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**SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE NO. 261**

**BOROUGH OF BERNVILLE  
BERKS COUNTY, PENNSYLVANIA**

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DEVELOPMENT

ORDINANCE NO. 261

BOROUGH OF BERNVILLE

COUNTY OF BERKS

COMMONWEALTH OF PENNSYLVANIA

September 1998

Prepared By:  
Vitillo Group, Inc.  
Engineers, Planners, Surveyors and Managers  
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Schuylkill Haven, PA 17972  
Phone: (717) 385-4970

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BERNVILLE BOROUGH  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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ARTICLE I  
General Provisions

**Section 1. Statutory Authority.**

This ordinance provides for the regulation of subdivision and land development and the approval of plats and replats of land within the jurisdiction of the Bernville Borough Council of the Borough of Bernville, Berks County, Pennsylvania, ordained by Bernville Borough Council of the Borough of Bernville under the authority of the Pennsylvania Municipalities Planning Code, (Act 247) as amended.

**Section 2. Title.**

This ordinance shall be known and may be cited as the "Bernville Borough Subdivision and Land Development Ordinance."

**Section 3. Purpose.**

- A. The purpose of this ordinance shall be to provide standards for regulation for subdivision, resubdivision and development of land of the Borough of Bernville in order to promote the public health, safety and convenience and the general welfare of the residents and inhabitants of the Borough.
- B. This ordinance shall be administered to assure orderly growth and development consistent with the comprehensive plan for the Borough; to assure the protection and proper use of land, to assure adequate provisions for traffic circulation, drainage, utilities, recreation facilities, erosion and sediment control and public services to assure development consistent with the natural features of the Borough; to assure properly designed streets and neighborhoods; and to assure coordination of design among adjoining developments.

ARTICLE II  
Jurisdiction and Application

**Section 4. Compliance Required.**

After the effective date of this ordinance, no subdivision or land development of any lot, tract or parcel of land shall be made and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this ordinance.

**Section 5. Application of Provisions.**

In the case of a preliminary or final plan approved by the Borough Council or other agency having right of approval prior to the date this ordinance became enforceable, this ordinance 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 three (3) years from the date of such approval. Where final approval was preceded by preliminary approval, the three-year period shall be counted from the date of preliminary approval. After the three-year period, the Borough shall enforce the provisions of this ordinance with regard to the subdivision or land development.

**Section 6. Replatting or Resubdivision.**

Any replatting or resubdivision of land, including a change of a record plan, shall comply with the provisions of this ordinance.

**ARTICLE III**  
**Procedures**

**Section 7. Review Requirements.**

- A. Hereafter, subdivision and land development plans shall be reviewed by the Borough Planning Commission, the County Planning Commission and any other Borough, state or county officials as required by law and shall be approved or disapproved by the Borough Council in accordance with the procedures specified in this Article and in other sections of this ordinance.
- B. For all subdivision and land developments, except those exempted from standard procedures, a sketch plan, preliminary plan and final plan shall be submitted. Those subdivisions exempted from this procedure shall comply with Section 12. After the review of the sketch plan for a land development, the Council may exempt the land development from the standard review procedures of this ordinance if it determines that the standard review procedures will cause undue hardship to the subdivider because of peculiar conditions related to the plan in question as long as the public interest and the purpose and intent of the ordinance is observed.

**Section 8. Sketch Plan.**

A Sketch Plan shall be considered as a submission for informal discussion between the subdivider/land developer and the Borough. Submission of a Sketch Plan shall not constitute official submission of a plan to the Borough.

- A. Sketch plans shall comply with the requirements of Section 13.
- B. Submission - The subdivider shall submit ten (10) copies of the sketch plan, six (6) copies of any supplementary data, the required filing fee and two (2) copies of the application for review of sketch plan (Form 1) to the Borough Secretary or such other official designated by Borough Council by resolution.
- C. Distribution - The Borough Secretary or such other official designated by Borough Council by resolution shall distribute the plans and supplementary data as follows:
  - (1) One (1) copy to the Chairman of the Borough Planning Commission.
  - (2) One (1) copy to the Borough Engineer/Planning Consultant.
  - (3) One (1) copy to the Borough Zoning Officer.
  - (4) One (1) copy retained for the permanent files of the Borough Council.

- (5) In the case of plans submitted under Section 12 of this ordinance the remaining two (2) plans will be submitted to the County Planning Commission.
  - (6) One (1) copy to the Borough Sewage Enforcement Officer
  - (7) The Borough reserves the right to request additional plan copies as required.
- D. Review - The sketch plan shall be reviewed by the Borough Planning Commission at one (1) or more regularly scheduled or special meetings. The sketch plan may be reviewed by the Borough Zoning Officer, the Borough Engineer/Planning Consultant, and comments regarding the sketch plan may be provided by them to the Borough Planning Commission, if requested by the Borough Planning Commission provided that such submission has occurred no less than (21) calendar days prior to the scheduled meeting.
- E. At one (1) or more regularly scheduled or special meetings, the Borough Planning Commission shall review the sketch plan to determine its conformance with the requirements and the purposes of this ordinance, the feasibility of meeting the requirements of this ordinance and whether the proposed development is consistent with the Borough Zoning Ordinance. The Borough Planning Commission may suggest modifications to the plan which it deems necessary to assure conformance with this ordinance.
- F. Within fifteen (15) calendar days after the final meeting at which the sketch plan is reviewed by the Borough Planning Commission, the Planning Commission Secretary shall send the comments of the Planning Commission regarding the plan, including any recommended modifications to the sketch plan and any prerequisites to review of the preliminary plan to:
- (1) The Borough Council
  - (2) The subdivider or his agent
  - (3) The Borough Engineer/Planning Consultant
  - (4) The Borough Zoning Officer.
  - (5) The Borough Authority.
  - (6) Any other person as Borough Council may direct by resolution.
- G. The written notice of the Planning Commission shall be sent to the people listed in Subsection F within seventy-five (75) days after the date the sketch plan was submitted to the Borough Secretary.
- H. In the case of a sketch plan of record submitted under the minor subdivision (Section 12.A.) or lot annexation (Section 12.D.) provisions of this ordinance, the sketch plans shall be reviewed at one (1) or more regularly scheduled or special meetings and either approved or disapproved by the Council . Within fifteen (15) days after the final meeting

at which the sketch plan for record is reviewed by the Borough Council, and within ninety (90) days following the date of the regularly scheduled meeting of the Borough Council or the Borough Planning Commission (whichever first reviews the plan) next following the date the plan was submitted to the Borough, the Borough Secretary shall notify in writing the people listed in Subsection F above of the action taken by the Council regarding the sketch plan. When the plan submitted is not approved, the decision shall specify the defects found in the application, shall describe the requirements which have not been met and shall in each case cite the provisions of the statute or ordinance relied upon. Should the said next regularly scheduled meeting occur more than thirty (30) days following the submission of the plan to the Borough, the said ninety-day period shall be measured from the 30th day following the day the plan was submitted to the Borough. The written notification shall state the findings and reasons upon which the action is based and shall be stated in the minutes of the meeting at which the Council reviewed the plan. When the plan as submitted is not approved, the report shall specify the requirements of this ordinance which have not been met.

- I. In the case of a sketch plan of record, the plan shall be submitted to the County Planning Commission for review. No official action shall be taken by the Borough Council until the Borough has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days after the date the plan was forwarded to the County Planning Commission for review.

### **Section 9. Preliminary Plan.**

- A. **Submission.** Preliminary plans and required supplementary data for all proposed subdivision and land developments, except as noted in Section 12, shall be submitted by the subdivider or this agent to the Borough Secretary or official designated by the Borough.
  - (1) Official submission of a preliminary plans shall include:
    - (a.) Submission of five (5) completed applications for review of preliminary plan (Form 2).
    - (b.) Submission of sixteen (16) blue-on-white or black-on-white prints on paper of the preliminary plans, which shall comply with the requirements of Section 14.
    - (c.) Three (3) copies of any information required by the Borough Sewage Enforcement Officer or Pennsylvania Department of Environmental Protection to determine the suitability of the tract for on-site sewage disposal.

- (d.) Seven (7) copies of all other information and plans which are required by Section 14.
  - (e.) Payment of the filing fee.
- (2) In the case of subdivision or land development which proposes vehicular access or stormwater drainage onto a highway under the jurisdiction of the Pennsylvania Department of Transportation, the subdivider shall submit two (2) copies of the preliminary plan and all supplementary data to the Pennsylvania Department of Transportation along with a request for review of his proposed access points and drainage system and shall submit evidence of such submission to the Borough at the time of preliminary plan submission. A notation shall be placed on the plan indicating the date of submission to the Pennsylvania Department of Transportation and if issued the PADOT Highway Occupancy Permit number. A notice that the highway occupancy permit is required pursuant to Section 420 of the State Highway Law shall be contained on any plat approved by the Borough.
  - (3) When a subdivision or land development is proposed to connect to a public or community sanitary sewer or water system not operated by the Borough or a Borough authority, the subdivider shall submit evidence to the Borough that the preliminary plan and all supplementary data have been submitted to the appropriate agencies or companies for review.
  - (4) Four (4) copies of the deed for the parcel being subdivided.
- B. Distribution. The Borough Secretary or official designated by the Borough shall distribute the submitted information as follows:
- (1) To the Borough Planning Commission:
    - (a.) One (1) copy of the plan.
    - (b.) One (1) copy of the application for review of preliminary plan.
    - (c.) One (1) copy of all other required information and plans.
  - (2) To the County Planning Commission:
    - (a.) Two (2) copies of the preliminary plan.
    - (b.) One (1) copy of the application for review of preliminary plan.
    - (c.) One (1) copy of all other required information and plans.

- (3.) To the Borough Engineer/Planning Consultant
    - (a.) One (1) copy of the plan.
    - (b.) One (1) copy of the application for review of preliminary plan.
    - (c.) One (1) copy of all other required information and plans.
  - (4) To the Borough Zoning Officer
    - (a.) One (1) copy of the plan.
    - (b.) One (1) copy of the application for review of preliminary plan.
  - (5) To the Borough Sewage Enforcement Officer:
    - (a.) Two (2) copies of the plan.
    - (b.) Four (4) copies of any material required by the Sewage Enforcement Officer or Pennsylvania Department of Environmental Protection to determine the suitability of the tract for on-site sewage disposal.
  - (6) To be retained by the Borough Secretary:
    - (a.) One (1) copy of the plan.
    - (b.) One (1) copy of the application for review of preliminary plan.
    - (c.) One (1) copy of all other required information and plans.
    - (d.) One (1) copy of the material required by the Sewage Enforcement Officer Pennsylvania Department of Environmental Protection to determine the suitability of the tract for on-site sewage disposal.
  - (7) To the Borough Authority:
    - (a.) Two (2) copies of the plan.
    - (b.) Two (2) copies of all other required information and plans.
- C. Review by Borough Planning Commission - When a preliminary plan has been accepted for review, the Borough Planning Commission shall review the plan at one (1) or more regularly scheduled or special meetings to determine its conformance with the standards and purposes contained in this ordinance and shall recommend such changes and

modifications as it shall deem necessary to assure compliance with this ordinance. The Borough Planning Commission shall review the plan submission provided that such submission has occurred no less than (21) calendar days prior to the scheduled meeting.

- (1) Review and report by Borough officials.
  - (a.) The Borough Engineer/Planning Consultant, shall review each preliminary plan to determine whether the plan meets the requirements of this ordinance and shall submit a written report to the Borough Planning Commission.
  - (b.) The Borough Sewage Enforcement Officer shall review all proposals for the use of on-site sewage disposal and submit a written report to the Borough Planning Commission.
  - (c.) The Borough Zoning officer shall review each preliminary plan to determine whether the plan meets the requirements of the Borough Zoning Ordinance and submit a written report to the Borough Planning Commission.
  - (d.) The Borough Authority shall review all proposals concerning sanitary sewers and water supply and distribution and submit a written report or recommendations to the Borough Planning Commission.
- (2) When reviewing a plan at a regularly scheduled or special meeting, the Borough Planning Commission shall consider, in addition to its own comments, any written reports regarding the subdivision or land development in question from the Borough Engineer, the County Planning Commission, the Borough Zoning Officer, the Borough Sewage Enforcement Officer, the Pennsylvania Department of Transportation, the Borough Authority and any other companies or agencies which would have jurisdiction of sanitary sewer or water systems which would be utilized.
- (3) Within fifteen (15) calendar days after the final meeting at which the preliminary plan is reviewed by the Borough Planning Commission, the Planning Commission shall notify the individuals listed below of its action regarding the preliminary plan. If the Borough Planning Commission recommends that the plan be disapproved because the requirements or purposes of this ordinance have not been met, the specific provisions of this ordinance or other concerns which have not been met shall be noted. If the preliminary plan is recommended to be approved subject to conditions, those conditions shall be noted. If the preliminary plan is recommended to be approved as submitted, that fact shall be noted.

- (a.) The Borough Secretary.
  - (b.) The Borough Zoning Officer.
  - (c.) The Borough Engineer/Planning Consultant.
  - (d.) The Borough Authority.
  - (e.) The Borough Sewage Enforcement Officer.
  - (f.) The subdivider or his agent.
- D. Review by Borough Council - After a preliminary plan has been reviewed by the Borough Planning Commission and the comments of the Borough Planning Commission regarding the plan have been forwarded to the Borough Council, the plan shall be reviewed at one (1) or more regularly scheduled or special meetings of the Borough Council.
- (1) The Borough Council shall review the preliminary plan, the written report of the Borough Planning Commission and all other reports received by the Borough regarding the plan. No official action shall be taken by the Borough Council with respect to a preliminary plan until the Borough has received the written report of the County Planning Commission, provided the report is received within thirty (30) days after the date the plan was forwarded to the County Planning Commission for review.
  - (2) Before acting on any preliminary plan, the Borough Council or the Borough Planning Commission may conduct a public hearing on the plan.
  - (3) Within fifteen (15) days after the final meeting at which the preliminary plan is reviewed by the Borough Council, the Borough Secretary shall notify in writing the following of the action taken by the Council regarding the preliminary plan:
    - (a.) The Borough Planning Commission.
    - (b.) The Borough Engineer/Planning Consultant.
    - (c.) The Borough Zoning Officer.
    - (d.) The Borough Sewage Enforcement Officer.
    - (e.) The County Planning Commission.
    - (f.) The subdivider or his agent.

- (g.) The Borough Authority.
  - (h.) Any other person as Borough Council may direct by resolution.
- (4) The Borough Council shall, within ninety (90) days following the date of the regularly scheduled meeting of the Council or the Borough Planning Commission (whichever first reviewed the plan) next following the date the plan was submitted to the Borough, notify the subdivider or this agent of the action taken by the Council, Should the said next regularly scheduled meeting occur more than thirty (30) days following the submission of the plan, the said ninety-day period shall be measured from the 30th day following the day the plan was submitted. The subdivider may grant an extension of time to the Borough.
  - (5) The action of the Council may be favorable, approving the plan, or unfavorable, disapproving the plan. The findings and reasons upon which the Supervisor's; action is based shall be given in writing to the people listed in Subsection (D)(3) and stated in the minutes of the meeting at which the Council review the plan. When the plan as submitted is not approved, the report shall specify any requirements of this ordinance or other concerns which have not been met.
  - (6) The approval of a preliminary plan does not authorize the recording of a subdivision or land development plan nor the sale, lease or transfer of lots nor the construction of dwellings or other buildings.
  - (7) When a preliminary plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision and land development or other governing ordinances or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
  - (8) The subdivider/land developer shall accept or reject any conditions imposed by the Council, in writing, within thirty (30) days of notification as provided for in the Pa Municipalities Planning Code as amended. The approved subdivision/land development plan shall be automatically rescinded upon failure of the subdivider/land developer to accept or reject such conditions.

## **Section 10. Final Plan**

A. Submission - Within twelve (12) months after approval of the preliminary plan by the Borough Council, the subdivider or his agent shall submit a final plan and all required supplementary data to the Borough Secretary or official designated by the Borough. An extension of time may be granted by the Borough Council. Unless an extension is granted, failure to submit the final plan within twelve (12) months may result in a determination by the Council that will consider any plan submitted after twelve (12) months as a new preliminary plan.

- (1) Official submission of a final plan shall include:
  - (a.) Submission of five (5) completed applications for review of final plan (Form 3).
  - (b.) Submission of sixteen (16) black-on-white or blue-on-white prints on paper of the final plan which shall comply with the requirements of Section 15.
  - (c.) Submission of five copies of all other supplementary data and plans.
  - (d.) Payment of the filing fee.
  - (e.) Submission of evidence of approval of an erosion and sediment control plan by the County Conservation District.
  - (f.) Submission of evidence that the final plan has been submitted to the utility companies which will serve the subdivision or land development.
  - (g.) All planning modules and any other planning documents required by the Pennsylvania Department of Environmental Protection, in the number required by the Borough and the Pennsylvania Department of Environmental Protection.
- (2) In the case of those subdivisions or land developments in which community or public sanitary sewer or water systems are proposed and a Borough Authority serves the area, two (2) copies of the final plan and all supplementary data shall be submitted for the use of the Borough Authority.
- (3) The Council may permit the subdivider to submit a final plan in sections, each section covering a reasonable portion of the entire proposed subdivision or land development shown on the approved preliminary plan. If the final plan is submitted in sections, the first section shall be submitted to the Borough for review within twelve (12) months after approval of the preliminary plan, unless an

extension of time, as provided for in Subsection A above, is granted.

- (5) The final plan shall conform to the approved preliminary plan, except that it shall incorporate all modifications required by the Borough Council in their approval of the preliminary plan. Failure to comply with past reviews shall constitute grounds for the Council to refuse to approve the final plan.

B. Distribution. Distribution of final plans and supporting data submitted to the Borough Secretary or official designated by the Borough shall be made as follows:

- (1) To the Borough Planning Commission:
  - (a.) One (1) copy of the application for review of final plan.
  - (b.) One (1) copy of the plan.
  - (c.) One (1) copy of all supplementary data and plans.
- (2) To the Borough Zoning Officer:
  - (a.) One (1) copy of the application for review of final plan.
  - (b.) One (1) copy of the plan.
- (3) To the Borough Engineer/Planning Consultant:
  - (a.) One (1) copy of the application for review of final plan.
  - (b.) One (1) copy of the plan.
  - (c.) One (1) copy of all supplementary data and plans.
- (4) To the Borough Sewage Enforcement Officer:
  - (a.) Two (2) copies of the plan.
  - (b.) The planning module and any other planning documents required by the Pennsylvania Department of Environmental Protection.
- (5) To be retained by the Borough Secretary:
  - (a.) One (1) copy of the application or review of final plan.
  - (b.) One (1) copy of the plan.

- (c.) One (1) copy of all supplementary data and plans.
  - (d.) One (1) copy of the planning module and any other planning documents required by the Pennsylvania Department of Environmental Protection.
- (6) To the County Planning Commission, in the case of a subdivision submitted under Section 12.D., or when requested to do so by the Borough Planning Commission:
- (a.) One (1) copy of the application for review of final plan.
  - (b.) Two (2) copies of the plan.
  - (c.) One (1) copy of all supplementary data and plans.
- C. Review by Borough Planning Commission - When a final plan has been accepted for review, the Borough Planning Commission shall review the plan at one (1) or more regularly scheduled or special meetings to determine its conformance with the standards and purposes contained in this ordinance and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this ordinance. The Borough Planning Commission shall review plan submissions provided that such submission has occurred no less than (21) calendar days prior to the scheduled meeting.
- (1) Review and report by Borough officials.
    - (a.) The Borough Engineer/Planning Consultant, shall review each final plan to determine whether the plan meets the requirements of this ordinance, and shall submit a report thereon to the Borough Planning Commission.
    - (b.) As necessary, the Borough Sewage Enforcement Officer shall report to the Borough Planning Commission on all proposals for on-site sewage disposal.
    - (c.) The Borough Zoning Officer shall review each final plan to determine whether the plan meets the requirements of the Borough Zoning Ordinance and shall submit a report to the Borough Planning Commission.
    - (d.) The Borough Authority shall report to the Borough Planning Commission on all proposals for sanitary sewers and water systems.
  - (2) When reviewing the plan at a regularly scheduled or special meeting, the Borough Planning Commission shall consider, in addition to its own comments, written reports regarding the subdivision or and development from the Borough Engineer/Planning Consultant, the Borough Zoning Officer, the Borough Sewage

Enforcement Officer, the Borough Authority, the County Conservation District and any other reports which may have been received regarding the final plan.

- (3) Within fifteen (15) calendar days after the final meeting at which the final plan is reviewed by the Borough Planning Commission, the Planning Commission Secretary shall notify the following in writing, of the action taken by the Planning Commission regarding the final plan:
  - (a.) The Borough Secretary.
  - (b.) The Borough Zoning Officer.
  - (c.) The Borough Engineer/Planning Consultant
  - (d.) The Borough Authority, if such exists.
  - (e.) The Borough Sewage enforcement Officer.
  - (f.) The subdivider or his agent.
- (4) If the review of the Borough Planning Commission is not favorable, the Planning Commission shall recommend that the plan not be approved and state the reasons for such action. If the Planning Commission recommends that the final plan as submitted be approved this fact shall be noted.

D. Review by Borough Council. After a final plan has been reviewed by the Borough Planning Commission and the comments of the Borough Planning Commission regarding the plan have been forwarded to the Borough Council, at one (1) or more regularly scheduled or special meetings:

- (1) The Borough Council shall review the final plan and the written reports regarding the plan from the Borough Planning Commission, the Borough Engineer/Planning Consultant, the Borough Zoning Officer, the Borough Sewage Enforcement Officer, the Borough Authority, the County Conservation District and any other Borough, state or county agencies which have reviewed the plan. If the final plan has been forwarded to the County Planning Commission for review, no official action shall be taken by the Borough Council with respect to the final plan until the Borough has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days after the date the plan was forwarded to the County Planning Commission for review.
- (2) Before action on a final plan, the Borough Council or the Borough Planning Commission may conduct a public hearing on a plan.
- (3) Within fifteen (15) days after the final meeting at which the final plan is reviewed

by the Council, the Borough Secretary shall notify, in writing, the following of the action taken by the Council regarding the final plan:

- (a.) The Borough Planning Commission.
  - (b.) The Borough Engineer/Planning Consultant.
  - (c.) The Borough Zoning Officer.
  - (d.) The Borough Sewage Enforcement Officer.
  - (e.) The County Planning Commission.
  - (f.) The subdivider or his agent.
  - (g.) The Borough Authority, if such exists.
- (4) Action by the Council may be favorable, giving approval to the final plan, or the action may be unfavorable, disapproving the plan. The findings and reasons upon which the Council' action is based shall be given in writing to the persons listed under Section D(3) and also stated in the minutes of the meeting which the Council review the plan. Any prerequisites to approval requirements to this ordinance which have not been met shall be specified.
- If Borough Council disapproves the final plan, the decision shall specify the defects found in the application, shall describe the requirements which have not been met and shall in each case cite the provisions of the statute or ordinance relied upon.
- (5) The Borough Council shall, within ninety (90) days following the date of the regularly scheduled meeting of the Council or the Borough Planning Commission (whichever first reviewed the plan) next following the date the plan was submitted to the Borough, notify the subdivider or his agent of the action taken by the Council. Should the said next regularly scheduled meeting occurs more than thirty (30) days following the submission of the plan, the said ninety-day period shall be measured from the 30th day following the day the plan was submitted. The subdivider may grant an extension of time to the Borough.
- (6) A final plan shall not be recorded, nor shall any zoning or building permits be issued, nor shall any lots within the subdivision be offered for sale until the requirements of Section 11, Recording of Final Plan, have been met.

## **Section 11. Recording of Final Plan.**

- A. Subdivision Improvements Agreement Form - No final plan shall be signed by Borough Council or presented to the developer for recording unless any required Subdivision Improvements Agreement in form satisfactory to the Borough Solicitor is executed. Following final plan approval by the Borough Council, and prior to endorsement of the final plan, the subdivider shall execute the Subdivision Improvements Agreement and submit it to the Borough Council with a unit breakdown of all proposed improvements required by this ordinance and any additional information required by the Borough Solicitor. The subdivision improvement agreement is subject to approval by the Council. Such agreements may set forth any improvements which will be prerequisites to the issuance of a building permit or certificate of use and occupancy for a building within the subdivision or land development.
- B.
1. No final plan shall be signed by Borough Council unless:
    - (a) All the improvements required by this ordinance or the subdivision improvements agreements have been installed in accordance with this ordinance and the agreement and have been inspected and approved by the Borough Engineer or
    - (b) A subdivision improvements agreement has been executed by the developer and arrangements satisfactory to the Borough Council have been made for deposit with the Borough of financial security in an amount sufficient to cover the cost of improvements or common amenities remaining to be made or installed as provided in Subsection 2 hereof.
  2.
    - (a) If improvements are not completed as provided in Section B.1.a hereof, within sixty (60) days after a final plan is approved by Borough Council but prior to endorsement and recording of the plan, the subdivider shall deliver to Borough Council a performance guarantee in the form of a corporate bond or other financial security approved by the Borough. 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 ninety (90) days following the date scheduled for completion by the developer. Annually the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion of a rescheduled date of completion. Subsequent to such adjustment, the Borough may require the developer to post additional security in order to assure that the financial

security equals 110%. Any additional security shall be posted by the developer in accordance with this subsection.

- (b) 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 this Commonwealth and certified by such engineer to be 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 a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- (c) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- (d) In the case where development is projected over a period of years, Borough Council or the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it if finds essential for the protection of any finally approved section of the development.
- (e) As the work of installing the required improvements proceeds, the party posting the financial security may request Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to Borough Council, which shall have forty five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the

improvements completed or, if Borough Council fails to act within said 45-day period, Borough Council shall be deemed to have approved the release of funds as requested. Borough Council may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10% of the estimated cost of aforesaid improvements.

- (f) If Borough Council accepts dedication of all or some of the required improvements following completion, Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- (g) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of the Borough Authority, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the Borough Authority and shall not be included within the financial security as otherwise required herein.

C. Remedies to Effect Completion of Improvements.

In the event that any improvements which are required by this ordinance have not been installed as provided in this ordinance or in accordance with the approved final plan, the Borough may enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder to the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security.

D. Release of Performance Guarantee.

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

- (2) The Borough Council shall, within ten (10) days after receipt of notice of completion of improvements, direct and authorize the Borough Engineer to inspect the improvements, the Borough Engineer shall then submit a written report regarding the improvements to the Borough Council and shall promptly mail a copy of the report to the developer by certified or registered mail.
  - (3) The report shall be mailed by the Borough Engineer to the Developer within thirty (30) days after receipt of authorization from the Borough Council. The report shall be detailed and shall indicate approval or rejection of the improvements, either in a whole or in part. If the improvements or any portion thereof shall not be approved or shall be rejected by the Borough Engineer, the report shall contain a statement of reasons for such nonapproval or rejection.
  - (4) Borough Council shall notify the developer within fifteen (15) days of receipt of the Borough Engineer's report, in writing by certified or registered mail of the action of Borough Council with relation thereto.
  - (5) In any portion of the improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the improvements and, upon completion, the same procedure of notification as outlined above shall be followed.
- E. (1) The developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution of Borough Council. Such expenses shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer for work performed for similar services in the community but in no event shall the fees exceed the rate or cost charged by the Borough Engineer to the Borough when fees are not reimbursed or otherwise imposed on the applicants.
- (a) If the applicant disputes the amount of any such expenses in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the Borough that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed engineer expenses.
  - (b) If, within twenty days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

- (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (d) In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located ( or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
- (e) The fees of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$ 1,000.00 or more, the Borough shall pay the fee of the professional engineer but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.

F. Endorsement by Borough Council - After the completion of the improvements required by this ordinance, the Council shall place their endorsements on the record plan and on at least five (5) other copies of the final plan. The record plan shall be signed by at least a majority of members of Bernville Borough Council, and the Borough seal shall be affixed to the plan. No subdivision or land development plan may be legally recorded unless it bears Borough endorsement indicated by the signatures of at least a majority of the Borough Council and the Borough seal and indication that review by the County Planning Commission has taken place.

- (1) The record plan shall be clear and legible black-on-white or blue-on-white prints on material acceptable to the Recorder of Deeds.
- (2) Before any record plan is released for recording, a copy of any earth moving permits required by the rules and regulations of the Pennsylvania Department of Environmental Protection and/or the County Conservation District shall be submitted to the Borough.
- (3) The Borough shall receive one (1) reproducible reproduction of the final plan as approved and recorded and one copy of the plan in an electronic .DFX format. If

the subdivider's consultant has not drafted the plans by a standard CADD format the cost attributable for electronic scanning of the drawing will be incurred by the applicant.

- (4) As-built plans for all improvements listed in the subdivision improvement agreement within the subdivision or land development shall be submitted to the Borough following inspection and approval of the improvements by the Borough and prior to the release of the performance guaranty. Plans shall be in accordance with the requirements of Section 15 of this ordinance, and responsibility for their preparation is that of the developer. Copies of as built plans will be submitted to the Borough in accordance with Section G.(3) above.
  - (5) All streets, parks or other improvements shown on the final plan shall be deemed to be private until such time as they have been offered for dedication to the Borough and accepted by resolution of the Borough Council.
- G. Filing with Recorder of Deeds - After endorsement by the Borough, the subdivider shall file the record plan with the County Recorder of Deeds within ninety (90) days of the date of endorsement by the Borough Council. If the subdivider fails to record the final plan within such period, the approval action of the Borough Planning Commission and Council shall be null and void.

### ***Section 12. Plans Exempted From Standard Procedures.***

- A. Minor Subdivisions - In the case of any subdivision in which all proposed lots will have frontage on and direct vehicular access to an existing improved Borough or state road, the parcel being subdivided will be divided into a total of not more than three (3) lots or parcels (including the residue parcel) after the effective date of this ordinance, and the lots proposed for improvements will be used for only single-family detached dwellings, the subdivider may submit only a Sketch Plan of Record to the Borough, rather than submit sketch, preliminary and final plans. The plan shall be labeled as a "**Sketch Plan of Record**" and shall contain all information required by Section 13 of this ordinance and be submitted and reviewed in accordance with Section 8. The sketch plan shall be submitted to the County Planning Commission for review. The Borough Planning Commission shall require the submission of the results of soil percolation test and any other data necessary to evaluate the suitability for on-site sewage disposal. The Commission may also require submission to and review by the County Conservation District and the Pennsylvania Department of Transportation. Further subdivision from a tract subdivided under this section or subdivision of a lot or tract created under this section will require a review of plans in accordance with the standard procedures of this ordinance.

B. Resubdivision

- (1) Any replatting or resubdivision of land, including changes to record plans and/or the combination of two or more previously approved lots or parcels of land, shall be considered a subdivision and shall comply with the requirements of this ordinance, provided that where lot lines shown on a recorded plan will be changed and all resultant lots will conform to the Borough Zoning Ordinance and this ordinance and easements and rights-of-way will not be changed and street locations and block sizes will not be changed any utility locations will not be changed and open space and recreation areas will not be reduced and the number of lots will not be increased, the Council may permit the subdivider to:
  - (a.) Submit to the Borough Secretary or official designated by the Borough seven (7) copies of the original plan, sixteen (16) copies of the revised plan and seven (7) copies of a report describing all changes which have been made. Four (4) copies of all plans and reports shall be submitted by the Borough to the County Planning Commission and one (1) copy of all plans and reports to the Borough Planning Commission. In addition, if deemed necessary by the Council, plans shall be submitted to the Borough Engineer/Planning Consultant, Borough Zoning Officer and any other Borough officials. The Borough Planning Commission shall, in writing, advise the subdivider and the Borough Secretary whether the revised plan complies with subsection B(1).
  - (b.) When the plan does comply with subsection B(1), the subdivider shall submit the record plan to the Borough Secretary for the signature of the Borough Council. The subdivider shall also submit the record plan to the County Planning Commission for its endorsement (which shall specifically identify the previous record plan and then record the plan if endorsement is secured. If the revised plan initially submitted to the Borough Secretary complies with subsection B(1), the Borough Council shall endorse the recorded plan within ninety (90) days after initial submission of the plan to the Borough Secretary. If the plan does not comply with Subsection B(1), this decision shall also be communicated to the subdivider by the Council within ninety (90) days after submission of the plan to the Borough.
- (2) The record plan shall be a clear and legible black-on-white or blue-on-white print on material acceptable to the Recorder of Deeds.
- (3) When on-lot sewage disposal is intended to be utilized, the Council may require that a copy of the final plan be submitted to the Borough Sewage Endorsement Officer for review.
- (4) If the revision of lot lines would result in the relocation of driveway access points

approved by the Pennsylvania Department of Transportation, the Council may require submission of the revised plan to the Pennsylvania Department of Transportation for its comments.

C. Auction Sale - In the case of the proposed subdivision of land by process of auction sale, the following procedure may be used by the subdivider:

- (1) The subdivider shall prepare and submit sketch plans and, if required by this ordinance, preliminary plans, in accordance with the requirements of this ordinance.
- (2) The sketch plan, or the preliminary plan if a preliminary plan is required by this ordinance, shall comply with the requirements of this ordinance and, in addition, contain the following notation:

“This property is intended to be sold by auction or about (date), in whole or in part according to this plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a final plan showing such division of property shall have been approved by the Borough Council, in accordance with the Borough Subdivision Ordinance, and recorded in the office of the County Recorder of Deeds.”

- 3) After approval of the sketch plan, and preliminary plan, if required, by the Borough, the auction sale may then proceed in accordance with the above notation, after which the subdivider shall prepare and submit a final plan in accordance with this ordinance.

D. Lot Annexations.

- (1) Where the conveyance, sale or transfer of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the subdivider may submit only a Sketch Plan of Record to the Borough rather than submit sketch, preliminary land final plans. The sketch plan shall contain all information required by Section 13 of this ordinance and be submitted and reviewed in accordance with Section 8. The plan shall be labeled “**Sketch Plan of Record**”.

- (2) Precise bearing and distances from field survey shall be shown for the parcel being transferred, and evidence shall be submitted that the parcel from which the parcel is being transferred will not violate or further violate, any requirement of the Borough Zoning Ordinance or other Borough regulations. If development is subsequently proposed for the parcel which has been increased in size, no building or zoning permit shall be issued unless all applicable requirements of Borough regulations are complied with. The subdivision plan shall contain a notation that the parcel being transferred is not to be considered a separate building lot.

**ARTICLE IV**  
**Plan Requirements**

**Section 13. Sketch plans.**

- A. The scale and sheet size of the sketch plan shall be as required in Section 14.A. for preliminary plans.
- B. The sketch plan shall contain at least the following data, legibly drawn to scale:
- (1) The name and address of the subdivider and the record owner.
  - (2) The name of the subdivision or land development, which shall be other than just the name of the subdivider or landowner, except in the case of a Sketch Plan for Record, the date of the plan and plan status.
  - (3) Tract boundaries and statement of the total acreage of the tract.
  - (4) North point and graphic and written scales.
  - (5) The name and address of the person or firm responsible for the design of the subdivision or land development.
  - (6) The names of owners of adjoining properties.
  - (7) A location map, drawn to a scale of one (1) inch equals one thousand (1,000) feet, with sufficient information to enable the Borough Planning Commission to locate the property being subdivided. This map shall also show all existing roads within or adjacent to the tract, proposed roads within the subdivision and proposed or existing roads within any adjacent recorded subdivisions.
  - (8) Significant topographical and physical features [i.e., watercourses, water bodies, natural drainage channels, quarries, one-hundred-year floodplains (including special flood hazard areas established by the Federal Insurance Administration), wetlands, tree masses, rock outcroppings, scenic views, railroad tracks, existing buildings, etc.] on the tract.
  - (9) Proposed general street and lot layout. 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 buildings are proposed, the general building location, street, parking and loading layout shall be shown.

- (10) A statement telling what methods of water supply and sewage disposal will be used, including the source and availability of off-site services.
- (11) A statement telling the use for each proposed lot, parcel and building indicated on the plan.
- (12) Mapping of soil types throughout the tract.
- (13) Contour lines taken from United States Geological Survey Maps, aerial survey or field survey, with source of datum.
- (14) A drawing showing all landholdings of the subdivider and record owner contiguous to the subdivisions, including landholdings not included as part of the sketch plan.
- (15) Proposed and existing driveway locations.

C. In the case of a Sketch Plan of Record, the plan shall bear a signed and notarized certification of ownership and acknowledgment of plan, certificates for approval by the Borough Planning Commission and the Borough Council, the source of title to the land being subdivided as shown in the records of the County Recorder of Deeds, the seal of the surveyor or engineer responsible for the plan, precise bearing and distances for all parcels to be conveyed (which shall be field surveyed), base flood elevations of the one hundred-year storm, building setback lines, existing street cartway and right-of-way lines (including right-of-way width) and an erosion and sediment control plan which shall be reviewed by the County Conservation District and approved by the Borough. The Borough may permit a statement that individual lot purchasers will be responsible for the preparation of erosion and sediment control plans prior to any earthmoving activities.

D. Where a sketch plan shows the proposed subdivision of only a part of the subdivider's total property, the plan shall be accompanied by a drawing showing the entire contiguous land holdings of the subdivider indicating the area of ultimate proposed subdivision. (This drawing may be shown on a separate sheet from the sketch plan.) 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 Planning Commission may limit 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 this property.

- E. If, at the time of sketch plan design the subdivider anticipates asking from a waiver from the requirements of this chapter at a future plan stage, the anticipated waivers should be indicated to the Borough in a letter accompanying the sketch plan so they may be discussed with the sketch plan. (Not indicating an anticipated waiver at sketch plan stage does not preclude asking for a waiver at a future plan stage.)

#### **Section 14. Preliminary Plans.**

- A. The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch equals twenty (20) feet or one (1) inch equals fifty (50) feet with all dimensions shown in feet and hundredths of a foot, except that:
- (1) If the average size of the proposed lots is one (1) acre or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
  - (2) The original drawing and all submitted prints shall be made on sheets twenty-four by thirty-six (24 X 36) inches.
- B. If the preliminary plan requires more than one (1) sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the subdivider shall indicate along each match line the sheet adjoining the match line.
- C. The preliminary plan shall show:
- (1) The name of the proposed subdivision or land development, which shall be other than just the name of the subdivider or landowner, name of the Borough and plan status.
  - (2) North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed and, in the case of revised drawings, the month, day and year that the original drawing was revised and description of each revision.
  - (3) The name and address of the record owner and the subdivider.
  - (4) The name, address and seal of the registered professional responsible for the plan.
  - (5) The names of any abutting subdivisions and the book and page numbers where any abutting subdivisions are recorded. The names of the owners of any adjacent unplatted land as recorded.

- (6) A keymap for the purpose of locating the property being subdivided, drawn to a scale of one (1) inch equals one thousand (1,000) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all roads, municipal boundaries, recorded subdivision plans and recorded but unconstructed streets within one thousand (1,000) feet of the subdivision or land development. A scale and north point shall be shown. The proposed street system within the development shall also be shown.
- (7) Total tract boundaries of the property being subdivided, which do not have to be based on field survey, showing bearings and distances, and a statement of the total acreage of the property. The source of tract boundary data shall be given.
- (8) Zoning district lines within the property and zoning district designations and bulk, requirements applicable to the property.
- (9) Contour lines at vertical intervals of not more than two (2) feet for land with average natural slope of four percent (4%) or less and at intervals of not more than five (5) feet for land with average natural slope exceeding four percent (4%). In the case of subdivisions and land developments which contain proposed streets or reservations for streets, contour lines shall be from aerial or field survey.
- (10) Location and elevations of the datum to which contour elevations refer. Datum used shall be a known, established benchmark where practical. Sanitary sewer manholes shall not be used as a datum base.
- (11) All existing buildings, sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroad tracks and other significant man-made features within the proposed subdivision or land development and within fifty (50) feet from the boundaries of the proposed subdivision or land development. In addition, the subdivider shall submit the results of an "PA One Call" investigation regarding utility locations to verify that such inquiries have been made.
- (12) All existing soil types, boundaries, natural drainage channels, watercourses and water bodies, tree masses, quarries, wetlands, rock outcroppings and isolated live trees over one (1) foot in diameter, and other significant natural features within the proposed subdivision or land development, including special flood hazard areas established by the Federal Insurance Administration and base flood elevations for the one-hundred-year storm. In the absence of data from the Federal Insurance Agency, flood plain areas shall be calculated using the method set forth in Appendix IV or any other acceptable method as agreed to by the Borough's Engineer.

- (13) All existing streets and streets of record, recorded but not constructed, on or abutting the tract, including names, existing and ultimate right-of-way widths and lines, cartway (pavement) widths and lines and approximate grades.
- (14) All existing easements and rights-of-way and the purposes for which the easements and rights-of-way have been established.
- (15) A full plan of proposed development including:
  - (a.) For all proposed streets, their location, suggested name, ultimate right-of-way and cartway widths, a statement of any conditions governing their use and suggested type (i.e., collector). The designation of minor, collector and arterial streets is subject to the approval of the Borough.
  - (b.) Location, width and purpose of all easements and rights-of-way.
  - (c.) Building setback lines along each street and, as the case may be, the proposed placement of each dwelling and nonresidential building. For multi-family building the number of units shall be indicated.
  - (d.) Lot lines, with approximate dimensions, and lot numbers and a statement of the total number of lots and parcels. Lot areas shall be given.
  - (e.) The location, size and intended use of all nonresidential lots and parcels including recreational areas.
  - (f.) 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.
  - (g.) Water mains, fire hydrants, sanitary sewers, storm sewers and other drainage facilities with the size and material of each, and any proposed connections with existing facilities. Cross sections shall be shown for all drainage swales.
  - (h.) Location, size and proposed use of all parks, playgrounds and recreation areas. Areas proposed to be dedicated to the Borough shall be noted. Areas to be reserved for public use but not to be dedicated shall be noted, and any conditions governing such areas and the arrangements to be made for the ownership, administration and maintenance of these areas shall be submitted.

- (i.) Provisions for pedestrian circulation throughout the tract, when provided by means other than sidewalks.
  - (j.) Location of the deep probe and of soil percolation test holes when required by Section 16.
  - (k.) Location, size, material, pipe length and invert elevation of all sanitary and storm sewers, the location and construction details of all manholes, inlets, endwalls, headwalls, culverts and junction boxes, the location and design of all drainage swales and other drainage facilities, including the slope and maximum depth of all swales and velocities in all swales, the location, size and material for all water mains and the location of all fire hydrants, blowoffs and valves on water mains.
- D. The preliminary plan shall be accompanied by the following supplementary data as applicable:
- (1) Typical street cross-section drawing(s) for all proposed streets, including construction details of streets, curbs and sidewalks.
  - (2) Tentative profiles along the center line of each proposed street shown on the preliminary plan. Such profile shall show existing and finished grades at one (1) of the following sets of scales or any combination thereof:
    - (a.) One (1) inch equals ten (10) feet horizontal and one (1) inch equals two (2) feet vertical.
    - (b.) One (1) inch equals twenty (20) feet horizontal and one (1) inch equals two (2) feet vertical.
    - (c.) One (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical.
    - (d.) One (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
  - (3) A plan for the surface drainage of the tract, including stormwater runoff calculations and the proposed method of accommodating the anticipated runoff. Stormwater calculations shall be made and drainage facilities designed in accordance with Article V of this Ordinance and Appendix V.

- (4) Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection.
- (5) 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 granting permission to locate within the right-of-way or relocate the exiting line.
- (6) A plan for the preservation of existing natural features on the site. (See Section 31.)
- (7) In the case of subdivision or land development plans proposed to be submitted in stages at final plan, a drawing delineating the proposed stages and indicating the order of submittal and schedule of submittal of the stages. Staging of sanitary sewers, water, storm drainage and erosion and sediment control facilities shall also be indicated.
- (8) When required, a study indicating that Section 18A(1)(b) will be complied with.
- (9) When required by the Council, schematic architectural drawings of proposed townhouses, apartment buildings and commercial and, industrial buildings, including building orientation.
- (10) Proposed driveway locations and evidence that the standards for driveways established in this ordinance (Section 24) can be met for all lots.
- (11) A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets.
- (12) The Council may require a subdivider to provide a preliminary centerline stakeout of proposed roads and driveways so that an on-site road alignment evaluation may be conducted.
- (13) The proposed method of traffic control at each proposed street intersection shall be indicated, and the proposed location and type of any proposed traffic control devices shown on the plan.
- (14) When requested by the Council, the results of tests at proposed road locations which shall indicate the suitability of the locations for road construction.

**Section 15. Final Plan.**

- A. The final plans shall be clearly and legibly drawn to a scale of one (1) inch equals twenty (20) feet or one (1) inch equals fifty (50) feet with dimensions shown in feet or hundredths of a foot, except that:
- (1) If the average size of the proposed lots is one (1) acre or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet.
  - (2) The original drawing and all submitted prints thereof shall be made on sheets twenty-four by thirty-six (24 X 36) inches.
- B. If the final plan requires more than one (1) sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and shall indicate along each match line the adjoining sheet.
- C. The final plan shall show:
- (1) All of the requirements for preliminary plans indicate in Section 14.
  - (2) The name of the record owner and subdivider and the source of title to the land being subdivided, as shown, in the records of the County Recorder of Deeds.
  - (3) Survey.
    - (a.) The total tract boundary lines of the area being subdivided, based on field survey, with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. These boundaries shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and closure calculations shall be submitted for the adjoining additional unplatted land of the subdivider. Perimeter monuments shall be indicated, along with a statement of the total area of the property being subdivided. The Borough may require perimeter monuments elevations be established prior to approval of the final plan by the Borough.
    - (b.) An engineer, surveyor, architect or landscape architect shall certify as to the accuracy of the survey and the drawn plan in accordance with Appendix II.
  - (4) The following data for the right-of-way lines of all recorded, except those which are to be vacated, and proposed streets and for the right-of-way lines of all existing streets within or abutting the property to be subdivided:
    - (a.) The length, in feet to the second decimal point, of all straight lines and the

length of arc, radius and delta angle (in degrees, minutes and seconds) of all curved lines.

- (5) All lot lines shall be shown and shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Lot line distances to street right-of-way lines shall be given. Bearing to one-fourth (1/4) of a minute shall be shown for all lot lines, and each lot shall be balanced to an accuracy of one (1) foot in ten thousand (10,000) feet. For each lot the total lot area in square feet or acres exclusive of street rights-of-way shall be stated. As an alternative to bearings for each lot line, angles at the intersection of all lot lines may be given.
  - (6) Lot numbers, numbered consecutively, and a statement of the total number of lots and parcels.
  - (7) Clear sight triangles as required by Section 18H(1).
  - (8) The location of all existing and proposed street monuments as required by Section 43.
  - (9) All easements and rights-of-way. Rights-of-way and easements shall be accurately shown or described on the plan. The Borough may require bearings and distances to be shown for all rights-of-way and easements.
  - (10) A certificate of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan, using the form specified in Appendix I, and shall be signed by the owner(s) of the property and be notarized.
  - (11) Certificate for approval of the plan by the Borough Council and Borough Planning Commission.
  - (12) A blank space in which the appropriate stamp of the County Planning Commission may be applied.
  - (13) A blank space in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
  - (14) The location of all floodplains calculated using the method listed in Appendix IV and all special flood hazard areas established by the Federal Insurance Administration, including base flood elevations for one-hundred-year storm.
- D. The final plan shall be accompanied by the following supplementary data, where applicable:

- (1) Typical street cross-section drawing(s) for all proposed streets, including construction details of streets, curbs and sidewalks.
- (2) Final Profiles.
  - (a.) Final profiles for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
    - [1] Existing profile along both cartway edges for the top of both curbs.
    - [2] Proposed finished grade along the top of both curbs or along both cartway edges.
    - [3] The length of all vertical curves.
    - [4] Existing and proposed sanitary sewer mains and manholes along with top and invert elevation data.
    - [5] Existing and proposed storm sewer mains, inlets, manholes and culverts along with top and invert elevation data.
    - [6] Existing and proposed water mains.
  - (b.) The profile sheets required by subsection D(2)(a) shall be legibly drawn at one (1) of the following sets of scales:
    - [1] One (1) inch equals ten (10) feet horizontal and one (1) inch equals one foot vertical.
    - [2] One (1) inch equals twenty (20) feet horizontal and one (1) inch equals two (2) feet vertical.
    - [3] One (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical.
    - [4] One (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.

- (3) Indication of all areas proposed for dedication to the Borough and all arrangements governing the ownership, administration and maintenance of undedicated open spaces, parks, playgrounds and recreation areas.
  - (4) Such private deed restrictions 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. Such restrictions may be submitted on separate sheets from the final plan drawings, unless otherwise required by the Council.
  - (5) Whenever a subdivider proposes to establish a street which not offered for dedication to public use, the 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 heirs and assigns which shall establish the conditions under which the street may later be offered for dedication.
  - (6) If the subdivision or land development proposes a new street or driveway intersection with a state legislative route, a letter from the Department of Transportation indicating approval of such intersection.
  - (7) A copy of all permits required from the Pennsylvania Department of Environmental Protection for affecting watercourses, bodies of water or water obstructions.
  - (8) A plan for the preservation of existing natural features on the site. (See Section 31.)
  - (9) An erosion and sediment control plan for the tract, in accordance with Section 28, shall accompany the final plan.
- E. The Council may require a subdivider to submit a separate landscape plan showing the number, location, size and species of all trees and shrubs that will be planted within the subdivision or land development.
- F. A final grading plan shall be submitted at the time of final plan submission.
- G. In the case of developments containing apartments and townhouses and commercial and industrial developments, provisions made for the storage and collection of solid wastes shall be indicated. The Council shall require the location, number, size and type of storage facilities and the method and frequency of collection to be indicated. Estimated solid waste generation from the development shall also be indicated.

- H. When on-site sewage disposal is proposed, final documentation of approval of the tract for on-site sewage disposal shall accompany the final plan submission.
- I. Copies of all approvals required for public or community sanitary sewer and water systems shall be submitted prior to approval of the final plan, including confirmation that the appropriate agencies will serve the proposed development.
- J. Where required, The Council shall require a street lighting plan showing the location of poles, the type and height of poles and the type and brightness of lighting fixtures to be submitted with the final plan.
- K. All information as might be required pursuant to Section 36 of this ordinance, including plans for recreation areas and land appraisals, shall be submitted.
- L. In the case of mobile home parks located within special flood hazard areas, an excavation plan indicating alternative vehicular access and escape routes shall be submitted.
- M. The proposed type and location of all traffic control devices.
- N. All information as might be required pursuant to Section 18A(4) of this ordinance.

**ARTICLE V**  
**Design Standards**

***Section 16. Soil Percolation Test Requirements.***

- A. Soil percolation tests shall be performed for all subdivisions in which buildings, at the time of construction, will not be connected to an operating public or community sanitary sewage disposal system.
- B. Soil percolation tests shall be made in accordance with the procedures required by the Pennsylvania Department of Environmental Protection and the Borough Sewage Enforcement Officer.
- C. Soil percolation tests shall be performed at the site of the proposed on-site sanitary sewage disposal facilities. At least two (2) test shall be performed on each lot within the subdivision. If the soil percolation tests are performed at a site which the Borough believes is not a feasible location for an on-site system, given the proposed lot and street layout, topography and intended use of the lot, the Borough may require soil percolation tests to be performed at a location which it deems feasible.
- D. The results of the soil percolation tests shall be analyzed by the Borough and by the Pennsylvania Department of Environmental Protection, as necessary, and the final plan lot layout shall be based on this analysis. If the analysis of the soil percolation test results reveal that the soil is unsuitable, the Borough may require that the lot size(s) originally proposed, be increased in accordance with the test results.

***Section 17. Application and General Standards***

- A. The standards and requirements contained in Articles V and VI are intended as the minimum for the protection of the public health safety and general welfare and shall be applied as such by the Borough Planning Commission and the Borough Council in reviewing all subdivision and land development plans.
- B. Whenever other Borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of this ordinance shall apply.
- C. Subdivision and land development plans shall give due recognition to the official plans of the Borough which have been adopted.
- D. The plan of the proposed subdivision or land development shall be coordinated with

existing adjacent developments in order to provide for harmonious development of the area as a whole.

- E. Land shall be suited to the purpose for which it is to be subdivided. Lands subject to hazards to life, health or property such as may result from fire, flood, disease or other causes shall not be subdivided or developed for building purposes until all such hazards have been eliminated or adequate safeguards against such hazards are provided.
- F. All subdivision and land developments shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage, that all utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards.

### **Section 18. Streets**

The following standards shall generally be applied by the Borough as the minimum necessary for the promotion of the public health, safety and general welfare of the residents of the Borough.

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

- (1) Conformance and adequacy.
  - (a.) The location and width of all proposed streets shall conform to the official plans which have been adopted by the Borough and shall be properly related to all existing streets, recorded streets and official plans which have been adopted or approved by the Borough, county or state.
  - (b.) 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.
- (2) The proposed street system shall extend existing or recorded streets at the same widths if these streets meet or exceed the standards of Subsection C(1). If the existing or recorded streets do not meet or exceed the standards of Subsection (1), the proposed street extension shall meet the standards of Subsection C(21).
- (3) Where, in the opinion of the Council, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. The location and number of access point to adjoining properties are subject to Council approval. When streets will be extended to the boundaries of the subdivision to provide for access to potentially developable tracts and sanitary

sewer and/or water lines will be constructed in the streets within the subdivider's tract, the Borough may require extension of the sanitary sewer and/or water lines to the tract boundary in order to facilitate future extensions to abutting land.

(4) Reservations for Future Streets.

(a.) If a subdivision proposes lots, all of which front on existing public roads, the Borough may require the subdivider to reserve land adequate to provide for future street access from the public roads on which the lots front to the land to the rear of the proposed lots. Such reserved areas shall be of such dimensions to permit the construction of streets meeting the standards of this ordinance.

(b.) When reservations for future streets adjoin lots to be developed prior to the construction of the streets, the subdivider shall determine the proposed grades of the future streets and the extent of the area necessary for the construction of those streets. If the area necessary for the construction of the streets extends beyond the proposed street right-of-way lines, all excavation and grading necessary for the roads beyond the right-of-way lines shall be completed as required improvements in conjunction with the subdivision which contains the adjoining lots or else construction easements shall be provided on the adjoining lots, sufficient to permit construction of the future street.

(c.) Where reservations for future streets intersect existing streets, radii shall be provided for the future reservations such that the requirements of Subsection G(6) and (7) could be met for a street to be constructed in the future.

(5) If lots or parcels in the subdivision are large enough for resubdivision or if a portion of the subdivider's property is not proposed to be subdivided but could be subdivided in the future, the Borough may require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan.

(6) New minor streets shall be so designed as to discourage through traffic, but the subdivider shall provide for the extension and continuation of arterial and collector streets into and from adjoining properties when required by the Borough. Minor streets shall be extended and continued into and from adjoining properties when necessary for the proper development of traffic circulation in the Borough.

(7) Where a subdivision or land development abuts an existing street which does not meet the standards of this ordinance, the Borough may require the dedication of land sufficient to widen the street to meet the standards of this ordinance

- (8) Private (streets not to be offered for dedication) shall be designed and constructed in accordance with the requirements of this ordinance and other Borough regulations.
- (9) The street system shall be designed with regard to:
  - (a.) Consideration of existing topographical considerations.
  - (b.) Providing buildable lots.
  - (c.) Minimizing the number of street intersections, through encouraging the use of three-way rather than four-way intersections when intersection of minor streets are involved.
  - (d.) Avoiding excessive linear footage of street.
- (10) The land being subdivided shall have at least one additional point of access secondary to the principal point of access in all subdivisions where lots are proposed that do not front on an existing state or approved Borough road. All such secondary points of access shall be improved in accordance with street construction standards contained in this ordinance. Excepting those in conformance with Section 19.

B. Partial and Half Streets. New half or partial streets will not be permitted, but wherever a tract to be subdivided borders an existing recorded half or partial street, the Borough may require the subdivider to provide adjacent to such half or partial street reservation of land adequate to allow the construction of a road meeting the standards of this ordinance.

C. Street widths.

- (1) Minimum street right-of-way and cartway (pavement) widths shall be as follows:  
(See Appendix VI - Details)

Street Type	Required Widths (feet)
Minor streets and minor access streets to cul-de-sac or turnaround	
Parking Permitted One side	
Right-of-way	50
Cartway	36
Parking Permitted Both Sides	
Right-of-way	60
Cartway <sup>3</sup>	44
Curbs & sidewalks are required	
Service street	
Right-of-way	33
Cartway	24
Cul-de-sac	
No Parking Permitted	
Right-of-way	150
Cartway	100
Parking Permitted	
Right-of-way	150
Cartway	120

(2) Additional right-of-way and cartway widths may be required by the Borough for the purpose of promoting the public safety and convenience and or providing for proposed traffic volumes.

- (3) All streets must be provided with PennDOT approved vertical concrete curbs and four foot wide sidewalks on both sides. Sidewalks shall be four (4) inches of 3000# PSI concrete over a four (4) inch base of 2B Stone.
- (4) The designation of streets as “minor and “service and as to “no parking,” “parking permitted one side” and “parking permitted both sides” is subject to Borough Council approval. Borough Council may prohibit parking along streets.

D. Restriction of access.

- (1) Whenever a subdivision or land development abuts or contains an arterial or collector street, the Council may require restriction of access to the street by:
  - (a) Provision of reverse frontage lots;
  - (b) <sup>3</sup> Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or collectors street;
  - (c) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be placed within the jurisdiction of the Borough under an agreement meeting the approval of the Council; or
  - (d) Provision of a system of minor streets which would intersect the arterial or collector street and on which lots would front.
- (2) Except as specified by Subsection D(1)(c), reserve strips shall be prohibited.

E. Street Grades.

- (1) There shall be a minimum center-line grade of one percent (1.0%)
- (2) Center-line grades shall not exceed the following:
  - (a) Minor street or service street: ten percent (10%).
  - (b) Collector street: seven percent (7%).
  - (c) Arterial street: six percent (6%).
  - (d) Street intersection: five percent (5%).

- (3) Grades up to twelve percent (12%) may be permitted by the Council on minor streets, except on a cul-de-sac, if the Council deem that unsafe conditions will not result from the increase in grade.

F. Design Speeds. 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 Council. The design speed on all streets shall be thirty-five (35) miles per hour (to be determined in each individual case) and on minor streets thirty-five (35) miles per hour unless a lesser design speed is permitted by the Council.

(1.) Horizontal curves.

- (a) Whenever street lines are deflected in excess of five degrees, connection shall be made by horizontal curves.
- (b.) Minimum sight distances shall be provided as follows:

Design Speed (miles per hour)	Minimum Sight Distance (feet)
20	120
25	160
30	200
35	240
40	275
45	320
50	350
55	425

(c.) Center-line radii.

[1] Minimum center-line radii for horizontal curves shall be as follows:

<b>Design Speed (miles per hour)</b>	<b>Minimum Center Line Radius (feet)</b>
20	100
25	150
30	230
35	310
40	430
45	550
50	700
55	850

[2] The Borough may permit less center-line radii than required above when the subdivider substantiates that the minimum sight distance as required by Subsection F (1)(b) will be provided.

(d.) A straight section of road of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and minor streets. A straight section of road of at least two hundred (200) feet shall be introduced between all horizontal curves on arterial streets.

(e.) Combinations of the minimum radius and maximum grade shall be avoided.

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

<b>Design Speed (miles per hour)</b>	<b>Minimum Required Sight Distance (feet)</b>
20	120
25	160
30	200
35	250
40	300
45	375
50	450
55	550

G. Intersections.

- (1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five degrees (measured at the intersection of the street center lines) nor more than one hundred five degrees. The angle of intersection with an arterial street shall be ninety degrees.
- (2) No more than two (2) streets shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite each other or shall be separated by at least one hundred fifty (150) feet between center lines, measured along the center line of the street being intersected.
- (4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five percent within fifty (50) feet of the intersection or the nearest right-of-way lines.
- (5) Intersections with arterial streets shall be located not less than one thousand (1,000) feet apart, measured from the center line along the center line of the arterial streets.
- (6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
  - (a.) Twenty (20) feet for intersections involving only minor streets or service streets.
  - (b.) Thirty (30) feet for all intersections involving a collector street.
  - (c.) Forty (40) feet for all intersections involving an arterial street.
- (7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

H. Sight Distances at Intersections.

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

- (2) Whenever a portion of the line of such clear sight triangles occurs behind the required building setback line such portion shall be considered a building setback line.
- (3) 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.

<b>Design Speed of Approaching Street With No Stop or Signal Control (miles per hour)</b>	<b>Minimum Stopping Distance Required Unless Alternative Permitted by Council (feet)</b>	<b>Alternative Stopping Distance Permissible at Discretion of Council Only on Lightly Traveled Highways Where the Removal of Sight Obstructions Would be Costly (feet)</b>
20	120	90
25	160	110
30	200	130
35	240	155
40	275	180
45	320	200
50	350	220
55	425	240

- (4) 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:

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

- (5) For calculating sight distances required by Subsection H(3), refer to A Policy on Geometric Design of Rural Highways, American Association of State Highway Officials, latest revision.

**Section 19. Cul-de-sac Streets.**

- A. Cul-de-sac streets are discouraged and shall only be approved if the subdivider/developer can demonstrate that the installation of a cul-de-sac street is the only means of providing access to the proposed lots and/or parcels of ground as shown on a plan for the development of a site. Dead-end streets are prohibited unless designed as cul-de-sac streets, provided that in the case of streets which are planned for future extension to adjoining tracts and will not be the primary means of access to any lot or dwelling unit, a turnaround is not required.
- B. Except as provided in Subsection A, any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a turnaround within the subdivision or land development and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
- C. Cul-de-sac streets shall not exceed five hundred (500) feet in length or be less than two hundred fifty (250) feet in length and shall not furnish access to more than thirty (10) dwelling units. Borough Council may permit a temporary cul-de-sac longer than five hundred (500) feet if future extension of the cul-de-sac is likely in the opinion of Borough Council. Borough Council may approve cul-de-sac serving more than thirty (10) dwelling units when adequate provision will be made for vehicular circulation and parking.
- D. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.
- E. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be designed in accordance with the details shown in Appendix VI.
- F. Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or by other means approved by Borough Council.
- G. The center-line grade on a cul-de-sac street shall not exceed ten percent (10%) and the grade of the diameter of the turnaround shall not exceed five percent (5%).

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

C. Depth.

(1) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are required or where prevented by the size, topographical conditions for other inherent conditions of the property.

D. Commercial and Industrial Blocks.

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

E. Crosswalks.

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

**Section 23. Lots and Parcels.**

A. General Standards.

- (1) The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated and be in accordance with the provisions of the Borough Zoning Ordinance. Lots shall be capable of being built upon in accordance with the provisions of the Borough Zoning Ordinance.
- (2) Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Where feasible, lot lines shall follow municipal boundaries rather than cross them.
- (3) Generally, the depth of residential lots shall not be less than one (1) nor more than three (3) times their width.
- (4) Depth and width of parcels intended for nonresidential uses shall be adequate for those proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, buffer yards and landscaping, etc.
- (5) Subdivisions shall be designed to avoid the creation of remnants of land. If remnants of land would result after subdividing, adequate provisions, which shall

be approved by the Council, shall be made for the disposition and maintenance of those remnants.

- (6) Flag lots are prohibited, unless permission is granted by the Council. The Council 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 Ordinance for Minor Streets and maintain a minimum fifty (50)feet of frontage along an existing or proposed public or private street. The access portion of a flag lot shall not be used for building purposes or used in calculation for required area of the proposed lot.
- (7) Where an ultimate right-of-way line has been provided, all setbacks shall be measured from such ultimate right-of-way line.
- (8) For those instance where buildings will be constructed below street grade, the subdivider shall indicate what measures are to be taken to assure proper drainage away from the buildings.
- (9) When only a portion of a tract is designed at a time and there exists the potential for development of the remainder of the tract, lots shall be designed so that they do not restrict access to the remainder of the tract, unduly restrict the potential development of the remainder of the tract or would result in the creation of awkward or difficult-to-develop parcels in the remainder of the tract.

B. Lot Frontage and Access.

- (1) All lots shall abut and have direct access to an existing or proposed public street or private street meeting the requirements of this ordinance.
- (2) Reverse frontage lots shall be avoided except where required by the Council to restrict access to existing streets or to overcome specific disadvantages of topography or orientation. All residential reverse frontage lots shall contain a planting screen, fence, earth mounding or similar screening advice and barrier to vehicular access within the rear yard.
- (3) Where access to land within a subdivision or land development will be solely by proposed roads within an adjoining municipality, the Council may require assurance from the adjoining municipality that adequate provisions have been made to ensure construction of the proposed access roads.

- (4) For lots proposed to abut a railroad right-of-way containing railroad tracks which are used for rail service a buffer screen to provide sight and noise buffering shall be placed within those lots in the yards abutting the railroad right-of-way. The screen shall be adequate for the intended purpose and a plan for the screen shall be approved by the Council.
- (5) When the rear wall of apartment buildings, townhouses or industrial or commercial buildings will face a public street, the Council may require a planting screen, fence, earth mounding or similar screening device between the buildings and the public street.

C. Off-Street Parking.

- (1) Each proposed dwelling unit in a subdivision or a land development shall be provided with off-street parking spaces in accordance with the requirements of the Borough Zoning Ordinance.
  - (a.) In the case of single-family or two-family dwellings and townhouses with on-lot parking, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport or driveway. The spaces shall not be located within any clear sight angle required by this chapter.
  - (b.) In the case of multiple-family dwellings, such off-street parking spaces shall be provided in parking facilities located adjacent to, within or near the multiple-family dwellings. Spaces shall not be located within a street right-of-way nor within any clear sight triangle required by this chapter. Each off-street parking space shall contain a minimum of two hundred (200) square feet. In addition, adequate aisles with a minimum width of twenty-four (24) feet for maneuvering and movement of vehicles shall be provided. The grade of areas used for parking shall not exceed six percent (6%). The grade of areas used only for access shall not exceed ten percent (10%).
- (2.) Commercial and industrial development shall meet the off-street parking requirements of the Borough Zoning Ordinance.

## **Section 24. Driveways.**

- A. Subdivisions shall be designed to minimize the number of driveway intersections with existing public roads. Consideration should be given to the use of common driveways. Wherever deemed feasible and required by the Council to minimize driveway intersections with existing Borough roads (thus lessening interruptions to traffic flow and accident hazards and minimizing sedimentation and runoff problems onto exiting public roads), the subdivision shall be provided with an internal street on which proposed lots will front and to which the lots will have driveway access.
- B. All driveways which provide access to an arterial street, if such driveways are permitted by the Council, shall be designed with turnaround areas so that cars will not back onto the arterial street and will enter the street head-on.
- C. Intersections With Streets.
  - (1) Provisions shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage and erosion and sediment control. Driveways shall be located, designed, constructed and maintained in such a manner as to not interfere with the design, maintenance and drainage of streets.
  - (2) The Council shall require subdivision plans to show a typical treatment of the construction of driveways and handling of storm drainage where the driveways intersect a street. The Council may further require, as a condition to approval of a subdivision plan, that, prior to the issuance of the zoning or building permits for a lot, the specific proposals for the construction of a driveway and treatment of storm drainage and erosion and sediment control be submitted to the Borough for approval.
- D. Safe Sight Distances.
  - (1) Driveways shall be so located as to provide reasonable and safe sight distance at intersections with streets for both the operator of a vehicle departing the driveway and the operator of a vehicle on the intersected street approaching the driveway. Driveways shall be located such that the free movement of normal street traffic is not impaired, the driveways will not create a hazard and the driveways will not create areas of undue traffic congestion on streets. The Council shall require the proposed locations of a driveways for lots to be shown on the subdivision plan, and further require that driveway locations be subject to approval of the Council.
  - (2) A clear sight triangle, a minimum of twenty-five (25) feet, shall be provided at the intersection of a driveway serving a one or two-family dwelling with a Borough street. A clear sight triangle of a minimum of forty (40) feet shall be provided at

the intersection of all other driveways with Borough streets. Such clear sight triangles shall be measured from the intersection of the center line of the driveway and the center line of the street and measured along the center line of the street and driveway.

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

E. Entrances to provide driveways serving multiple-family dwellings shall be rounded at a minimum radius of ten feet. The maximum radius shall be thirty (30) feet. Entrances to private driveways serving one- and two-family dwellings shall be rounded at a minimum radius of five (5) feet. The maximum radius shall be twenty (20) feet.

F. Angle of Intersection.

- (1) The angle of a driveway as it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to thru street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction.
- (2) Driveways shall intersect streets as nearly as possible at right angles and in no case at an angle of less than seventy degrees or more than one hundred ten degrees, provided that the Borough may permit the use of one-way driveways on a property, and such one-way driveways may intersect streets at an angle of not less than forty-five degrees.

G. Private driveways shall have such grades as to furnish safe and convenient parking spaces and to provide a safe and convenient means of access. The grades and construction materials of driveways shall be such that the materials of the driveway will not wash onto public streets. The maximum permissible grade shall be fifteen percent (15%) on one- or two-family residential driveways and ten percent (10%) on all other driveways, except that driveway grades shall not exceed five percent (5%) within twenty (20) feet of street cartway lines. The Borough may require driveways to be paved when grades exceed eight percent (8%) on residential driveways and five percent (5%) on all other driveways. The Borough may require the subdivider to submit with his subdivision plans, evidence that the above, and the other standards for driveways established in this section, can be met for each lot where doubt exists as to the feasibility of meeting the standards.

H. The center line of entrances to private driveways serving one- and two-family dwellings shall be located at least forty (40) feet from the point of intersection of the nearest street cartway lines. If only minor streets are involved then at least one hundred twenty (120) feet. The center line of entrances to private driveways serving multiple-family dwellings or

nonresidential buildings shall be located at least eighty (80) feet from the point of intersection of the nearest street cartway lines. If only minor streets are involved, at least one hundred twenty (120) feet if a collector street is involved.

- I. After review of existing street speeds and volumes and the proposed location and arrangement of driveways, the Borough may require the installation of an acceleration or deceleration lane, or both, to serve a driveway. A speed change lane of sufficient length and width shall be constructed to allow vehicles to safely decelerate or accelerate when entering or leaving a property.

### ***Section 25. Sanitary Sewage Disposal.***

- A. The subdivider shall provide the highest type of sanitary sewage disposal facility consistent with exiting physical, geographical and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of decreasing desirability:
  - (1) Public sanitary sewer and treatment plant system.
  - (2) Community sanitary sewer system with a temporary sewage treatment plant.
  - (3) Capped sewers with temporary, approved on-site facilities.
  - (4) Approved on-site facilities.
- B. Each property shall connect with an approved public or community sewer system in accordance with the Bernville Borough Official Sewage Facilities Act 537 Plan. Where sewers are not yet accessible but are planned for extension to the subdivision or land development within ten (10) years, the subdividers shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot and dwelling unit when connection with the sewer system is made. Sewer lines shall be suitably capped at the limits of the subdivision or land development, and laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.
- C. All sewage disposal systems shall conform in all respects to the minimum requirements of the Pennsylvania Department of Environmental Protection and all ordinances, rules and regulations of the Borough and applicable authorities.
- D. If on-site sanitary sewage disposal facilities are proposed, the Borough may require that the subdivider submit a feasibility report if the Borough considers that such facilities are not the highest type consistent with existing conditions. Such report shall be prepared by a qualified professional approved by Borough Council and shall compare the feasibility of providing on-site facilities with that of providing higher types of facilities. (See

Subsection A.) Based on an analysis of the feasibility report, the Borough may require the installation of a higher type of facility.

- E. When approval by an authority, another public agency or the Pennsylvania Department of Environmental Protection is required for the sanitary sewage disposal system for a proposed subdivision or land development, the subdivider shall submit a copy of such approval to the Borough prior to final approval of a plan.
- F. Within special flood hazard areas established by the Federal Insurance Administration, on-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- G. Suitable arrangements, approved by the Council, shall be made for the ownership and maintenance of all community sewer systems.

### ***Section 26. Water Supply.***

- A. The subdivider shall provide the highest type of water supply and distribution facility consistent with existing physical, geographic and geological condition. The following types of water systems are listed in order to decreasing desirability:
  - (1) Public water supply and distribution system.
  - (2) Community water supply and distribution system.
  - (3) Approved on-site system.
- B. Each property shall connect with an approved public or community water system, if accessible. A distribution system shall be designed to furnish an adequate supply of water to each lot and dwelling unit with adequate main sizes, water pressure and fire hydrant locations.
- C. Where public or community systems are not accessible, or cannot be connected to or are not adequate to service the proposed development, but on-site sanitary sewage disposal systems are proposed to be used; or when a public water distribution system is planned for extension to the subdivision within ten (10) years; or if deemed necessary for the public health, safety and welfare, a community water supply and distribution system may be required by the Council. If such a system is provided, it shall be approved by the Council and the Pennsylvania Department of Environmental Protection, and appropriate agreements established to ensure proper and adequate maintenance shall be submitted to and approved by the Council.

- D. All water supply and distribution systems, public, community and on-site, shall be constructed in full compliance with Pennsylvania Department of Environmental Protection specifications and all ordinances, rules and regulations of the Borough and applicable authorities.
- E. When approval by an authority or other public agency, a utility company or the Pennsylvania Department of Environmental Protection is required for the water supply and distribution system for a proposed subdivision or land development, the subdivider shall submit a copy of such approval to the Borough prior to final approval of a plan.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the systems.
- G. All subdivisions of ten lots or more (including commercial and industrial uses using in excess of two thousand gallons of water per day on average) to be served by individual on-lot or a community water supply, shall, at submission of a preliminary plan submit a hydrogeological study documenting the availability of a reliable, safe and adequate water supply. The impact on existing water supplies to support the intended subdivision or land development shall be investigated and a report prepared and submitted to the Borough for review. A minimum of one test well per four dwelling units or lots shall be installed. Commercial or industrial subdivisions and land developments shall install one test well per eight hundred (800) gallons per day of estimated water consumption. Additional test wells may be required based on the results of original well testing.
- H. If water is to be provided by means other than by private wells owned and maintained by the individual property owners of lots within the subdivision of development, applicants shall present evidence to Borough Council and the Borough Planning Commission that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

**Section 27. Storm Drainage.**

- A. Storm sewers, culverts and related installations and improvements shall be provided in order to:
  - (1) Permit unimpeded flow of natural watercourses.
  - (2) Ensure adequate drainage of all streets.

- (3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
- (4) Provide positive drainage away from on-site sewage disposal facilities and buildings.
- (5) Accommodate runoff so that there shall be no increase in stormwater peak discharge leaving the subdivision during or after construction based on the design rainfall frequency established in Appendix V.
- (6) Ensure adequate drainage at intersections of driveways with streets.

B. Design of drainage systems.

- (1) Complete stormwater calculations in accordance with Appendix V and all designs for drainage facilities shall be submitted to the Borough for review.
  - (2) Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing storm sewers.
  - (3) Stormwater runoff shall not be concentrated onto adjacent properties nor shall either the peak flow rate or velocity be increased beyond that existing prior to subdivision or land development, unless written approval is given by the adjacent property owners to the proposed discharge of surface runoff, and the written agreements are approved by Borough Council. When storm drainage will be directed onto an adjacent municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review.
  - (4) Stormwater runoff shall not be concentrated nor shall natural drainage water be diverted as to overload existing drainage systems, create flooding or create the need for additional drainage structures on other private or public lands, unless adequate provisions approved by Borough Council and owners of the other affected private or public lands are made for taking care of these conditions.
  - (5) All provisions which shall be made to implement Subsections A and B are subject to approval by Borough Council.
- (5) Where a subdivision or land development is traversed by or contains a pond, lake, watercourse, drainage way, channel, storm drainage system or stream, there shall be provided a drainage easement that conforms substantially to the line of such pond, lake, watercourse, drainage way, channel, storm drainage system or stream of such width as will be adequate to preserve the unimpeded flow of drainage and to provide for widening, deepening, relocation, improving or protecting such

- (6) features for drainage facilities. Minimum easement widths shall be ten (10) feet from each side of the watercourse, water body, stream, pond, lake or drainage facility, but Borough Council may require a greater easement when necessary. Any changes in an existing drainage way shall be subject to the approval of the Pennsylvania Water and Power Resources Board, Division of Dams and Encroachments, Department of Environmental Protection or the Army Corps of Engineers when either or both have jurisdiction. The subdivider shall properly grade and seed slopes. Open ditches shall be fenced as required by Borough Council. Areas within easements shall be kept as lawn or in natural conditions to allow maintenance and entrance.
- (7) All drainage facilities shall be designed to adequately handle surface runoff and carry it to suitable outlets and shall be designed in accordance with the minimum design standards in Appendix V.
- (a.) Subsurface drainage systems shall have manholes spaced at intervals not exceeding four hundred (400) feet and located wherever branches are connected or sizes change and wherever there is a change in alignment or grade. Inlets may be used instead of manholes when approved by the Borough. For drainage lines thirty-six (36) inches in diameter or greater, manholes may be spaced at intervals greater than four hundred (400) feet with the approval of the Borough.
  - (b.) Storm sewer lines within street rights-of-way shall be located between the centerline of the street and the curblin and shall parallel the centerline of the street, when practical.
  - (c.) Drainage structures that are to be located within state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that Department indicating such approval shall be submitted to the Borough.
  - (d.) Where applicable, a right-of-way or easement of sufficient width to include a ten-foot access strip in addition to the width of the ditch from bank top shall be created for drainage and maintenance purposes. Borough Council may require a wider ditch right-of-way or easement where deemed necessary.
  - (e.) Subsurface drainage systems shall have curb inlets located at curb tangents on the uphill side of street intersections and at other locations as may be required by Borough Council as necessary to intercept runoff. Design and location of curb inlets shall be in accordance with Pennsylvania Department of Transportation Design Manual Part 2 and be approved by Borough

Council. Inlets shall be designed and located to prevent hazards to vehicles, bicycles and pedestrians.

- (f.) Reinforced concrete culvert pipe shall be used for all storm sewer lines to be constructed within street rights-of-way. HDPE may be used at the option of the subdivider for lines to be located on private property.
- (g.) All drainage facilities are to be maintained by the owner to retain their design capacity. A note shall be placed on the plan indicating the maintenance responsibilities.
- (h.) Provisions shall be made to minimize erosion within watercourses and at points of discharge from storm drainage facilities.

C. Construction of Streets.

- (1) All streets shall be designed as to provide for the discharge of surface water from their rights-of-way.
- (2) The slope of the crown on proposed streets shall not be less than one-fourth (1/4) inch per foot and not more than one-half (1/2) inch per foot.

D. Groundwater Recharge. The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the stormwater runoff control system shall give consideration to roofing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over.

**Section 28. Erosion and Sediment Controls.**

- 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 provision 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 ordinance. The plan shall meet all requirements of the County Conservation District, this ordinance and the Pennsylvania Department of Environmental Protection and be reviewed and approved by the County Conservation District and approved by Borough Council and the Pennsylvania Department of Environmental Protection when applicable. In lieu of an erosion and sediment control plan, Borough Council may, when deemed appropriate and when no earthmoving 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. Borough Council may further require a note indicating that as a condition to the issuance of the building permit for a lot, an erosion and sediment control plan for that lot shall be submitted to and approved by the County Conservation District and Borough Council.

C. The erosion and sediment control plan shall be submitted at final plan submission and shall contain two (2) parts: 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 a narrative report describing the project and giving the purpose, engineering assumptions and calculations for control measures and facilities.

(1) A map or maps shall show:

(a.) The depth, slope and areal extent of the soils within the subdivision or development.

(b.) The proposed alterations of the area including:

[1] Changes to land surface and vegetative cover.

[2] Structures, roads, paved areas and buildings.

[3] Stormwater control facilities.

[4] Existing contours on the site at intervals required by this Ordinance and finished contours at the same interval.

(c.) The information listed in Subsection C(2)(c) below.

(2) The narrative report shall contain:

(a.) A general statement of the project which shall contain:

[1] A general description of the project.

[2] A general description of stormwater management.

[3] A general description for accelerated erosion control.

[4] A general description of sedimentation control.

- (b.) 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.
  - (c.) The staging of earthmoving activities, including cover removal, control facility installation, installation of improvements and program of operations. If homes are to be constructed one (1) at a time and not concurrently, the typical treatment of each home site shall be indicated.
  - (d.) A maintenance program for the control facilities, including:
    - [1] Method of disposal of materials removed from the control facilities of the project area.
    - [2] The methods, frequency and ultimate disposal site for solid waste material.
- (3) The following items shall be shown on a map and also described in the narrative report:
- (a.) Temporary control measures and facilities or use during earthmoving, including:
    - [1] Purpose.
    - [2] Types of measures and facilities.
    - [3] Location of measures and facilities.
    - [4] Dimensioned details of the facilities.
    - [5] Design consideration and calculations.
  - (b.) Permanent control measures and facilities for site restoration and long-term protection, including:
    - [1] Purpose.
    - [2] Types of measures and facilities.
    - [3] Location of measures and facilities.

[4] Dimensioned details of the facilities.

[5] 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.
  - (2) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
  - (3) The disturbed area and the duration of exposure shall be kept to a minimum.
  - (4) Disturbed soils shall be stabilized as quickly as possible.
  - (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, that 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, tract or parcels shall be graded to provide positive drainage away from buildings and on-lot septic systems, without ponding.
- (2) Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimized the erosion hazard and to adequately handle surface runoff.
- (3) Natural drainage patterns shall be preserved wherever possible and desirable.
- (4) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavation 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 and approval must be obtained from Borough Council and the Borough Solicitor for all written agreements relating thereto.
- (9) During grading operation, 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. All Federal, State and local permits must be submitted and approved for crossing of live streams.

H. Whenever sedimentation is caused by stripping vegetation, or other development or earthmoving, it shall be the responsibility of the person, corporation or their 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 seventy-two (72) hours of such sedimentation or damage. Borough Council shall require a note to this effect to be placed on the final subdivision plan.

### ***Section 29. Design of Retention and Detention Facilities.***

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

- (1) Where retention and detention basins are permitted by Borough Council, adequate assurances of maintenance, indemnification, liability insurance and security shall be

provided to and approved by Borough Council.

- (2) Retention and detention facilities shall be designed and located so as not to present a hazard to the public health or safety. Their design shall be approved by Borough Council. Such facilities shall be designed so that no adverse effects will result from backwater flooding.

B. Design considerations.

- (1) In general, the required volume for stormwater detention or retention shall be calculated, at a minimum on the basis of the runoff from a twenty-five-year frequency rainfall of a twenty-four-hour duration. Where deemed necessary for the public safety by Borough Council, the basis of the runoff of a less frequent storm frequency (fifty-year or one-hundred-year storm) shall be considered. The volume of storage shall be provided for the tributary watershed within the subdivision or land development in a fully developed state and the tributary watershed outside the subdivision or land development in its present condition.
- (2) Calculations shall be based on the Soil-Cover Complex Method, unless another method of calculation is approved or required by Borough Council.
- (3) The stormwater release rate shall be considered when calculating the stormwater storage capacity and the control structure shall be designed to maintain a relatively uniform flow rate regardless of the depth of stormwater in the storage area. The stormwater release rate shall be approved by Borough Council.
- (4) For dry bottom water storage areas, a method of carrying low flow through the pond areas shall be provided, and the areas shall be provided with a positive gravity outlet to a natural channel or storm sewer of adequate capacity.
- (5) The storage duration resulting from the combination of storage of water from a twenty-five-year storm and the design release rate shall be approved by Borough Council. Generally, the resultant storage duration shall not exceed seventy-two (72) hours. The maximum depth of planned stormwater storage shall not exceed six (6) feet, unless existing natural ground contours and other conditions lend to greater storage depth and approval is given by Borough Council and other state regulatory agencies. Borough Council may require the fencing of water storage areas when deemed necessary for the public safety.
- (6) Every stormwater storage area shall be provided with an emergency spillway based on a one-hundred-year frequency rainfall. The spillway shall either be placed in undistributed earth or be of concrete construction and shall be designed to function without attention.

- (7) The pipe spillway outletting from the stormwater storage areas shall be designed on the basis of a rainfall frequency that is consistent with the requirements of this chapter, and shall be approved by Borough Council. Stormwater runoff velocities and quantities shall be consistent with the need to protect the public health, safety and welfare and to prevent turbulent condition and erosion. Peak discharge shall be not greater than predicted for predevelopment conditions.
- (8) Storage Areas.
- (a.) Minimum grades for turf areas shall be one percent (1%) and maximum slopes shall be fifty percent (50%) [two (2) units horizontally to one (1) unit vertically]. The maximum aggregate slope for the inside and outside faces of any storage area berm shall be five (5) units horizontally to one (1) unit vertically. Storage area side slopes shall be kept as close to the natural land contours as practical and a thirty-three-percent slope (33%) or less shall be used wherever possible. For all slopes greater than thirty-three percent (33%) [three (3) units horizontally to one (1) unit vertically], special consideration shall be taken to ensure that the soils are suitable for steep slopes and berm construction, and suitable erosion control is provided in addition to the protection required to ensure public health, safety and welfare.
  - (b.) Paved surfaces that are to serve as stormwater storage areas shall have minimum grades of one percent (1%) and shall be restricted to storage depths of one (1) foot maximum.
  - (c.) Rooftop storage shall be designed with permanent type control inlets and parapet walls to contain runoff on the rooftop. Emergency overflow areas shall be provided to ensure that the volume of water stored will not exceed the structural capacity of the roof.
  - (d.) If a portion of an area within a stormwater storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible.
- (9) The following additional conditions shall be complied with for wet bottom stormwater storage areas.
- (a.) Water surface area shall not exceed one-tenth (1/10) of the tributary drainage area.
  - (b.) Shoreline protection shall be provided to prevent erosion from wave action.

- (c.) Minimum normal water depth shall be for (4) feet. If fish are to be used to keep the pond clean, a minimum of one-fourth (1/4) of the pond areas shall be a minimum of ten (10) feet deep.
- (d.) Facilities shall be available, if possible, to allow the second level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
- (e.) Control structures for stormwater release shall be designed to operate at full capacity allowing for one (1) foot of freeboard above emergency overflow facility design water surface elevation. Hydraulic calculations shall be submitted to substantiate all design features.
- (f.) Aeration facilities as may be required to improve pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of Borough Council.
- (g.) In the event that the water surface of the pond is to be raised for the purposes of storm water or irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess stormwater runoff shall still be sufficient to contain the design storm runoff.

***Section 30. Maintenance of Storm Drainage and Erosion and Sediment Control Facilities.***

Proposals for the ownership and maintenance responsibilities for all proposed storm drainage and erosion and sediment control facilities shall be submitted to the Borough for review and approval. Sufficient provisions shall be made by the subdivider and approved by Borough Council for adequate and perpetual maintenance of all such facilities.

***Section 31. Natural Features and Topsoil***

- A. Wherever feasible, subdivisions and land developments shall be designed to preserve natural features such as trees greater than one (1) foot in diameter, watercourses, rock outcroppings, wooded areas, natural watercourses and bodies of water.
- B. Topsoil shall not be removed from the subdivision site nor used as structural fill without the permission of Borough Council. Topsoil may be removed from areas of earthmoving activity, but shall be stored elsewhere within the subdivision and stabilized to minimize erosion. Upon completion of construction, the topsoil shall be redistributed on the site.

- C. Street and lot designs of tracts shall be such to minimize alterations of the natural landscape.

***Section 32. Floodplains.***

- A. Floodplains shall be calculated using the method established in Appendix IV as shown on all subdivision and land development plans. The floodplain management established within the Borough Zoning Ordinance or an ordinance enacted in accordance with the National Flood Insurance Program shall be applied to those floodplains when such have been enacted.
- B. Borough Council may require that vehicular access be provided to each dwelling unit within a subdivision or land development over a street or other approved means of access which is elevated above the level of the one-hundred-year flood.
- C. The following controls shall apply to floodplains:
  - (1) No watercourse shall be altered or relocated unless approved by the Borough Supervisors and, where applicable, the appropriate state and federal agencies.
  - (2) No watercourses shall be altered or relocated unless the person proposing the alteration or relocation submits calculations assuring that the flood carrying capacity within the altered or relocated portion of the watercourse shall be designed to be not less than the flood-carrying capacity of the watercourse prior to the proposed alteration or relocation.
  - (3) No encroachment shall be made on a floodplain or watercourse which will increase flood levels within the Borough during the occurrence of the one-hundred-year flood discharge. With any proposal for an encroachment, calculations which will indicate compliance with these requirements shall be submitted to the Borough. All encroachments are subject to Supervisors approval.
  - (4) Any fill permitted by Borough Council is subject to the following:
    - (a.) Fills shall consist of soil or rock materials only. Sanitary landfills shall not be permitted.
    - (b.) Adequate provisions shall be made to prevent surface water from damaging the sloping surfaces of fills.

- (c.) Fills shall be placed and mechanically compacted to minimize sliding and erosion of soil.
  - (d.) Fill slopes shall be no steeper than one (1) vertical until to two (2) horizontal units.
- (5) Any changes in an existing drainage way shall be subject to the approval of the Pennsylvania Water and Power Resources Board, Division of Dams and Encroachments, Department of Environmental Protection or the Army Corps of Engineers when either or both have jurisdiction.

**Section 33. Utilities.**

- A. Easements in form satisfactory to the Borough shall be provided for electric, telephone and television cables, wires and conduits, storm and sanitary sewers, gas, water and heat mains and other utility lines. No structures or trees shall be placed within such easements. Local utility companies shall be consulted when locating utilities and easements, all utilities and easements shall be located in accordance with their standards.
- B. Easements abutting street rights-of-way shall be a minimum of ten (10) feet in width. Other easements shall be a minimum of twenty (20) feet in width. Additional easement width shall be provided when required by the utility.
- C. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the subdivision or land development.
- D. Where gas or petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction shall occur within a right-of-way of fifty (50) feet minimum and shall comply with the applicable requirements of the Pennsylvania Public Utilities Commission.
- E. Underground electric distribution lines shall be installed in all new subdivision and land developments of five (5) dwelling units or more. In existing subdivisions with five (5) or more unimproved lots, any extension of the electric distribution lines shall be placed underground.
- F. All telephone and cable television distribution lines shall be placed underground when electric distribution lines are placed underground.

### **Section 34. Zoning Compliance.**

All subdivisions and land developments shall be designed to meet the requirements of the Borough's Zoning Ordinance.

### **Section 35. Access.**

- A. The location and number of access points to a subdivision or land development shall be adequate for and appropriate to the size and nature of the development and surrounding roads and land uses.
- B. For all subdivision and land developments for which only one (1) means of ingress and egress is proposed, the Council may require, where deemed necessary in the public interest and for the public safety, the provisions of additional, accessways 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.

### **Section 36. Community Facilities.**

- A. In reviewing subdivision and land development plans, the Council shall consider the adequacy of existing and proposed recreation facilities within the Borough to serve the additional dwelling units proposed by the subdivision or land development. In order to provide for the recreational facilities necessary to secure the needs of the future residents of the proposed dwelling units, the Council may require the subdivider to reserve recreation areas within the subdivision or land development or at some other nearby location approved by the Council. When such reservation of recreation areas is required by the Council, the subdivider shall provide the recreation areas in accordance with a plan approved by the Council and generally in accordance with the schedule below. The Council may permit recreation areas at less than the schedule below if the proposed recreation plan is deemed adequate by the Council. When the Borough Zoning Ordinance or Borough Planned Residential Development Ordinance requires recreation areas in accordance with another schedule, such other schedule shall be utilized.

<b>Gross Density of Tract (dwelling units per acre)</b>	<b>Total Area of Subdivision or Land Development To Be Reserved for Recreation Areas (percentage)</b>
Up to 1.0	3%
1.01 to 3.0	5%
3.01 to 5.0	12%
5.01 to 7.0	15%
7.01 to 10.0	10%
10.01 and greater	25%

**B. Cash Contributions.**

- (1) Where the above schedule results in very small recreation areas or when no appropriate recreation sites are available within the subdivision or land development or for other reasons acceptable to the Council (i.e., the designation of recreation areas on a municipal recreation plan at locations near the subdivision or land development site), the Board of Council may, at its discretion, accept a cash contribution in lieu of the provisions of recreation area. Where cash in lieu of a recreation area is permitted, the amount of cash shall be based upon the raw land value (value prior to development) of the amount of land which would otherwise be required to be provided in accordance with the schedule above. The raw land value will be determined by the Council at the time of final plan submission. The final plans shall be accompanied by an appraisal by a qualified real estate appraiser. Such cash contributions shall be used solely for the purpose of the purchase or development of recreation land with the Borough which will be reasonable usable by and accessible to the residents for the subdivision or land development. The timing of cash outlay by the Borough and/or location is at Borough discretion.
- (2) When cash payment to the Borough in lieu of the provision of recreation areas is required or permitted by the Council, the subdivider shall also pay to the Borough per lot or dwelling unit a contribution which shall be used for the improvement and equipping of recreation land toward which the Borough applies the cash contribution given in lieu of establishing a recreation area. The per lot or dwelling unit contribution shall be established by the Borough Council but shall reasonably approximate the per lot or dwelling unit costs the subdivider might incur in developing a recreation area within his 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) Provisions 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 the intended recreation purposed and be such that recreational uses are feasible. Designated purposes are subject to Council approval
  - (4) No more than fifty percent (50%) of the recreation areas shall be land with slopes of over fifteen percent (15%) and/or land with a high water table or seasonal high water table.
  - (5) Other than those recreation areas to remain in existing condition, recreational areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Council. Such improvements and equipment shall be guaranteed thorough the subdivision improvements agreement.
- D. The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas, which shall be approved by the Council. The Council may, at their description, accept land for dedication.
- E. The Borough shall also consider the adequacy of other existing or proposed community facilities to serve the additional dwellings proposed by the subdivision or land development, and the subdivider shall give earnest consideration to providing or reserving areas or facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings and parks. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Such areas should be located in a manner to best serve the public likely to use them.

### ***Section 37. Solid Waste Management.***

- A. In developments containing apartments and townhouses and in commercial and industrial developments, the subdivider shall submit to Borough Council for approval a plan for detailing how solid waste generated between municipal collections shall be maintained and handled. Conformity with the Bernville Borough trash and recycling ordinance must be verified.
- B. All storage containers shall be located to permit efficient deposit of wastes in the containers and efficient collection from the containers.
- C. Debris, rubbish or other waste material resulting from grading or construction activities on the lot shall be removed from the lot prior to the issuance of a certificate of use and occupancy for the lot. No debris, rubbish or waste material shall remain within the area of

an improvement covered by the performance guarantee upon expiration of the guarantee or completion of the improvement, whichever is sooner.

**Section 38. Considerations of Solar Access.**

- A. When minimal provision is to be made or the use of solar energy by structures, in general, streets toward which buildings are to be oriented should run in an east-west direction.
- B. Section 23A(2) indicates insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Borough may allow variation from this requirement where provision is to be made for maximum use for solar energy, in which case side lot lines generally may run from due north to due south with slight variation east or west of this axis.
  - (1) When lot lines will not be provided, consideration should be given to orienting buildings to maximize solar access. Generally, buildings should be located with their long axis running east to west. In some high density or townhouse developments a north-south orientation for the long axis may be desirable.
  - (2) Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.
- C. Consideration should be given to reserving solar easements within lots for protection of solar access.

**ARTICLE VI**  
**Improvements**

**Section 39. General Requirements.**

- A. Physical improvements to the property being subdivided or developed shall be provided, constructed and installed as shown on the record plan and all supplemental plans and drawings accompanying the approved final plan, in accordance with the requirements of the Borough.
- B. The subdivider shall agree with the Borough as to the installation of all improvements shown on the plan and required by this ordinance and shall execute and finalize the subdivision improvements agreement.
- C. All improvements installed by the subdivider shall be constructed in accordance with the applicable design specifications of the Borough or, where none apply, as required by the Borough Engineer. Where required, the specifications of the applicable state agency shall be used.
- D. Supervision of the installation of improvements required by Section 43 shall be the responsibility of the Borough, of the appropriate state regulatory agency any individual or firm authorized by the developer. All cost for the inspection of required improvements shall be the responsibility of the developer as established in Section 11.
- E. Where required by the Council, improvements shall be extended to the boundaries of the subdivision to facilitate extension or use by surrounding properties.

**Section 40. Required Improvements.**

The following improvements shall be provided by the subdivider:

- A. Street Grading.
  - (1) All streets, including those to be dedicated and those not to be dedicated, shall be graded at full right-of-way width when required by the Borough. The Council may allow portions of rights-of-way to remain ungraded in order to preserve trees, limit earthmoving or for similar reasons. All portions of street rights-of-way not included within street cartways shall be graded at a slope of not less than two to one (2:1) when graded.
  - (2) Planting strips within street rights-of-way shall be graded, properly prepared and seeded or sodded with lawn grass when required by the Council.

- B. Cartway paving. All streets, including those to be dedicated and those not to be dedicated, shall be paved to full cartway width in accordance with the Borough regulations. When no Borough regulations have been adopted, paving shall be in accordance with Pavement Design Guidelines, Rural Areas, in Guidelines For Design of Local Road and Streets, appendix to Pennsylvania Department of Transportation Design Manual Part 2. At a minimum all roadways shall receive four inches of compacted 2A modified, three inches of bituminous concrete based course (BCBC) and 1 ½ inches of bituminous concrete wearing course (ID2), shoulders shall be 2A modified stone and an application of bituminous surface treatment.
- C. Curbs. Curbs shall be installed along both sides of all streets, except where the average lot width (measured at the building setback line) is one hundred fifty (150) feet or greater. Curbs shall be constructed in accordance with Borough regulations and shall be the vertical type. Adequate provision shall be made for driveway entrances.
- D. Sidewalks.
- (1) Sidewalks with a minimum width of four (4) feet, but meeting all requirements of applicable Borough regulations, shall be installed on both sides of all streets except that:
    - (a.) Sidewalks shall be required on only one (1) side of marginal access streets any may be permitted on only one (1) sides of other streets when deemed adequate by the Council.
    - (b.) No sidewalks shall be required along service streets.
    - (c.) Except where required for the extension of existing sidewalks, no sidewalks shall be required along minor streets where the average lot width (measured at the building setback line) is one hundred fifty (150) feet or greater, unless such streets are within the required walking distance area of a school, are near community facilities encouraging pedestrian traffic or where sidewalks are deemed necessary by the Borough Council.
  - (2) Wherever sidewalks are required, curbs shall also be required.
- E. Storm Drainage. Storm sewers and related facilities shall be installed consistent with acceptable design principals and the other standards contained in Section 27 through 30 of this ordinance and Appendix V.
- F. Sanitary Sewage Disposal.
- (1) Sanitary sewage disposal systems shall be provided consistent with the requirements contained in Section 25 of this ordinance.

- (2) Whenever individual on-site sanitary sewage disposal systems are utilized, the subdivider shall either install such facilities or shall be required (by deed restriction or otherwise) as a condition of the sale of each lot or parcel within the subdivision that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.
- (3) If individual on-site systems are not used, the subdivider shall provide a community or public sanitary sewage disposal system. The design and installation of all systems shall be subject to the approval of the Borough and all other applicable public agencies. A community sewage disposal system shall be subject to satisfactory provisions for the maintenance thereof.

G. Water Supply.

- (1) Water supply systems(s) shall be provided consistent with the requirements of Section 26 of this ordinance.
- (2) Where the subdivider proposes that on-site water supply systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise) as a condition of the sale of each lot or parcel that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.
- (3) If individual on-site water supply systems are not used, the subdivider shall supply a community or public water distribution system. The design and installation of public and community water distribution systems shall be subject to the approval of the Council and the applicable public agencies or private companies. A community water distribution system shall be subject to satisfactory provisions for the maintenance thereof.
- (4) In the case of residential subdivisions or land developments proposing a density greater than one dwelling unit/acre or commercial or industrial subdivisions or land developments, the developer must conduct a sub-surface geological/hydrogeological report, prepared by a certified geologist and submit the report to the Borough Engineer for review and comment.

H. Fire Hydrants. Wherever a public or community water distribution system is provided, fire hydrants shall be installed. The location, number and separation of hydrants shall be approved by the Council in accordance with the guidelines of the Insurance Services Office. In general, the maximum distance between fire hydrants shall be six hundred (600) feet.

I. Monuments.

- (1) Permanent stone, concrete or steel pins encased in concrete monuments shall be accurately placed at the intersection of all lines forming angles in the boundary of the subdivision or land development and at changes in direction of lines of the out boundary.
- (2) All streets shall be monumented on the right-of-way line or the five-foot-range line at the following locations:
  - (a.) At least one (1) monument at each street intersection.
  - (b.) At changes in direction of street lines, excluding curb arcs at intersections.
  - (c.) At each end of each curved street line, excluding curb arcs a intersections.
  - (d.) At intermediate points wherever topographical or other conditions make it impossible to sight between two (2) otherwise required monuments.
  - (e.) At such other places along the line of streets as may be determined by the Borough so that any street may be readily redefined in the future.
- (3) All monuments shall be placed so that the center of the monument coincides exactly with the point of intersection of the lines being monumented.
- (4) Monuments shall be set with their top level at the finished grade of surrounding ground, except:
  - (a.) Monuments which are placed within lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) so that their tops will not be affected by lateral movement of the sidewalk.
  - (b.) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

J. Street Signs. Street name and traffic control signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval of the Council.

K. Markers. Metal markers shall be accurately placed at all lot corners prior to sale of lots.

L. Streetlights. In accordance with the conditions to be agreed upon by the subdivider, the Council and the appropriate public utility, streetlights shall be installed in all subdivision and land developments.

- M. Erosion and Sediment Control Measures. Installations necessary to implement the erosion and sediment control plan shall be made on the tract by the subdivider as required improvements.
- N. Shade Streets and Landscaping. Where feasible, the subdivider shall preserve existing shade trees within the tract being developed, in addition, deciduous hardwood trees of a species approved by Borough Council and the Borough Shade Tree Commission having a minimum caliper of two (two and one-half (2 ½) inches shall be planted where required by the Council. In general, the trees are to be placed one (1) foot outside of the street right-of-way at a maximum distance of fifty (50) feet between trees.
- O. Recreation Facilities. When required by the Council, recreation facilities shall be provided or cash contributions made in accordance with Section 36.
- P. Solid Waste Management. The necessary arrangements to implement the solid waste management plan prepared by the subdivider for apartment, townhouse, commercial and industrial developments shall be made at his expense.
- Q. Traffic Control Devices. The traffic control devices shown on the approved plan, including such items as stop signs and signs restricting parking, shall be installed as required by the Council.

**ARTICLE VII**  
**Administration and Enforcement**

***Section 41. Revision and Amendment***

- A. Borough Council may, from time to time on its own motion revise, modify, or amend this Ordinance in order to increase its effectiveness or to expedite the approval of subdivision and/or land development plans.
- B. Any revision, modification, or amendment to this Ordinance shall be made in accordance with the procedures established by law after a public hearing on the proposed revision, modification, or amendment, held pursuant to public notice in accordance with the provisions of Act 247, as amended, or any amendments thereto.

In addition, in the case of an amendment other than that prepared by the Borough Planning Commission, Borough Council shall submit each amendment to the Borough Planning Commission and the County Planning Commission for recommendation at least thirty (30) days prior to the date set for the public hearing on such proposed amendment. Within thirty (30) days after adoption of any amendment, certified copy shall be forwarded to the County Planning Commission.

***Section 42. Modifications.***

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

Any request for a modifications shall be in writing and shall be a part of the application or development. The request shall be in writing and shall state, in full, the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, and the minimum modifications necessary.

Waiver request shall be presented to the Borough Planning Commission along with plan submission. Comments from the Planning Commission shall be submitted to Bernville Borough Council for final action. Bernville Borough Council shall keep a written record of all action on all requests for modifications.

**Section 43. Appeals and Challenges.**

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

**Section 44. Fees.**

- A. Borough Council shall established, by resolution, a collection procedure and schedule of fees to be paid by the subdivider or land developer at the time of filing plans with the Borough.
- B. The Schedule of Fees shall be posted in the Borough Office or in such other place as Bernville Borough Council may designate, and be available upon request.
- C. In the event the subdivider or land developer is required to supply additional fees at the filing of the Final Plan, such fees shall be collected by the Borough Secretary prior to releasing the Final Plan.

**Section 45. Preventive Remedies.**

- A. In addition to other remedies, Borough Council 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 remedies herein provided.
- B. Borough Council 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 any ordinance adopted pursuant to Article V. of the Pennsylvania Municipalities Planning Code, as amended. 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 lessees of the owner of record at the time of such violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violations.
  - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner has actual or

constructive knowledge of the violations.

4. The vendees or lessees 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 deny such owner, current owner, vendee or lessees for the subdivision or development of any such real property, Borough Council 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.

#### ***Section 46. Enforcement Remedies.***

Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code, as amended or prior enabling law shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than Five Hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the municipality 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 municipality 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 case there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of determination of a violation by the District Justice. Thereafter, each day that a violation continues shall constitute a separate violation.

Proceedings under this section shall be brought before the local district justice. However, the Borough may request the Court of Common Pleas of Berks County, by petition, to grant an order of stay, upon cause shown, pending a final adjudication of the violation and judgement.

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

**Section 47. Keeping Records.**

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

**Section 48. Responsibility.**

The Subdivider or and developer shall be responsible for observing the procedures established in this ordinance and for submitting all plans and documents as may be required.

**Section 49. Conflicts.**

- A. Whenever there is a difference between the minimum standards specified herein and those included in other ordinances or regulations the more stringent requirements shall apply.
- B. All existing ordinances or regulations or parts thereof which are contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**ARTICLE VIII**  
**Definitions.**

***Section 50. Purpose.***

Article X attempts to clarify by definition terminology used within and in relationship to this ordinance.

***Section 51. Definitions and Word Usage.***

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:
- (1) Words in the singular include the plural and those in the plural include the singular.
  - (2) Words used in the present tense include the future tense.
  - (3) The words "person," "subdivision," "owner" and "developer" include a corporation, incorporated association and partnership or their legal entity, as well as an individual.
  - (4) The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof."
  - (5) The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
  - (6) The words "should" and "may" are permissible; the words "shall," "must" and "will" are mandatory and directive.
- B. For words used in this chapter but not defined in this chapter, any definition established in the Borough Zoning Ordinance shall apply.
- C. Other terms or words used herein shall be interpreted or defined as follows:

## **Section 52 Specific Terms.**

### **AGRICULTURE:**

- (1) The cultivating of the soil and the raising and harvesting of the products of the soil, including nursery and horticulture but excluding forestry.
- (2) Animal husbandry, dairy farming and poultry farming, excluding kennels and the keeping of animals solely for recreational purposes or as pets.

**ALLEY** - See "service street."

**BLOCK** - An area bounded on one (1) side by a street and on the other three (3) sides by a street, railroad right-of-way, watercourse, unsubdivided area or similar feature.

**BOROUGH** - The Borough of Bernville, Berks County, Pennsylvania. In Article V, in those phrases "the Borough may require," "when required by the Borough," "the Borough may permit," "may be required by the Borough," "may be permitted by the Borough," "the Borough may allow" and "are permitted by the Borough," "Borough" shall be construed as meaning "Borough Council."

**BOROUGH AUTHORITY** - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 1654) known as the Municipal Authorities Act of 1945.

**BOROUGH COUNCIL/COUNCIL** - Bernville Borough Council of the Borough of Bernville, Berks County, Pennsylvania.

**BOROUGH ENGINEER** - A duly registered professional engineer employed by the Municipality or engaged as a consultant thereto or his duly authorized representative.

**BOROUGH SOLICITOR** - The attorney appointed by Borough Council or his duly authorized representative.

**BOROUGH PLANNING COMMISSION** - The Planning Commission of the Borough of Bernville, Berks County, Pennsylvania.

**BUILDING** - A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

**BUILDING RESERVE (SETBACK) LINE** - The line within a property defining the minimum required distance between any building and a street right-of-way. In the case of a flag lot, the "building setback line" shall be established in the wider portion of the lot intended for the construction of a building and shall be established from the lot line toward which a building will front.

**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 street intersections defined by lines of sight between points a given distance from the intersection of the street center lines.

**COMMISSION** - The Planning Commission of the Borough of Bernville, Berks County, Pennsylvania.

**COMMON PARKING AREA** - A parking facility other than those provided within the lot lines of a lot on which one (1) single-family detached dwelling, one (1) single-family semi-detached dwelling, one (1) townhouse, one (1) two-family detached dwelling or one (1) two-family semi-detached dwelling is located.

**COUNTY** - The County of Berks, Commonwealth of Pennsylvania.

**COUNTY PLANNING COMMISSION** - The Planning Commission of the County of Berks, Commonwealth of Pennsylvania.

**CROSSWALK** - A right-of-way established for public use to facilitate pedestrian access through a subdivision block.

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

**DEVELOPER** - Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

**DRY BOTTOM WATER STORAGE AREA** - A man-made area used to detain surface water and meter the flow at an acceptable rate.

**DWELLING UNIT** - Any structure or part thereof designed to be occupied as living quarters as a single housekeeping unit.

**EASEMENT** - A right-of-way granted, but not dedicated, for limited use of private land for public or quasi-public purpose, and within which the owner of the property shall not erect a 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 signatures of at least a majority of the Borough Council and the application of the Borough Seal to the plan.

**ENGINEER** - A licensed professional engineer registered by the Commonwealth of Pennsylvania.

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

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

**FLOOD**- A temporary inundation of normally dry land areas.

**FLOODPLAIN AREA** - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject of the unusual and rapid accumulation of surface waters from any source.

**FLOODWAY** - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. The floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

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

**IMPROVEMENTS** - Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

**IMPROVEMENTS GUARANTEE** - Any security which is accepted by the Borough to guarantee that certain improvements will be made within the subdivision or land development, including performance bonds, escrow agreements and any other collateral or surety agreements.

**LAND DEVELOPMENT** - (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless to the number or occupants or tenure, or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (2) a subdivision of land.

Land Development shall not be construed to include the following:

- (1) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) the addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
- (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by Borough Council, Borough Planning Commission and any other authority required by law.

**LANDOWNER** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a "landowner" for the purpose of this Ordinance.

**LOT AREA** - The area contained within the property lines of a lot, as shown on the plan, excluding space within all street rights-of-way.

**LOT (PARCEL)** - An area of land intended for transfer of ownership, use, development or improvement.

**LOT, FLAG** - A lot or irregular shape that has a narrow access strip (not meeting the minimum lot width requirements of the Borough Zoning Ordinance and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and such wider portion complies with the minimum width requirements of the Borough Zoning Ordinance.

**MAINTENANCE GUARANTEE** - A guarantee by the subdivider that he/she shall maintain all improvements in good condition for a period of one and one half years (18 months) after completion of construction and installation of all such improvements and approval by the Borough.

**MARKER** - A metal pipe or pipe of at least three-fourths (3/4) inch in diameter and less than twenty-four (24) inches in length.

**MOBILE HOME** - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site completed and ready for occupancy

except for finding and incidental unpacking and assembly operation, land constructed so that it may be used without a permanent foundation. The term mobile home shall also include "manufactured housing".

MOBILE HOME LOT - Parcel of land in a mobile home park , improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT:

- (1) A stone or concrete monument with a flat top at least four (4) inches in diameter or square, containing a copper or bass dowell (one-fourth-inch drill hole) and at least twenty-four (24) inches in length. The bottom sides or radius must be at least two (2) inches greater than the top, to minimize movements caused by frost.
- (2) An iron pin at least thirty (30) inches in length with the bottom encased in concrete to a minimum depth of eight (8) inches.

MULTIPLE-DWELLING BUILDING - A building providing separate dwelling units for two (2) or more families.

PLAN, FINAL - A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording to define property rights and proposed streets and other improvements.

PLANNING COMMISSION/BOROUGH PLANNING COMMISSION - The Planning Commission of Bernville Borough, Berks County, Pennsylvania.

PLAN, OFFICIAL - The Comprehensive Development Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such plans or portions thereof as may have been adopted pursuant to statute.

PLAN, PRELIMINARY - A subdivision or land development plan (including all required supplementary data), showing, among other things, topographical data and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, RECORD - The copy of the final plan which contains the original endorsements of the Borough Council and which is intended to be recorded with the County Recorder of Deeds.

**PLAN, SKETCH** - An informal plan indicating salient existing features of a tract and the general layout of a proposed subdivision or land development.

**SKETCH PLAN OF RECORD** - A minor subdivision, resubdivision, or lot annexation plan submitted as exempt from standard procedures pursuant to Section 12 of this ordinance which contains information required by Section 13.

**PLAT** - A map or plan of a subdivision or land development, whether preliminary or final.

**PUBLIC GROUNDS** - Include (1) parks, playgrounds and other public areas, and (2) sites for publicly owned buildings or structures and facilities.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

**RESUBDIVISION** - Any replatting of land, including changes to recorded subdivision or land development plans. See also "subdivision."

**REVERSE FRONTAGE LOT** - A lot extending between and having front on two (2) generally parallel streets, excluding service streets, with vehicular access solely from one (1) street.

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

**SANITARY SEWAGE DISPOSAL ON-SITE** - Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

**SANITARY SEWERAGE SYSTEM, COMMUNITY** - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

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

**SEWAGE** - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic waste.

**SIGHT DISTANCES** - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point three and seventy-five hundredths (3.75) feet above the center line of the road surface to a point five-tenths (0.5) foot above the center line of the road surface. Access sight distance shall be measured using Pennsylvania Department of Transportation guidelines and methods.

**SLOPE** - The face of an embankment or cut section; any ground whose surface creates an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SOIL STABILIZATION** - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

**SOIL PERCOLATION TEST** - A field test conducted to determine the suitability of the soil for on-site sanitary disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

**SOLID WASTE** - Garbage, refuse and other discarded materials.

**STREET** - Strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct and other ways used or intended to be used by vehicular traffic, whether public or private. Streets are further classified as follows:

- (1) **ARTERIAL STREET** - A street serving a large volume of comparatively high-speed and long-distance traffic.
- (2) **COLLECTOR STREET** - A street which intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. Generally, streets in industrial and commercial subdivisions shall be considered collector streets.
- (3) **CUL-DE-SAC STREET** - A minor street intersecting another street at one (1) end, and terminating in a vehicular turnaround at the other end. The length of cul-de-sac shall be measured from the intersection of street right-of-way lines nearest the turnaround to the furthest portion of the turnaround, along the center line of the cul-de-sac.

- (4) HALF (PARTIAL) STREET - A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required.
- (5) MARGINAL ACCESS STREET - A minor street parallel and adjacent to an arterial street, but separated from it by a reserve strip, which provides access to abutting properties.
- (6) MINOR STREET - A street used primarily to provide access to abutting properties or buildings.
- (7) SERVICE STREET (ALLEY) - A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more buildings.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two (2) 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 and devisees, transfer of ownership of building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted. The term subdivision shall refer, as appropriate in this ordinance, to the process of subdividing land or the land proposed to be subdivided.

SURVEYOR - A licensed surveyor registered by the Commonwealth of Pennsylvania.

TURNAROUND - A circular area of specified radius and material, intended for use by vehicles, for the purpose of making turning movements at the terminus of a street.

WATER DISTRIBUTION SYSTEM, COMMUNITY - A system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings within a single neighborhood.

WATER DISTRIBUTION SYSTEM, ON-SITE - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER DISTRIBUTION SYSTEM, PUBLIC - A system for supporting and distributing water from a common source to dwellings and other buildings, but generally not confined to one (1) neighborhood.

WET BOTTOM WATER STORAGE AREA - A water storage area in which a permanent water surface is maintained.

YARD, REAR - An open space between the rear lot line and a line drawn parallel thereto at such distance there from as specified within this Ordinance, extending for the full width of the lot.

YARD, SIDE - An open space between the side lot line and a line drawn parallel thereto at such distance there from as may be specified in this Ordinance, extending from the building setback line to the rear yard.

ARTICLE IX  
Miscellaneous

**Section 53. Severability.**

Should any article, section subsection, paragraph, clause, phrase, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

**Section 54. Savings Clause.**

This Ordinance shall not be constructed or be held to repeal Ordinance No. \_\_\_\_\_, known as the Bernville Borough Subdivision and Land Development Ordinance of \_\_\_\_\_, as amended, whether said ordinance is expressly repealed or not, as to any offence committed against said former Ordinance or as to any act done, and penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under said former Ordinance, or in any way whatsoever to affect any such offense or act as committed or so done, or any penalty, forfeiture or punishment of incurred or any right accrued or claim arising under this Ordinance.

**Section 55. Effective Date.**

This ordinance shall become effective five (5) days after adoption by the Bernville Borough Council.

Duly enacted and ordained by Bernville Borough Council of Bernville Borough, Berks County, Pennsylvania, this 6<sup>th</sup> day of OCTOBER, 1998.

Bernville Borough Council

By Chas C G  
President

ATTEST:

E. Thomas Speer  
Borough Secretary

APPROVED as an ordinance this 03 day of October 1998.

Roger L. Mogel  
Roger L. Mogel, Mayor

**APPENDIX I - CERTIFICATION OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN, AND OFFER OF DEDICATION**

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

Commonwealth of Pennsylvania  
County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned officer, personally appeared \_\_\_\_\_, who being duly sworn according to law, deposes and says that he is the \_\_\_\_\_ (1) \_\_\_\_\_, of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, and that he acknowledges the same to be his/its act and plan \_\_\_\_\_ (2) \_\_\_\_\_. All areas noted as such and not heretofore dedicated are hereby dedicated to the public use.

\_\_\_\_\_ (3) \_\_\_\_\_ (4) \_\_\_\_\_

\_\_\_\_\_ (5) \_\_\_\_\_ (6) \_\_\_\_\_

(7)

My commission  
expires

- (1) insert either: Owner  
Equitable Owner  
President of the (name of corporation) which is the owner
- (2) whenever applicable, insert: and desires the same to be recorded as such according to law
- (3) where necessary, signature of secretary of corporation
- (4) signature of individual, of partners, or of president of corporation
- (5) if necessary, corporate seal
- (6) signature and (7) seal of notary public or other officer

**APPENDIX II - CERTIFICATION OF ACCURACY**

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

I hereby certify that the plan shown and described heron is true and correct to the accuracy required by the Subdivision and Land Development Ordinance of the Borough of Bernville.

\_\_\_\_\_, 19\_\_\_\_ (1) \_\_\_\_\_ (2)

- (1) signature of the registered engineer or registered surveyor responsible for the preparation of the plan.
- (2) apply seal of the engineer or surveyor.

**APPENDIX III - Certificate of Municipal Approval**

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

At a meeting held on \_\_\_\_\_, 19\_\_\_\_, Bernville Borough Council of the Borough of Bernville approved the subdivision plan of the property of \_\_\_\_\_ (1) \_\_\_\_\_, as shown hereon.

\_\_\_\_\_ (2) \_\_\_\_\_

\_\_\_\_\_ (2) \_\_\_\_\_  
(3)

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

At a meeting held on \_\_\_\_\_, 19\_\_\_\_, the Planning Commission of the Borough of Bernville approved the subdivision plan of the property of \_\_\_\_\_ (1) \_\_\_\_\_, as shown hereon.

\_\_\_\_\_ (2) \_\_\_\_\_

\_\_\_\_\_ (2) \_\_\_\_\_  
(3)

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

## APPENDIX IV

### DETERMINATION OF FLOOD PLAINS

For all subdivisions and land developments to be reviewed according to the procedures set forth in this Ordinance, all flood plain areas shall be shown on all subdivision and land development plans. Flood plain areas shall be determined using the methods set forth below, provided that when 100 year flood plains have been calculated and mapped by the Federal Insurance Administration as part of the National Flood Insurance Program, that mapping may be used. The Borough should be consulted as to the availability of flood plain maps.

#### A. Hydrologic Criteria for Estimating Peak Rates of Runoff

##### 1. Drainage Area Less Than One and One-Half (1-1/2) Square Miles

- a. For streams whose drainage area at the point(s) in question is less than one and one-half (1-1/2) square miles, the Rational Method shall be used for estimating peak rates of runoff. (Refer to Manual of Engineering Practice No. 37, American Society of Civil Engineers, Chapter IV, for a discussion of the Rational Method). The design flood frequency shall be one hundred (100) years.

##### 2. Drainage Areas between one and one-half and one hundred fifty (150) square miles.

- a. For streams whose drainage area at the points(s) in question is between one and one-half (1-1/2) and one hundred fifty (150) square miles, the method which shall be used is that set forth in Chapter 12, Section 24 of the Pennsylvania Department of Transportation Design Manual, part 2, Highway Design.
  - (1) The return period established as a design criteria is one hundred (100) years.
  - (2) The risk factor to be used is 0.67.
  - (3) If runoff estimates are made for watersheds with man-made controls such as diversion or storage reservoirs or for watersheds with extensive lakes, swamps or excessive flood plain storage, etc., and adjustment to the estimates of flood discharges is required, the Borough Engineer shall be consulted as to what adjustments are necessary.

## APPENDIX V

### Storm Water Management Plan and Design Criteria

A Storm Water Management Plan (SWMP) shall be required for each subdivision or land development plan at both the preliminary and final submittal stage. A SWMP must be approved prior to the construction of any improvements.

All SWMPs shall be prepared and certified by a Professional Engineer; Land Surveyor or Landscape Architect.

#### Content of Storm Water Management Plan

The SWMP shall contain the following:

- A. A general description of the proposed project.
- B. Project location on a 7.5 minute USGS map, including boundaries and area of the drainage area in which the project is located.
- C. Topographic features of the project site and adjacent lands that may impact upon the storm water management design. This data shall include:
  1. Contour lines at two (2') foot intervals for slopes of ten (10%) percent or less.
  2. Contour lines at five (5') foot intervals for slopes of greater than ten (10%) percent.
  3. Contour datum shall be based on USGS benchmark and the location or description of said benchmark shall be indicated on the plan.
- D. The names of the owner(s) of all adjoining land.
- E. The names of existing or proposed developments of adjacent land and the locations and dimensions of all streets and/or easements in each development.
- F. The existing and proposed use of the tract.
- G. The total number of lots and the total acreage of the site.
- H. Tract boundaries with bearings, distances and curve data.
- I. Identification of existing stormwater drainage facilities within and beyond the subdivision or land development, which may be impacted by the proposed project.

- J. Runoff calculations and related design computations of the total drainage basin necessary to substantiate the proposed temporary and permanent storm water management facilities, i.e.
1. Pre- and post-development drainage area delineation
  2. Curve number/runoff coefficient weighting
  3. Time of concentration calculations and flow paths used
  4. Hydrograph computations
  5. Basin routing
- K. Design and Specifications of temporary and permanent storm water management facilities.
- L. Staging or Implementation Schedule for constructing the proposed storm water control system.
- M. Grading for subdivisions and land developments shall be to the street right-of-way line, and where extreme cuts and/or fills are proposed, as may be required by the Borough Engineer.
- N. Provisions to ensure adequate maintenance of storm water management facilities.
- O. Signature of the preparer certifying accuracy of the Plan.
- P. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire tract shall be provided with the first stage and appropriate development stages for the drainage system indicated thereon.

#### Design Standards.

Computations for determining storm water runoff and for the design of storm water management facilities shall be based upon the latest version of the Soil-Cover-Complex method described in either TR-55, Urban Hydrology for Small watersheds; the United States Department of Agriculture, Soil Conservation Service Engineering Field Manual; or the Soil Conservation Service National Engineering Handbook, Section 4. Computations based upon an alternative method may be accepted upon recommendation of the Borough Engineer and approval of the Borough Supervisors. The following standards shall apply:

- A. All designs and calculations shall take into consideration the entire upstream drainage basin.

- B. All pre-development calculations shall be based upon the existing site conditions. Pre-development storm water runoff shall be calculated for the two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year storm events
- C. All storm water detention pond designs and calculations shall be accompanied by the following:
  - 1. Either singular or composite inflow hydrographs
  - 2. Stage-storage data
  - 3. Stage-discharge data
  - 4. Storage-routing calculations
  - 5. Other data as required by the Borough Engineer
- D. Release rates from storage structures shall coincide with all predevelopment runoff rates for the primary outlet structure.
- E. Storage structures shall be sized to store the difference between the post development twenty-five year peak runoff and the predevelopment twenty-five year peak runoff for the primary outlet structure.
- F. All storage structures or facilities will be designed with emergency spillways sufficient to handle the 100-year post development storm event.
- G. Culverts, pipes, and other water carrying structures shall be designed to handle peak discharge from the ten-year post development storm event. Cross culverts under Borough road shall be designed to pass the 25-year post development flow.
- H. The SWMP shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sedimentation basins, and detention ponds with sufficient design information to construct such facilities.
- I. Subsurface infiltration will only be considered as an alternative if no other method is feasible from a technical point of view. The lack of space for detention ponds will not be considered as a reason for permitting subsurface infiltration.
- J. Subsurface infiltration shall not be permitted in areas where it will adversely affect subsurface sewage disposal.
- K. Subsurface infiltration will only be permitted after the applicant has completed an engineering study of the site. This study shall include but is not limited to:

1. Soil compatibility and permeability, as provided by geotechnical analysis
  2. Maintenance program
  3. Calculations as per a proven theory or acceptance by an authority in the field of subsurface infiltration
- L. Calculations for development shall anticipate the maximum area to be impervious, as permitted in the Borough Zoning Ordinance.
- M. Storm water runoff shall be based on the following 24-hour storm events:

<u>STORM FREQUENCY</u>	<u>INCHES OF RAINFALL</u>
2 years	3.0 inches
5 years	3.9 inches
10 years	4.7 inches
25 years	5.3 inches
50 years	5.9 inches
100 years	6.5 inches

- N. Maximum permitted velocities are as follows:
1. Three (3) feet per second where only sparse vegetation can be established.
  2. Four (4) feet per second under normal conditions where vegetation can be established by seeding.
  3. Five (5) feet per second where a dense, vigorous growth can be quickly established or where water can be temporarily diverted during establishment of vegetation.
  4. Six (6) feet per second where well established sod is in existence.
  5. For lined water carrying channels the following velocities are permitted:

CHANNEL LINING

MAXIMUM VELOCITY

6-inch rock rip-rap	9 feet per second
9-inch rock rip-rap	11.5 feet per second
Asphalt	12 feet per second
Durable Bedrock	13 feet per second
12-inch rock rip-rap	13 feet per second
Concrete or steel	15 feet per second

6. The normal maximum velocity of open channel flows shall not exceed ten (10) feet per second.
- O. Minimum permitted velocity of channels/pipes at design capacity shall be three (3) feet per second.
- P. Horizontal and vertical alignment changes of the collection system shall be achieved through the use of manholes and/or inlets.
- Q. The minimum slope for un-lined, open channels shall be one (1.0) percent; minimum slope for pipes and lined channels shall be one-half (0.5) percent.
- R. Energy dissipaters/erosion control devices shall be placed at the outlets of all pipes where flow velocities exceed maximum permitted channel velocities.
- S. Vertical pipes, inlets and other surface water receiving structures shall be installed with trash racks, or so designed to control trash accumulation.
- T. Storm water runoff channels shall be designed and installed to avoid trapping excess sediment, except if structures are so designed to trap sediment.
- U. Where storm water detention basins are also intended for sediment control, they will be designed to meet the requirements of "Chapter 102. Erosion Control" of the Rules and Regulations of PADEP.
- W. Use of parking lots for detention storage may be approved by the Borough Supervisors, after review and recommendations from the Borough Engineer.
- X. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.

## Storm Water Management and Construction Standards

**Basic Construction Criteria.** Construction standards for storm water management facilities shall be in accordance with the approved Plans and accompanying Specifications if any. The construction details and standards of the following publications in their most recent revision shall control.

- A. PennDOT, Form 408, Specifications.
- B. PennDOT, RC Series, Roadway Construction Standards.
- C. Construction and materials specifications as have been or shall be adopted by the Borough Supervisors.

FORM 1

**APPLICATION FOR REVIEW OF SKETCH PLAN**

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

1. Name of Subdivision: \_\_\_\_\_ Plan Dated: \_\_\_\_\_
2. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_
3. Name of Owner (s): \_\_\_\_\_  
(If other than Applicant)  
Address: \_\_\_\_\_
4. Applicant's interest, if other than owner: \_\_\_\_\_
5. Location of Subdivision: \_\_\_\_\_
6. Engineer or Surveyor responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_
7. Acreage being subdivided: \_\_\_\_\_ Number of Lots: \_\_\_\_\_
8. Acreage of adjoining land in same ownership (if any): \_\_\_\_\_
9. Lot use proposed: \_\_\_\_\_ Single Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two Family \_\_\_\_\_ Industrial  
\_\_\_\_\_ Townhouse \_\_\_\_\_ Other  
(specify)
10. Zoning Classification: \_\_\_\_\_  
Zoning changes to be requested: \_\_\_\_\_
11. Type of water supply proposed: \_\_\_\_\_ Public System  
\_\_\_\_\_ Community System  
\_\_\_\_\_ Individual On-Site

12. Type of Sanitary sewage disposal proposed: \_\_\_\_\_ Public System  
\_\_\_\_\_ Live  
\_\_\_\_\_ Capped  
\_\_\_\_\_ Community System  
\_\_\_\_\_ Individual On-Site

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

14. List proposed improvements: 1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

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

Signature of Applicant: \_\_\_\_\_ DATE: \_\_\_\_\_

FORM 2

**APPLICATION FOR REVIEW OF PRELIMINARY PLAN**

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

1. Name of Subdivision: \_\_\_\_\_ Plan Dated: \_\_\_\_\_
  2. Source of Title: \_\_\_\_\_  
County Deed Book No.: \_\_\_\_\_ Page No.: \_\_\_\_\_
  3. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_
  4. Name of Property Owner (s): \_\_\_\_\_  
(If other than Applicant)  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_
  5. Applicant's interest, if other than owner: \_\_\_\_\_
  6. Engineer or Surveyor responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No. \_\_\_\_\_
  7. Acreage being subdivided: \_\_\_\_\_ Number of Lots: \_\_\_\_\_
  8. Acreage of adjoining land in same ownership (if any): \_\_\_\_\_
  9. Minimum lot area proposed: \_\_\_\_\_
  10. Lot use proposed: \_\_\_\_\_ Single Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two Family \_\_\_\_\_ Industrial  
\_\_\_\_\_ Townhouse \_\_\_\_\_ Other  
(specify)
  11. Will construction of buildings be undertaken immediately? \_\_\_\_\_ Yes \_\_\_\_\_ No
- By Whom? Subdivider \_\_\_\_\_  
Other Developers \_\_\_\_\_  
Purchasers of individual lots \_\_\_\_\_

12. Type of water supply proposed: \_\_\_\_\_ Public System  
 \_\_\_\_\_ Community System  
 \_\_\_\_\_ Individual On-Site
13. Type of Sanitary sewage disposal proposed: \_\_\_\_\_ Public System  
 \_\_\_\_\_ Live  
 \_\_\_\_\_ Capped  
 \_\_\_\_\_ Community System  
 \_\_\_\_\_ Individual On-Site
14. Type of off-street parking proposed: \_\_\_\_\_ Garages  
 \_\_\_\_\_ Driveways  
 \_\_\_\_\_ Other (specify)
15. Lineal feet of new streets planned:
16. Are all streets proposed for dedication? \_\_\_\_\_ Yes \_\_\_\_\_ No
17. Deed restriction that apply or are contemplated. (if no restrictions, state "none", if "yes" attach copy):
18. Acreage proposed for parks or other public use:
19. Zoning classification:  
 Zoning changes to be requested:
20. Have appropriate public utilities been consulted? \_\_\_\_\_ Yes \_\_\_\_\_ No
21. List proposed improvements and utilities and intentions to install or post performance guarantee prior to final endorsement by the Borough:

Improvement                      Intention

- 1.
- 2.
- 3.
- 4.
- 5.

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

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

Date: \_\_\_\_\_

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FORM 3

APPLICATION FOR REVIEW OF FINAL PLAN

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

1. Name of Subdivision: \_\_\_\_\_ Plan Dated: \_\_\_\_\_

2. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

3. Name of Property Owner (s): \_\_\_\_\_  
(If other than Applicant)  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

4. Date of approval of Preliminary Plan: \_\_\_\_\_

5. Final Plan follows exactly the approved Preliminary Plan: \_\_\_\_\_ Yes \_\_\_\_\_ No  
If no, list changes

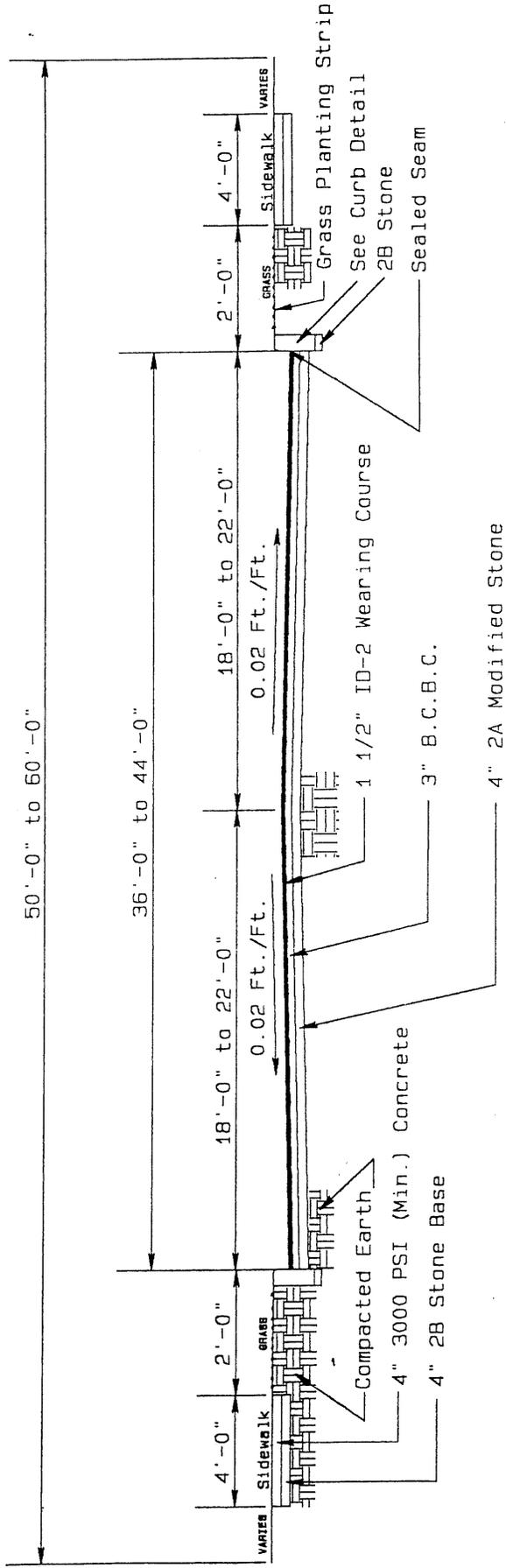
6. List of maps and other documents accompanying application and the number of each.

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

Date: \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

# Typical Roadway Profile

N.T.S.



NOTE: All materials are to conform to Pennsylvania Department of Transportation specifications.

Material depths, right-of-way and cartway widths may be increased due to specific site conditions.

# Plain Concrete Curb Detail

