control and the effect of geo-

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logic conditions on the proposed development. At the same time a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

2. Preliminary Plan Requirements. The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer or surveyor:
  - A. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this §901.
  - B. A map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on the one-hundred-year flood elevations.
  - C. Where the subdivision and/or land development lies partially or completely within any designated floodplain districts or where such activities border on any designated floodplain district, the Preliminary Plan Map shall include the following information:
    - (1) The location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.
    - (2) The one-hundred-year flood elevations.
    - (3) Areas subject to special deed restrictions.
    - (4) All such maps shall show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the designated floodplain districts.
3. Final Plan Requirements
  - A. The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:
    - (1) All information required for the submission of the Preliminary Plan incorporating any changes requested by the Borough of Mohnton.
    - (2) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain district. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of the floodprone areas.
  - B. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where

any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

4. Performance Bond. This Subsection (4) is strictly optional. Such bonding requirements are not necessary to comply with the National Flood Insurance Program Regulations. However, it is advisable for any subdivision and land development regulation to have bonding provisions. If your community's subdivision and land development regulations lack bonding requirements and there is a desire to include such provisions, please contact the Bureau's Planning Services Division or Regional Office Staff.

(Ord. 403, -/-/1980, Art. 2)

### **§902. Design Standards and Improvement in Designated Floodplain Districts.**

1. General.
  - A. Where not prohibited by this or any other laws or regulations, land located in any designated floodplain district may be platted for development with the provision that the Developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and regulations regulating such development.
  - B. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any designated floodway district. Sites for these uses may be permitted outside the floodway district if the sites or dwelling units are elevated up to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least 15 feet beyond the limits of the proposed structures.
  - C. Building sites for structures or buildings other than for residential uses shall also not be permitted in any designated floodway district. Also, such sites for structures or buildings outside the floodway shall be protected as provided in Subsection (B) above. However, the Borough Council may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the Developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.
  - D. If the Borough of Mohnton determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

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- E. When a Developer does not intend to develop the plat himself and the Borough of Mohnton determines that additional controls are required to insure safe development, it may require the Developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
2. Excavation and Grading. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the Developer shall consult the County Conservation District Representative concerning plans for erosion and sediment control and to also obtain a report of the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the Developer shall obtain a Grading and Excavation Permit if such is required by the Borough.
3. Drainage Facilities.
  - A. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
  - B. Plans shall be subject to the approval of the Borough of Mohnton. The Borough of Mohnton may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
4. Streets. The finished elevation of proposed streets shall not be more than one foot below the Regulatory Flood Elevation. The Borough of Mohnton may require, where necessary, profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
5. Sewer Facilities. All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.
  - A. The Borough of Mohnton shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or are proposed for location in designated floodplain districts. The Borough of Mohnton may require that the Developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

- B. The Borough of Mohnton may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Borough of Mohnton shall require the Developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the Developer in connecting to the system.
- 6. **Water Facilities.** All water systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Borough of Mohnton shall require the Developer to connect to this system where practical, and shall prescribe the procedures to be followed by the Developer in connecting to the system.
- 7. **Other Utilities and Facilities.** All other public and private utilities and facilities including gas and electric shall be elevated or floodproofed up to the Regulatory Flood Elevation.

(Ord. 403, -/1980, Art. 3)

**§903. Definitions.**

**BUILDING** — a structure or appendage to a structure permanently affixed to the ground, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure or support of humans, animals or property of any kind, or in the case of a mobilehome, connected in any fashion to any source of electricity, gas, heating fuel, telephone, or to a sewage disposal or water system of any type. [Ord. 516]

**DESIGNATED FLOODPLAIN DISTRICTS** — those floodplain districts specifically designated in the Borough of Mohnton Zoning Chapter 27 as being inundated primarily by the one-hundred-year flood. Included would be areas identified as the Floodway District (FW) and the Floodfringe District (FF).

**DEVELOPER** — any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. [Ord. 516]

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

**DWELLING** — a building designed and constructed for residential purposes in which people live.

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**ONE-HUNDRED-YEAR FLOOD** — a flood that, on the average, is likely to occur once every 100 years, (i.e. that has a 1% chance of occurring each year, although the flood may occur in any year).

**REGULATORY FLOOD ELEVATION** — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

**STRUCTURE** — any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground. Structures include, but are not limited to buildings, factories, sheds, cabins, mobilehomes, signs, tents, tanks and towers. [Ord. 516]

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 516]

(Ord. 403, -/1980, Art. 4; as amended by Ord. 516, 6/10/1992)