

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

PART 1

SHORT TITLE AND PURPOSE

- §101. Title
- §102. Short Title
- §103. Purpose
- §104. Application
- §105. Revision of Official Plan for Sewage Disposal

PART 2

DEFINITIONS

- §201. Tense, Gender and Number
- §202. General Terms
- §203. Terms or Words Not Defined
- §204. Specific Terms

PART 3

SUBMISSION AND REVIEW PROCEDURES

- §301. General
- §302. Submission of Sketch Plan
- §303. Official Submission of Preliminary Plan
- §304. Review of Preliminary Plan
- §305. Submission of Final Plan
- §306. Review of Final Plan
- §307. Recording of Final Plan
- §308. Completion of Improvements or Guarantee Thereof
- §309. Release of Performance Guarantees
- §310. As-Built Plans
- §311. Dedication and Maintenance Guarantee
- §312. Plans Exempted from Standard Procedure
- §313. Sale of Parts of Buildings

SUBDIVISION AND LAND DEVELOPMENT

PART 4

PLAN REQUIREMENTS

- §401. Sketch Plan**
- §402. Sketch Plan for Record**
- §403. Preliminary Plan**
- §404. Final Plan**

PART 5

DESIGN STANDARDS

- §501. Application and General Standards**
- §502. Streets**
- §503. Blocks**
- §504. Lots and Parcels**
- §505. Sanitary Sewage Disposal**
- §506. Soil Percolation and Test Requirements**
- §507. Water Supply**
- §508. Stormwater Management**
- §509. Public Use and Service Areas**

PART 6

IMPROVEMENT SPECIFICATIONS

- §601. General Requirements**
- §602. Required Improvements**

PART 7

MOBILE HOME PARKS

- §701. Mobile Home Parks**

PART 8
ADMINISTRATION AND AMENDMENT

- §801. Revision and Amendment**
- §802. Modifications**
- §803. Appeals and Challenges**
- §804. Fees**
- §805. Preventive and Enforcement Remedies**
- §806. Keeping of Records**
- §807. Responsibility**

- Application for Review of Sketch Plan**
- Application for Review of Sketch Plan for Record**
- Application for Review of a Preliminary Plan**
- Application for Review of a Final Plan**
- Certification of Accuracy**
- Certification of Ownership, Acknowledgement of Plan and Offer of Dedication**
- Certificate of Municipal Approval**

PART 1
SHORT TITLE AND PURPOSE

§101. Title.

An ordinance establishing rules, regulations and standards governing the subdivision of land and/or development within the Borough of Wyomissing, Berks County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code, as amended, and setting forth procedures to be followed by the Borough Planning commission and the Borough Council in applying, administering and amending these rules, regulations and standards and prescribing penalties for the violation thereof.

(Ord. 1125, 10/9/1990, §101)

§102. Short Title.

This Chapter shall be known, and may be cited as, the “Borough of Wyomissing Subdivision and Land Development Ordinance of 1990.”

(Ord. 1125, 10/9/1990, §102)

§103. Purpose.

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals and general welfare of the citizens by:

- A. Assuring sites suitable for building purposes and human habitation.
- B. Providing for the harmonious, orderly and efficient development of the Borough.
- C. Providing for the coordination of existing streets and highways with proposed streets, parks and other public facilities.
- D. To provide for adequate open spaces for traffic, recreation, light and air.
- E. Assuring equitable and just processing of subdivision plans by providing uniform procedures and standards for observance by the subdivider and Borough officials.
- F. Providing for design standards and appropriate improvements and assuring prompt installation of said improvements.

(Ord. 1125, 10/9/1990, §103)

SUBDIVISION AND LAND DEVELOPMENT

§104. Application.

1. After the effective date of this Chapter, no subdivision or land development of any lot, tract or parcel of land shall be made and no 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.
2. In the case of a preliminary or final plan approved without conditions or approved by the applicant's acceptance of conditions prior to the date this Chapter became enforceable, this Chapter shall not be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved subdivision or land development in accordance with the terms of the approval and the governing ordinances and plans at the time that the plan was approved within the time periods established within the Pennsylvania Municipalities Planning Code, as amended. After the expiration of such time periods, the Borough shall enforce the provisions of this Chapter with regard to the subdivision or land development.
3. Any replatting or resubdivision of land, including a change of a recorded plan, shall comply with the provisions of this Chapter.

(Ord. 1125, 10/9/1990, §104)

§105. Revision of Official Plan for Sewage Disposal.

1. In accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection (DEP), municipalities shall revise their official plan for sewage disposal whenever a new subdivision is proposed, unless DEP determines that the proposal is for the use of individual onlot sewage systems serving detached single-family dwelling units in a subdivision of 10 lots or less and certain criteria set forth in the rules and regulations of DEP are met. [Ord. 1185]
2. An official plan revision for new land development shall be submitted to DEP in the form of a completed sewage facilities planning module provided by DEP and including all information required by DEP. [Ord. 1185]
3. The subdivider or developer or his agent shall complete the DEP sewage facilities planning module and submit it to the Borough for action. [Ord. 1185]
4. No plan revision for new land development will be considered complete unless it includes all information specified within DEP's rules and regulations. [Ord. 1185]
5. The Borough shall not adopt a proposed revision to the official plan, conditionally or otherwise, until it determines that the proposal complies with applicable municipal zoning, land use or other municipal comprehensive plans. If changes to the proposed revision or the applicable plan, regulation or ordinance are

necessary, the changes shall be completed prior to adoption of the revision by the Borough.

6. Upon adoption of a proposed revision to the official plan, or refusal to adopt such a proposed revision, the Borough shall forward the proposed revision or statement refusing to adopt to DEP. DEP may approve or disapprove a proposed plan revision for new land development. [Ord. 1185]
7. The time limits for action by Borough and County agencies and DEP are set forth in the rules and regulations of DEP. [Ord. 1185]
8. Subdividers and developers are advised that no subdivision or land development plan will be finally approved and released for recording by the Borough until all necessary approvals of the official plan revision or requests for exceptions to the requirement to revise the official plan, have been secured from the Borough and DEP. This fact and time limits for action should be considered by subdividers and developers when submitting the DEP sewage facilities planning modules to the Borough. [Ord. 1185]

(Ord. 1125, 10/9/1990, §105; as amended by Ord. 1185, 5/13/1997)

PART 2
DEFINITIONS

§201. Tense, Gender and Number.

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter.

(Ord. 1125, 10/9/1990, §201)

§202. General Terms.

The words "person," "subdivider" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual. The word "street" includes thoroughfare, avenue, alley, boulevard, court, expressway, highway, lane, arterial and road. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The words "should" and "may" are permissive; the words "shall," "must" and "will" are mandatory and directive.

(Ord. 1125, 10/9/1990, §202)

§203. Terms or Words Not Defined.

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

(Ord. 1125, 10/9/1990, §203)

§204. Specific Terms.

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

ALLEY — see "service street."

APPLICANT — a landowner or developer, as hereinafter defined, who has filed an application for development.

APPLICATION FOR DEVELOPMENT — an application required to be filed and approved prior to start of construction or development including, but not limited

SUBDIVISION AND LAND DEVELOPMENT

to, an application for the approval of a preliminary or final subdivision or land development plan.

ARCHITECT — a licensed architect in the Commonwealth of Pennsylvania.

BLOCK — a tract of land, a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, boundary lines of the Borough, unsubdivided land or by any combination of the above.

BOROUGH — Wyomissing Borough, Berks County, Pennsylvania.

BUILDING — any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, sheltering, enclosure or structural support of persons, animals or property of any kind.

BUILDING RESERVE (SETBACK) LINE — the line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way. Such line shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

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

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

COUNTY — the County of Berks, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION — the Berks County Planning Commission.

CROSSWALK (INTERIOR WALK) — a publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

DEDICATION — the deliberate appropriation of land by its owner for any general and public use, reserving to himself/herself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. [Ord. 1185]

DEVELOPER — any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to make a subdivision of land or a land development.

DWELLING UNIT — any structure, or part thereof, designed to be occupied as living quarters for a single housekeeping unit not including hotel or motel rooms designed for transient use.

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 lessee or 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 reviewing and/or approving authority's stamp and the signatures of the appropriate authority on the record plan.

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

GOVERNING BODY — the Borough Council, Borough of Wyomissing, Berks County, Pennsylvania.

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

LAND DEVELOPMENT —

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.

The addition of a residential accessory building on a lot or lots subordinate to an existing principal building is excluded from the definition of land development.

LANDOWNER — the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she 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 purposes of this Chapter. [Ord. 1185]

SUBDIVISION AND LAND DEVELOPMENT

LANDSCAPE ARCHITECT — a licensed landscape architect in the Commonwealth of Pennsylvania.

LOT — a designated tract, parcel 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.

LOT AREA — the area contained within the property lines of a lot excluding space within all streets and within all permanent drainage easements, but including the area of all other easements.

LOT, FLAG — a lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Borough Zoning Ordinance [Chapter 27] and thus too narrow for the construction of a principal building) leading from a street to a wider portion of the lot which is intended for construction or a principal building and which wider portion complies with the minimum lot width requirements of the Borough Zoning Ordinance [Chapter 27].

MARKER — a metal pipe or pin of at least 1/2 inch in diameter and at least 24 inches in length which is fully inserted vertically into the ground.

MOBILE HOME — 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.

MONUMENT — a stone or concrete monument with a flat top at least four inches diameter or square end at least 30 inches in length. Stone monument shall contain an indented cross or 1/4 inch drill hole. Concrete monuments shall contain a copper or brass dowel (plug). The bottom sides or radius shall be at least two inches greater than the top, to minimize movements caused by frost.

MUNICIPALITY — Wyomissing Borough, Berks County, Pennsylvania.

MUNICIPAL AUTHORITY — an authority created by the Borough Council, or an authority of which the Borough is a member responsible for, but not limited to, the construction, operation and maintenance of water purification, storage and distribution, or sewage collection and treatment facilities.

MUNICIPAL ENGINEER — a professional engineer licensed as such in the Commonwealth of Pennsylvania employed by the Borough, or engaged as a consultant thereto, or his/her duly authorized representative. [Ord. 1185]

MUNICIPAL SOLICITOR — the attorney appointed by the Borough Council, or his/her duly authorized representative. [Ord. 1185]

MUNICIPAL ZONING OFFICER — the agent or official designated by the Borough to administer and enforce the Borough Zoning Ordinance [Chapter 27].

OFFICIAL PLAN — the comprehensive development plan and/or official map and/or topographical survey and/or such other plans, or portions thereof, as may have been adopted by the Borough pursuant to statute, for the area in which the subdivision or land development is located.

PLAN, FINAL — a complete and exact subdivision plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements prepared by a registered engineer, surveyor, architect or landscape architect.

PLAN, PRELIMINARY — a subdivision plan (and including all required supplementary data), showing proposed street, lot and utility layout as a basis for consideration prior to preparation of a final plan, prepared by a registered engineer, surveyor, architect or landscape architect.

PLAN, RECORD — the copy of the final plan which contains the original endorsements of the County Planning Commission and the municipality(ies) and which is intended to be recorded with the County Recorder of Deeds and prepared by a registered engineer, surveyor, architect or landscape architect.

PLAN, SKETCH — a tentative plan drawn to exact scale, indicating salient existing features of the tract and showing approximate street and lot layout as a basis for consideration, prior to preparation of a preliminary plan.

PLANNING COMMISSION or BOROUGH PLANNING COMMISSION — the Planning Commission of the Borough of Wyomissing, Berks County, Pennsylvania.

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

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational and other public areas; and,
- B. Sites for publicly owned buildings and facilities.

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.

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

SUBDIVISION AND LAND DEVELOPMENT

and the second publication shall not be less than seven days from the date of the hearing.

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

RESUBDIVISION — any replatting or resubdivision of land, limited to changes in lot lines on the approved final plan or recorded plan as specified in §310 of these regulations. Other replattings shall be considered as constituting a new subdivision of land. See “subdivision.”

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 semipublic purposes.

ROADWAY — See “cartway.”

SANITARY SEWAGE DISPOSAL, ONSITE — any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

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

SIGHT DISTANCE — the required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 3 1/2 feet above the centerline of the road surface to a point 1/2 feet above the centerline of road surface.

SOIL PERCOLATION TEST — a field test conducted to determine the suitability of the soil for onsite sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

STREET — a strip of land, including the entire right-of-way (i.e. not limited to the cartway) to provide access to more than one lot. The word “street” includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform.

COLLECTOR STREET — a street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets.

(Streets in industrial, multifamily and commercial subdivisions shall generally be considered collector streets.)

CUL-DE-SAC STREET — a minor street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

HALF 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.

INTERNAL STREET — a minor street on private property used for circulation and access within a development project involving multiple family or nonresidential uses.

MAJOR STREET — a street serving a large volume of comparatively high-speed and long distance traffic, including all streets classified as main and secondary highways by the Pennsylvania Department of Transportation.

MARGINAL ACCESS STREET — a minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with the major street.

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

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

STRUCTURE — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER — see “developer.”

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs 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. The term subdivision shall refer, as appropriate in this Chapter, to the process of subdividing land or to the land proposed to be subdivided. The term “subdivision” includes resubdivision.

SURVEYOR — a licensed surveyor registered in the Commonwealth of Pennsylvania.

SUBDIVISION AND LAND DEVELOPMENT

WATER SYSTEM, ONSITE — a system for supplying water to a single dwelling or other building from a source located on the same lot.

WATER 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.

ZONING MAP — the official zoning map of the Borough of Wyomissing, Berks County, Pennsylvania.

ZONING ORDINANCE — the Borough of Wyomissing Zoning Ordinance, as amended [Chapter 27].

(Ord. 1125, 10/9/1990, §204; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

PART 3

SUBMISSION AND REVIEW PROCEDURES

§301. General.

From the effective date of this Chapter, all plans for the subdivision or development of land within the corporate limits of the Borough shall be reviewed by the Borough Planning Commission and other Borough, State or County officials as deemed necessary and shall be approved or disapproved by the Borough Council in accordance with procedures specified in this Chapter. When action on a plan by the Borough Council is required, the Borough Council shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

(Ord. 1125, 10/9/1990, §301)

§302. Submission of Sketch Plan.

It is recommended that subdividers submit a sketch plan for informal discussion between the subdivider and the Borough. Submission of a sketch plan shall not constitute official submission of a plan to the Borough.

- A. Plan to be Filed With the Borough. Copies of the sketch plan for all proposed subdivisions and land developments and all required supporting data shall be submitted to the Borough Secretary (or his/her representative) by the subdivider (or his/her representative authorized in writing to submit the plan). [Ord. 1185]
- B. Number of Copies. Five legible black-line or blue-line paper prints of the sketch plan shall be required. Plans shall fully comply with requirements of §401 of this Chapter or, in the case of a sketch plan for record, §402 of this Chapter.
- C. Distribution of Sketch Plan. The Borough Secretary (or his/her representative) shall refer the sketch plans to the following: [Ord. 1185]
 - (1) One copy to the Borough Planning Commission.
 - (2) One copy to the Borough Engineer.
 - (3) Two copies to the County Planning Commission in the case of a sketch plan for record. The plans and supplementary data shall be accompanied by the County's referral form and required filing fee.

D. Review of Sketch Plan by Borough Planning Commission.

- (1) The sketch plan shall be reviewed by the Borough Planning Commission at one or more regularly scheduled or special meetings. The Commission may request the Borough Zoning Officer or the Borough Engineer to review the sketch plan and submit comments thereon to the Commission.
- (2) Within 15 calendar days after the final meeting at which the sketch plan is reviewed by the Borough Planning Commission, the Commission Secretary will send the comments of the Commission regarding the plan to the developer. Notice of the action of the Commission will be provided to the Borough Council.

E. Review of Sketch Plan for Record by Borough Council.

- (1) In the case of a sketch plan for record submitted under §312(2) of this Chapter, after the sketch plan is reviewed by the Borough Planning Commission, the sketch plan shall be reviewed by the Borough Council at one or more regularly scheduled or special meetings and either approved or disapproved by the Council.
- (2) Borough Council shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than 15 days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon. [Ord. 1185]
- (3) In the case of a sketch plan for record submitted to the County Planning Commission for review, no official action shall be taken by the Borough Council until the Council has received the written report of the County Planning Commission, provided that the report is received within 30 days from the date the plan was forwarded to the County Planning Commission for review. If such report is not received within 30 days, the Borough Council may proceed to take action on the plan without consideration of comments from the County Planning Commission.

(Ord. 1125, 10/9/1990, §302; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

§303. Official Submission of Preliminary Plan.

1. Plan to be Filed with the Borough. Copies of the preliminary plan for all proposed subdivisions and land developments and all required supporting data shall be officially submitted to the Borough Secretary (or his/her representative) by the subdivider/developer (or his/her representative authorized in writing to submit the plan). Action by the Borough Council on the preliminary plan will be taken within the time limits indicated in §§304(6)(C) and 304(6)(D), below. [Ord. 1185]
2. Official submission of the preliminary plan shall not be deemed to have been made until receipt of all of the following by the Borough Secretary, or his/her representative: [Ord. 1185]
 - A. Three completed copies of the application for review of preliminary subdivision/land development plan.
 - B. Seven legible black-line or blue-line paper prints of the preliminary plan which shall fully comply with the requirements of §403 of this Chapter.
 - C. Five completed copies of the subdivision sewage disposal report whenever soils percolation tests are required.
 - D. Four copies of all required information including the proposed erosion and sediment control plan.
 - E. If a proposed subdivision or land development abuts or is traversed by a State highway, the developer/subdivider shall submit a copy of the preliminary plan to PennDOT for its review and comments. If a developer/subdivider desires ingress/egress onto a State highway, the developer/subdivider shall apply for a highway occupancy permit from PennDOT. Copies of the developer's/subdivider's cover letter and permit application (if applicable) to PennDOT shall be submitted to the Borough Secretary or his/her representative at the time of the official submission of the preliminary plan. Approval of this preliminary plan by PennDOT shall not constitute a recommendation by the Planning Commission nor approval by Borough Council. [Ord. 1185]
 - F. If a proposed subdivision or land development abuts an adjoining municipality, the developer/subdivider shall submit a copy of the preliminary plan to the abutting municipality requesting that comments be submitted to the Borough Secretary (or his/her representative). A copy of the developer's/subdivider's cover letter to the abutting municipality shall be submitted to the Borough Secretary (or his/her representative) at the time of the official submission of the preliminary plan. [Ord. 1185]
3. Filing Fee. The Borough Secretary (or his/her representative) shall collect a filing fee for the preliminary plan established by the Borough Council for all subdivisions or land developments. Fees shall be charged in order to cover the

costs of examining plans and other expenses incidental to the review of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of official submission of a preliminary plan. [Ord. 1185]

4. Distribution of Preliminary Plan. The Borough Secretary (or his/her representative) shall refer the preliminary plan, after all required fees have been collected, to the following: [Ord. 1185]
 - A. One copy to the Borough Planning Commission, including one copy of the application form and other required reports.
 - B. Two copies of the plan to the County Planning Commission, one copy of all required supporting documents, the County's referral form and required filing fee.
 - C. Two copies to the Borough Council including one copy of the application form and other required reports.
 - D. One copy to the Borough Engineer.
 - E. One copy to the Borough Zoning Officer.

(Ord. 1125, 10/9/1990, §303; as amended by Ord. 1185, 5/13/1997)

§304. Review of Preliminary Plan.

1. Review by Borough Engineer. The Borough Engineer shall review the preliminary plan to determine its conformance to this Chapter. The Engineer may recommend changes, alterations or modifications, as he/she may deem necessary. The report of the Engineer shall be submitted to the Borough Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Planning Commission. [Ord. 1185]
2. Review by the Borough Zoning Officer. The Borough Zoning Officer shall review the preliminary plan to determine its conformance to the Borough Zoning Ordinance [Chapter 27]. The Zoning Officer shall check all zoning data as required to be shown under §403, to determine if information shown is in accordance with the latest amendments to the Zoning Ordinance [Chapter 27]. The report from the Zoning Officer shall be submitted to the Borough Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Planning Commission.
3. Review by Pennsylvania Department of Transportation. Review and comments by PennDOT shall be submitted to the Borough Secretary (or his/her representative) prior to or at the regularly scheduled or special meeting at which time the preliminary plan is to be considered by the Planning Commission. [Ord. 1185]

SUBDIVISION AND LAND DEVELOPMENT

4. No official action shall be taken by the Borough Planning Commission with respect to a preliminary plan until the Borough has received the report of the County Planning Commission; provided, however, that if the report is not received within 30 days after transmittal to the agency, then the Borough Planning Commission may officially act without having received and considered such report.
5. Review by the Borough Planning Commission.
 - A. When a preliminary plan has been officially submitted, such plan shall be reviewed by the Borough Planning Commission at a regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting.
 - B. During review of the preliminary plan, the Borough Planning Commission shall consider the reports of the Borough Engineer and the Borough Zoning Officer, before making its final decision.
 - C. If review by the Borough Planning Commission is favorable, or unfavorable because the requirements of this Chapter have not been met, or the Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefor shall be given in written form by the Secretary (or his/her representative) of the Planning Commission within 15 days after the meeting at which the preliminary plan is reviewed to the subdivider or his agent. Notice of the action of the Commission will be provided to Borough Council. [Ord. 1185]
6. Review by the Borough Council.
 - A. When a preliminary plan has been officially referred to the Borough Council by the Borough Planning Commission, together with its recommendation, such plan shall be reviewed at a regularly scheduled meeting or at the discretion of the Borough Council at a special meeting.
 - B. The Borough Council shall review the preliminary plan and the reports and recommendations thereon of the Borough Planning Commission, the County Planning Commission (if same has been received within the prescribed time limits), the Borough Engineer and by any other officials and official boards of the Borough, to determine the preliminary plan conformance to the standards contained in this Chapter. The Borough Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
 - C. The action of the Borough Council, either approving or disapproving the preliminary plan, shall be noted with the date of such action. The findings and reasons upon which the action is based and the provisions of the statute or ordinance relied upon shall also be stated in the minutes and in writing. Subject to the requirements of subsection (D), below, within 15 days after

the meeting at which the preliminary plan is reviewed and an approval or rejection decision is rendered, the Secretary of the Borough shall send written notice of the findings, action taken and reasons thereof to the subdivider or his/her agent. The Borough Council may approve a preliminary plan subject to conditions acceptable to the applicant; provided, that the applicant indicates his/her written acceptance of those conditions to the Borough Council within 10 days of the date of the written notification from the Borough Council. Approval of a plan shall be rescinded automatically upon the applicant's failure to accept such conditions within 10 days. [Ord. 1185]

- D. In any event, the Borough Council shall render its decision and communicate it to the applicant no later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required shall be deemed an approval unless the applicant has agreed, in writing, to an extension of time.
- E. Approval of preliminary plan shall not constitute acceptance of a subdivision or land development for recording. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision or land development plan for final approval and recording upon fulfillment of all requirements of this Chapter.

(Ord. 1125, 10/9/1990, §304; as amended by Ord. 1185, 5/13/1997)

§305. Submission of Final Plan.

Within one year of Borough Council's approval of the preliminary plan, a final plan shall be officially submitted to the Borough. However, an extension of time may be granted by the Borough Council upon written request. Final plans submitted after this expiration of time for which no time extension has been granted may be considered as a new preliminary plan. The final plan shall conform in all important respects to the preliminary plan as previously reviewed by the Borough Planning Commission and approved by the Borough Council and shall incorporate all modifications required by the Borough in its review of the preliminary plan. The Borough may permit submission of the final plan in sections. 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 Borough Council in its discretion.

- A. Plans to be Filed with the Borough. Copies of the final plan and all required supporting data shall be officially submitted to the Borough Secretary (or

SUBDIVISION AND LAND DEVELOPMENT

his/her representative) by the subdivider (or his/her representative authorized in writing to submit the plan). Action by the Borough Council on the preliminary plan will be taken within the time limits indicated in §§304(6)(C) and 304(6)(D) of this Chapter. [Ord. 1185]

- B. Official submission of final plan shall not be deemed to have been made until receipt of all of the following by the Borough Secretary or his/her representative: [Ord. 1185]
 - (1) Three completed copies of the application for review of final subdivision/land development plan.
 - (2) Seven legible black-line or blue-line paper prints of the final plan which shall fully comply with Part 4, §404, of this Chapter.
 - (3) Two copies of all other required information including the following, if applicable:
 - (a) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, streets, storm drainage facilities and sanitary sewer and water facilities, which shall be approved by the Borough Solicitor as to their legal sufficiency.
 - (b) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.
 - (c) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough Planning Commission or Borough Council 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/her heirs, successors and assigns and approved by the Borough Solicitor and which shall establish the conditions under which the street may later be offered for dedication and shall stipulate, among other things, the following: [Ord. 1185]
 - 1) 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 the Borough specifications.
 - 2) An offer to dedicate the street shall be made only for the street as a whole.

- 3) The method of assessing repair costs be stipulated.
- 4) Agreement by the owners of 60% of the front footage thereon shall be binding on the owners of the remaining lots.

(d) When approval by the Pennsylvania Department of Environmental Protection is required for the water supply or sanitary sewage system(s) for a proposed subdivision, two copies of such certification of approval must be submitted with the final plan to the Borough Secretary. [Ord. 1185]

(e) When required under the rules and regulations of the Department of Environmental Protection, a copy of the approved erosion and sediment control plan or permit must be submitted with the final plan to the Borough Secretary. [Ord. 1185]

(f) Any proposed intersection of a new street or driveway with a State legislative route must receive an occupancy permit from the Pennsylvania Department of Transportation (PennDOT). Such permit must be submitted with the final plan to the Borough Secretary.

(g) When approval is required for water supply or sanitary sewage disposal from a Borough authority or private water company, two copies of such approvals must be submitted with the final plan to the Borough Secretary.

(h) Letters from utility companies for electric, gas, telephone and cable T.V., indicating that they have received final plans, must be submitted with final plans to the Borough Secretary.

C. Filing Fee. The Borough Secretary (or his/her representative) shall collect a filing fee for the final plan as established by the Borough Council for all subdivisions or land developments. Fees shall be charged in order to cover the costs of examining plans and other expenses incidental to the review of subdivisions or land developments. The subdivider or developer shall pay the fee at the time of official submission of a final plan. [Ord. 1185]

D. Distribution of Final Plan. The final plan shall be distributed in accordance with the requirements of §303(D) for preliminary plan, except that if the preliminary plan was submitted to the County Planning Commission, the final plan does not have to be submitted to that agency.

(Ord. 1125, 10/9/1990, §305; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

§306. Review of Final Plan.

1. Review by the Borough Engineer. The final plan shall be reviewed and a report submitted as required under §304(1) for preliminary plans.
2. Review by the Borough Zoning Officer. The final plan shall be reviewed and a report submitted by the Borough Zoning Officer as required under §304(2) for preliminary plans.
3. Review by the Borough Planning Commission. The final plan shall be reviewed, in accordance with the procedure required under §304(5) of this Chapter for preliminary plans. In addition:
 - A. Before acting on any subdivision or land development plan, the Planning Commission may hold a public hearing thereon after public notice.
 - B. If all the requirements of this Chapter are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse the record plan “reviewed and approved by the Borough Planning Commission” together with the date of such action.
 - C. The record plan with the Borough Planning Commission’s endorsement shall be forwarded to the Borough Council.
4. Review by the Borough Council. The final plan shall be reviewed in accordance with the procedures as required under §304(6) of this Chapter for the preliminary plan. In addition:
 - A. Before acting on any subdivision or land development plan, the Borough Council may hold a public hearing thereon after public notice.
 - B. If the Borough Council approves the final plan, the record plan shall be signed by the President, Vice President or Assistant Vice President of Council and the Secretary, together with the date of action.
 - C. A performance guarantee or a certificate of satisfactory installation, as required under §§308 or 309, respectively, shall be required before plans are released for recording.

(Ord. 1125, 10/9/1990, §306)

§307. Recording of Final Plan.

1. After action by the Borough Planning Commission, and approval by the Borough Council, and with all endorsements indicated on the record plan, the subdivider or developer shall record his/her plan. No subdivision or land development plan may be legally recorded unless it bears the Borough approval and seal, and an indication that review by the County has taken place. [Ord. 1185]
2. After the final plan has been approved by the appropriate Borough authorities, the County Planning Commission shall receive, as approved, three blue-line prints and the Borough shall receive two blue-line prints and two mylars of the approved plan measuring 22 inches by 28 inches.
3. The subdivider shall file the record plan with the County Recorder of Deeds within 90 days of the date of final approval by the Borough Council. The subdivider should contact the Berks County Recorder of Deeds Office to determine all applicable requirements for recording. The Recorder's certificate that the approved plan has been recorded with deed book and page numbers indicated shall be submitted to the Borough. If the subdivider fails to record within such period, the action of the Borough Planning Commission and the Borough Council shall be null and void unless an extension of time has been granted by the Borough Council.

(Ord. 1125, 10/9/1990, §307; as amended by Ord. 1185, 5/13/1997)

§308. Completion of Improvements or Guarantee Thereof.

No plan shall be finally approved unless all improvements have been installed in accordance with this Chapter.

A. In lieu of completing the improvements, prior to final approval, the subdivider shall guarantee the installation of all required improvements as follows:

- (1) The developer shall deposit with the Borough a financial security in an amount sufficient to cover the costs of such improvements or common amenities.
- (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 plan contingent upon the developer obtaining a satisfactory financial security. The final plan 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.

SUBDIVISION AND LAND DEVELOPMENT

- (3) Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security. 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.
- (4) Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The amount of financial security to be posted for 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.
- (5) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that the third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

- (6) 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 procedure.
- (7) If required improvements are to be installed under the jurisdiction of a public utility or Borough authority, financial security shall be posted in accordance with the regulations of this public utility or Borough authority.
- (8) The Borough Council shall not condition the issuance of permits upon actual completion of improvements if financial security has been provided. Occupancy permits shall not be withheld provided the following conditions have been met:
 - A. The streets have been improved to a permanently passable condition as determined by the Borough; and,
 - B. All other required improvements necessary for reasonable use and occupancy have been completed.

(Ord. 1125, 10/9/1990, §308)

§309. Release of Performance Guarantees.

All performance guarantees shall be released in whole or in part upon compliance with the following procedure:

- A. When the subdivider has completed all or a portion of these required improvements, the subdivider or developer shall notify the Borough Council in writing, by certified mail return receipt requested or by registered mail. A copy shall be sent to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect these improvements.
- B. The Borough Engineer, within 30 days after receipt of the aforesaid authorization from the Borough Council, shall file a written report with the Borough Council and mail a copy of this report to the subdivider by certified mail return receipt requested or by registered mail. This report shall recommend approval or rejection, either in whole or in part. If these improvements, or any portion thereof, shall not be approved by the Borough Engineer, said report shall contain a statement of reasons for such rejection.

SUBDIVISION AND LAND DEVELOPMENT

- C. Upon receipt of the Borough Engineer's report, the Borough Council shall review these recommendations. After review, and within 15 days of receipt of the engineer's report, the Borough Council shall notify the subdivider in writing by certified mail, return receipt requested, or by registered mail of its action. If a whole or partial release is approved, the Borough Council shall authorize release of an amount estimated by the Borough Engineer that fairly represents completed improvements.
- D. The Borough Council shall have 45 days from the receipt of requests to take final action. If the Borough Council fails to comply with this time limitation, all improvements will be deemed approved and shall be released in the amount requested.
- E. If any portion of these required improvements shall not be approved by the Borough Council, these shall be completed or corrected. Upon completion or correction, the above procedure shall be followed for the approval of any release in whole or in part.

(Ord. 1125, 10/9/1990, §309)

§310. As-Built Plans.

As-built plans for all improvements within the subdivision or land development listed in the subdivision improvements agreement shall be submitted to the Borough within 30 days after inspection and approval of the improvements by the Borough and prior to the release of the performance guarantee and acceptance of any such improvements by the Borough. Plans shall be in accordance with the requirements of §404 of this Chapter, be mylars in reproducible form, and certified by the developer to be in accordance with actual construction. The location and elevation of all sewer laterals and water services shall also be indicated. The developer is responsible for the preparation of such plans.

(Ord. 1125, 10/9/1990, §310)

§311. Dedication and Maintenance Guarantee.

- 1. All improvements shown on the subdivision plan, recorded or otherwise, shall be deemed to be private until such time as these have been accepted by dedication to the Borough Council.
- 2. Before acceptance by dedication of any improvements, the Borough Council shall require the subdivider to file a maintenance guarantee by posting financial security. This financial security shall be posted for no longer than 18 months from the date of acceptance by dedication and shall not exceed 15% of the actual cost of these dedicated improvements.

3. The owner/developer will continue to be liable for all latent defects with respect to improvements intended to be dedicated for public use; however, the owner/developer will be liable only until the maintenance guarantee is released. The Borough Engineer will determine when a defect is a latent defect. Satisfactory repair or correction of latent defects will be made at the owner/developer's expense and subject to Borough review and approval. The owner/developer will also be responsible for any damage to Borough facilities, utilities and/or other public improvements because of such defects.

(Ord. 1125, 10/9/1990, §311)

§312. Plans Exempted from Standard Procedures.

1. Revision to Plan of Record. Any revision to a recorded plan shall be considered a new subdivision or land development and shall comply with all regulations of this Chapter, except that:
 - A. Lot lines may be changed from those shown on a recorded plan; provided, that in making such changes:
 - (1) No lot or tract of land shall be created or sold that is smaller than the minimum requirements of the Borough Zoning Ordinance [Chapter 27].
 - (2) Easements or rights-of-way reserved for drainage shall not be changed.
 - (3) Street locations and block sizes shall not be changed.
 - (4) No lot shall be created which does not abut an existing or a proposed street.
 - B. In every case wherein lot lines are changed as permitted by the above, the subdivider or developer shall prepare a new final plan and shall submit the final plan in accordance with §305 of this Chapter to the Borough for review of the Borough Planning Commission and Borough Council in accordance with §306 of this Chapter. The new final plan shall specifically identify the previously recorded plan superseded and contain the record reference. The subdivider or developer shall record the new plan in accordance with §307 of this Chapter if the final plan is approved.
2. Sketch Plan for Record. In the case of a proposed residential subdivision where the intent of the subdivider, so expressed in writing, will create two and only two parcels, lots or tracts of land of the original tract fronting on an existing improved State or Borough road or street, or in the case of a proposed land development, where the intent is to construct two residences fronting on an existing improved State or Borough road or street, or the conveyance, sale or transfer of land from

SUBDIVISION AND LAND DEVELOPMENT

one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, the Borough may allow the subdivider to prepare a sketch plan for record, showing the single subdivision or land development accompanied by the required data set forth in §402 and the submission of the results of soil percolation tests as described in this Chapter, if applicable. Further subdivisions or land developments from a tract recorded under this subsection will require submission of plans in full accordance with the provisions of this Chapter.

3. Abbreviated Subdivision. In the case of any proposed residential subdivision containing more than two lots or a nonresidential subdivision, where there will not be any new street or right-of-way for access and the tract of land cannot be developed beyond the depth of one lot (i.e., one in which all proposed lots will have frontage on an existing public street or road), the following procedures may be followed:
 - A. The subdivider shall prepare a sketch plan of the proposed subdivision in accordance with §401 of this Chapter.
 - B. If lots in the proposed subdivision will utilize onsite sanitary sewage disposal systems, the subdivider shall perform soil percolation tests in accord with §506 of this Chapter and shall indicate the location of such test holes on the sketch plan.
 - C. The subdivider shall submit eight copies of the sketch plan and five copies of the soil percolation test data plus four copies of any required additional data. The distribution and review shall be the same as for preliminary plans.
 - D. If the plan is approved by the Borough Council, the subdivider may then prepare a final plan in full accord with §404 of this Chapter. The final plan shall be submitted and reviewed in accordance with §§305 and 306.
4. Abbreviated Land Development for Lots Previously Approved Under this Chapter. In the case of a land development consisting of a single nonresidential building on a lot or lots, which lot or lots were previously approved under this Chapter, the developer may submit only a final plan to the Borough. The final plan shall contain all information required by §404 of this Chapter and shall be submitted and reviewed in accordance with §§305 and 306. The final plan shall be submitted to the County Planning Commission for review. Submissions to and reviews from the County Conservation District and the Pennsylvania Department of Transportation may be required by the Borough.
5. Abbreviated Land Development for Lots Not Previously Approved Under this Chapter. In the case of a land development consisting of a single nonresidential building on a lot or lots, which lot or lots were not previously approved under this Chapter, the following procedures may be followed:

- A. The developer shall prepare a sketch plan of the proposed land development in accordance with §401 of this Chapter.
- B. The developer shall submit eight copies of the sketch plan plus four copies of any required additional data. The distribution and review shall be the same as for preliminary plans.
- C. If the plan is approved by the Borough Council, the developer may then prepare a final plan in full accord with §404 of this Chapter. The final plan shall be submitted and reviewed in accordance with §§305 and 306.

(Ord. 1125, 10/9/1990, §312)

§313. Sale of Parts of Buildings.

The following procedures and schedule of fees and expenses for the review of property transactions where owners sell parts of buildings through condominium associations or other legal entities for business or commercial purposes are hereby established:

- A. An application and plan showing the proposed building part sale shall be filed with the Borough within 10 calendar days of the execution of a final agreement of sale.
- B. The plan shall meet all Borough requirements for subdivision, land development and zoning.
- C. A fee in an amount as established from time to time by resolution of Borough Council shall be paid upon the filing of the application and plan plus any legal and engineering expenses incurred by the Borough during the review shall be paid upon receipt of the Borough's approval.
- D. The Borough's administrative staff, including that person that the Borough of Wyomissing may from time to time appoint by ordinance, resolution or otherwise to carry out the administration, enforcement and all other responsibilities of this Chapter. Engineer and Solicitor, shall be responsible for this review. [Ord. 1192]
- E. In reviewing the application, the Borough shall consider whether:
 - (1) The use is one that is specifically authorized as a permitted use in the zoning district where the building is located.
 - (2) Approval should be granted subject to any applicable conditions and safeguards required by the Borough's ordinances.

SUBDIVISION AND LAND DEVELOPMENT

- (3) The use adversely affects the general neighborhood's character, the conservation of property values, or the health and safety of residents or workers on adjacent properties.
- (4) The use is of a size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards prejudicial to the general neighborhood.
- (5) Services and utilities, including public water, sanitary sewers and stormwater drainage are available to adequately service the proposed use.
- (6) Highway frontage should be controlled to limit the number of points for ingress and egress or their location with due regard to safety factors to assure adequate access arrangements to protect against undue traffic congestion and hazard.
- (7) Any other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, should be applied.

F. Upon approval, the applicant shall file a plan and record the deed with the Berks County Recorder of Deeds office, which deed shall include a clause providing that if this "building part" is subsequently transferred or sold that it is subject to review and approval by the Borough of Wyomissing under these procedures prior to the transfer or sale.

G. The applicant shall pay any realty transfer taxes that may be due.

H. This procedure shall not apply to any property that is subdivided or required to be developed in accordance with this Chapter.

(Ord. 1125, 10/9/1990, §313; as added by Ord. 1185, 5/13/1997; as amended by Ord. 1192, 4/14/1998, §2)

PART 4

PLAN REQUIREMENTS

§401. Sketch Plan.

1. The sketch plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale of one inch equals 50 feet, except that:
 - A. If the average size of the proposed lots in the subdivision is 10 acres or larger, the plan should 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 should be drawn to a scale of one inch equals 20 feet.
2. Sketch plan and all submitted prints thereof should be made on sheets either:
 - A. Eighteen inches by 24 inches; or,
 - B. Twenty-four inches by 36 inches; or,
 - C. Thirty-six inches by 48 inches.
3. If the sketch plan requires more than one sheet, a key diagram showing relative location of the several sections should be drawn on each sheet.
4. If submitted, the sketch plan shall contain at least the following information but not necessarily showing precise dimensions:
 - A. Tract boundaries clearly labeled and a statement of the total acreage of the tract.
 - B. Name of the municipality in which the subdivision or land development is located.
 - C. North point, scale (written and graphic), date and labeled as being a sketch plan.
 - D. Unique name of proposed subdivision or land development.
 - E. Name and address of the subdivider or developer and record owner as recorded in the Office of the County Recorder of Deeds.
 - F. A location map with sufficient information to enable the location of the property. This map shall also show all existing roads within or adjacent to the tract, proposed roads within the subdivision and proposed roads within adjacent recorded subdivisions.

SUBDIVISION AND LAND DEVELOPMENT

- G. Significant topographical and physical features (i.e., watercourses, water bodies, natural drainage channels, quarries, railroad tracks, one-hundred-year floodplains (including special flood hazard areas established by FEMA), wetlands, tree masses, rock outcroppings, existing buildings, etc.) on the tract.
- H. Contour lines, with source of data.
- I. Proposed general street and lot layout and proposed land uses. Approximate lot sizes and proposed street cartway and right-of-way widths shall be indicated. When apartments and/or townhouses are proposed, the general building, street, recreation and parking layout shall be shown. When commercial or industrial buildings are proposed, the general building, street, parking and loading layout shall be shown.
- J. Where a sketch plan shows the proposed subdivision of only a part of the subdivider's total property, the plan shall include a drawing showing the entire contiguous land holdings of the subdivider and indicating the area of ultimate proposed subdivision. The proposed street system for the remainder of the property proposed for ultimate subdivision shall be shown 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 may delimit the area for which a prospective street system on adjacent property must be shown. The subdivider shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.

(Ord. 1125, 10/9/1990, §401)

§402. Sketch Plan for Record.

- 1. The sketch plan for record of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals 50 feet, except that:
 - A. If the average size of the proposed lots in the subdivision is 10 acres or larger, the plan should 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 should be drawn to a scale of one inch equals 20 feet.
- 2. Sketch plan for record and all submitted prints thereof shall be made on sheets either:
 - A. Eighteen inches by 24 inches; or,
 - B. Twenty-four inches by 36 inches; or,

- C. Thirty-six inches by 48 inches.
- 3. If the sketch plan for record requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
- 4. The sketch plan for record shall contain at least the following information:
 - A. Tract boundaries clearly labeled and a statement of the total acreage of the tract.
 - B. Name of the municipality in which the subdivision is located.
 - C. North point, scale (written and graphic), date and labeled as being a sketch plan.
 - D. Unique name of proposed subdivision.
 - E. Name and address of the subdivider or developer and record owner as recorded in the Office of the County Recorder of Deeds.
 - F. A location map with sufficient information to enable the location of the property. This map shall also show all existing roads within or adjacent to the tract, proposed roads within the subdivision and proposed roads within adjacent recorded subdivisions.
 - G. Significant topographical and physical features (i.e., watercourses, water bodies, natural drainage channels, quarries, railroad tracks, one-hundred-year floodplains (including special flood hazard areas established by FEMA), wetlands, tree masses, rock outcroppings, existing buildings, etc.) on the tract.
 - H. Contour lines, with source of data.
 - I. Proposed general street and lot layout and proposed land uses. Approximate lot sizes and proposed street cartway and right-of-way widths shall be indicated. When apartments and/or townhouses are proposed, the general building, street, recreation and planting layout shall be shown. When commercial or industrial buildings are proposed, the general building, street, parking and loading layout shall be shown.
 - J. Where a sketch plan for record shows the proposed subdivision of only a part of the subdivider's total property, the plan shall include a drawing showing the entire contiguous land holdings of the subdivider and indicating the area of ultimate proposed subdivision. The proposed street system for the remainder of the property proposed for ultimate subdivision shall be shown 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 may delimit the area

SUBDIVISION AND LAND DEVELOPMENT

for which a prospective street system on adjacent property must be shown. The subdivider shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.

- K. A signed and notarized certification of ownership and acknowledgement of plan.
- L. Certificates for approval by the Borough Planning Commission and the Borough Council.
- M. The source of title to the land being subdivided as shown in the records of the County Recorder of Deeds.
- N. The seal of the surveyor or engineer responsible for the plan.
- O. Certification of accuracy by the surveyor.
- P. Precise bearings and distances for all parcels to be conveyed (which shall be field surveyed).
- Q. Base flood elevations for the one-hundred-year storm.
- R. Building setback lines.
- S. Existing street cartway and right-of-way lines (including right-of-way width).
- T. An erosion and sediment control plan.
- U. Plan notes referencing recording requirements, plan requirements for residue, improvements agreement and stormwater study as applicable.

(Ord. 1125, 10/9/1990, §402)

§403. Preliminary Plan.

- 1. The preliminary plan shall be drawn to the same scale and presented on the same sheet size as listed for a sketch plan in §§401(1) and 401(2). The following information shall be shown:
 - A. Name of the municipality in which the subdivision or land development is located.
 - B. North point, scale (written and graphic), date and labeled as being a preliminary plan.
 - C. Unique name of proposed subdivision or land development.

- D. Date, including the month, day and year that the preliminary plan was completed and the month, day and year that the preliminary plan was revised, for each revision.
- E. Name and address of recorded owner and subdivider or developer.
- F. Name, address, license number and seal of the registered engineer, architect, landscape architect or surveyor responsible for the subdivision or land development plan.
- G. Names of all owners of all abutting unplatte land and the names of all abutting subdivisions, if any, with the book and page number where recorded.
- H. A key map for the purpose of locating the property being subdivided drawn at a scale not less than 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, municipal boundaries, zoning districts, watercourses, any areas subject to flooding and recorded subdivision plans existing within 1,000 feet of any part of the property. This map shall show all existing roads within or adjacent to the tract, proposed roads within the subdivision and proposed roads within adjacent recorded subdivisions.
- I. Total tract boundaries of the property being subdivided showing bearings and distances and a statement of total acreage of the property.
- J. Zoning data including all of the following, if applicable:
 - (1) Existing Borough zoning regulations [Chapter 27], including district designations, requirements for lot sizes and front yards and any zoning district boundary lines traversing the proposed subdivision or land development.
 - (2) Any changes in the existing zoning to be requested by the subdivider or developer.
- K. Contour lines at vertical intervals of not more than two feet from aerial or field survey reflecting current conditions. Contour lines at vertical intervals of not more than five feet are permitted for land with average natural slope exceeding 5%.
- L. Locations and elevation of the data to which contour elevations refer, an established bench mark approved by the Borough Engineer.
- M. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, watercourses, water bodies, tree masses, natural drainage channels, rock outcroppings,

SUBDIVISION AND LAND DEVELOPMENT

wetlands, floodplain areas based on a one-hundred-year storm frequency (including all one-hundred-year floodplains established by FEMA and one-hundred-year flood elevations) and other significant manmade or natural features within the proposed subdivision and 50 feet beyond the boundaries of the proposed subdivision.

- N. All existing buildings or other structures within the proposed subdivision or land development.
- O. All existing streets on the official plan or plans of the Borough (including unpaved streets), including streets of record (recorded but not constructed) easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision/land development.
- P. The full plan of proposed development, including:
 - (1) Location and width of all streets, easements and rights-of-way, with a statement of any conditions governing their use, and suggested types i.e., collector, etc.
 - (2) Suggested street names and utility easement locations.
 - (3) Building reserve (setback) lines along each street.
 - (4) Lot lines with approximate dimensions and approximate lot areas.
 - (5) Lot numbers and statement of number of lots, parcels and dwelling units.
 - (6) A statement of the intended use of all lots and parcels.
 - (7) Water supply, sanitary and/or storm sewers (and other drainage facilities) with the size and material of each indicated, and any proposed connections with existing facilities. Cross-sections shall be shown for all drainage swales.
 - (8) In the case of multiple family and nonresidential developments, the location of all buildings, the location of all common parking areas and access drives to the parking areas, the size and number of parking stalls, width of aisles and access drives and tentative grades of parking areas and access drives. The location, number and dimensions of off street loading areas shall also be indicated.
 - (9) Parks, playgrounds and other areas proposed to be dedicated or reserved for public or common use with any conditions pertaining thereto.

- Q. Location of all required soil percolation test holes, if required.
- R. Whenever required under the rules and regulations of the Pennsylvania Department of Environmental Protection, the proposed erosion and sediment plan shall be shown on the preliminary plan or submitted as a separate plan. If a separate plan, four copies will be required. [Ord. 1185]

2. The preliminary plan shall be accompanied by the following supplementary data, as applicable:

- A. Typical street cross-section drawing(s) for all proposed streets, with construction details of streets, curbs, and sidewalks. Cross-section drawings may be shown on either the preliminary plan or on separate profile sheets. Tentative profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:
 - (1) One inch equals 10 feet horizontal, and one inch equals one foot vertical.
 - (2) One inch equals 20 feet horizontal, and one inch equals two feet vertical.
 - (3) One inch equals 40 feet horizontal, and one inch equals four feet vertical.
 - (4) One inch equals 50 feet horizontal, and one inch equals five feet vertical.
- B. In lieu of the separate profile sheets, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the preliminary plan.
- C. A plan for the surface drainage of the tract to be subdivided or developed shall be shown. Such plan shall include stormwater runoff calculations for the entire property being subdivided as well as anticipated runoff from areas at a higher elevation in the same watershed and shall show the proposed method, subject to Borough approval, of accommodating the anticipated runoff.
- D. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the Borough. [Ord. 1185]

SUBDIVISION AND LAND DEVELOPMENT

- E. Where the subdivider proposes to locate a street, driveway or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line.
- F. In the case of a preliminary plan calling for the installation of improvements beyond a five year period, a schedule shall be filed by the landowner delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough in its discretion. Staging of sanitary sewer, water, storm drainage and erosion and sediment control facilities shall also be indicated.
- G. The proposed method of traffic control at each proposed street intersection shall be shown on the plan.
- H. When required by the Borough, a preliminary centerline stake out of proposed roads so that an onsite road alignment evaluation may be conducted.
- I. When required by the Borough, a study indicating that adjacent roads which will receive traffic from and distribute traffic to the subdivision or land development shall be adequate in construction, grade, width and capacity to accommodate traffic generated by the subdivision or land development.
- J. Where a preliminary plan shows the proposed subdivision of only a part of the subdivider's total property, the plan shall include a drawing showing the entire contiguous land holdings of the subdivider and indicating the area of ultimate proposed subdivision. The proposed street system for the remainder of the property proposed for ultimate subdivision shall be shown 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 may delimit the area for which a prospective street system on adjacent property must be shown. The subdivider shall also include a statement indicating proposed future land use for the unsubmitted portion of his/her property. [Ord. 1185]

(Ord. 1125, 10/9/1990, §403; as amended by Ord. 1185, 5/13/1997)

§404. Final Plan.

- 1. The final plan shall be of a size and scale as listed for a sketch plan under §§401(1) and 401(2) in these regulations. The final plan shall show the following:

- A. Name of the municipality in which the subdivision or land development is located.
- B. North point, scale (written and graphic), date and labeled as being a final plan.
- C. Unique name of proposed subdivision or land development.
- D. Date, including the month, day and year that the final plan was completed and the month, day and year that the final plan was revised, for each revision.
- E. Name and address of recorded owner and subdivider or developer.
- F. Name, address, license number and seal of the registered engineer, architect, landscape architect or surveyor responsible for the subdivision or land development plan.
- G. Names of all owners of all abutting unplatte land and the names of all abutting subdivisions, if any, with the book and page number where recorded.
- H. A key map for the purpose of locating the property being subdivided drawn at a scale not less than 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, municipal boundaries, zoning districts, watercourses, any areas subject to flooding, and recorded subdivision plans existing within 1,000 feet of any part of the property. This map shall show all existing roads within or adjacent to the tract, proposed roads within the subdivision and proposed roads within adjacent recorded subdivisions.
- I. Zoning data including all of the following if applicable:
 - (1) Existing Borough zoning regulations [Chapter 27], including district designations, requirements for lot sizes and front yards and any zoning district boundary lines traversing the proposed subdivision or land development.
 - (2) Any changes in the existing zoning to be requested by the subdivider or developer.
- J. Contour lines at vertical intervals of not more than two feet from aerial or field survey reflecting current conditions. Contour lines at vertical intervals of not more than five feet are permitted for land with average natural slope exceeding 5%.

SUBDIVISION AND LAND DEVELOPMENT

- K. Locations and elevation of the data to which contour elevations refer, an established bench mark approved by the Borough Engineer.
- L. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, watercourses, water bodies, tree masses, natural drainage channels, rock outcroppings, wetlands, floodplain areas based on a one-hundred-year storm frequency (including all one-hundred-year floodplains established by FEMA and one-hundred-year flood elevations) and other significant manmade or natural features within the proposed subdivision and 50 feet beyond the boundaries of the proposed subdivision.
- M. All existing buildings or other structures within the proposed subdivision or land development.
- N. All existing streets on the official plan or plans of the Borough (including unpaved streets), including streets of record (recorded but not constructed) easements and rights-of-way, including names, right-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the subdivision/land development.
- O. The source(s) of title to the land being subdivided or developed, as shown by the records of the County Recorder of Deeds.
- P. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to the nearest second. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatte land of the subdivider (for 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. In addition, the engineer or surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan and the placement of the monuments. Plans and surveys shall be prepared in accordance with the Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. §148 et seq. [Ord. 1185]
- Q. The name (and number) and right-of-way and cartway width and lines of all roads within the property, with a statement of any conditions governing their use and suggested types (i.e. collector, etc.).
- R. The following data shall be shown for the cartway edges and right-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be subdivided or developed. The length (in feet to the nearest

hundredths of a foot) and bearing of all straight lines and of the radii, the length of all arcs (in feet, to the nearest hundredth of a foot), and the central angle (in degrees, minutes and seconds) of all curved lines.

- S. All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds) or by magnetic bearings (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds) and the radius (in feet to the nearest hundredths of a foot). Gross and net lot areas shall be indicated.
- T. A statement of the intended use of all 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 covenants are recorded, including the book and page number. Lot number and a statement of the number of lots, parcels and dwelling units shall be provided.
- U. The proposed building reserve (setback) line for each lot, and the proposed placement of each multiple family or nonresidential building.
- V. The location (and elevation, if established) of all existing and required street monuments.
- W. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- X. Location, size, material, pipe length and invert elevation of all sanitary and storm sewers, the location and construction details of all manholes, inlets, end walls, head walls, culverts and junction boxes, the location and design and cross-sections of all drainage swales, detention facilities and other drainage facilities including the slope and maximum depth of all swales and velocities in all swales, the location, size and material of all water mains, and the location of all fire hydrants, blow-offs and valves on water mains.
- Y. Parks, playgrounds and other areas proposed to be dedicated or reserved for public or common use with any conditions pertaining thereto.
- Z. Location of all required soil percolation test holes, if required.
- AA. If the subdivision or land development proposes a new intersection with a State legislative route, a highway occupancy permit from the Pennsylvania Department of Transportation shall be submitted.
- BB. A clear sight triangle shall be clearly shown for all street intersections.

SUBDIVISION AND LAND DEVELOPMENT

- CC. A certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, using the form in the Appendix, and shall be duly acknowledged and signed by the owner(s) of the property and notarized.
- DD. A certificate of approval of the plan by the Borough Council and by the Borough Planning Commission shall be lettered on the plan, using the form in the Appendix.
- EE. A blank space measuring three inches square shall be left on the plan, preferably adjacent to the Borough certification, in order that the Borough of Wyomissing's corporate seal may be applied.
- FF. A blank space measuring 3 1/2 inches by six inches shall be left, preferably adjacent to the Borough certification, in which the endorsement stamp of the County Planning Commission may be applied.
- GG. 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 of the plan when it is presented.
- HH. A plan for the surface drainage of the tract to be subdivided or developed shall be shown. Such plan shall include stormwater runoff calculations for the entire property being subdivided as well as anticipated runoff from areas at a higher elevation in the same watershed and shall show the proposed method, subject to Borough approval, of accommodating the anticipated runoff.
- II. Designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation. Calculations for waterway opening shall be included. All designs shall be subject to approval by the Borough. [Ord. 1185]
- JJ. Typical street cross section drawing(s) for all proposed streets, with construction details of streets, curbs and sidewalks. Cross section drawings may be shown on either the final plan or on separate profile sheets.
- KK. Where the subdivider proposes to locate a street, driveway or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line.
- LL. The proposed method of traffic control at each proposed street intersection shall be shown on the plan.

2. Whenever required under the rules and regulations of PennDEP, a copy of the approved erosion and sediment plan shall accompany final plan submission. Permits, when required, shall be submitted with the final plan. [Ord. 1185]
3. Profile sheets for all proposed streets within the tract shall be provided. Such profiles shall show at least the following information, properly labeled:
 - A. Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds 5%, along both cartway edges.
 - B. Proposed finished grade of the centerline, and proposed finished grades at the top of both curbs or proposed finished grade at both cartway pavement edges.
 - C. The length of all vertical curves.
 - D. Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes and culverts and existing or proposed water mains. Such profiles shall be drawn at one of the following sets of scales:
 - (1) One inch equals 10 feet horizontal, and one inch equals one foot vertical.
 - (2) One inch equals 20 feet horizontal, and one inch equals two feet vertical.
 - (3) One inch equals 40 feet horizontal, and one inch equals four feet vertical.
 - (4) One inch equals 50 feet horizontal, and one inch equals five feet vertical.
4. A copy of all permits required from the Pennsylvania Department of Environmental Protection for affecting watercourses, bodies of water or water obstructions, or written indication from PennDEP that a permit will not be required shall be submitted to the Borough. [Ord. 1185]
5. In the case of developments containing apartments and townhouses and commercial and industrial developments, the location of refuse collection areas and provisions to be made for refuse collection shall be indicated.
6. When required by the Borough, a separate landscape plan showing the number, location, size and species of all trees and shrubs that will be planted shall be submitted with the final plan.
7. When required by the Borough, a final grading plan shall be submitted with the final plan.

SUBDIVISION AND LAND DEVELOPMENT

8. When required by the Borough, a lighting plan showing the location of poles, the type and height of poles and the type and brightness of lighting fixtures shall be submitted with the final plan.
9. When required by the Borough, the proposed location and design of guide rails shall be indicated on the final plan.
10. As applicable, the plan shall contain notes referencing recording requirements for the plan, plan submittal requirements for residue land of the subdivider, the improvements agreement for the subdivision, maintenance responsibility for stormwater detention and retention ponds, responsibility for placement of curbing and sidewalk within the subdivision and references to erosion and sediment control plans and stormwater studies with plan and study dates and plan numbers.
11. In the case of land development plans, the following additional information shall be shown:
 - A. The location and use of all buildings.
 - B. Location and grade of all parking areas and access drives, the size and number of parking spaces and the width of aisles and access drives.
 - C. The location, number and dimensions of off-street loading areas.
 - D. Provisions for landscaping of the tract.
 - E. Provisions for lighting of the tract.
 - F. Provisions for traffic control.
 - G. The location of refuse collection areas and provisions to be made for refuse collection.
 - H. A table showing extent of compliance with the area, yard, and height regulations of the Borough Zoning Ordinance [Chapter 27].
 - I. A grading plan for the tract showing existing and proposed contour lines at the interval required by §403(1)(H).
 - J. Lowest floor elevations for each proposed building.

(Ord. 1125, 10/9/1990, §404; as amended by Ord. 1185, 5/13/1997)

PART 5

DESIGN STANDARDS

§501. 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 ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed; otherwise, the standards and requirements of this Chapter shall apply.
3. The standards and requirements of this Chapter may be modified by the Borough Council in the case of complete communities, neighborhood units or other large scale developments upon the recommendation of the Borough Planning Commission, where such modifications achieve substantially the objectives of this Chapter and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision/land development plan.
4. Land subject to hazards to life, health or property, such as may arise from fire, floods, disease or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
5. Subdivision/land development plans shall give due recognition to the official plans of the Borough and of the County or to such parts thereof as may have been adopted pursuant to statute.
6. Land proposed for subdivision shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided under Title 25, Chapter 102, Rules and Regulations, PennDEP, and §508 of this Chapter. [Ord. 1185]

(Ord. 1125, 10/9/1990, §501; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

§502. 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 Planning Commission and/or the Borough Council.
 - B. The proposed street system shall extend existing or proposed streets on the official plans at the same width or larger but in no case at less than the required minimum width in §502(3).
 - C. Where, in the opinion of the Borough Planning Commission, it is desirable to provide for street access to adjoining property, street stubs 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 or contains an existing street of improper width or alignment, the Borough Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
 - F. Private streets (streets not to be offered for dedication) are prohibited unless they meet the design and improvement standards of this Chapter.
 - G. All design elements of all streets, including horizontal and vertical alignment, sight distance and super elevation, are subject to review and approval by the Borough. When reviewing the design of streets, in addition to the standards in this Chapter, the rural design criteria in the "Pennsylvania Department of Transportation Design Manual Part 2, Highway Design," January, 1990 edition, and "A Policy on Geometric Design of Highways and Streets," AASHTO, 1984 edition, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.
 - H. For certain aspects of vertical and horizontal alignment discussed below, standards are determined by design speed of the road involved. For all proposed streets, the subdivider shall indicate the proposed design speed. The designated design speed is subject to the approval of the Borough. In general, the design speed on major streets shall be considered as 55 MPH (to be determined in each individual case), on collector streets a minimum of 35 MPH (to be determined in each individual case) and on minor streets 35 MPH, unless a lesser design speed is permitted by the Borough.

2. Partial and Half Streets. New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained. Subdivider shall provide the entire required cartway width within his/her property. [Ord. 1185]
3. Street Widths. Minimum street right-of-way and pavement widths shall be as shown on the official plans, or if not shown on such plans, shall be as follows:

Street Type	Required Widths (in feet)
Minor Street	
Right-of-Way	50
Cartway	26
Collector Street	
Right-of-Way	80
Cartway	50
Major Street	
Right-of-Way	See note (b)
Cartway	See note (b)
Permanent Cul-De-Sac Street	
Right-of-Way	See subsection (10)
Cartway	See subsection (10)
Marginal Access Street (a)	
Right-of-Way	See note (c)
Cartway	26
Service and Internal Streets (a)	
Right-of-Way	24
Cartway	24

Note:

- (a) No onstreet parking permitted.
- (b) As specified in the official plans, or as determined after consulting with the Borough, the County Planning Commission and the Pennsylvania Department of Transportation.

SUBDIVISION AND LAND DEVELOPMENT

(c) Variable, depending on the width of the adjacent right-of-way, but not less than 36 feet.

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

4. Restriction of Access.

A. Whenever a subdivision abuts or contains an existing or proposed street with an ultimate right-of-way of 80 feet or more or contains or abuts an existing or proposed collector street, the Borough Planning Commission or the Borough Council may require restriction of access to said street by:

- (1) Provision of reverse frontage lots.
- (2) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the major or collector streets.
- (3) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Borough under an agreement meeting the approval of the Borough.

B. Except as specified under subsection (3), above, reserve strips shall be prohibited.

5. Street Grades.

A. There shall be a minimum centerline grade of 3/4%.

B. Centerline grades shall not exceed the following:

- (1) Minor street – 10%.
- (2) Collector street – 6%.
- (3) Major street – 6%.
- (4) Street intersection – 3%.

C. Grades up to 12% 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 5° , connection shall be made by horizontal curves.
- B. Minimum sight distance shall be provided as follows:

Design Speed (in miles per hour)	Minimum Sight Distance (in feet)
20	125
25	150
30	200
35	350
40	325
45	400
50	475
55	550

- C. Minimum centerline radii for horizontal curves shall be as follows:

Design Speed (in miles per hour)	Minimum Centerline Radius (in feet)
20	100
25	150
30	230
35	310
40	430
45	550
50	700
55	850

- D. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major streets.
- E. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

7. Vertical Curves.

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

SUBDIVISION AND LAND DEVELOPMENT

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

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 60° or more than 120°.
- B. No more than two streets shall intersect at the same point.
- C. Streets intersecting another street shall either intersect directly opposite each other or shall be separated by at least 200 feet between centerlines measured along the centerline 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 major streets shall be located not less than 1,000 feet apart, measured from centerline to centerline along the centerline of the major street.
- F. Street curb intersections shall be rounded by a tangential arc with minimum radius of:
 - (1) Twenty feet for intersections involving only minor streets.
 - (2) Thirty-five feet for all intersections involving a collector street.
 - (3) Fifty feet for all intersections involving a major street.
 - (4) Ten feet for all intersections involving only service streets.

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

9. Sight Distance at Intersections.

A. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs or traffic signs shall be permitted which obscures vision above the height of 30 inches and below 10 feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

(1) Seventy-five feet from the point of intersection of the centerlines, except that:

(2) Clear sight triangles of 150 feet shall be provided for all intersections with collector or major streets.

B. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback (reserve) line.

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

Design Speed of Approaching Street with No Stop or Signal Control (in miles per hour)	Minimum Stopping Distance (in feet)	Alternative Stopping Distance (in feet) Permissible at Discretion of Borough Only on Lightly Traveled Highways Where the Removal of Sight Obstructions Would be Costly
20	125	90
25	150	110
30	200	130
35	250	155
40	325	180
45	400	200
50	475	220

SUBDIVISION AND LAND DEVELOPMENT

Design Speed of Approaching Street with No Stop or Signal Control (in miles per hour)	Minimum Stopping Distance (in feet) Required Unless Alternative Permitted by Borough	Alternative Stopping Distance (in feet) Permissible at Discretion of Borough Only on Lightly Traveled Highways Where the Removal of Sight Obstructions Would be Costly
55	550	240

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

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

For calculating sight distance as required, above, refer to "A Policy on Geometric Design of Highways and Streets," AASHTO, 1984.

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 temporarily dead ended street shall be provided with a temporary all-weather turn-around 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 500 feet in length and shall not furnish access to more than 20 dwelling units except

where ridge lines, steep valleys or other physical features allow no alternative road system. Cul-de-sac lengths may be increased where a permanent easement of emergency vehicle exit is provided and maintained from the end of the cul-de-sac to another street.

- D. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius of the pavement edge or curb line shall be 50 feet, and the minimum radius of the right-of-way line shall be 60 feet.
- E. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.
- F. The centerline 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 obviously 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 be the same as or similar to an existing street name in the Borough and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.
- C. All street names shall be subject to the approval of the Borough Council.

12. Service Streets (Alleys).

- A. Service streets may be permitted; provided, that the subdivider produces evidence satisfactory to the Borough Planning Commission or Borough Council of the need for such service streets.
- B. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of 50 feet.
- C. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in §502(6) and deflections in alignment in excess of 5° shall be made by horizontal curves.

13. Driveways. Driveways shall be installed in accordance with Borough ordinances, regulations and resolutions.

(Ord. 1125, 10/9/1990, §502; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

§503. Blocks.

1. Layout. The length, width and shape of blocks shall be determined with due regard to:
 - A. Provisions 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 major streets.
2. Length.
 - A. Blocks shall have a minimum length of 1,600 feet and a minimum length of 500 feet; provided, however, that the Borough Planning Commission or Borough Council may increase the maximum and/or decrease the minimum lengths of blocks if in the opinion of either body, topography of the land in question and/or surface water drainage condition warrant such a change.
 - B. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
 - C. Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.
3. Crosswalks.
 - A. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over 1,000 feet in length.
 - B. Such crosswalks shall have a width of not less than 10 feet and a paved walk of not less than four feet.
4. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of the property, in which case the Borough Planning Commission or Borough Council may approve a single tier of lots.
5. Commercial and Industrial Blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above as required by the nature of the use. In all cases, however, adequate provision shall be made for off street

parking and loading areas as well as for traffic circulation and parking for employees and customers.

(Ord. 1125, 10/9/1990, §503)

§504. Lots and Parcels.

1. General Standards.

- A. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- B. Where feasible, lot lines shall follow Borough boundaries, rather than cross them in order to avoid jurisdictional problems.
- C. Generally, the depth of residential lots shall be not less than one nor more than 2 1/2 times their width.
- D. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for onsite parking, loading and unloading, setbacks, landscaping, etc.
- E. If, after subdividing, there exists remnants of land, they shall be either:
 - (1) Incorporated in existing or proposed lots; or,
 - (2) Legally dedicated to public use, if acceptable to the Borough.
- F. Flag lots are prohibited, unless permission is granted by the Borough. The Borough may grant permission to utilize flag lots when it deems flag lots appropriate because of topographical or other conditions unique to the site. The access strip portions of a flag lot must be wide enough to permit the construction of a road with a right-of-way meeting the requirements of this Chapter, when required by the Borough, and shall not be used for building purposes.

2. Lot Frontage.

- A. All lots shall front on a public street, existing or proposed, or on a private street if it meets the requirements of these regulations.
- B. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- 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

SUBDIVISION AND LAND DEVELOPMENT

dwelling unit to the ultimate right-of-way, and shall have within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

- D. After consideration of street speeds, traffic volumes, projected traffic generated at a proposed land use and the location and arrangement of existing and proposed driveways and intersections, the Borough may require the subdivider to install at his/her expense an acceleration or deceleration lane, or both, to serve a proposed driveway or street. If additional street right-of-way is required to construct the acceleration or deceleration lane, the additional right-of-way shall be provided by the subdivider. When required by the Borough, the subdivider shall furnish a study to the Borough which will provide the information necessary to permit the determination as to whether an acceleration or deceleration lane is required. [Ord. 1185]
- E. For all subdivisions and land developments for which only one means of ingress and egress is proposed, the Borough may require, where deemed necessary in the public interest and for the public safety, the provision of additional access ways or the provision of an alternate means of ingress and egress which could be used by emergency vehicles if the primary means of ingress and egress were rendered unusable. Such alternate means of ingress and egress shall be of such width and improved to such an extent to be usable by emergency vehicles, and shall not be used for structures, trees or similar obstructions.

3. Lot Size. Lot dimensions and areas shall not be less than specified by the provisions of the Borough Zoning Ordinance [Chapter 27], and shall further conform to the rules and regulations of the Pennsylvania Department of Environmental Protection and §506 of this Chapter. [Ord. 1185]

(Ord. 1125, 10/9/1990, §504; as amended by Ord. 1185, 5/13/1997)

§505. Sanitary Sewage Disposal.

- 1. Each property shall be connected to the Borough's sewer system if accessible. Where the Borough's sewer is not yet accessible, but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, onsite disposal facilities shall also be provided. Design of capped sewer system shall be subject to approval by the Borough.

2. Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Protection standards and Borough standards. A copy of the approval of such system shall be submitted with the final plan. [Ord. 1185]
3. Sanitary sewers shall not be used to carry stormwater.
4. All lots which cannot be connected to a Borough sanitary sewage disposal system in operation at the time of construction of a principal building shall be provided with an onsite sanitary sewage disposal system consisting of a septic tank(s) connected with a tile disposal field and which shall, as a minimum requirement, meet the design standards of the rules and regulations of the Pennsylvania Department of Environmental Protection, and Borough standards. [Ord. 1185]
5. If onsite sanitary sewage disposal facilities are to be utilized, the Borough Planning Commission may require that the subdivider submit a feasibility report. Such report shall compare the cost of providing onsite facilities and the cost of extending the public sewer system. Based on the analysis of this report, the Planning Commission may require the installation of a public sewer system.
6. Where onsite sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than, the proposed building(s) in accordance with Borough or State regulations.
7. The proposed method of sanitary sewage disposal shall be in accordance with the Borough's officially adopted Act 537 Sewage Facilities Plan.
8. When the rules and regulations of the Pennsylvania Department of Environmental Protection determines the necessity for an Act 537 Sewage Facilities Plan Revision, the procedure set forth in those rules and regulations shall be followed. [Ord. 1185]

(Ord. 1125, 10/9/1990, §505; as amended by Ord. 1185, 5/13/1997)

§506. Soil Percolation and Test Requirements.

1. Soil percolation tests shall be performed for all subdivisions wherein building(s) at the time of construction will not be connected to a public sanitary sewage disposal system in operation.
2. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection. [Ord. 1185]
3. The Sewage Enforcement Officer shall enter the result of the test and all other information on five copies of the subdivision sewage disposal report form and shall submit these with the preliminary plans; provided, however, that where the

SUBDIVISION AND LAND DEVELOPMENT

approval of the proposed sanitary sewage disposal facilities is otherwise required by the Pennsylvania Department of Environmental Protection, two copies of the report of investigation and approval may be submitted in lieu of the subdivision sewage disposal report. [Ord. 1185]

4. Where possible, soil percolation tests shall be performed near the site of the proposed onsite sanitary sewage disposal facilities and spaced evenly throughout the property.
5. The results of the soil percolation tests shall be analyzed by the Borough in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract.

(Ord. 1125, 10/9/1990, §506; as amended by Ord. 1185, 5/13/1997)

§507. Water Supply.

New subdivisions and developments shall incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.

- A. Each property shall be connected to the Borough's water system. The distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes, appurtenances and fire hydrants located to meet the specifications of the Borough.
- B. If for any reason an individual onsite water supply system(s) is permitted, each lot so served shall be of a size and shape to allow safe location of such a system on each lot and wells shall be placed uphill from sewage disposal systems shall be of such and shall not be within 100 feet of any part of the absorption (tile) field of any onsite sanitary sewage disposal system, nor within 50 feet from lakes, streams, ponds, quarries, etc.
- C. If, for any reason an individual onsite water supply system(s) is permitted, the subdivider shall provide at least one test well for each 10 proposed dwelling units. Such wells should be drilled, cased and grout sealed into bedrock at least 50 feet deep, having a production capacity of at least 5 gallons per minute of safe potable drinking water as certified by State or Borough Health Officer.
- D. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council that the subdivision or development is to be supplied by a certified public utility, 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 or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 1125, 10/9/1990, §507)

§508. Stormwater Management.

1. General Stormwater Management Requirement. All subdivision and land development plans must demonstrate compliance with the Wyomissing Borough Stormwater Management Ordinance. [Ord. 1358]
2. Erosion and Sediment Controls and Plan Requirements.¹
 - 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 control shall be prepared and submitted to the Borough by the subdivider as required by this Chapter. The plan shall meet all requirements of and be approved by the County Conservation District, the Borough and the Pennsylvania Department of Environmental Protection, when applicable. In lieu of an erosion and sediment control plan, the Borough may, when deemed appropriate by the Borough and when no earth moving will be done at the direction of the subdivider, permit the subdivision plan to contain a note that individual lot purchasers are responsible for preparing an erosion and sediment control plan prior to the commencement of earth moving activities. The Borough may further require a note indicating that as a condition to the issuance of a building permit for a lot, an erosion and sediment control plan for that lot shall be submitted to and approved by the Borough. [Ord. 1185]
 - C. The erosion and sediment control plan shall be submitted at final plan submission and shall contain two parts: (a) a map or maps describing the topography of the area within the subdivision or development, the proposed alterations of the area and the erosion and sediment control measures and facilities which are proposed; and, (b) a narrative report describing the project and giving the purpose, engineering assumptions and calculations for control measures and facilities. A map or maps shall show:

¹ This subsection shall be administered by the Borough only in the event the Borough terminates the Memorandum of Understanding between it and the Berks County Conservation District which delegates to the Berks County Conservation District review of Erosion and Sediment Controls Plan in accordance with Chapter 102 of the PA Code, 25 Pa. Code Sect. 102.1 et seq. [Ord. 1358]

SUBDIVISION AND LAND DEVELOPMENT

- (1) The topographic features of the project area and immediate surrounding area.
- (2) The types, depth, slope and aerial extent of the soils within the subdivision or development.
- (3) The proposed alteration to the area, including:
 - (a) Changes to land surface and vegetative cover.
 - (b) Areas of cuts and fills exceeding five feet in vertical difference (three if sidewalks are to be constructed).
 - (c) Structures, roads, paved areas, buildings.
 - (d) Stormwater control facilities.
 - (e) Existing contours on the site at intervals required by this Chapter and, where required by the Borough, finished contours at the same intervals.
- (4) The narrative report shall contain a general statement of the project which shall contain:
 - (a) A general description of the project.
 - (b) A general description of stormwater control methods.
 - (c) A general description of accelerated erosion control.
 - (d) A general description of sedimentation control.
- (5) A description of the amount of runoff in the project area and the upstream watershed, including method of calculation and factors considered. Calculations for runoff before, during and after construction shall be submitted. These calculations shall be in conformance with the Soil Cover Complex Method set forth in the USDA Technical Release No. 55.
- (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.
 - (c) The methods, frequency and ultimate disposal site for solid waste material.

- (7) The staging of earth disturbance activities in relation to the implementation of control measures and construction of control facilities.
- (8) The following items shall be shown on a map and also described in the narrative report: temporary control measures and facilities for use during earth disturbance activities, including:
 - (a) Purpose.
 - (b) Types of measures and facilities.
 - (c) Location of measures and facilities.
 - (d) Dimensioned construction details of facilities. Design considerations and calculations.
- (9) Permanent control measures and facilities for long-term site stabilization and watercourse channel stabilization, 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 sediment control facilities shall be periodically inspected and checked for adequacy and compliance with the approved erosion and sediment control plan by the Borough and its authorized representatives. The approved erosion and sediment 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 sediment control 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.

SUBDIVISION AND LAND DEVELOPMENT

- (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.
- (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) The permanent vegetation and mechanical erosion control and drainage measures shall be installed prior to development.
- (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 debris basins, sediment basins, silt traps or similar measures approved in the erosion and sediment control plan.

G. The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment 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 hazards, 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.
- (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) Grading shall not be done in such a way so as to divert water onto the property of another landowner without the written agreement of the adjoining landowner and the approval by the Borough Council and the Borough Solicitor of all written agreements.
- (9) During grading operations, necessary measures for dust control shall be exercised.
- (10) Grading equipment shall not cross live streams. Provisions must be made for the installation of culverts or bridges.

H. Control measures and facilities shall be in accordance with the regulations of the Pennsylvania Department of Environmental Protection. [Ord. 1185]

I. Whenever sedimentation is caused by stripping vegetation, regrading or other development or earth moving, 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 may require a note to this effect to be placed on the final subdivision or land development plan.

(Ord. 1125, 10/9/1990, §508; as amended by Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §§7-9)

§509. Public Use and Service Areas.

1. Public Open Spaces.

A. The subdivider shall dedicate suitable open space for recreation. The minimum standards to be used in the reservation of open space shall be as follows:

Gross Density of Tract in Dwelling Units per Acre	% of Tract
1-3	5%
3.1-6	10%
6.1-10	15%
10.1-15	20%
over 15	25%

B. In lieu of reserving open areas for recreation, and upon agreement between the Borough Council and the subdivider, the subdivider shall pay the Borough an amount established by resolution of Borough Council for each dwelling unit.

SUBDIVISION AND LAND DEVELOPMENT

- C. Areas reserved for recreation purposes shall meet the following standards:
 - (1) The land shall be readily accessible to residents of the subdivision or land development.
 - (2) Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.
 - (3) The size, surface conditions, shape, topography and location of the parcels shall be suitable for active recreational purposes such as athletic fields, hard-surfaced courts and apparatus areas. Land shall be suitable for development as a particular type of active recreation facility, as categorized by the National Recreation and Park Association's "National Park Recreation and Open Space Standards and Guidelines," 1983, as amended.
 - (4) Those recreation areas not to be dedicated shall be designed and developed according to the standards established by the National Recreation and Park Association upon agreement between the Borough Council and the developer.
 - (5) The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas which will not be dedicated to the Borough.
2. Community Assets. Consideration shall be shown for all natural features such as large trees, watercourses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.
3. Utility and Drainage Easements.
 - A. On July 8, 1970, the Pennsylvania Utility Commission issued an order requiring all electric distribution lines to be installed underground in residential developments of five or more family units. This also applies to mobile home parks, apartment houses and row houses. In compliance with these regulations and with the cooperation of local utility companies, the following procedure will be followed in reviewing plans subject to underground electric service.
 - (1) Upon filing of a preliminary plan or an official sketch plan for review, the subdivider will forward a copy to the appropriate utility company if the development would fall subject to the order. This would apprise the utility company of the project status and indicate that the subdivider would be contacting them in the near future.

(2) Upon receipt and review of preliminary plans, the subdivider is directed to contact the utility company and secure an approval of plans for underground electric system. Receipt of a letter from the utility company indicating receipt of plans will be required prior to Borough endorsement of any plan for recording. The responsibility for securing this approval and coordinating the plan with the utility company would be the subdivider's or his/her representative's. [Ord. 1185]

B. Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures, trees or other large plantings shall be placed within such easements.

C. Easements shall be centered on or adjacent to rear or side lot lines.

D. Subdividers and developers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

E. Utility service for residential development not subject to the above-mentioned Pennsylvania Public Utility Commission's order is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

F. The following guidelines shall be applied as needed in establishing easements as part of erosion and sediment controls:

(1) Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area should be kept as lawn.

(2) Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than 20 feet or as may be required or directed by the Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Borough. [Ord. 1185]

(3) Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of

SUBDIVISION AND LAND DEVELOPMENT

such water and for the maintenance, repair and reconstruction of the same including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The owner shall convey, free of charge, or cost, such easements to the Borough upon demand.

4. Carbonate Area.

A. Designation of Area. Areas subject to this Section shall include all areas of Duffield (DfA, DfB2, DfC2 and DfD2), Duffield and Hagerstown (DhC3 and DhE3) and Hagerstown (HaB2 and HaC2) soils. In carbonate areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Borough shall attempt to make reasonable judgments as to the applicant's compliance with the standards of §509(4)(b). Under no circumstances shall the Borough or any officer or employee of the Borough assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of §509(4)(b) or any decisions made by the Borough in the administration of such regulations.

B. Standards.

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

liner in basins. All detention facilities shall be above ground unless otherwise approved by the Borough Council.

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

SUBDIVISION AND LAND DEVELOPMENT

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

C. Submission Requirements.

(1) The following information shall be submitted:

- (a) For areas proposed for grading, construction of buildings and other improvements, the applicant shall indicate the presence of any of the following carbonate features: depressions fissures, lineaments, faults or air photo fracture traces, "ghost lakes" occurring after rainfall events, outcrops of bedrock, seasonal high water tables, sinkholes, soil mottling, as defined by a soil scientist, springs and surface drainage entering the ground. Such information shall be supported by an explanation of its source, including the qualifications of the individuals directly responsible for preparing such information.
- (b) The applicant shall furnish a plan indicating existing and proposed drainage conditions, existing and proposed grading, the locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements.
- (c) An environmental assessment report containing the following information:
 - 1) Description of Existing Conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.
 - 2) Description of the Proposed Action. This section shall describe the proposed action including types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements.
 - 3) Proposed Measures to Control Potential Adverse Environmental Impacts. This section shall describe all measures proposed by the applicant to control all adverse impacts which may occur as a result of the proposed action.
 - 4) List and Qualifications of Preparers. The names, addresses, telephone numbers and qualifications of

persons directly responsible for preparing the environmental assessment shall be provided.

5. Required Studies to be Submitted by the Developer.

A. A traffic impact study shall be submitted in the following instances:

- (1) A residential subdivision or land development of 50 or more lots and/or dwelling units.
- (2) A nonresidential subdivision of five or more lots.
- (3) A nonresidential land development containing 40,000 square feet or more of gross floor area.
- (4) Any nonresidential land development within 1/4 mile of an intersection involving an arterial road or two collector roads. Provided, that the Borough Council reserves the right to require a traffic study for any subdivision or land development when the Borough Council deems such a study necessary to adequately review the impact of the subdivision or land development on existing and proposed roads.
 - (a) The traffic impact study shall be prepared by a qualified professional traffic engineer or traffic planner with verifiable experience in preparing such studies.
 - (b) The study area for the traffic study shall be based on engineering judgment and an understanding of existing traffic conditions at the site and represent the area which is likely to be affected by the development. The study limits shall be initially agreed upon by the developer, his/her engineer and the Borough. [Ord. 1185]
 - (c) The traffic impact study shall contain the following elements:
 - (1) The study area boundary and identification of the roadways included within the study area.
 - (2) A general site description, including:
 - (a) Size, location, existing and proposed land uses and dwelling types, construction staging and completion date of the proposed development.
 - (b) Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet

SUBDIVISION AND LAND DEVELOPMENT

approved and recorded in the study area that are agreed upon by the Borough, developer and traffic engineer as having bearing on the development's likely impact shall be described and considered.

- (c) Within the study area, the applicant must describe existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by government agencies or private parties.

- (3) Analysis of existing conditions, including:

- (a) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.
- (b) Volume/Capacity Analyses at Critical Points. Utilizing techniques described in the Highway Capacity Manual Transportation Research Board Special Report 209 (1985 or latest edition) or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
- (c) Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
- (d) A tabulation of accident locations during the most recent three year period shall be provided.

- (4) Analysis of Future Conditions Without the Proposed Development. The future year(s) for which projections are made will be specified by the Borough and will be

dependent on the timing of the proposed development. The following information shall be included:

- (a) Daily and Peak Hour(s) Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in §509(5)(A)(4)(c)(3)(a), above, in terms of location and times (daily and peak hours).
- (b) Volume/Capacity Analyses at Critical Locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis shall be presented for these conditions.
- (c) Levels of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be determined.

(5) Trip Generation. The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Borough Council. "Trip Generation" (fourth or latest edition) published by the Institute of Transportation Engineers shall be used unless the Borough Council approves other studies.

(6) Trip Distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Borough can replicate these results.

(7) Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from §509(5)(A)(4)(c)(4) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

SUBDIVISION AND LAND DEVELOPMENT

(8) Analysis of Future Conditions with Development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site. Any unique characteristics of the site or within the study area (i.e., holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made. The following information shall be included:

- (a) Daily and peak hour(s) traffic volumes, mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
- (b) Volume/Capacity Analysis at Critical Points. Similar to §§509(5)(A)(4)(c)(3)(b) and 509(5)(A)(4)(c)(4)(b), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
- (c) Levels of Service at Critical Points. As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this Section.

(9) Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual, Transportation Research Board Special Report 209 (1985 or latest edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Borough and State which were described in §509(5)(a)(4)(c)(2)(c) and reflected in the analysis contained in §§509(5)(a)(4)(c)(3) and 509(5)(a)(4)(c)(4). The following information shall be included:

- (a) Proposed Recommended Improvements. This section shall describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.
- (b) Volume/Capacity Analysis at Critical Points. Another iteration of the volume/capacity analysis

shall be described which demonstrates the anticipated results of making these improvements.

(c) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous subsection, levels of service for the highway system with improvements shall be presented.

(10) Conclusion. The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

B. The impact studies listed below shall be submitted to the Borough in the following instances:

- (1) A residential subdivision or land development of 50 or more lots and/or dwelling units.
- (2) A nonresidential subdivision of five or more lots.
- (3) A nonresidential land development containing 40,000 square feet or more of gross floor area.

Provided that the Borough Council reserves the right to require impact studies for any subdivision or land development when the Borough Council deems such a study necessary to adequately review the impact of the subdivision or land development.

- (a) Utilities Impact Study. A study shall be prepared by a registered professional engineer indicating the impact of the proposed development on the existing sanitary sewer, water, solid waste and drainage systems serving the Borough. Said impact analysis shall identify the existing capacity of facilities which would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development. Additionally, the study shall identify the likely ability of sanitary sewer, water, solid waste and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Borough considering added service requirements of the proposed development.
- (b) Recreation Impact Study. The study shall analyze the demand for recreational facilities which the proposed development will generate and determine whether adequate facilities exist or are

SUBDIVISION AND LAND DEVELOPMENT

planned or proposed. As a minimum, the study shall include the following:

- (1) A description of the projected age breakdown of the residents of the proposed development.
- (2) A description of any recreational facilities to be provided by the developer.
- (3) A description of existing municipal recreational facilities and the impact of the proposed development on these facilities. Accepted national standards for required recreation shall be used in the analysis.
- (4) Discussion of potential for any recreational facilities to be provided by the developer to compensate for any anticipated deficiencies of the Borough's recreational facilities.
- (5) A description of any contributions the developer plans to make for Borough recreation to compensate for expected impacts.

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

- (1) **Public Works.** This includes potential effects on the maintenance, repair and upkeep of roads, signal systems sanitary sewer, water and drainage systems, open space and recreation areas or any other applicable function. This study shall address projected cost increases for the above mentioned items in terms of administration, personnel, equipment and materials.

- (2) Administration. This includes time that would be required by the Borough Council, Manager and other staff to process the application and handle the project during construction, as well as long term administration demands. This should include, but not be limited to, the handling of plans, contracts, various legal instruments or agreements, permits, special problems and escrow. Added demands on the code administration staff also shall be projected.
- (3) Fire and Emergency Services. The analysis shall incorporate the development's impact on fire company capabilities including, but not limited to, municipal water supply, pumping capacity, specialized equipment and training requirements.
- (4) Police. The study shall project the overall effects of the proposed development on existing Borough police personnel numbers, equipment, vehicles and working space. The study shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigation, armed robbery or other security-related problems.

(d) Historic and Archeological Resources Impact Study. All historic and archaeological resources which have been identified and/or inventoried by the Borough, the Berks County Planning Commission and/or the Pennsylvania Historical Museum Commission located within the tract shall be identified and the impact on such resources detailed.

(e) Environmental Impact Study. The study shall include the following impacts:

- (1) Habitats of threatened and endangered species of special concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory, shall be identified and the impact on such resources detailed. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
- (2) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

SUBDIVISION AND LAND DEVELOPMENT

- (3) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- (4) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(f) Hydrogeologic Impact Study. Such study shall be conducted by a qualified hydrogeologist and consist of the following minimum considerations:

- (1) A map showing the location of the site.
- (2) A description of the geologic conditions on and around the site. Site geology, including stratigraphy, structure and soils shall be analyzed. Hydrogeology, including aquifer characteristics, ground water movement, local water use, aquifer yield and water quality shall be analyzed. Groundwater impacts, availability of ground water, well interference, water quality and yield availability shall be analyzed.
- (3) Should it be determined that the proposed use(s) would result in a degradation of ground water quality, or eliminate the potential ground water use at nearby properties, the study shall present measures that will be employed to prevent these adverse impacts.

(Ord. 1125, 10/9/1990, §509; as amended by Ord. 1185, 5/13/1997)

PART 6

IMPROVEMENT SPECIFICATIONS

§601. General Requirements.

Physical improvements to the property being subdivided or developed shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of this Chapter or other Borough ordinances or regulations, whichever is more restrictive.

- A. As a condition to review of a final plan by the Borough Planning Commission and Borough Council, the subdivider shall agree with the Borough as to the installation of all improvements shown on the plan and required by this Chapter or other Borough ordinances or regulations. Before the record plan is endorsed by the Borough Planning Commission and Borough Council, the subdivider shall submit an executed original copy of an agreement with the Borough as to the responsibilities and obligations for improvements under the provisions of this Chapter. Such agreement shall be in form and content satisfactory to the Borough Solicitor and shall be recorded if deemed appropriate by the Borough.
- B. All improvements installed by the subdivider or developer shall be constructed in accordance with the design specifications of the Borough including any promulgated by a municipal authority. Where there are no applicable Borough specifications, improvements shall be constructed as determined by the Borough in accordance with the specifications of the Borough Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Forests and Waters or such other State agency as applicable. If there are no applicable Borough or State regulations, the Borough may authorize that specifications be prepared by the Borough Engineer or an engineering consultant at the expense of the owner or developer. [Ord. 1185]
- C. Supervision of the installation of the required Borough improvements shall in all cases be the responsibility of the Borough or of the appropriate State regulatory agency, at the expense of the owner or developer. It shall be the responsibility of the developer to give to the Borough sufficient notice of the time of installation of municipal improvements in order that the Borough Engineer may supervise said installation.
- D. Where required by the Borough, improvements shall be extended to the boundaries of the subdivision or land development to facilitate extension into adjacent properties.

(Ord. 1125, 10/9/1990, §601; as amended by Ord. 1185, 5/13/1997)

SUBDIVISION AND LAND DEVELOPMENT

§602. Required Improvements.

The following improvements as shown on the record plan shall be provided by the subdivider or developer in all subdivisions and land developments:

- A. Street Grading. All streets shall be graded to the full right-of-way width.
- B. Cartway Paving. All streets shall be paved to full cartway widths (as shown on the final plan) and as required by §502(3) of this Chapter.
- C. Curbs. Vertical curbs shall be installed along both sides of all streets, except along service streets, in accordance with Borough specifications.
- D. Sidewalks.
 - (1) Sidewalks shall be installed on both sides of all streets, except that sidewalks are required on only one side of marginal access streets at a location specified by the Borough and are not required along service streets.
 - (2) All sidewalks shall be installed in accordance with Borough specifications.
- E. Sewers.
 - (1) Storm Sewers. Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Part 5 of this Chapter and Borough standards.
 - (2) Sanitary Sewage Disposal System(s).
 - (a) Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Part 5 of this Chapter.
 - (b) Whenever a subdivider proposes that individual onsite sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such an approved facility approved by DEP, or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel. [Ord. 1185]
 - (c) In all other cases, the subdivider shall connect to a public sanitary sewage system. The design and installation of such public system shall be subject to the approval of the Borough Engineer and the Borough Authority.

(d) Where studies by the Borough Planning Commission or a municipal authority indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided or developed appears probable within a reasonably short time (up to five years), the Borough Planning Commission and the Borough Council shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, onsite sanitary sewage disposal systems.

F. Water Supply.

- (1) Water supply system(s) shall be installed consistent with design principles and requirements contained in Part 5 of this Chapter.
- (2) Where the subdivider proposes that individual onsite water supply systems shall be utilized within the subdivision, the subdivision shall either install such facilities or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities can be installed by the purchaser of such lot or parcel.
- (3) Wherever feasible, 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 Borough Engineer.

G. Fire Hydrants. Wherever a public water system is provided, fire hydrants connected to an approved water supply capable of supplying five hundred gallons per minute (500 gpm) and suitable for the coupling of equipment serving the Borough shall be installed as follows:

- (1) Hydrants must be provided within four hundred feet (400') of primary unsprinklered structures for residential developments of multiple single family and townhouse dwellings and
- (2) Within one hundred feet (100') of all primary Fire Department Connections as determined by the Fire Code Official for new multi-family (apartments), commercial and industrial structures where an approved automatic sprinkler system is required. The distance shall be permitted to exceed one hundred feet (100') where approved by the fire code official

Locations of hydrants shall be approved by the Borough

H. Monuments.

SUBDIVISION AND LAND DEVELOPMENT

- (1) Monuments shall be accurately placed at changes in directions of lines in the boundary (perimeter) of the property being subdivided. The subdivider, or his/her representative, shall notify the Borough Engineer in order that he/she may inspect the placement of the monuments before they are covered. [Ord. 1185]
- (2) All monuments shall be placed by a registered professional engineer or surveyor so that the scored (by an indented cross or drill hole of not more than 1/4 inch diameter in the top of the monument) point shall coincide exactly with point of intersection of the lines being monumented.
- (3) Monuments shall be set with their top level with the finished grade of the surrounding ground, except that where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- (4) All streets shall be monumented on the right-of-way line, or within the right-of-way lines of the street on a range line five feet distant from the right-of-way line, and at the following locations:
 - (a) At least one monument at each intersection.
 - (b) At changes in direction of street lines, excluding curb arcs at intersections.
 - (c) At each end of each curbed street line, excluding curb arcs at intersections.
 - (d) At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.
 - (e) 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.

I. Metal markers shall be placed at all lot corners.

- (1) All markers shall be placed by a registered professional engineer or surveyor so that the marker shall coincide exactly with the point of intersection of the lines being marked.
- (2) Markers shall be set with their top level with the finished grade of the surrounding ground.

J. Street Signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be by the Borough, the cost of which shall be borne by the subdivider.

- K. Street Lights. The developer shall be responsible for all costs associated with the planning and installation of the street lighting system along all public streets. The type and location of street lighting shall be approved by the Borough, consistent with the standards of the applicable utility.
- L. Shade Trees. Shade trees shall be purchased and planted by the Borough in and along all public streets in accordance with the species, standards and specifications of the Borough Shade Tree Commission at the expense of the owner or developer. Such trees shall become the sole property of the Borough.
- M. Landscaping Plan. A landscaping plan shall be furnished for approval by the Borough as to kind, size and location of trees, shrubs and other plantings for all commercial, industrial and multifamily developments.
- N. Traffic Signals and Other Control Devices. When deemed necessary by the Borough, traffic signals and other control devices shall be provided and installed subject to Borough specifications.
- O. Erosion and Sediment Control Measures. Installation necessary to implement the erosion and sediment control plan shall be made by the subdivider or developer.
- P. Guide Rail.
 - (1) When required in "Design Manual, Part 2, Highway Design" by the Pennsylvania Department of Transportation, January, 1990 edition, guide rail shall be provided.
 - (2) The design and selection of guide rail shall generally be in accordance with the standards in "Design Manual, Part 2, Highway Design," January, 1990 edition, however, the Borough shall approve all guide rail systems.

(Ord. 1125, 10/9/1990, §602; as amended by Ord. 1185, 5/13/1997; as amended by Ord. 1409, 3/10/2020, §1)

PART 7

MOBILE HOME PARKS

§701. Mobile Home Parks.

All mobile home parks shall comply with the plan requirements, design standards and improvement specifications of this Chapter.

(Ord. 1125, 10/9/1990, Article 7)

SUBDIVISION AND LAND DEVELOPMENT

PART 8

ADMINISTRATION AND AMENDMENT

§801. Revision and Amendment.

1. The Borough Council may, from time to time on its own motion, revise, modify or amend this Chapter in order to increase its effectiveness or to expedite the approval of land subdivision and/or land development plans.
2. Any revisions, modifications or amendments to this Chapter shall be made in accordance with the procedures established by law, after a public hearing on the proposed revisions, modifications or amendments, held pursuant to public notice in accordance with the provisions of Act 247, as amended.
3. In addition, in the case of amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each amendment to the Borough Planning Commission and the County Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

(Ord. 1125, 10/9/1990, §801)

§802. 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 modifications will not be contrary to the public interest and that the purpose and intent of this Chapter is observed. Hardship shall not be construed to include circumstances in which the alternative is merely less costly than that provided for within this Chapter. 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. The request for modification shall be referred to the Planning Commission for advisory comments. The Borough Council shall keep a written record of all action on all requests for modifications.
2. In granting modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

(Ord. 1125, 10/9/1990, §802)

§803. Appeals and Challenges.

All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, as amended.

(Ord. 1125, 10/9/1990, §803)

§804. Fees.

1. The Borough Council shall establish, by resolution, a collection procedure and schedule of fees to be paid by the subdivider or developer for review of plans.
2. The schedule of fees shall be available in the Borough office upon request.
3. The applicant shall reimburse the Borough for expenses incurred for the inspection of improvements.

(Ord. 1125, 10/9/1990, §804)

§805. Preventive and Enforcement Remedies.

1. Preventive Remedies.
 - A. 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.
 - B. 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:
 - (1) The owner of record at the time of such violation.
 - (2) 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.

SUBDIVISION AND LAND DEVELOPMENT

- (3) 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.
- (4) 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.

C. 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.

2. Enforcement Remedies.

- A. 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 be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and, thereafter, each day that a violation continues shall constitute a separate violation.
- B. 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.
- C. 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.

(Ord. 1125, 10/9/1990, §805)

§806. Keeping of Records.

The Borough Planning Commission and the Borough Council shall keep a record of their findings, decisions and recommendations relative to all subdivision or land development plans filed for review. Such records shall be made available to the public for review.

(Ord. 1125, 10/9/1990, §806)

§807. Responsibility.

The subdivider shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required.

(Ord. 1125, 10/9/1990, §807)