

## **ARTICLE 3**

### **APPLICATION PROCEDURES**

#### **Section 301: General Procedures**

- (A) Article 3 of this Ordinance provides an overview of the general procedures for the application, submission, review and the approval of all proposed subdivision plans or land development plans within Upper Bern Township.
- (B) All subdivision plans and/or land development plans within the corporate limits of Upper Bern Township shall be subject to the review of Upper Bern Township and the Berks County Planning Commission, as well as all other local, county, state or federal agencies, as deemed necessary by Upper Bern Township, in accordance with the procedures specified within this Ordinance.
- (C) For all proposed subdivision plans and/or land development plans, except those exempted from standard procedures, a sketch plan, preliminary plan, and a final plan must be submitted to Upper Bern Township for review and consideration. Those plans exempted from standard procedure shall comply with the procedures identified under this Ordinance.
- (D) The application for subdivision and land development has been included within Appendix A of this Ordinance.

#### **Section 302: Authority and Jurisdiction**

- (A) The Upper Bern Township Board of Supervisors shall have jurisdiction of subdivision and land development activity within Upper Bern Township. In order to assist the Board of Supervisors in its consideration of all subdivision plans and/or land development plans, the Board of Supervisors hereby decrees that the Upper Bern Township Planning Commission shall serve the following functions:
  - (1) All plans proposing subdivision and/or land development, upon submission to Upper Bern Township shall be referred to the Planning Commission for review.
  - (2) The Planning Commission shall consider all plans, profiles, reports, and other pertinent information that has submitted by the applicant as part of the subdivision plan and/or land development plan.
  - (3) The Planning Commission shall consider the review of any staff members or professional consultants of Upper Bern Township prior to issuing a recommendation to the Board of Supervisors.
  - (4) The Planning Commission shall consider the review of the Berks County Planning Commission, as well as other local, county, state and/or federal agency plan prior to issuing a recommendation to the Board of Supervisors.
  - (5) The Planning Commission shall consider any written responses or requests submitted by the applicant prior to issuing a recommendation to the Board of Supervisors
  - (6) Upon review of the information submitted as part of the subdivision plan and/or land development plan, the Planning Commission shall make recommendations to the Board of Supervisors concerning the approval, conditional approval, or disapproval of such subdivision plans and/or land development plans.
  - (7) Where appropriate, the Planning Commission may also provide recommendations to the Board of Supervisors or Zoning Hearing Board concerning the interpretation of the Zoning Ordinance.
- (B) The Upper Bern Township Board of Supervisors shall consider the recommendations offered by the Planning Commission prior to taking action on any proposed subdivision plan and/or land development plan.

### **Section 303: Sketch Plan Application and Review**

- (A) A sketch plan shall be considered as an unofficial submission to Upper Bern Township for the purposes of informal review and discussion between the applicant and the Planning Commission.
- (B) Unless otherwise directed by Upper Bern Township, a sketch plan should be submitted as a prerequisite to the formal submission of a preliminary subdivision and land development plan. For maximum usefulness, sketch plans should contain the information specified by Section 402 of this Ordinance.
- (C) The applicant shall meet with the Planning Commission at a regularly scheduled public meeting or at a special public meeting to informally discuss the Sketch Plan. As part of this process, the following issues should be discussed:
  - (1) The compatibility of the proposed development with the Joint Comprehensive Plan for Northern Berks County.
  - (2) The compatibility of the proposed development with the Upper Bern Township Sewage Facilities Plan.
  - (3) The application procedures that may be required to obtain municipal approval, as specified under the Upper Bern Township Zoning Ordinance.
  - (4) The conceptual suitability of the proposed development considering land use, community facilities, utilities, transportation, and other infrastructure needs.
- (D) The Upper Bern Township Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the subdivision plan and/or land development plan. The applicant may be present to provide a presentation of the proposed concept plan and site improvements.
- (E) The sketch plan may be required by Upper Bern Township as a prerequisite to the formal submission of a preliminary subdivision and land development plan. The sketch plan shall not be considered as an official plan submission in accordance with the review procedures and provisions of the Pennsylvania Municipalities Planning Code.
- (F) Based upon the informal discussion at the public meeting, the Planning Commission shall provide direction to the applicant considering the merits of the sketch plan.

### **Section 304: Preliminary Plan Application and Review**

- (A) When a preliminary plan is required for a subdivision plan or land development plan, the applicant or developer shall comply with the application and review procedures, which are hereby established within this Ordinance.
- (B) The continuation or validity of a current preliminary plan application or an approved preliminary plan application shall be in accordance with provisions established by Upper Bern Township and by the Pennsylvania Municipalities Planning Code.
- (C) When filing a preliminary plan for review and consideration, the applicant shall make an official submission to Upper Bern Township at least seven (7) days prior to the regularly scheduled monthly meeting of the Upper Bern Township Planning Commission.
- (D) An official submission of a preliminary subdivision plan and/or a preliminary land development plan shall include the following information:
  - (1) Eight (8) completed copies of the application (refer to Appendix A) of a subdivision plan or land development plan;
  - (2) Eight (8) complete copies of the proposed preliminary plan, which shall comply with the requirements of Articles 4 and 5 of this Ordinance. If requested by Upper Bern Township, additional copies of the proposed preliminary plan shall be supplied to Upper Bern Township.

- (3) Four (4) copies of all other supportive plans, profiles, reports and other documentation, as may be required under Articles 4 and 5 of this Ordinance. If requested by Upper Bern Township, additional copies of all other supportive plans, profiles, reports and other documentation shall be supplied to Upper Bern Township.
  - (4) Filing or submission fees shall be required in order to cover all administrative costs and review fees, as permitted under the provisions of the Pennsylvania Municipalities Planning Code. The filing fees shall be established by Upper Bern Township, which may be revised or amended by municipal ordinance or resolution.
  - (5) No application shall be deemed filed and accepted for review until all information required under this Ordinance have been received, the application fees have been fully paid, and any other administrative requirements for submission have been met.
- (E) Upon determination that the application is complete by the Upper Bern Township Planning Commission, copies of the proposed preliminary plan shall be distributed as follows:
- (1) To the Upper Bern Township Board of Supervisors;
  - (2) To the Upper Bern Township Planning Commission;
  - (3) To the Upper Bern Township Engineer;
  - (4) To the Upper Bern Township Planning Consultant;
  - (5) To the Upper Bern Township Zoning Officer;
  - (6) To the Upper Bern Township Solicitor; and
  - (7) To the Berks County Planning Commission.
- (F) At the discretion of the Upper Bern Township Planning Commission, additional copies of the proposed preliminary plan shall be submitted and distributed as follows:
- (1) To the Upper Bern Township Parks and Recreation Board;
  - (2) To the Upper Bern Township Historical Commission;
  - (3) To the Upper Bern Township Environmental and Agricultural Advisory Committee;
  - (4) To any appointed or designated professional consultants of Upper Bern Township;
  - (5) To the Pennsylvania Department of Transportation;
  - (6) To the Pennsylvania Department of Environmental Protection;
  - (7) To the Berks County Soil Conservation District;
  - (8) To the Hamburg Area School District;
  - (9) To the Upper Bern Township Emergency Management Coordinator;
  - (10) To the Upper Bern Township Sewage Enforcement Officer; and
  - (11) To other local, county, state or federal agencies that are considered appropriate by Upper Bern Township to review the proposed preliminary plan.

- (G) No application shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required under Articles 4 and 5 of this Ordinance have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
- (H) The Upper Bern Township Planning Commission in conjunction with the Upper Bern Township Engineer, Planning Consultant, Zoning Officer and Solicitor shall review the preliminary plan to determine if it conforms to the provisions established by Upper Bern Township. The Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Upper Bern Township Engineer, Planning Consultant, Zoning Officer and Solicitor shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
- (I) The Berks County Planning Commission shall review the preliminary plan to determine if it conforms with local, county, state and federal provisions, as further outlined within the Pennsylvania Municipalities Planning Code. The Berks County Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Berks County Planning Commission shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
- (J) Where considered appropriate by the Upper Bern Township Planning Commission, the proposed preliminary plan shall be reviewed by the appropriate professional consultants of Upper Bern Township, who may provide engineering, architectural, planning and/or legal advice to Upper Bern Township. If requested, the review or report of the professional consultants shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
- (K) Where considered appropriate by the Upper Bern Township Planning Commission, the proposed preliminary plan shall be reviewed by other local, county, state or federal agencies, as identified under this Ordinance of the Upper Bern Township. If requested, the review or report of the local, county, state or federal agencies shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
- (L) When a preliminary plan has been officially accepted for review by Upper Bern Township, such preliminary plan shall be reviewed by the Planning Commission at its next regularly scheduled public meeting, or at the discretion of the Planning Commission, at a special public meeting. During the review of the preliminary plan, the Planning Commission shall consider the written reports of the Upper Bern Township Engineer, Planning Consultant, Zoning Officer, Solicitor and Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the preliminary plan.
- (M) Upon consideration of the written reports, the Planning Commission shall make a formal recommendation concerning the status of the preliminary plan to the Board of Supervisors. The recommendation shall be forwarded to the Board of Supervisors within ninety (90) days from the date the preliminary plan was officially accepted for review by Upper Bern Township.
- (N) During the course of the review of the preliminary plan by the Planning Commission and prior to any action by the Board of Supervisors within the required ninety (90) day period, the proposed preliminary plan may be revised by the applicant. Upon the submission of a revised preliminary plan, the applicant shall sign a statement withdrawing any previously submitted preliminary plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised preliminary plan. The revised preliminary plans shall be submitted to the Planning Commission at least seven (7) days prior to the regularly scheduled monthly meeting of the Planning Commission.
- (O) Following the review of the preliminary plan and the accompanying reports and recommendations issued by the Upper Bern Township Planning Commission, Engineer, Planning Consultant, Zoning Officer, Solicitor and the Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the preliminary plan, the Board of Supervisors shall approve, approve with conditions, table, or reject the proposed preliminary plan. Conditions for approval must be clearly stated in writing or by resolution. If rejected, the Board of Supervisors shall specify the reasons for rejection the preliminary plan, including citation of or reference to the pertinent sections of the codes and ordinances adopted by Upper Bern Township.

- (P) The decision of the Board of Supervisors shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to Upper Bern Township. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30<sup>th</sup>) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement by the applicant and Upper Bern Township.
- (Q) Approval or approval with conditions of a preliminary plan shall not constitute approval of the final plan. Rather, it shall be deemed an expression of approval of the layout shown on the preliminary plan as a guide to the preparation of the final plan. The final plan must also be reviewed and considered by Upper Bern Township, as outlined under this Ordinance.
- (R) Where a conflict or discrepancy should arise concerning the procedural requirements specified by Upper Bern Township and the Pennsylvania Municipalities Planning Code, the Upper Bern Township Solicitor shall review the conflict or discrepancy and advise the Board of Supervisors, Planning Commission, Engineer, Planning Consultant and Zoning Officer of the procedural requirements that should be followed.
- (S) The provisions established for administration and enforcement, as established under this Ordinance shall be subject to the interpretation of the Upper Bern Township Board of Supervisors, Planning Commission, Engineer Planning Consultant, Zoning Officer and/or Solicitor. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Board of Supervisors. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of the Upper Bern Township Board of Supervisors, Planning Commission, Engineer Planning Consultant, Zoning Officer and/or Solicitor.

**Section 305: Final Plan Application and Review**

- (A) When a final plan is required for a subdivision plan or land development plan, the applicant or developer shall comply with the application and review procedures, which are hereby established within this Ordinance.
- (B) The continuation or validity of a current final plan application or an approved final plan application shall be in accordance with provisions established by the Upper Bern Township and by the Pennsylvania Municipalities Planning Code.
- (C) Where a final plan application is preceded by a preliminary plan application, the applicant shall submit the final subdivision plan or final land development plan within twelve (12) months of the approval of the preliminary plan by the Board of Supervisors. An extension of time may be granted to the applicant if the request has been made in writing and provided that extenuating conditions prevent the applicant from submitting a final plan for municipal review and consideration. The length and terms of the time extension shall be subject to the review and approval of the Board of Supervisors. However, if the time period between the approval date of the preliminary plan and the application date of the final plan extends beyond the extension date specified by the Board of Supervisors, the applicant shall file a new preliminary plan in accordance with the provisions of this Ordinance.
- (D) Where a final plan application is preceded by a preliminary plan application, Upper Bern Township may permit the submission of a final subdivision plan or final land development plan in phases or sections, provided that such submission covers at least twenty-five (25) percent of the overall development or a reasonable portion of the approved preliminary plan, as considered appropriate by the Upper Bern Township Board of Supervisors and Planning Commission.
- (E) When filing a final plan for review and consideration, the applicant shall make an official submission to Upper Bern Township at least seven (7) days prior to the regularly scheduled monthly meeting of the Upper Bern Township Planning Commission.
- (F) An official submission of a final subdivision plan and/or a final land development plan shall include the following information:
  - (1) Eight (8) completed copies of the application (refer to Appendix A) of a subdivision plan or land development plan;

- (2) Eight (8) complete copies of the proposed final plan, which shall comply with the requirements of Articles 4 and 5 of this Ordinance. If requested by the Upper Bern Township Planning Commission, additional copies of the proposed final plan shall be supplied to Upper Bern Township.
  - (3) Four (4) complete copies of all other supportive plans, profiles, reports and other documentation, as may be required under Articles 4 and 5 of this Ordinance. If requested by the Upper Bern Township Planning Commission, additional copies of all other supportive plans, profiles, reports and other documentation shall be supplied to Upper Bern Township.
  - (4) Filing or submission fees shall be required in order to cover all administrative costs and review fees, as permitted under the provisions of the Pennsylvania Municipalities Planning Code. The filing fees shall be established by the Upper Bern Township, which may be revised or amended by municipal ordinance or resolution.
  - (5) No application shall be deemed filed and accepted for review until all information required under this Ordinance have been received, the application fees have been fully paid, and any other administrative requirements for submission have been met.
- (G) Upon determination that the application is complete by the Upper Bern Township Planning Commission, copies of the proposed final plan shall be distributed as follows:
- (1) To the Upper Bern Township Board of Supervisors;
  - (2) To the Upper Bern Township Planning Commission;
  - (3) To the Upper Bern Township Engineer;
  - (4) To the Upper Bern Township Planning Consultant;
  - (5) To the Upper Bern Township Zoning Officer;
  - (6) To the Upper Bern Township Solicitor; and
  - (7) To the Berks County Planning Commission (if requested).
- (H) At the discretion of the Upper Bern Township Planning Commission, additional copies of the proposed final plan shall be submitted and distributed as follows:
- (1) To the Berks County Planning Commission;
  - (2) To the Upper Bern Township Parks and Recreation Department;
  - (3) To the Upper Bern Township Historical Commission;
  - (4) To the Upper Bern Township Environmental and Agricultural Advisory Committee;
  - (5) To the appointed or designated professional consultants of Upper Bern Township;
  - (6) To the Pennsylvania Department of Transportation;
  - (7) To the Pennsylvania Department of Environmental Protection;
  - (8) To the Berks County Soil Conservation District;
  - (9) To the Hamburg Area School District;
  - (10) To the Upper Bern Township Emergency Management Coordinator;

- (11) To the Upper Bern Township Sewage Enforcement Officer; and
  - (12) To other local, county, state or federal agencies that are considered appropriate by Upper Bern Township to review the proposed final plan.
- (I) No application shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required under Articles 4 and 5 of this Ordinance have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
  - (J) The Upper Bern Township Planning Commission in conjunction with the Upper Bern Township Engineer, Planning Consultant, Zoning Officer and Solicitor shall review the final plan to determine if it conforms to the provisions established by Upper Bern Township. The Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Upper Bern Township Engineer, Planning Consultant, Zoning Officer and Solicitor shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
  - (K) If requested by Upper Bern Township, the Berks County Planning Commission shall review the final plan to determine if it conforms with local, county, state and federal provisions, as further outlined within the Pennsylvania Municipalities Planning Code. The Berks County Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Berks County Planning Commission shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
  - (L) Where considered appropriate by the Upper Bern Township Planning Commission, the proposed final plan shall be reviewed by the appropriate professional consultants of Upper Bern Township, who may provide engineering, architectural, planning and/or legal advice to Upper Bern Township. If requested, the review or report of the professional consultants shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
  - (M) Where considered appropriate by the Upper Bern Township Planning Commission, the proposed final plan shall be reviewed by other local, county, state or federal agencies, as identified under this Ordinance of the Upper Bern Township. If requested, the review or report of the local, county, state or federal agencies shall be in writing and shall be submitted to the Upper Bern Township Planning Commission for consideration at a regularly scheduled public meeting or special public meeting.
  - (N) When a final plan has been officially accepted for review by Upper Bern Township, such final plan shall be reviewed by the Planning Commission at its next regularly scheduled public meeting, or at the discretion of the Planning Commission, at a special public meeting. During the review of the final plan, the Planning Commission shall consider the written reports of the Upper Bern Township Engineer, Planning Consultant, Zoning Officer, Solicitor and Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the final plan.
  - (O) Upon consideration of the written reports, the Planning Commission shall make a formal recommendation concerning the status of the final plan to the Board of Supervisors. The recommendation shall be forwarded to the Board of Supervisors within ninety (90) days from the date the final plan was officially accepted for review by Upper Bern Township.
  - (P) During the course of the review of the final plan by the Planning Commission and prior to any action by the Board of Supervisors within the required ninety (90) day period, the proposed final plan may be revised by the applicant. Upon the submission of a revised final plan, the applicant shall sign a statement withdrawing any previously submitted final plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised final plan. The revised final plans shall be submitted to the Planning Commission at least seven (7) days prior to the regularly scheduled monthly meeting of the Planning Commission.
  - (Q) Following the review of the final plan and the accompanying reports and recommendations issued by the Upper Bern Township Planning Commission, Engineer, Planning Consultant, Zoning Officer, Solicitor and the Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the final plan, the Board of Supervisors shall approve, approve with conditions, table, or reject the proposed final plan.

Conditions for approval must be clearly stated in writing or by resolution. If rejected, the Board of Supervisors shall specify the reasons for rejection the final plan, including citation of or reference to the pertinent sections of the codes and ordinances adopted by Upper Bern Township.

- (R) The decision of the Board of Supervisors shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to Upper Bern Township. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30<sup>th</sup>) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement by the applicant and Upper Bern Township.
- (S) The decision of the Board of Supervisors shall be in writing, which shall be issued to the applicant within fifteen (15) days following the decision.
- (T) The approved final plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of Upper Bern Township and the Pennsylvania Municipalities Planning Code.
- (U) Where a conflict or discrepancy should arise concerning the procedural requirements specified within this Ordinance and the Pennsylvania Municipalities Code, the Upper Bern Township Solicitor shall review the conflict or discrepancy and advise the Board of Supervisors and Planning Commission of the procedural requirements that should be followed.
- (V) The provisions established for administration and enforcement, as established under this Ordinance shall be subject to the interpretation of the Upper Bern Township Board of Supervisors and Planning Commission. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with the Board of Supervisors. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of the Upper Bern Township Board of Supervisors and Planning Commission.

### **Section 306: Plans Exempted from Standard Procedures**

- (A) **Annexation Plans:** Where the sole purpose of the proposed plan is to annex a lot or parcel to an adjacent lot or parcel, the applicant shall follow the following procedures:
  - (1) A final plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Ordinance.
  - (2) The proposed annexation plan shall indicate that the purpose of the plan is for annexation purposes only and that no new building lots are proposed as a result of the annexation plan.
  - (3) Where appropriate, the lots or parcels of land affected by the annexation shall be joined as a common deed and new deed descriptions shall be prepared for recording purposes.
  - (4) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the annexation plan.
  - (5) The approved annexation plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of this Ordinance.
- (B) **Revised Plan of Record:** Any revision, replatting or resubdivision of land, which includes changes to the approved final and recorded plan shall be considered a revised plan of record, which shall be prepared in accordance with the following procedures:
  - (1) A final plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Ordinance.
  - (2) Lot lines may be changed from those on the approved final and recorded plan may be considered, provided that in making such changes: no lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Upper Bern Township Zoning Ordinance; the easements or rights-of-way shall not be changed; the street locations and block sizes shall not be changed; no lot or



tract of land shall be created that does not have proper access or abut an existing or proposed street; the area devoted to open space and recreational areas shall not be reduced.

- (3) The revised plan of record shall specifically identify that this plan shall supersede the previously approved final and recorded plan considering the following references or revisions.
- (4) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the revised plan of record.
- (5) The approved revised plan of record shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions this Ordinance.

(C) **Minor Subdivision Plans:** Where the sole purpose of the proposed plan is to create three (3) or fewer lots with minor improvements or related impacts, a minor subdivision plan shall be prepared in accordance with the following procedures:

- (1) The applicant shall meet with the Upper Bern Township Engineer, Planning Consultant and Zoning Officer to determine if the subdivision will involve minor improvements or related impacts. If the proposed subdivision will result in major improvements or related impacts, the applicant shall comply with the standard application procedures established within this Ordinance.
- (2) A final plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Ordinance.
- (3) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the minor subdivision plan.
- (4) The approved minor subdivision plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of this Ordinance.

(D) **Minor Land Development Plans:** Where the sole purpose of the proposed plan is to develop a lot or tract of land with minor improvements or related impacts, a minor land development plan shall be prepared in accordance with the following procedures:

- (1) The applicant shall meet with the Upper Bern Township Engineer, Planning Consultant and Zoning Officer to determine if the land development plan will involve minor improvements or related impacts. As a general guideline, the development of a property involving the construction, expansion or redevelopment of less than 5,000 square feet of gross floor area and/or the disturbance of less than 10,000 square feet of land area could qualify the development as a minor land development plan. If the proposed land development plan will result in major improvements or related impacts, the applicant shall comply with the standard application procedures established within this Ordinance.
- (2) A final land development plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Ordinance.
- (3) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the minor land development plan.
- (4) The approved minor land development plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of this Ordinance.

### **Section 307: Land Development Plans**

(A) Unless specifically stated within this Ordinance, a complete "land development plan", shall be prepared and submitted to Upper Bern Township for review and consideration. The complete land development plan shall accurately show lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Ordinance. All such preliminary and final land development plans shall be prepared to comply with the standard review and submission procedures established under this Ordinance.

- (B) Section 306(D) of this Ordinance provides specific provisions for minor land development plans.

**Section 308: Application Fees**

- (A) The Upper Bern Township Board of Supervisors shall establish by municipal resolution or ordinance, a fee schedule for the submission and processing of all applications pertaining to this Ordinance. The proposed application shall not be considered by Upper Bern Township until all pertinent fees are paid in full. All such fees shall be utilized to pay for all administrative costs as well as all review fees for any professional consultants designated by Upper Bern Township.
- (B) The applicant shall be required to pay any review fees required by the Berks County Planning Commission, as well as any other local, state, county or federal agency, which have been requested to review the proposed application in accordance with the provisions established by Upper Bern Township.
- (C) If the expenses incurred by Upper Bern Township for the review of an application exceed the total fees that have been paid by the applicant, such excess expenses shall be paid by the applicant prior to the release of the final plans by Upper Bern Township.

**Section 309: Modifications**

- (A) The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety, convenience and general welfare of the residents and land owners of Upper Bern Township. At the discretion of the Board of Supervisors, these provisions may be waived or modified on a case by case basis and where deemed necessary in the public interest, provided that such modification shall not have the effect of nullifying the purpose and intent of this Ordinance.
- (B) If the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to be unreasonable and causes undue hardship to his property, the Board of Supervisors may grant a waiver of such mandatory provision. As part of this procedure, the applicant shall submit a written waiver request to the Planning Commission for review and comment. The waiver request shall reference the applicable section of this Ordinance and indicate the reason or purpose for such a request. The Planning Commission shall provide a recommendation to the Board of Supervisors for each waiver requested by the applicant. The Planning Commission and Board of Supervisors shall consider all waiver requests at a regularly scheduled public meeting or at a special public meeting.
- (C) The list of such modifications shall be entered in the minutes of the Upper Bern Township Planning Commission and Board of Supervisors. If granted, the waiver shall be accurately referenced on the proposed plan.

**Section 310: Municipal Improvements and Contributions**

- (A) All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required site and municipal improvements have been included under Article 6 of this Ordinance.
- (B) All conditions and provisions pertaining to all developer contributions and impact fees have been included under Article 6 of this Ordinance.

**Section 311: Approval and Recording of Plans**

- (A) After the completion of the procedures required within Ordinance, the Upper Bern Township Planning Commission shall place their endorsements on at least five (5) copies of the approved final plan, which shall be considered by the Upper Bern Township Board of Supervisors. The plans recommended for approval shall be dated and signed by at least a majority of the members on the Planning Commission.
- (B) After the completion of the procedures required within this Ordinance, Upper Bern Township Board of Supervisors shall place their endorsements on at least five (5) copies of the approved final plan, which is to be recorded. The plans shall be dated, sealed and signed by at least a majority of the Board of Supervisors.

- (C) No changes, erasures, modifications or revisions shall be made to any approved final plan after it has been endorsed by the Upper Bern Township Board of Supervisors, unless the approved plan has been resubmitted to Upper Bern Township for review and consideration, as required within this Ordinance.
- (D) After the approved final plan has been properly endorsed by the Upper Bern Township Planning Commission and Board of Supervisors, the applicant shall submit the approved final plans to the Berks County Planning Commission for their endorsement. No plan may be legally recorded unless such plan has been properly endorsed by Upper Bern Township and the Berks County Planning Commission.
- (E) After the approved final plan has been properly endorsed by Upper Bern Township and the Berks County Planning Commission, the applicant shall record the approved final plans with the Berks County Recorder of Deeds within ninety (90) days of the date the approved final plan was endorsed by Upper Bern Township. If the applicant fails to record the approved final plan within the ninety (90) day time period, the action of Upper Bern Township shall become null and void.
- (F) After the approved final plan has been recorded with the Berks County Recorder of Deeds, the applicant shall provide Upper Bern Township with one (1) certified copy of the recorded plan plus one (1) copy of the approved plan in an electronic format acceptable to the Upper Bern Township.

**Section 312: Appeals**

- (A) The decisions of the Upper Bern Township Board of Supervisors may be appealed in accordance with the provisions of the Upper Bern Township and by the Pennsylvania Municipalities Planning Code.
- (B) All provisions for amendments, records, preventative remedies and enforcement procedures are further specified under Article 7 of this Ordinance and by the Pennsylvania Municipalities Planning Code.