LOWER HEIDELBERG TOWNSHIP

SUBDIVISION

LAND DEVELOPMENT ORDINANCE
June 22, 2001

HAND DELIVERED

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Township of Lower Heidelberg
Subdivision Ordinance Amendment/
Ordinance No. 208
Our File No. 10050-60

Gentlemen:

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, we are herewith enclosing Ordinance No. 208 of the Township of Lower Heidelberg amending the Township of Lower Heidelberg Subdivision Ordinance which was enacted by the Township of Lower Heidelberg on June 18, 2001.

Very truly yours,

KOZLOFF STOUDT
Professional Corporation

Socrates J. Georgeadis

SJG/kw

Enclosure

cc: Sharon Leffler, Township Secretary
ORDINANCE NO. 208

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 528, ENTITLED "RECREATIONAL FACILITIES" OF CHAPTER XXVI, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT", OF THE CODE OF ORDINANCES PERTAINING TO RECREATIONAL FACILITIES

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 528, entitled "Recreational Facilities", of Part 5, entitled "Design Standards", of Chapter XXVI, entitled "Subdivision and Land Development", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"Section 528. Recreational Facilities.

(a) In order to provide for the recreational facilities necessary to serve the needs of the future residents of proposed dwelling units in residential subdivisions and land developments, the developer shall reserve recreation areas within the subdivision or land development, or at some other nearby location if approved by the Township Supervisors. The subdivider shall provide the recreation areas in accordance with a plan approved by the Supervisors in accordance with the schedule below. When the Township Zoning Ordinance requires recreation areas in accordance with another schedule, such other schedule shall be followed:

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<tr>
<th>Gross Density of Tract in Dwelling Units Per Acre</th>
<th>Percentage of Total Area of Subdivision or Land Development to be Reserved for Recreation Areas</th>
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<td>20%</td>
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<tr>
<td>10.01 and greater</td>
<td>25%</td>
</tr>
</tbody>
</table>

In lieu of reserving areas for recreation and upon agreement between the Township and the developer, the developer shall pay the Township a fee in the amount of Six Hundred Dollars ($600.00) for each dwelling unit.

Where one (1) to nineteen (19) lots for single-family detached or single-family semi-detached dwelling units are proposed, a fee in lieu of a recreation area will be required. In all other
residential subdivisions and land developments, a recreation area shall be provided in accordance with the schedule above.

For all commercial and industrial subdivisions and land developments, the subdivider or developer shall set aside six hundred (600) square feet of recreation area for each one thousand (1,000) square feet of floor area on the first floor. Upon agreement between the Township and the subdivider or developer, the subdivider or developer shall pay the Township Six Hundred Dollars ($600.00) for each one thousand (1,000) square feet of floor area on the first floor in lieu of providing areas for recreation.

Any such fee shall be paid prior to any Record Plan is released for recording.

(b) Areas reserved for recreation purposes shall meet the following standards:

(1) The land shall be readily accessible to residents of the subdivision or land development.

(2) Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.

(3) The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purpose, and be such that recreation use is feasible. Designated purposes are subject to Township approval.

(4) No more than twenty-five percent (25%) of the recreation areas shall be land with slope of over fifteen percent (15%) and/or land with high water table or seasonal high water table.

(5) Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township. Such improvement and equipping shall be guaranteed through the Municipal Improvements Agreement.

(c) The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas, which shall be approved by the Township. The Township may, at its discretion, accept land for dedication.

(d) The Township 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 subdividers shall give earnest consideration to providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools, and other public buildings, and parks.

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

Section 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 4. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 18th day of June, 2001.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip
Ronald L. Dentzer
Russell Swinehart

I Certify that this is a true and correct copy of Ordinance #207, adopted by the Lower Heidelberg Twp. Board of Supervisors on June 18, 2001.

Sharon L. Leffler, Sec./Treas.
March 5, 1991

Berks County Planning Commission
645 Penn Street
Reading, PA 19601

Re: Lower Heidelberg Township
Our File No. 8010-60

Gentlemen:

Please be advised that this law firm is Solicitor to the Township of Lower Heidelberg. In accordance with the Pennsylvania Municipalities Planning Code, we are herewith enclosing for your records a certified copy of Resolution 91-1 establishing a schedule of fees to be imposed in connection with the Lower Heidelberg Township Subdivision and Land Development Ordinance. Thank you.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Socrates J. Georgeadis

SJG/dm
cc/Sharon Leffler
Enclosure
WHEREAS, Act 247, The Pennsylvania Municipalities Planning Code, provides that the Township Supervisors may regulate subdivisions and land development with the Township by enacting a subdivision and land development ordinance; and

WHEREAS, Lower Heidelberg Township enacted Ordinance No. 127 known as the Lower Heidelberg Township Subdivision and Land Development Ordinance of August 1990; and

WHEREAS, the Lower Heidelberg Township Subdivision and Land Development Ordinance of 1990 provides in Section 7.10 that the Township Supervisors shall establish by resolution a collection procedure and schedule of fees to be paid by the subdivider or developer; and

NOW, THEREFORE, BE IT RESOLVED that the Lower Heidelberg Township hereby establishes the following schedule of fees and charges for any action before the Township Supervisors and Planning Commission, as provided for by Act 247 and/or Lower Heidelberg Township Subdivision and Land Development Ordinance of August 1990:

Residential Subdivision/Land Development -
1-5 lots or dwelling units
6-100 lots or dwelling units
Over 100 lots or dwelling units

Commercial or Industrial Subdivision/Land Development -
Less than 2 acres
2 acres to 20 acres
Over 20 acres

Sketch Plan for Record
Revisions to a Plan of Record

In the event of any conflict between the number of lots or dwelling units, the greater figure shall be utilized.

FURTHER RESOLVED that in addition to the fee schedule above, all engineering costs and/or legal costs associated for reviewing the subdivision or land development plan shall be paid by the subdivider/developer to the Township. Further, the subdivider/developer shall also pay to the Township all costs for inspection of utilities and/or improvements for the subdivision or land development.
FURTHER RESOLVED that any person, partnership, corporation or other entity initiating any such action shall pay the applicable fee(s) to the Township at the time such action is initiated.

FURTHER RESOLVED that this resolution shall become effective upon adoption.

FURTHER RESOLVED that any Resolution or part thereof conflicting with the provisions of this Resolution be and the same is hereby repealed insofar as the same is inconsistent with this resolution.

DULY ADOPTED this 18TH day of FEBRUARY, 1991.

TOWNSHIP OF LOWER HEIDELBERG

[Signatures]

I, Sharon L. Leffler, Secretary of the Township of Lower Heidelberg, do certify that the foregoing is a true and correct copy of the resolution adopted by the Board of Supervisors of Lower Heidelberg Township on FEBRUARY 18, 1991.

WITNESS my hand and seal of the said Township this 18TH day of FEBRUARY, 1991.

[Signature]
January 5, 1993

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601-3591

Attention: Mr. Jon Krueger

Re: Lower Heidelberg Township
Our File No. 10050-60

Dear Mr. Krueger:

As you know, the undersigned is Solicitor to the Township of Lower Heidelberg. Enclosed herewith is a certified copy of an ordinance enacted by the Township Board of Supervisors on Monday, December 21, 1992 amending the Subdivision and Land Development Ordinance. Specifically, Section 528 of the Subdivision and Land Development Ordinance, entitled Recreational Facilities, has been amended. We are forwarding this certified copy to you in accordance with Article V, Section 505(b) of Act 247, as amended. Thank you.

Very truly yours,

Sincerely,

Socrates J. Georgeadis

cc/Sharon Leffler
Enclosure
Ordinance 140

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY REVISING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER XXVI, PART 5, SUBSECTION 528(A) REGARDING THE PAYMENT OF RECREATION FEES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED under the authority of the same as follows:

Section 1. Chapter XXVI, Part 5, Subsection 528(a) of the Code of Ordinances of Lower Heidelberg Township is hereby amended and revised to hereafter read as follows:

Section 528. Recreational Facilities.

(a) In order to provide for the recreational facilities necessary to serve the needs of the future residents of proposed dwelling units, the developer shall reserve recreation areas within the subdivision or land development, or at some other nearby location if approved by the Township Supervisors. The subdivider shall provide the recreation areas in accordance with a plan approved by the Supervisors in accordance with the schedule below. When the Township Zoning Ordinance requires recreation areas in accordance with another schedule, such other schedule shall be followed.

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In lieu of reserving areas for recreation and upon agreement between the Township and the developer, the developer shall pay the Township a fee for each dwelling unit in accordance with a resolution adopted by the Township Supervisors.
*In the case of a Subdivision or Land Development consisting solely of single family detached dwellings where the gross density of the tract will be less than 1.0 dwelling units per acre, no lot will be less than one (1) acre in size, and the total number of dwelling units over time will not exceed twenty (20), the developer does not have to reserve recreation areas nor pay a fee in lieu of reserving recreation areas.

Section 2. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as they are inconsistent with this ordinance.

ENACTED AND ORDAINED this 21ST day of DECEMBER, 1992.

LOWER HEIDELBERG TOWNSHIP

Donald W. Wurmser
Richard C. Essig
R. David Seip

This is to certify that this is a true and correct copy of Ordinance #140 adopted by the Lower Heidelberg Twp. Board of Supervisors on December 21, 1992.

Sharon L. Leffler, Secretary
June 27, 1994

Gentlemen:

Please be advised that the undersigned is Solicitor to the Township of Lower Heidelberg. We are enclosing a true and correct copy of Ordinance No. 149, enacted June 20, 1994, amending the Lower Heidelberg Subdivision Ordinance. We are submitting a true and correct copy to you in accordance with the terms and provisions of the Second Class Township Code.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Socrates J. Georgeadis

SJG/kw
Enclosure
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS:

(1) SECTION 279 OF PART 2B OF CHAPTER XXV ENTITLED "INSPECTION BY TOWNSHIP ENGINEER" IN ITS ENTIRETY AND (2) SECTION 604 OF PART 6 OF CHAPTER XXVI ENTITLED "SUPERVISION OF INSTALLATION OF IMPROVEMENTS" IN ITS ENTIRETY

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Chapter XXV, Part 2B, Section 279 of the Code of Ordinances entitled "Inspection by Township Engineer" is hereby amended in its entirety to hereafter read as follows:

Section 279. Inspection by Township Engineer. All work done pursuant to the provisions of this Ordinance shall be inspected by the Township Engineer. The developer or subdivider shall reimburse the Township for expenses incurred for the inspection of improvements which may include, without limitation, core borings of streets or roads installed by or on behalf of the developer or subdivider.

Section 2. Chapter XXVI, Part 6, Section 604 of the Code of Ordinances entitled "Supervision of Installation of Improvements" is hereby amended in its entirety to hereafter read as follows:

Section 604. Supervision of Installation of Improvements. Supervision of the installation of improvements required by Sections 650 through 669 of this Chapter shall in all cases be the responsibility of the Township or of the appropriate State regulatory agency. Any supervision to be performed by the Township shall be performed by such person as may be designated by the Township Supervisors.

The developer shall reimburse the Township for expenses incurred for the inspection of improvements which may include, without limitation, core borings of streets or roads installed by or on behalf of the developer or subdivider.

Section 3. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality,
illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Heidelberg Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 5. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 20th day of June, 1994.

TOWNSHIP OF LOWER HEIDELBERG

[Signatures]

Richard C. Essig
R. David Seip
Cheryl Johnson

2
August 31, 1998

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Re: Lower Heidelberg Township
Ordinance Amending
Zoning Ordinance
Our File No. 10050-60

Gentlemen:

Please be advised that Socrates J. Georgeadis, Esquire, of this office is Solicitor to the Township of Lower Heidelberg, Berks County, Pennsylvania. In accordance with the Pennsylvania Municipalities Planning Code, as amended, enclosed herewith please find a certified copy of Ordinance No. 187 of the Township of Lower Heidelberg enacted August 17, 1998, certified by the Township Secretary, amending the Lower Heidelberg Township Subdivision and Land Development Ordinance.

Please call me with any questions you may have.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

[Signature]

Nancy L. Pachulko
Paralegal

nlp
Enclosure
ORDINANCE NO. 187

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 528, ENTITLED "RECREATIONAL FACILITIES", OF CHAPTER XXVI, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT" OF THE CODE OF ORDINANCES PERTAINING TO RECREATIONAL FACILITIES REGULATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 528, entitled "Recreational Facilities", of Part 5, entitled "Design Standards", of Chapter XXVI, entitled "Subdivision and Land Development", of the Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"Section 528. Recreational Facilities.

(a) In order to provide for the recreational facilities necessary to serve the needs of the future residents of proposed dwelling units in residential subdivisions and land developments, the developer shall reserve recreation areas within the subdivision or land development, or at some other nearby location if approved by the Township Supervisors. The subdivider shall provide the recreation areas in accordance with a plan approved by the Supervisors in accordance with the schedule below. When the Township Zoning Ordinance requires recreation areas in accordance with another schedule, such other schedule shall be followed:

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In lieu of reserving areas for recreation and upon agreement between the Township and the developer, the developer shall pay the Township a fee for each dwelling unit in accordance with a resolution adopted by the Township Supervisors.

Where one (1) to nineteen (19) lots for single-family detached or single-family semi-detached dwelling units are proposed, a fee in
lieu of a recreation area will be required. In all other residential subdivisions and land developments, a recreation area shall be provided in accordance with the schedule above.

For all commercial and industrial subdivisions and land developments, the subdivider or developer shall set aside six hundred (600) square feet of recreation area for each one thousand (1,000) square feet of floor area on the first floor. Upon agreement between the Township and the subdivider or developer, the subdivider or developer shall pay the Township Six Hundred Dollars ($600.00) for each one thousand (1,000) square feet of floor area on the first floor in lieu of providing areas for recreation.

(b) Areas reserved for recreation purposes shall meet the following standards:

(1) The land shall be readily accessible to residents of the subdivision or land development.

(2) Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.

(3) The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purpose, and be such that recreation use is feasible. Designated purposes are subject to Township approval.

(4) No more than twenty-five percent (25%) of the recreation areas shall be land with slope of over fifteen percent (15%) and/or land with high water table or seasonal high water table.

(5) Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township. Such improvement and equipping shall be guaranteed through the Municipal Improvements Agreement.

(c) The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas, which shall be approved by the Township. The Township may, at its discretion, accept land for dedication.

(d) The Township 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 subdividers shall give earnest consideration to providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools, and other public buildings, and parks.

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

Section 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 4. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 17th day of August, 1998.

TOWNSHIP OF LOWER HEIDELBERG

R. David Seip

Cheryl Johnson

Russell Swinehart

I certify that this is a true and correct copy of Ordinance #187, adopted by the Lower Heidelberg Twp. Board of Supervisors on August 17, 1998.

Sharon L. Leffler, Twp. Sec./Treas.
August 27, 1990

Berks County Planning Commission
Exide Building
7th and Penn Streets
Reading, PA 19601

Gentlemen:

We are enclosing for your files a certified copy of the Lower Heidelberg Township Subdivision and Land Development Ordinance. Thank you.

Very truly yours,

KOZLOFF, DIENER, PAYNE & FEGLEY

Socrates J. Georgeadis

SJG/dm
Enclosure
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

for

TOWNSHIP OF LOWER HEIDELBERG

BERKS COUNTY, PENNSYLVANIA

AUGUST, 1990
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ORDINANCE NO.  

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT IN THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE PREPARATION OF SKETCH, PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER; ESTABLISHING STANDARDS FOR THE IMPROVEMENTS AND SUBDIVISION OF LAND; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF.

IT IS ENACTED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania and IT IS HEREBY ENACTED AND ORDAINED by the authority of the same as follows:

ARTICLE I - AUTHORITY, TITLE AND PURPOSE

Section 1.00 Authority.

An Ordinance providing for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, ordained by the Board of Supervisors of the Township of Lower Heidelberg under the Authority of Act of the General Assembly No. 247 of 1968, as amended by Act 170 of 1988, the Pennsylvania Municipalities Planning Code, as amended.

Section 1.10 Title.

This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Township of Lower Heidelberg."

Section 1.20 Purpose.

The purpose of this Ordinance shall be to provide uniform standards to guide the subdivision, resubdivision, and development of land of the Township of Lower Heidelberg in order to promote the public health, safety, convenience and general welfare of the Township. It shall be administered to insure orderly growth and development, the conservation, protection and proper use of land; the proper distribution of population; and to provide adequate provisions for traffic circulation, recreation, light and air, utilities and services.
ARTICLE II - JURISDICTION AND APPLICATION

Section 2.00 Compliance with Ordinance.

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

Section 2.10 Resubdivision.

Any replatting or resubdivision of land, including a change of a recorded plan, shall be considered a new subdivision and shall comply with the provisions of this Ordinance.

Section 2.20 Approval Under Act 130.

When a landowner has had an application for approval of a Preliminary Plan approved within the five (5)-year period immediately preceding the effective date of Act 130 of 1982, no provision in this Ordinance pertaining to building, lot, street, or utility location shall be applied to affect the approved Plan provided the landowner has commenced or does commence, installation of the improvements depicted upon the approved Final Plan within three (3) years of approval of same. Otherwise, the Township may enforce the provisions of this Ordinance with respect to a Plan approved prior to the effective date of this Ordinance.
ARTICLE III - PROCEDURES

Section 3.00 Intent.

3.01 Hereafter, subdivision and land development plans shall be reviewed by the Township Planning Commission, the County Planning Commission and other Township, State, or County officials as deemed necessary, and shall be approved or disapproved by the Township Supervisors in accordance with the procedures specified in this article and in other sections of this Ordinance.

3.02 For all subdivisions, except those exempted from standard procedures, a sketch plan, preliminary plan, and a final plan must be submitted. Those subdivisions exempted from this procedure and the procedures to follow in the case of exempted subdivisions are to be found in Section 3.70 of this Ordinance.

3.03 In accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Resources (DER) municipalities shall revise their official plan for sewage disposal whenever a new subdivision is proposed, unless DER determines that the proposal is for the use of individual on-lot sewage systems serving detached single family dwelling units in a subdivision of ten (10) lots or less and certain criteria set forth in the Rules and Regulations of DER are met.

An official plan revision for new land development shall be submitted to DER in the form of a completed sewage facilities planning module provided by DER and including all information required by DER.

The subdivider or developer or his agent shall complete the DER sewage facilities planning module and submit it to the Township for action.

No plan revision for new land development will be considered complete unless it includes all information specified within DER's Rules and Regulations.

The Township shall not adopt a proposed revision to the official plan, conditionally or otherwise, until it determines that the proposal complies with applicable Township zoning, land use or other Township comprehensive plans. If changes to the proposed revision or the
applicable plan, regulation or ordinance are necessary, the changes shall be completed prior to adoption of the revision by the Township.

Upon adoption of a proposed revision to the official plan, or refusal to adopt such a proposed revision, the Township shall forward the proposed revision or statement refusing to adopt to DER. DER may approve or disapprove a proposed plan revision for new land development.

The time limits for actions by Township and county agencies and DER are set forth in the rules and regulations of DER.

Subdividers and developers are advised that no subdivision or land development plan will be finally approved or released for recording by the Township until all necessary approvals of the official plan revision or requests for exceptions to the requirement to revise the official plan have been secured from the Township and DER. This fact and time limits for action should be considered by subdividers and developers when submitting the DER sewage facilities planning module to the Township.

Section 3.10 Sketch Plan.

3.11 A Sketch Plan for any proposed subdivision of land located within the Township shall be reviewed by the Township Planning Commission. Sketch plans shall comply with the requirements of Section 4.10.

3.12 Sketch plans are submitted as a basis for informal discussion between the Township Planning Commission and the Subdivider and submission of a sketch plan shall not constitute official submission of a plan.

3.13 Submission. The subdivider shall submit nine black-on-white prints on paper of the sketch plan to the Township Secretary. The Township Secretary will distribute the copies as follows:

3.131 Five copies of the Secretary of the Township Planning Commission

3.132 Two copies to the County Planning Commission

3.133 One copy to the Township Engineer
3.134 One copy retained for the permanent files and use of the Township Supervisors

3.14 Review. After a sketch plan has been submitted, the plan shall be reviewed by the Township Planning Commission at the Commission's next regularly scheduled meeting, provided that the sketch plan shall be submitted no less than twenty-one calendar days prior to the scheduled meeting. If the plan is not submitted within the above time limitation, the Planning Commission may decline to review the plan at that meeting and review the plan at the following regularly scheduled meeting or at a special meeting.

3.15 The County Planning Commission may be invited to review the sketch plan and submit its comments regarding the sketch plan to the Township Planning Commission.

If the Plan is submitted to the County Planning Commission, no official action shall be taken by the Township Planning Commission with respect to the Plan until receipt of the written report from the County Planning Commission, provided that such report is received within thirty (30) days after the date the Plan was forwarded to the County Planning Commission for review.

3.16 At a regularly scheduled or special meeting the Township Planning Commission shall review the sketch plan to determine its conformance to the requirements of this Ordinance and suggest any modifications of the plan which are deemed necessary to secure conformance to the applicable regulations of this Ordinance.

3.17 Within fourteen calendar days after the meeting at which the sketch plan is reviewed by the Township Planning Commission, the Planning Commission Secretary shall send to the following people written notice of the Planning Commission's recommended modifications in the sketch plan, if there are any, and any prerequisites to review of the Preliminary Plan by the Township Planning Commission:

3.171 The Township Supervisors
3.172 The Subdivider or his agent
3.173 The Township Engineer
3.174 The Engineer, Surveyor or Land Planner of the Subdivider

3.18 The written notice of the Planning Commission shall be sent to the people listed in Section 3.17 within seventy-five days after the date of the Planning Commission meeting at which the Plan is first reviewed.

Section 3.20 Preliminary Plan.

3.21 Submission. Preliminary Plans and required supplementary data for all proposed subdivisions shall be submitted by the Subdivider or his agent to the Township Secretary. Such submission shall occur no less than twenty-one days prior to a regularly scheduled meeting of the Township Planning Commission.

3.211 The Township Supervisors shall within ninety (90) days following the date of the regularly scheduled meeting of the Township Planning Commission next following the date the application is filed with the Township notify the Subdivider of their action regarding the Plan. Should the said next regularly scheduled meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.

3.22 Official submission of a Preliminary Plan shall comprise:

3.221 Submission of five completed copies of Application for Review of Preliminary Subdivision Plan (Form LSR-2).

3.222 Submission of eighteen (18) black-on-white prints on paper of the Preliminary Plan. If a subdivision is located in or is adjacent to another municipality, one additional print shall be submitted for each additional municipality involved.

3.223 Four (4) copies of the results of soil percolation tests when on-site sewage disposal is proposed, and three (3) copies of any other information required by the Township Sewage Enforcement Officer or Pennsylvania Department
of Environmental Resources to determine the suitability of the tract for on-site sewage disposal.

3.224 Eight (8) copies of all other information and plans which are required.

3.225 Payment of the filing fee required by the Township resolution dated 1989.

3.226 An affidavit that the Applicant is the Owner of the equitable owner of the land proposed to be subdivided.

3.227 In the case of a subdivision or land development which proposes traffic access or storm water drainage onto a State Legislative Route, evidence of submission of the Preliminary Plan and all supplementary data to the Pennsylvania Department of Transportation.

3.228 In the case of a Preliminary Plan calling for the installation of improvements beyond a five (5)-year period, a schedule shall be filed by the landowner delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Township Supervisors in their discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Township Supervisors in their discretion.
3.23 Distribution. The Township Secretary shall distribute submitted information as follows:

3.231 To the County Planning Commission:

3.2311 Two prints of the preliminary plan.

3.2312 One copy of Application for Review of Preliminary Subdivision Plan.

3.2313 One copy of all other required information and plans.

3.232 To the Township Planning Commission

3.2321 Five copies of the Plan.


3.2323 One copy of all other required information and plans.

3.2324 One copy of soil percolation tests and all supplementary information, if on-site sewage is proposed.

3.233 To the Township Engineer

3.2331 Two copies of the Plan.


3.2333 One copy of all other required information and plans.

3.234 To each of the Township Zoning Officer and the Township Building Inspector

3.2341 One copy of the Plan.

3.235 To the Lower Heidelberg Township Authority, when public or community sewer or water facilities are proposed

3.2351 Two copies of the Plan.
3.236 To be retained by the Township Secretary

3.2361 Two copies of the Plan.

3.2362 One copy of soil percolation tests and all supplementary information.

3.2363 Two copies of Application for Review of Preliminary Subdivision Plan.

3.2364 Two copies of all other required information and plans.

3.237 To the Township Sewage Enforcement Officer

3.2371 Two copies of the Plan.

3.2372 Two copies of soil percolation tests and all supplementary information.

3.24 Review by Township Planning Commission. At one or more regularly scheduled or special meetings the Township Planning Commission shall review the Preliminary Plan to determine its conformance to the standards contained in these regulations and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this Ordinance.

3.241 When reviewing a Plan at a regularly scheduled or special meeting the Township Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision in question from the following:

3.2411 The Township Engineer on compliance with this Ordinance.

3.2412 The Township Zoning Officer on compliance with the Township Zoning Ordinance.

3.2413 The County Planning Commission.

3.2414 If on-site sewage disposal is proposed for the subdivision, the
report of the Township Sewage Enforcement Officer on the suitability of the land for the proposed facilities.

3.2415 When traffic access or storm water drainage is proposed onto a State Legislative Route, the Pennsylvania Department of Transportation.

3.2416 When public or community sewer or water facilities are proposed, the report of the Lower Heidelberg Township Authority.

3.242 The Planning Commission shall notify in writing the following of the action taken, within fourteen days after the meeting at which the action on the Preliminary Plan is taken:

3.2421 The Township Secretary.

3.2422 The Township Engineer.

3.2423 The Township Zoning Officer.

3.2424 The applicant or his agent. Such notification shall be in writing, and shall be communicated to the applicant or his agent personally, or mailed to him at his last known address.

3.2425 The Engineer, Surveyor, or Land Planner of the Subdivider.

If the review of the Township Planning Commission is unfavorable because the requirements of this Ordinance have not been met or because the Commission deems modifications in the Plan as submitted necessary, the recommended modifications in the Plan and/or the specific provisions of this Ordinance which have not been met shall be noted and these shall be forwarded to the Township Supervisors.
3.25 Review by Township Supervisors. When a Preliminary Plan has been submitted to the Township Supervisors by the Township Planning Commission, the Plan shall be reviewed at one or more regularly scheduled or special meetings of the Supervisors.

3.251 At one or more regularly scheduled or special meetings the Township Supervisors shall review the Preliminary Plan and the written reports of the Township Planning Commission, the Township Engineer, the Township Zoning Officer, the Township Sewage Enforcement Officer, the Lower Heidelberg Township Authority, Penn DOT, the County Planning Commission, and all other reports which may have been received from County and State agencies. The Township Supervisors shall either approve or disapprove the Plan. No official action shall be taken by the Township Supervisors with respect to a Preliminary Plan until the Township has received the written report of the County Planning Commission, provided that such report is received within thirty (30) days after the date the plan was forwarded to the County Planning Commission for review.

3.252 Before acting on a Preliminary Plan, the Township Supervisors may arrange for a public hearing on the Plan, giving public notice as defined by law.

3.253 Within fifteen (15) days after the final meeting at which the Plan is reviewed, the Township Secretary shall notify in writing the following of the action taken by the Supervisors regarding the Preliminary Plan:

3.2531 Township Planning Commission.
3.2532 Township Engineer.
3.2533 Township Zoning Officer.
3.2534 Subdivider or his agent.
3.2535 The Engineer, Surveyor, or Land Planner of the Subdivider.
3.2536 Township Sewage Enforcement Officer.

3.2537 Lower Heidelberg Township Authority.

The action of the Supervisors may be favorable, approving the Plan, or unfavorable, disapproving the Plan. The findings and reasons upon which the Supervisors' action is based shall be given in writing to the individuals and groups listed in Section 3.253 and stated in the minutes of the meeting at which the Supervisors review the Plan. When the Plan as submitted is not approved, the report shall specify the requirements of this Ordinance which have not been met.

The Supervisors may approve a Preliminary Plan subject to conditions acceptable to the applicant, provided that the applicant indicates his written acceptance of those conditions to the Supervisors within ten (10) days of the date of the written notification from the Supervisors. Approval of a plat shall be rescinded automatically upon the applicant’s failure to accept or reject such conditions within ten (10) days.

3.254 The approval of the Preliminary Plan does not authorize the recording of the Subdivision Plan nor the sale or transfer of lots.

Section 3.30 Final Plan.

3.31 Submission. Within twelve months after approval of the Preliminary Plan, a Final Plan with all necessary supplementary data shall be submitted to the Township Secretary. An extension of time may be granted by the Township Supervisors upon written request, provided that the extension of time shall not exceed one year. Failure to meet this time limitation may result in a determination by the Commission that it will consider any plan submitted after twelve months as a new Preliminary Plan.

3.311 Final Plans and required supplementary data for all proposed subdivisions shall be submitted by the Subdivider or his agent to the Township Secretary. Such submission shall occur no less than twenty-one days prior to a regularly
scheduled meeting of the Township Planning Commission.

3.312 The Township Supervisors shall within ninety (90) days following the date of the regularly scheduled meeting of the Township Planning Commission next following the date the application is filed with the Township review the Plan and notify the Subdivider of their action regarding the Plan. Should the said next regularly scheduled meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.

3.313 Official submission of a Final Plan to the Township shall comprise:

- **3.3131** Submission of five (5) completed Application for Review of Final Subdivision Plan (Form LSR-3).

- **3.3132** Submission of seventeen (17) black-on-white prints on paper of the Final Plan, which shall fully comply with Section 4.30 of these regulations.

- **3.3133** Whenever a proposed subdivision is located in or adjacent to more than one municipality, one additional print shall be submitted for each additional municipality involved.

- **3.3134** Submission of nine (9) copies of all other supplementary data and plans as outlined in Section 4.30.

- **3.3135** Submission of evidence that the Final Plan has been submitted to the appropriate electric, telephone, and gas companies.

- **3.3136** Submission of evidence of review of an Erosion and Sediment Control Plan by the Berks County Conservation District.
3.314 The Subdivider may submit a Final Plan in Sections, as noted in Section 3.228.

3.315 The Final Plan shall conform to the approved Preliminary Plan, but shall incorporate all modifications required by the Township Supervisors in their approval of the Preliminary Plan. Failure to comply with past reviews shall constitute grounds for the Township Supervisors to refuse to approve the Plan.

3.32 Distribution. Distribution of Final Plans and supporting data submitted to the Township Secretary shall be made as follows:

3.321 To the Township Engineer


3.3212 Two copies of the Plan.

3.3213 Two copies of all supplementary data and plans.

3.322 To each Township Zoning Officer/Building Inspector

3.3221 One copy of the Plan.

3.323 To the Township Planning Commission


3.3232 Five copies of the Plan.

3.3233 One copy of all supplementary data and plans.

3.324 To the Lower Heidelberg Township Authority, when public or community sewer or water systems are proposed

3.3241 Two copies of the plan.
3.325 To be retained by the Township Secretary

3.3251 Two copies of Application for Review of Preliminary Subdivision Plan.

3.3252 Two copies of the Plan.

3.3253 Two copies of all supplementary data and plans.

3.326 To the Township Sewage Enforcement Officer

3.3261 One copy of the Plan.

3.3262 One copy of all supplementary data and plans.

3.327 To the Berks County Planning Commission, when deemed necessary by the Township or required by law.


3.3272 Two copies of the Plan.

3.3273 One copy of all supplementary data and plans.

3.33 Review By Township Planning Commission. When a Final Plan has been officially accepted for review by the Township, it shall be reviewed by the Planning Commission at one or more regularly scheduled or special meetings.

3.331 At the meetings at which the Final Plan is reviewed, the Township Planning Commission shall review the Plan to determine its conformance with the requirements of this Ordinance. Written reports regarding the subdivision in question from the Township Zoning Officer, the Township Engineer, the Lower Heidelberg Township Authority, or the Township Sewage Enforcement Officer when applicable, shall be reviewed. If any reports regarding the subdivision from
county or state agencies have been received, they shall also be reviewed.

3.332 Within fourteen calendar days after the meeting at which action on the Final Plan is taken, the Planning Commission shall notify in writing the following of the action taken:

3.3321 Township Secretary
3.3322 Township Engineer
3.3323 Township Zoning Officer
3.3324 Subdivider, or his agent
3.3325 Engineer, Surveyor, or Land Planner of the Subdivider

If the review of the Township Planning Commission is not favorable, the Planning Commission shall recommend that the Plan not be approved and explicitly state the reasons for such action. Any modifications in the Plan which the Planning Commission believes should be prerequisites to approval of the Final Plan shall also be noted.

3.34 Review By Township Supervisors. When a Final Plan has been submitted to the Township Supervisors by the Planning Commission, the Plan shall be reviewed at one or more regularly scheduled or special meetings of the Supervisors.

3.341 At one or more regularly scheduled or special meetings, the Township Supervisors shall review the Final Plan and any written reports regarding the Plan from the Township Planning Commission, the Township Engineer, the Township Zoning Officer and, where applicable, state or county agencies and the Lower Heidelberg Township Authority or the Township Sewage Enforcement Officer.

3.342 Before acting on a Final Plan, the Supervisors may arrange for a public hearing on a plan, giving public notice as defined by law.
If the Final Plan is submitted to the County Planning Commission, no official action shall be taken by the Township Supervisors with respect to the Final Plan until the Township has received the written report thereon from the County Planning Commission, provided that such report is received within thirty (30) days after the date the plan was forwarded to the County Planning Commission for review.

3.343 Within fifteen (15) days after the final meeting at which the Final Plan is reviewed by the Supervisors, the Township Secretary shall notify in writing the following of the action taken by the Supervisors regarding the Final Plan:

- 3.3431 Township Planning Commission
- 3.3432 Township Engineer
- 3.3433 Township Zoning Officer
- 3.3434 Subdivider or his agent
- 3.3435 Engineer, Surveyor, or Land Planner of the Subdivider
- 3.3436 Township Sewage Enforcement Officer
- 3.3437 Lower Heidelberg Township Authority

3.344 Action by the Supervisors may be favorable, approving the Final Plan, or the action may be unfavorable, giving disapproval to the Plan. The findings and reasons upon which the Supervisors action is based shall be given in writing to the persons listed under Section 3.343 and also stated in the minutes of the Township Board of Supervisors. Any modifications in the Plan required as prerequisites to approval of the Final Plan shall be stated.

3.345 A Plan which has been approved shall not be recorded until the requirements of Section 3.60, Recording of Final Plan, have been met.
Recording of Final Plan.

Improvements Guarantee. Prior to endorsement of the Plan, the applicant shall deposit with the Township a financial security in an amount sufficient to cover the cost of all improvements or common amenities required by this Ordinance and the Municipal Improvements Agreement and the cost of preparing as-built drawings of those improvements. The financial security may be in the form of an irrevocable letter of credit or restrictive or escrow account in a federal or commonwealth chartered lending institution or other type of financial security which the Township approves. The financial security shall guarantee the completion of all required improvements on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

When requested by the applicant, in order to facilitate financing, the Township Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security. The final plan shall not be signed or recorded until the Municipal Improvements Agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the Municipal Improvements Agreement is not executed within ninety (90) days unless a written extension is granted by the Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the applicant.

The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.
The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. Such estimate shall be submitted to the Township no less than fourteen (14) days prior to a meeting of the Township Supervisors. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township 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 Township 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 Township and the applicant or developer.

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 ten percent (10%) for each one-year period beyond the first anniversary date of posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the initial one-year period.

In preparing any estimate of the cost of improvements, the Township Engineer shall include the payment of prevailing wages if, due to the scope of the work involved and the amount of default and the limited resources of the Township, the Township believes it would have to contract out the completion of the improvements.

Installation of Improvements. After a final plan is approved by the Township Supervisors, the subdivider may install improvements required by this Ordinance and indicated as being provided by the subdivider in the Subdivision Improvements Agreement. Any improvements not completed and approved by the Township at the time of the delivery of the financial security noted in Section 3.61 shall be guaranteed in such financial security.
3.421 Remedies to Effect Completion of Improvements. In the event of default under an improvement agreement, the Township may enforce any security by appropriate legal and equitable remedies. The proceeds of the financial security received by the Township may be used to construct and install the improvements. If the cost of the improvements exceeds the amount of the financial security, the Subdivider shall be liable for the amount in excess of the financial security which the Township has expended for such improvements. In the case that the amount of the financial security exceeds the actual cost of improvements made, the Township shall return the unused sum to the surety or the person who has paid or deposited the financial security.

3.422 Release of the Financial Security. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Supervisors shall, within ten days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
Within fifteen (15) days of receipt of the Engineer's report, the Township Supervisors shall notify the developer in writing by certified or registered mail of their action.

If any portion of the said improvements shall not be approved or shall be rejected by the Township Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

As-built plans for all improvements within the subdivision or land development shall be submitted to the Township following inspection and approval of the improvements by the Township.

3.50 Maintenance Guarantee.

Where the Township Supervisors accept dedication of all or some of the required improvements within a subdivision or land development following completion, the Township Supervisors 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 specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. The financial security shall be of the same type as required for installation of improvements and the amount of the financial security shall be fifteen percent (15%) of the actual cost of installation of the improvements.

3.51 Record Plan. After approval by the Township Supervisors and the Township Planning Commission and after the completion of the procedures required by these regulations the Supervisors and the Planning Commission shall place their endorsements on the record plan and on as many other copies of the Final Plan as are necessary. The Record Plan of the subdivision which has secured final approval shall be signed by at least a majority of members of the Board of Supervisors and the Township Seal shall be affixed to the Plan. No subdivision plan may be legally recorded unless it bears Township approval indicated by the signatures of at least a majority of the Township Supervisors and the Township Seal.
Before any Record Plan is released for recording, a copy of any earthmoving permits required by the Pennsylvania Department of Environmental Resources shall be submitted to the Township.

3.65 The Record Plan shall be a clear and legible black-on-white print on material acceptable to the Recorder of Deeds.

3.66 No subdivision plan may legally be recorded unless it has been endorsed by the County Planning Commission and bears the County Planning Commission stamp.

3.67 After endorsement by the Township and by the County Planning Commission, the subdivider shall file the Record Plan with the County Recorder of Deeds within ninety days of the date of final approval by the Township. If the subdivider fails to record the Final Plan within such period, the action of the Township shall be null and void.

3.68 The applicant shall provide the Township with one mylar of the Final Plan as recorded.

3.69 All streets, parks, or other improvements shown on the subdivision plan shall be deemed to be private until such time as the same have been offered for dedication to the Township and accepted by the Township Supervisors. The acceptance of any improvement shall be by a separate action of the Township Supervisors.

Section 3.70 Plans Exempted from Standard Procedures.

3.71 Minor Subdivisions. In the case of any subdivision in which all proposed lots will have frontage on an existing improved Township or State road, the Township Planning Commission may, at its discretion, permit the subdivider to submit only Preliminary and Final Plans to the Township, rather than requiring a subdivider to submit Sketch, Preliminary, and Final Plans.

3.72 Resubdivision.

3.721 Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision, and shall comply with these regulations, provided that lot lines may be changed from those shown on the recorded plan, provided that in making such changes:
3.7211 No lot or tract of land shall be created which does not comply with the Township Zoning Ordinance, and

3.7212 Utility locations and easements or right-of-way locations shall not be changed, and

3.7213 Street and block locations and sizes shall not be changed, and

3.7214 No lot shall be created which does not abut a street, and

3.7215 The character of the subdivision shall be maintained, and

3.7216 Open space and recreation areas shall not be reduced, and

3.7217 The number of lots shall not be increased.

3.722 In every case wherein lot lines are changed as permitted above, the Subdivider shall submit to the Township a Final Plan revised to show such changes. After this submission the Township will in writing advise the Subdivider if the revised Plan complies with Section 3.721.

When the Plan does comply with Section 3.721, the Subdivider shall submit the Record Plan, and a mylar which will be retained by the Township, to the Township for the endorsement of the Township Planning Commission and the Township Supervisors. The subdivider shall also submit the Record Plan to the County Planning Commission for its endorsement (which shall specifically identify the previous Record Plan thus superseded), and then record the Plan if endorsement is secured.

The Record Plan shall be a clear and legible black-on-white print on material acceptable to the Recorder of Deeds.
When on-lot sewage disposal is intended to be utilized, a copy of the final Plan shall be submitted to the Township Sewage Enforcement Officer, who shall report to the Township prior to endorsement of the Record plan.

If the revision of lot lines would result in the relocation of driveway access points approved by PennDOT, the Township may require submission of the revised plan to PennDOT for its comments.

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:

The Subdivider shall prepare and submit Sketch and Preliminary Plans, in accordance with these regulations.

The Preliminary Plan shall comply with the requirements of Section 4.20 of this Ordinance and in addition contain the following notation:

This property is intended to be sold by auction on or about , in whole or in part according to this Plan. Sale of lots at such action 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 Township Supervisors, in accordance with its regulations, and recorded in the office of the County Recorder of Deeds.

The auction sale may then proceed in accordance with the above notation, after which the Subdivider shall prepare and submit a Final Plan in accordance with these regulations.

Lot Annexations. 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 land development, the land owner may submit only Sketch and Final Plans to the Township rather than submit Sketch, Preliminary, and Final Plans. The Sketch Plan shall contain all information required by Section 4.10 of this Ordinance and be submitted
and reviewed in accordance with Section 3.10. In addition, the Sketch Plan shall be accompanied by a draft of the deed for the resultant parcel. This draft deed shall be reviewed and approved by the Township Solicitor. The Final Plan shall contain all information required by Section 4.30 of this Ordinance and be submitted and reviewed in accordance with Section 3.30. Evidence shall be submitted that the parcel from which a parcel is being transferred will not violate or further violate, as the case may be, any requirement of the Township Zoning Ordinance or other Township regulations. If development is subsequently proposed for the parcel which has been increased in size, no building or zoning permit shall be issued unless the applicable requirements of all Township regulations are complied with. The land which is transferred to an adjoining parcel for the purpose of increasing the size of that parcel shall not stand on a separate deed, but shall be included on the deed for the existing parcel. Nor shall it stand as a separate purpart on the revised deed. At no time shall the parcel being transferred be considered a separate building lot.

3.75 Exempted Land Developments. In the case of a land development consisting of a single non-residential building or two single family detached dwellings on a lot or lots, the Township Planning Commission may, at its discretion, permit the developer to submit only a final plan to the Township. The Final Plan shall contain all information required by Section 4.30 of this Ordinance and shall be submitted and reviewed in accordance with Section 3.30. The Final Plan shall be submitted to the County Planning Commission for review. Submissions to and reviews from the County Conservation District and the Pennsylvania Department of Transportation may be required by the Township.
ARTICLE IV - PLAN REQUIREMENTS

Section 4.10 Sketch Plans.

4.11 The scale and sheet size of the sketch plan shall be as required in Section 4.21 for preliminary plans. The sketch plan shall contain at least the following data, legibly drawn to scale but not necessarily showing precise dimensions.

4.111 Tract boundaries and a statement of the total acreage of the tract.

4.112 North point and written and graphic scales.

4.113 Name and address of the subdivider and record owner.

4.114 Significant topographical and physical features (i.e., water courses, water bodies, quarries, flood plains (including all 100 year flood plains established by the FEMA), tree masses, existing buildings, wetlands, carbonate areas, etc.).

4.115 Proposed 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 commercial or industrial buildings are proposed, the general building, street, parking and loading layout shall be shown.

4.116 A location map, drawn to a scale of 1" = 800', with sufficient information to enable the 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 roads within adjacent recorded subdivisions.

4.117 The name and address of the person or firm responsible for preparation of the plan.
4.118 A statement telling what methods of water supply and sewage disposal will be used to serve the subdivision.

4.119 A statement telling the proposed land use for each lot indicated on the plan.

4.120 Names of owners of adjacent properties.

4.121 Name of the Subdivision or Land Development, the date of the Plan, and Plan Status.

4.122 Mapping of soils types throughout the tract.

4.123 Contour lines taken from U.S.G.S. maps, aerial survey, or field survey, with source of datum.

4.124 Where a Sketch Plan shows the proposed subdivision of only a part of the Subdivider's or record holder's total property, the Plan shall be accompanied by a drawing showing the entire contiguous land holdings of the subdivider or record holder and indicating the areas 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 Township Planning Commission may delimit the area for which a prospective street system on adjacent property must be shown. The subdivider shall also include a statement indicating proposed future land use for the unsubmitted portion of the property.

Section 4.20 Preliminary Plans.

4.21 The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot except that:
4.211 If the average size of the proposed lots is one acre or larger, and the plan contains more than seven (7) lots, the plan may be drawn to a scale of one inch (1") equals one hundred feet.

4.212 If the subdivision contains more than one hundred (100) acres, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

4.213 If the subdivision proposes lots with an average frontage of less than fifty feet (50'), the plan may be drawn to a scale of one inch (1") equals twenty feet (20').

4.214 The original drawing and all submitted prints thereof shall be made on sheets either eighteen inches (18") by twenty-four inches (24") by thirty-six inches (36"), or thirty-six inches (36") by forty-eight inches (48").

4.215 If the preliminary plan is contained on more than one sheet, a match line shall be shown on each sheet, indicating what sheet is adjoined where it is adjoined.

4.22 If the Preliminary Plan requires more than one sheet, a key diagram showing relative location of the sheets shall be drawn on each sheet.

4.23 The Preliminary Plan shall show:

4.231 Name of the proposed subdivision or land development, the name of the Township, and plan status.

4.232 North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision.

4.233 Name and address of record owner and subdivider.

4.234 Name, address, and seal of registered engineer or surveyor responsible for the subdivision plan, or any part thereof.
4.235 Book and page number where recorded for abutting subdivisions, and the names of the owners of any adjacent unplatted land and book and page number where recorded.

4.236 A key map for the purpose of locating the property being subdivided, drawn to a scale of one inch (1") equals eight hundred feet (800') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, recorded subdivision plans, and recorded but unconstructed streets within one thousand feet (1,000') of the subdivision. A scale and north point shall be shown and the proposed street system within the development indicated.

4.237 Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of total acreage of the property. The source of tract boundary data shall be indicated.

4.238 Zoning district lines and area, yard, and height requirements shall be shown on the Plan.

4.239 Contour lines at vertical intervals of not more than two feet (2') for land with average natural slope of four percent (4%) or less and at intervals of not more than five feet (5') for land with average natural slope exceeding four percent (4%). In the case of subdivision and land developments which contain proposed streets, contour lines shall be from aerial or field survey.

4.240 Location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark.

4.241 All existing sewer lines, water lines, fire hydrants, quarries, utility transmission lines, culverts, bridges, water courses, flood plain areas based on a one hundred (100) year storm (including all 100 year flood plains established by the FEMA), wetlands, carbonate areas and
other significant man-made or natural features within the proposed subdivision and within fifty feet (50') from the boundaries of the proposed subdivision. (See Section 5.96 and Appendix IV regarding Flood Plains.)

4.242 All existing buildings or other structures and the approximate location of all existing tree masses and large individual trees within the proposed subdivision.

4.243 All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

4.244 The full plan of proposed development, including:

4.2441 Location, name, cartway width and right-of-way width of all streets, with a statement of any conditions governing their use, and suggested type (i.e. collector).

4.2442 All existing and proposed right-of-way and easement locations.

4.2443 Building reserve (setback) lines along each street, and the proposed placement of each multiple family or non-residential building. For each multiple family building the number of dwelling units shall be indicated.

4.2444 Lot lines with approximate dimensions, approximate lot areas, lot numbers, and a statement of the total number of lots and parcels.

4.2445 The location, size, and intended use of all non-residential lots and parcels.
Water mains, fire hydrants, sanitary sewers, and storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities. Cross-sections shall be shown for all drainage swales.

Parks, playgrounds, and other areas to be dedicated to the Township shall be noted. Areas to be reserved for public use, but not to be dedicated, shall be noted and any conditions governing such use and the arrangements to be made for the ownership and maintenance of these areas shall be noted.

Location of soil percolation test holes as may be required by Section 4.40.

Provisions for pedestrian circulation throughout the tract, when provided by means other than sidewalks.

In the case of multiple family and non-residential developments, 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. A table showing extent of compliance with the area, yard, and height regulations of the Township Zoning Ordinance shall be provided.

The Preliminary Plan shall be accompanied by the following supplementary data as applicable:

Typical street cross-section drawing(s) for all proposed streets, including construction details of streets, curbs, and sidewalks.
4.252 Tentative profiles along the center line of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades at one of the following sets of scales or any combination thereof:

4.2521 One inch (1") equals ten feet (10') horizontal and one inch (1") equals one foot (1') vertical, or

4.2522 One inch (1") equals twenty feet (20') horizontal and one inch (1") equals two feet (2') vertical, or

4.2523 One inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical, or

4.2524 One inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical.

4.253 Where the subdivider proposes to locate a street, driveway, or other improvement within a portion of a utility right-of-way, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the right-of-way or relocate the existing line.

4.254 A plan for the surface drainage of the tract, including storm water run-off calculations and the proposed method of accommodating the anticipated run-off. (See Section 5.80 and Appendix V.)

4.255 Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and Pennsylvania Department of Environmental Resources.

4.256 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 sewer, water, storm drainage, and
erosion and sediment control facilities shall also be indicated. (See Section 3.228.)

4.257 When required by the township, schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.

4.258 When required by the Township, proposed driveway locations and evidence that the standards for driveways established in this Ordinance can be met for all lots.

4.259 When required by the Township, a typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets.

4.260 The Township may require a subdivider to provide a preliminary center line stakeout of proposed roads so that an on-site road alignment evaluation may be conducted.

4.261 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.

4.262 When required by the Township, a plan for the preservation of existing natural features on the site.

4.263 When required by the Township, a study indicating that adjacent roads which will receive traffic from and distribute traffic to the subdivision or land development shall be adequate in construction, grade, width and capacity to accommodate traffic generated by the subdivision or land development.

4.264 In the case of all non-residential subdivisions and land developments and residential subdivisions and land developments containing more than forty dwelling units, an Environmental Assessment Statement, as outlined in Appendix VI.
Section 4.30  Final Plan.

4.31 The Final Plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') with dimensions shown in feet or hundredths of a foot; except that

4.311 If the average size of the proposed lots is one acre or larger, and the plan contains more than seven (7) lots, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100'), or

4.312 If the subdivision contains more than one hundred (100) acres, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

4.313 If the subdivision proposes lots with an average frontage of less than fifty feet (50'), the plan may be drawn to a scale of one inch (1") equals twenty feet (20').

4.314 The original drawing and all submitted prints thereof shall be made on sheets either eighteen inches (18") by twenty-four inches (24"), twenty-four inches (24") by thirty-six inches (36"), or thirty-six inches (36") by forty-eight inches (48").

4.315 If the Final Plan is contained on more than one sheet, a match line shall be shown on each sheet, indicating what sheet is adjoined and where it is adjoined.

4.32 If the Final Plan requires more than one sheet, a key diagram showing the relative location of the sheets shall be drawn on each sheet.

4.33 The Final Plan shall show:

4.331 Name of proposed subdivision or land development, the name of the Township, and plan status.
4.332 North point, graphic scale, written scale, and date, including the month, day and year that the original drawing of the Final Plan was completed and the month, day and year that the original drawing was revised, for each revision.

4.333 Name of the record owner and subdivider of the tract, and the source(s) of title to the land being subdivided as shown by the records of the County Recorder of Deeds.

4.334 The name, address, and seal of the registered professional engineer or surveyor responsible for the plan.

4.335 The names of all abutting subdivisions with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land with the book and page number where recorded.

4.336 A key map for the purpose of locating the property being subdivided, drawn to a scale of one inch (1") equals eight hundred feet (800') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans within one thousand feet (1,000') of the subdivision. In addition, a scale and north point shall be indicated and the proposed street system within the development shown.

4.337 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-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplatted land of the subdivided (example, between separately-submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation,
of all boundary line (perimeter) monuments shall be indicated, along with statement of the total area of the property being subdivided. Closure calculations shall be submitted to the Township.

The surveyor responsible for the plan shall certify as to the accuracy of the survey and the drawn plan in accordance with Appendix II. Plans and surveys shall be prepared in accordance with the Professional Engineers Registration Law.

4.338 Zoning district lines and area, yard, and height requirements shall be shown on the Plan.

4.339 The name (and/or number), location, cartway width, right-of-way width, and ultimate right-of-way width of all roads within or abutting the subdivision.

4.340 The following data for the cartway edges or curb lines and 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:

4.3401 The length, in feet to the second decimal point, of all straight lines and the length of arc, radius, and delta angle of all curved lines.

4.341 All lot lines shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Bearings to one-quarter (1/4) of a minute shall be shown for all lot lines and each lot shall be balanced to an accuracy of 1:10,000. In lieu of bearings for each lot line, all internal angles with the lots shall be designated to the closest second. For each lot, lot line distances to street right of way lines shall be indicated and the lot area exclusive of street rights-of-way stated.
Lot numbers, numbered consecutively, and a statement of the total number of lots and parcels.

Location, size, and intended use of all non-residential lots and parcels.

The building reserve (setback) line for each lot, and the proposed placement of each multiple family or non-residential building. For each multiple family dwelling, the number of dwelling units shall be indicated.

The location (and elevation, if established) of all existing and proposed street monuments as required by Section 6.29.

All easements and rights-of-way, their purpose, and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

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, detention facilities, and other drainage facilities including the slope and maximum depth of all swales and velocities in all swales, the location, size and material of all water mains, and the location of all fire hydrants, blow-offs, and valves on water mains.

If the subdivision proposes a new street or driveway intersection with a State Legislative Route, a highway occupancy permit shall be issued by PennDOT prior to final plan approval.

A certificate of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, using the form specified in Appendix 1, and shall be signed by the owner(s) of the property and be notarized.
4.350 Certificates for approval of the plan by the Township Supervisors and the Township Planning Commission.

4.351 A blank space in which the appropriate stamp of the County Planning Commission may be applied.

4.352 A blank space in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

4.353 Clear sight triangles as required by Section 5.29.

4.354 Provisions for pedestrian circulation throughout the tract, when provided by means other than sidewalks.

4.355 In the case of multiple family and non-residential developments, the location of all common parking areas and access drives to the parking areas, the size and number of parking stalls, the width of aisles and access drives, and proposed grades of parking areas and access drives. Location, number, and dimensions of off-street loading areas shall be indicated. A table showing extent of compliance with the area, yard and height regulations of the Township Zoning Ordinance shall be provided. Lowest floor elevations, including basement, shall be shown.

4.356 The location of all 100 year flood plains, including all one hundred year flood plains established by the Federal Insurance Administration, and base flood elevations for the 100 year storm.

4.357 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. Any restrictions regarding on-site disposal on the tract shall be noted on the Plan.
Copies of all approvals required for public or community sanitary sewer and water systems shall be received prior to approval of the Final Plan, including confirmation that the appropriate agencies can and will serve the proposed development.

The proposed type and location of any traffic control devices.

The Final Plan shall be accompanied by the following supplementary data, where applicable.

Typical street cross-section drawing(s) for all proposed streets, including construction details for streets, curbs, and sidewalks.

Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

- Existing (natural) profile along both cartway edges of each street or at the top of both curbs.
- Proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges.
- The length of all vertical curves.
- Existing and proposed sanitary sewer mains and manholes, with top and invert elevation data.
- Existing and proposed storm sewer mains, inlets, manholes, and culverts, with top and invert elevation data.
- Existing and proposed water mains.

The profile sheets required by Section 4.362 shall be legibly drawn at one of the following sets of scales or any combination thereof:
4.3631 One inch (1") equals ten feet (10') horizontal and one inch (1') equals two feet (2') vertical, or

4.3632 One inch (1") equals twenty feet (20') horizontal and one inch (1") equals four feet (4') vertical, or

4.3633 One inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical, or

4.3634 One inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical.

4.364 Indication of all areas proposed for dedication to the Township and all arrangements governing the ownership, administration, and maintenance of undedicated open spaces, parks, playgrounds, and recreation areas.

4.365 Such private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being submitted.

4.366 Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Township may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Township on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication.

4.367 An erosion and sediment control plan.

4.368 A copy of all permits required from the Pennsylvania Department of Environmental Resources for affecting water courses, bodies of water, or water obstructions, or indication that a permit will not be required.
4.369 In the case of developments containing apartments and townhouses and commercial and industrial developments, provision to be made for the storage and collection of solid wastes shall be indicated. The Township may 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.

4.370 A landscape plan showing the number, location, size and species of all trees and shrubs that will be planted shall be submitted with the Final Plan.

4.371 A final grading plan shall be submitted with the Final Plan.

4.372 A lighting plan showing the location of poles, the type and height of poles, and the type and brightness of lighting fixtures shall be submitted with the Final Plan. Illumination levels at tract boundaries shall be provided.

4.373 In the case of mobile home parks located within Special Flood Hazard Acres, an evacuation plan indicating alternate vehicular access and escape routes shall be submitted.

4.374 When required by the Township, driveway locations for lots.

4.375 When required by the Township, treatment of the construction of driveways and the handling of storm drainage where driveways intersect streets.

4.376 When private streets are proposed, provisions which will be made for the ownership, maintenance, and plowing of those streets.

4.377 When required by the Township, the proposed location of guard rails.
Section 4.40  **Soil Percolation Test Requirements.**

Soil percolation tests shall be performed for all subdivisions wherein buildings at the time of construction will not be connected to an operating public or community sanitary sewage disposal system.

4.42 Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Resources and the Township Sewage Enforcement Officer by a person qualified in Pennsylvania to perform such tests.

4.43 Soil percolation tests shall be performed at or near the site of proposed on-site sanitary sewage disposal facilities. At least one test shall be performed on each lot within the subdivision.

4.44 The results of the soil percolation tests shall be analyzed by the Township, and the Pennsylvania Department of Environmental Resources as necessary, and the Final Plan lot layout shall be based on this analysis.

4.45 If the analysis of the soil percolation test results reveal that the soil is unsuitable for the intended use at the lot size proposed, the Township may require that the lot size(s) be increased in accordance with the test results.
ARTICLE V - DESIGN STANDARDS

Section 5.10 Application and General Standards.

5.11 The standards and requirements contained in Articles V and VI are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Township Planning Commission and the Township Supervisors in reviewing all subdivision plans.

5.12 Whenever other Township regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of these regulations shall apply.

5.13 The plan of the proposed subdivision or land development shall be coordinated with existing adjacent development in order to provide for the harmonious development of the area as a whole.

5.14 Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

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.

5.15 Subdivision and Land Development plans shall give due recognition to the Official Plans of the Township or to parts of the Official Plans which have been adopted pursuant to statute.

Section 5.20 Streets.

5.201 The following standards shall be applied by the Township as the minimum necessary for the promotion of the public health, safety, and general welfare, provided that in individual cases the Township may permit or require
modification of these standards if it determines that the public health, safety, and welfare will not be adversely affected by such modification and/or the modification is necessary to promote the public health, safety, and welfare.

5.202 All design elements of all streets, including horizontal and vertical alignment, sight distance, and superelevation, are subject to review and approval by the Township. When reviewing the design of streets, in addition to the standards in this Ordinance, the Rural Design Criteria in the Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, latest edition, and A Policy On Geometric Design of Rural Highways, AASHTO, latest revision, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.

5.203 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 Township. In general, the design speed on arterial streets shall be considered as 55 MPH (to be determined in each individual case), on collector streets a minimum of 35 MPH (to be determined in each individual case) and on minor streets 35 MPH unless a lesser design speed is permitted by the Township.

5.21 General Standards.

5.211 The location and width of all streets shall conform to the Official Plans as may have been adopted by the Township and shall be properly related to all existing streets, recorded streets, and Official Plans.

5.2111 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. Traffic studies demonstrating this shall be submitted to the Township.

5.212 The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet the standards of Section 5.231. If the existing or recorded streets do not meet the standards of Section 5.231, the proposed street extensions shall meet the standards of Section 5.231.

5.213 Where, in the opinion of the Township, 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 points to adjoining properties are subject to Township 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 Township may require extension of the sanitary sewer and/or water lines to the tract boundary in order to facilitate future extensions to abutting land.

5.214 If a subdivision proposes lots, all of which front on existing public roads, the Township 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.

When reservations for future streets will 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 done 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 streets.

5.215 New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of collector streets into and from adjoining properties when required by the Township. Minor streets shall be extended and continued into and from adjoining properties when necessary for the proper development of and traffic circulation in the Township.

5.216 Where a subdivision or land development abuts an existing street which does not meet the standards of this Ordinance, the Township may require the dedication of land sufficient to widen the street to meet the standards of this Ordinance.

5.217 Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards and improvement specifications of these regulations.

5.218 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 Township may require the reservation of land adequate to provide for future street access to land which could be resubdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision Plan.
5.219 Where a subdivision or land development fronts on and will provide for vehicular access to and from an existing Township road which does not meet the minimum width requirements for Pavement, Shoulders, and Clearance Beyond Shoulder established in Table 3 of the latest edition of Guidelines For Design of Local Roads and Streets issued by the Pennsylvania Department of Transportation, the Township may require the Subdivider to improve at his expense the Township road to meet those width standards for Pavement, Shoulders, and Clearance Beyond Shoulder. Pavement and Shoulders shall be constructed in accordance with Township Ordinances. In addition, provision shall be made for adequate drainage along the sides of the roads. Such drainage provisions shall be approved by the Township.

5.22 Partial and Half Streets.

5.221 New half or partial streets will not be permitted.
### Street Widths

#### 5.231  Minimum street right-of-way and cartway (pavement) widths shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Required Widths (in Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minor Streets and Permanent</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cul-de-Sacs</strong></td>
<td></td>
</tr>
<tr>
<td>No Parking Permitted</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>44</td>
</tr>
<tr>
<td>Cartway</td>
<td>24</td>
</tr>
<tr>
<td>Parking Permitted One Side</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>52</td>
</tr>
<tr>
<td>Cartway</td>
<td>32</td>
</tr>
<tr>
<td>Parking Permitted Both Sides</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>60</td>
</tr>
<tr>
<td>Cartway</td>
<td>40</td>
</tr>
<tr>
<td>Collector Street</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>60</td>
</tr>
<tr>
<td>Cartway</td>
<td></td>
</tr>
<tr>
<td>No parking permitted</td>
<td>24</td>
</tr>
<tr>
<td>Parking permitted</td>
<td>40</td>
</tr>
<tr>
<td>Arterial Street</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>As determined after</td>
</tr>
<tr>
<td>Cartway</td>
<td>consultation with the Township</td>
</tr>
<tr>
<td></td>
<td>and PennDOT</td>
</tr>
<tr>
<td>Marginal Access Street</td>
<td>As determined after</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>consultation with the Township</td>
</tr>
<tr>
<td>Cartway</td>
<td>and PennDOT</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Cartway</td>
<td>As specified for minor streets</td>
</tr>
<tr>
<td>Service Street</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>24</td>
</tr>
<tr>
<td>Cartway</td>
<td>24</td>
</tr>
</tbody>
</table>

#### 5.232  Additional right-of-way and cartway widths may be required by the Township for the purpose of promoting the public safety and convenience and for providing for proposed traffic volumes.
The designation of streets as "minor", "collector" and "arterial" and as to "no parking", "parking permitted on one side", and "parking permitted on both sides" is subject to Township approval. The Township may prohibit parking along collector streets.

**Restriction of Access.**

5.241 Whenever a subdivision abuts or contains an arterial or collector street the Township may require restriction of access to the street by:

5.2411 Provision of reverse frontage lots, or

5.2412 Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or collector street, or

5.2413 Provision of marginal access streets, provided that the responsibility for the reserve strips establishing such marginal access streets shall be established under an agreement meeting the approval of the Township, or

5.2414 Provision of a system of minor streets which intersect the arterial or collector street and on which lot will front.

5.242 Except as specified by Section 5.2413, reserve strips shall be prohibited.

**Street Grades.**

5.251 There shall be a minimum center line grade of one percent (1%).

5.252 Center line grades shall not exceed the following:
5.2521 Minor Street or Service Street: ten (10) percent
5.2522 Collector Street: seven (7) percent
5.2523 Arterial Street: six (6) percent
5.2524 Street Intersection: five (5) percent

5.253 Grades up to twelve (12) percent may be permitted by the Township on minor and service streets if the Township deems that unsafe conditions will not result from the increase in grade.

5.26 Horizontal Curves.

5.261 Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

5.262 Minimum sight distance shall be provided as follows:

<table>
<thead>
<tr>
<th>Design Speed (in miles per hour)</th>
<th>Minimum Sight Distance (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>150</td>
</tr>
<tr>
<td>25</td>
<td>175</td>
</tr>
<tr>
<td>30</td>
<td>200</td>
</tr>
<tr>
<td>35</td>
<td>240</td>
</tr>
<tr>
<td>40</td>
<td>275</td>
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<tr>
<td>45</td>
<td>320</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
</tr>
<tr>
<td>55</td>
<td>425</td>
</tr>
</tbody>
</table>
5.263 Minimum center line radii for horizontal curves shall be as follows, provided that the Township may permit smaller center line radii when the subdivider substantiates that the minimum sight distance required by Section 5.262 will be provided.

<table>
<thead>
<tr>
<th>Design Speed (in miles per hour)</th>
<th>Minimum Center Line Radius (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>25</td>
<td>150</td>
</tr>
<tr>
<td>30</td>
<td>230</td>
</tr>
<tr>
<td>35</td>
<td>310</td>
</tr>
<tr>
<td>40</td>
<td>430</td>
</tr>
<tr>
<td>45</td>
<td>550</td>
</tr>
<tr>
<td>50</td>
<td>700</td>
</tr>
<tr>
<td>55</td>
<td>850</td>
</tr>
</tbody>
</table>

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

5.265 Combinations of the minimum radius and maximum grade shall be avoided.
5.27  Vertical Curves.

5.271  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.

<table>
<thead>
<tr>
<th>Design Speed (in miles per hour)</th>
<th>Minimum Required Sight Distance (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>150</td>
</tr>
<tr>
<td>25</td>
<td>175</td>
</tr>
<tr>
<td>30</td>
<td>200</td>
</tr>
<tr>
<td>35</td>
<td>250</td>
</tr>
<tr>
<td>40</td>
<td>300</td>
</tr>
<tr>
<td>45</td>
<td>375</td>
</tr>
<tr>
<td>50</td>
<td>450</td>
</tr>
<tr>
<td>55</td>
<td>550</td>
</tr>
</tbody>
</table>

5.28  Intersections.

5.281  Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees, or more than one hundred five (105) degrees. The angle of intersection with arterial streets shall be ninety (90) degrees.

5.282  No more than two streets shall intersect at the same point.

5.283  Streets intersecting another street shall either intersect directly opposite to 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.

5.284  Intersections shall be approached on all streets which require stopping by a straight leveling area, the grade of which shall not exceed five percent (5%) within fifty (50) feet of the intersection of the nearest right-of-way lines.
5.285 Intersections with arterial streets shall be located not less than one thousand (1,000) feet apart, measured from center line to center line, along the center line of the arterial street.

5.286 Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

5.2861 Twenty (20) feet for intersections involving only minor streets or alleys;

5.2862 Thirty (30) feet for all intersections involving a collector street;

5.2863 Forty (40) feet for all intersections involving an arterial street.

5.287 Forty (40) feet for all intersections involving an arterial street.

5.29 Sight Distances at Intersections.

5.291 Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

5.2911 Seventy-five (75) feet from the point of intersection of the center lines, except that,

5.2912 Clear sight triangles of one hundred fifty (150) feet shall be provided for all intersections with arterial streets.

5.292 Wherever a required portion of the line of such clear sight triangles occurs behind the building setback line, that portion shall be considered a building setback line.
5.293 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:

<table>
<thead>
<tr>
<th>Design Speed of Approaching Street with No Stop or Signal Control (in miles per hour)</th>
<th>Minimum Stopping Distance (in feet) Required Unless Alternative Permitted by Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>150</td>
</tr>
<tr>
<td>25</td>
<td>175</td>
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<tr>
<td>30</td>
<td>200</td>
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<td>35</td>
<td>240</td>
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<td>40</td>
<td>275</td>
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<td>45</td>
<td>320</td>
</tr>
<tr>
<td>50</td>
<td>350</td>
</tr>
<tr>
<td>55</td>
<td>425</td>
</tr>
</tbody>
</table>

Alternative Stopping Distance (in feet) Permissible at Discretion of Township only on lightly traveled highways where the removal of sight obstructions would be costly.

5.294 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:

<table>
<thead>
<tr>
<th>Design Speed of Street being approached by vehicle on Stop Control Street (in miles per hour)</th>
<th>Minimum Sight Distance Required (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td>25</td>
<td>250</td>
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<tr>
<td>30</td>
<td>300</td>
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<td>40</td>
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<td>45</td>
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<tr>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>55</td>
<td>550</td>
</tr>
</tbody>
</table>

For calculating sight distance as required by Section 5.293, refer to A Policy on Geometric Design of Rural Highways, AASHTO, latest revision.
5.30 Cul-de-Sac Streets.

5.301 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 into adjoining tracts and will not be the primary means of access to any lot or dwelling unit, a turnaround is not required.

5.302 Except as noted in Section 5.301, 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, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

5.303 A cul-de-sac street shall measure at least two hundred fifty (250) feet from the right-of-way line of the street that it intersects to the beginning of the turnaround, shall not exceed six hundred (600) feet in length as defined by this Ordinance, and shall not service more than twenty (20) dwelling units. At its discretion, the Township may permit cul-de-sacs to exceed six hundred (600) feet in length or to serve more than twenty (20) dwelling units when it believes adequate provision will be made for vehicular circulation and parking.

5.304 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

5.305 All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround: minimum radius to the pavement edge or curb line shall be fifty (50) feet, and minimum radius of the right-of-way line shall be sixty (60) feet; provided, however, if parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curb line shall be forty (40) feet and the minimum radius to the right-of-way line shall be fifty (50) feet.
5.306 Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer or other means approved by the Township.

5.307 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%).

5.31 Street Names.

5.311 Proposed streets which obviously are in alignment with others already existing and named, shall bear the names of the existing streets.

5.312 In no case shall the name of a proposed street duplicate an existing street name in the Township and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

5.313 All street names shall be subject to the approval of the Township, and the Postmaster having jurisdiction.

5.32 Service Streets (Alleys).

5.321 Service streets are prohibited in residential subdivision, except where required to avoid direct driveway access to arterial or collector streets and permitted by the Township.

5.322 Service streets may be permitted by the Township in other types of development, provided that the subdivider produces evidence satisfactory to the Township of the need for such service streets and provided such are not the primary means of access.

5.323 Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall be terminated with a paved circular turnaround with a minimum radius to the
Section 5.40 Blocks.

5.41 Layout.

5.411 The length, width and shape of blocks shall be determined with due regard to:

5.4111 Provision of adequate sites for buildings of the type proposed;

5.4112 Zoning requirements;

5.4113 Topography;
5.414 Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial and collector streets.

5.42 **Length**.

5.421 Blocks shall have a maximum length of one thousand six hundred (1,600) feet and a minimum length of five hundred (500) feet.

5.422 In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

5.423 Where practicable, blocks along arterial streets shall not be less than one thousand (1,000) feet long.

5.43 **Depth**.

5.431 Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

5.4311 Where reverse frontage lots are required along an arterial or collector street, or

5.4312 Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township may approve a single tier of lots.

5.46 **Commercial Blocks**.

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

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

Section 5.50 Lots and Parcels.

5.51 General Standards.

5.511 The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and in accordance with the provisions of the Township Ordinance. Lots shall be capable of being built upon in accordance with the provisions of the Township Zoning Ordinance.

5.512 Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

5.513 Lot lines shall follow municipal boundaries rather than cross them.

5.514 The depth of residential lots shall not be less than one (1) nor more than three times their width.

5.515 Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

5.516 Where extra width has been dedicated for widening of existing streets, all setbacks shall be measured from such ultimate right-of-way line.

5.517 Subdivisions shall be designed to avoid the creation of remnants of land. If remnants of land would result after subdividing, adequate
provision, which shall be approved by the Township, shall be made for the disposition and maintenance of those remnants.

5.518 Flag lots are prohibited, unless permission is granted by the Township. The Township may grant permission to utilize flag lots when its deems flag lots appropriate because of topographical or other conditions unique to the site. The access strip portions of a flag lot shall be of a width approved by the Township and shall not be used for building purposes.

5.519 Wherever feasible, lots shall be designed so that buildings can be constructed above street grade. Where this is not possible, the subdivider shall indicate what measures are to be taken to assure proper drainage away from the buildings.

5.52 Lot Frontage and Access.

5.521 All lots shall abut and have direct driveway access to an existing or proposed public street, or to a private street if it meets the requirements of these regulations.

5.522 Double or reverse frontage lots shall be avoided except where required to restrict access to existing streets or to overcome specific disadvantages of topography or orientation.

5.523 All residential reserve frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard immediately adjacent to the right-of-way have a planting screen, fence, earth mounding, or similar screening device and barrier to vehicular access within the rear yard.

5.524 When the rear wall of apartment buildings, townhouses, or industrial or commercial buildings will face a public street, the Township may require a planting screen, fence,
earth mounding, or similar screening device between the buildings and the public street.

5.525 Where access to land within a subdivision or land development will be solely by proposed roads within an adjoining municipality, the Township may require assurance from the adjoining municipality that adequate provisions have been made to insure construction of the proposed access roads.

5.526 After consideration of street speeds, traffic volumes, projected traffic generated at a proposed land use, and the location and arrangement of existing and proposed driveways and intersections, the Township may require the subdivider to install at his expense an acceleration or deceleration lane, or both, to serve a proposed driveway. If additional street right-of-way is required to construct the acceleration or deceleration lane, the additional right-of-way shall be provided by the subdivider.

When required by the Township, the subdivider shall furnish a study to the Township which will provide the information necessary to permit the determination as to whether an acceleration or deceleration lane is required.

5.54 Off-Street Parking.

5.541 Each proposed dwelling unit in a subdivision shall be provided with at least two off-street parking spaces.

5.5411 In the case of single-family or two-family dwellings and townhouses with on-lot parking, such off-street parking spaces(s) shall be provided behind the street right-of-way line and may be as an attached or separate garage(s), carport(s) or driveway(s).

The spaces shall not be located within any clear sight triangle required by this Ordinance.
5.5412 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 Ordinance. 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 feet (24') for maneuvering and movement of vehicles shall be provided. The grade of areas used for parking shall not exceed six (6) percent. The grade of areas used only for access shall not exceed ten (10) percent.

5.542 Commercial subdivision shall meet the off-street parking requirements of the Township Zoning Ordinance.

5.55 Driveways.

5.551 Subdivisions shall be designed to minimize the number of driveway intersections with existing public roads. Wherever deemed feasible by the Township and required by the Township to minimize driveway intersections with existing Township roads (thus lessening interruptions to traffic flow and accident hazards and minimizing sedimentation and runoff problems onto existing public roads) subdivisions shall be provided with internal streets on which proposed lots will front and to which the lots will have driveway access.

5.552 All driveways which provide access to arterial streets, if such driveways are permitted by the Township, shall be designed with turnaround areas so that cars will not back onto the arterial street and will enter the street head-on.
Provision shall be made at all intersections of driveways with streets to ensure adequate storm water drainage and erosion and sediment control.

The Township may 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 Township may further require, as a condition to approval of a subdivision plan, that prior to the issuance of zoning or building permits for a lot, that the specific proposals for the construction of that driveway and treatment of storm drainage and erosion and sediment control for that driveway be submitted to the Township for approval.

Driveways shall be placed at locations at which sight distance is adequate to safely allow each permitted movement to be made into or out of the driveways; such that the free movement of normal street traffic is not impaired; such that the driveways will not create a hazard; and such that the driveways will not create an area of undue traffic congestion on streets.

The Township may require the driveway to a lot which abuts two or more streets to be restricted to that street which can more safely accommodate its traffic. The Township may also require a driveway to be located directly across from a street or driveway on the opposite side of the street the driveway intersects if the Township judges that offset driveways will create a safety hazard.

The Township may require the permissible location of a driveway for a lot to be shown on the subdivision plan, and further require that driveway locations be subject to approval of the Township.

A clear sight triangle of a minimum of twenty-five (25) feet shall be provided at the intersection of a driveway servicing a one or two family dwelling with a Township Street. A clear sight triangle of a minimum of forty (40) feet shall be provided at the intersection of
all other driveways with Township 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.

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.

5.555 Entrances to private driveways serving multiple-family dwellings shall be rounded at a minimum radius of ten feet (10'). The maximum radius shall be thirty feet (30').

Entrances to private driveways serving one and two family dwellings shall be rounded at a minimum radius of five feet (5'). The maximum radius shall be twenty feet (20').

5.556 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 through street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction.

Driveways shall intersect streets as nearly as possible at right angles, and in no case at an angle of less than seventy (70) degrees or more than one hundred ten (110) degrees. Provided that the Township 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 (45) degrees.

5.557 Private driveways shall have such spaces 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 feet (20') of street cartway lines. The Township may require driveways to be paved when grades exceed eight percent (8%) on residential driveways and five percent (5%) on all other driveways.

The Township 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.

5.558 The center line of entrances to private driveways serving one and two family dwellings shall be located at least forty feet (40') from the point of intersection of the nearest street cartway lines if only minor streets are involved, at least eighty feet (80') if a collector street is involved, and at least one hundred twenty feet (120') if an arterial street is involved. The center line of entrances to private driveways serving multiple-family dwellings or non-residential buildings shall be located at least eighty feet (80') from the point of intersection of the nearest street cartway lines if only minor streets are involved, at least one hundred twenty feet (120') if a collector street is involved, and at least one hundred sixty feet (160') if an arterial street is involved.

5.559 The standards for driveway widths shall be as established in the Township Zoning Ordinance. If none exist, entrances to private driveways serving one and two family dwellings shall not be less than ten (10) nor more than twenty (20) feet in width, excluding radii.

Section 5.60 Sanitary Sewage Disposal.

5.61 The subdivider shall provide the highest type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions. The following types
of sanitary sewage disposal facilities are listed in order of desirability:

5.611 Public sanitary sewer and treatment plant system;

5.612 Community sanitary sewer system and sewage treatment plant;

5.613 Capped sewers with temporary, approved on-site facilities;

5.614 Approved on-site facilities.

5.62 Each property shall connect with an approved public or community sewer system, if accessible. Where the sewer is not yet accessible but is planned for extension to the subdivision within ten (10) years, the subdivider shall install sewer lines, including lateral connection, as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.

5.63 All sewage disposal systems shall conform in all respects to the minimum requirements of the Pennsylvania Department of Environmental Resources, and all ordinances, rules and regulations of the Township and applicable Authorities.

5.64 If on-site sanitary sewage disposal facilities are proposed, the Township may require that the Subdivider submit a Feasibility Report if the Township considers that such facilities are not the highest type consistent with existing conditions. Such report shall compare the feasibility of providing on-site facilities with that of providing higher types of facilities (see Section 5.61). Based on analysis of the Feasibility Report, the Township may require the installation of a higher type of facility.

5.65 Wherever approval by the Pennsylvania Department of Environmental Resources or an Authority is required for the sanitary sewage disposal system(s) for a proposed subdivision, the Township shall require that a copy of such approval certification shall be submitted prior to approval of a Final Plan.
5.66 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 flood waters into the systems and discharges from the systems into flood waters.

5.67 Suitable arrangements, approved by the Township, shall be made for the ownership and maintenance of all community sewer systems.

Section 5.70 Water Supply.

5.71 The subdivider shall provide the highest type of water supply and distribution facility consistent with existing physical, geographical, and geological conditions. The following types of water systems are listed in order of decreasing desirability:

5.711 Public water supply and distribution system
5.712 Community water supply and distribution system
5.713 Approved on-site system

5.72 Each property shall connect with an approved public or community water system, if reasonably 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 to meet the specifications of the Insurance Services Office.

5.73 Where public or community systems are not reasonably accessible, cannot be connected to, or 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 with in 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 Township. If such a system is provided, it shall be approved by the Township and the Pennsylvania Department of Environmental Resources, and appropriate agreements established to ensure proper and adequate maintenance shall be submitted to and approved by the Township.
5.74 All water supply and distribution systems, public, community, and on-site, shall be constructed in full compliance with Pennsylvania Department of Environmental Resources specifications, and all ordinances, rules, and regulations of the Township and applicable Authorities. Minimum water supply recognized by the Insurances Office shall be provided.

5.75 Whenever approval by an Authority or other public agency, a utility company, or the Pennsylvania Department of Environmental Resources 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 township prior to approval of a Final Plan.

5.76 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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

5.78 If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township that this subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of the 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 5.80 Storm Water Management.

Storm water management shall be in accordance with the Storm Water Management Ordinance of the Township of Lower Heidelberg.
Section 5.90  Community Facilities.

5.901 In order to provide for the recreational facilities necessary to serve the needs of the future residents of proposed dwelling units, the developer shall reserve recreation areas within the subdivision or land development, or at some other nearby location if approved by the Township Supervisors. The subdivider shall provide the recreation areas in accordance with a plan approved by the Supervisors, in accordance with the schedule below. When the Township Zoning Ordinance requires recreation areas in accordance with another schedule, such other schedule shall be followed:

<table>
<thead>
<tr>
<th>Gross Density of Tract in Dwelling Units Per Acre</th>
<th>Percentage of Total Area of Subdivision or Land Development to be Reserved for Recreation Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1.0</td>
<td>5%</td>
</tr>
<tr>
<td>1.01 to 2.0</td>
<td>8%</td>
</tr>
<tr>
<td>2.01 to 3.0</td>
<td>12%</td>
</tr>
<tr>
<td>3.01 to 4.0</td>
<td>15%</td>
</tr>
<tr>
<td>4.01 to 5.0</td>
<td>18%</td>
</tr>
<tr>
<td>5.1 to 10.0</td>
<td>20%</td>
</tr>
<tr>
<td>10.01 and greater</td>
<td>25%</td>
</tr>
</tbody>
</table>

In lieu of reserving areas for recreation and upon agreement between the Township and the developer, the developer shall pay the Township $400.00 for each dwelling unit.

5.902 Areas reserved for recreation purposes shall meet the following standards:

5.9021 The land shall be readily accessible to residents of the subdivision or land development.

5.9022 Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.
5.9023 The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purpose, and be such that recreation use is feasible. Designated purposes are subject to Township approval.

5.9024 No more than twenty-five percent (25%) of the recreation areas shall be land with slope of over fifteen percent (15%) and/or land with high water table or seasonal high water table.

5.9025 Recreation areas shall be improved and equipped to a usable stage in accordance with plans to be approved by the Township. Such improvement and equipping shall be guaranteed through the Municipal Improvements Agreement.

5.903 The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas, which shall be approved by the Township. The Township may, at its discretion, accept land for dedication.

5.904 The Township 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 subdivider shall give earnest consideration to providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools, and other public buildings, and parks.

5.9041 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.
5.92 Community Assets.

5.921 Consideration shall be shown for all natural features, such as large trees, water courses, rock outcroppings, and bodies of water. Trees shall be preserved wherever possible.

5.93 Utilities.

5.931 Easements 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, and all utilities and easements shall be located in accordance with their standards.

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.

5.932 To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

5.933 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.

5.934 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 to the applicable requirements of the Pennsylvania Public Utilities Commission Regulations.

5.935 Underground telephone lines, television cables, and electric distribution lines are to be installed in all new subdivisions of five lots or more. In existing subdivisions with five or more unimproved lots any extensions of the electric distribution lines, telephone lines,
and television cables shall be placed underground. Where possible, all new service laterals from existing overhead distribution lines shall be placed underground. Prior to final Township endorsement of the final plan the subdivider shall submit to the Township Supervisors a copy of a letter from the appropriate utility company stating that it has received final plans for the design of an underground electric system.

5.936 When required by the Township, the location of utility easements and rights-of-way shall be marked in the field.

5.94 Standards for Mobile Home Parks.

5.941 Mobile home parks shall be considered subdivisions and shall comply with all the design standards and improvement specifications found in Articles V and VI of this Ordinance.

5.942 The submission, review, approval or disapproval, and recording of any mobile home park shall be in accordance with the provisions of Article III of this Ordinance.

5.943 The Plan of any mobile home park shall comply with the requirements stated in Article IV of this Ordinance.

5.944 All mobile home parks shall comply with all the requirements for mobile home parks as may be listed in the Lower Heidelberg Township Zoning Ordinance, as amended, and the Lower Heidelberg Township Park Ordinance, as amended.

5.95 Access to the Subdivision or Land Development.

5.951 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.

5.952 All subdivisions and land developments containing more than twenty (20) dwelling units shall have at least two means of ingress and
egress via streets meeting the design and
construction standards of the Township.

5.953 For all subdivisions and land developments for
which only one means of ingress and egress is
proposed, the Township Supervisors may require,
where deemed necessary in the public interest
and for the public safety, the provision of
additional street access meeting Township
standards.

5.96 Flood Plains.

5.961 Unless 100 year flood plain limits along with
the associated 100 year flood elevations have
been established for water courses by the
Federal Emergency Management Agency, or its
successor, flood plains shall be calculated
using the method established in Appendix IV of
this Ordinance. All flood plains shall be
indicated on the Subdivision or Land Development
Plan.

5.962 The Township may require that vehicular access
be provided to each dwelling unit within a
subdivision or land development over a street or
other approved means of access which is elevated
above the level of the 100 year flood.

5.963 No water course shall be altered or relocated
unless approved by the Township Supervisors and, where applicable, the PennDER Division of
Waterway Management and the Federal Emergency
Management Agency.

5.964 No water course 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 water course shall
be designed to be not less than the flood
carrying capacity of the water course prior to
the proposed alteration or relocation.

5.965 No encroachment shall be made on a flood plain
or water course which will increase flood levels
within the Township during the occurrence of the
100 year flood discharge. With any proposal for
an encroachment, calculations which will indicate compliance with these requirements shall be submitted to the Township. All encroachments are subject to Township approval.

5.966 Nothing in this Section 5.96 shall be construed to overrule or be in conflict with the Lower Heidelberg Township Floodplain Ordinance, as amended. To the extent that this Section 5.96 and the Lower Heidelberg Township Floodplain Ordinance, as amended, conflict, the Lower Heidelberg Township Floodplain Ordinance, as amended, shall control.

5.97 Considerations for Solar Access.

5.971 When maximal provision is to be made for the use of solar energy by structures, in general streets toward which buildings are to be oriented should run in an east-west direction.

5.972 Section 5.512 indicates that insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Township may allow variation from this requirement where provision is to be made for maximal use of solar energy, in which case side lot lines generally may run from due north to due south or with slight variation east or west of this axis.

5.9721 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 axes running east to west, though in some high density or townhouse developments a north-south orientation for the long axes may be desirable.

5.9722 Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.
Consideration should be given to reserving solar easements within lots for protection of solar access.
ARTICLE VI - IMPROVEMENT SPECIFICATIONS

Section 6.10 General Requirements.

6.11 Physical improvements to the property being subdivided 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 Township.

6.12 The subdivider shall agree with the Township as to installation of all improvements shown on the Plan and required by these regulations and shall execute and file Subdivision Improvements Agreement, Form LSR-4.

6.13 All improvements installed by the subdivider shall be constructed in accordance with the applicable design specifications of the Township or, where none apply, as prepared by the Township Engineer. Where required, the specifications of the applicable State agency shall be used.

6.14 Supervision of the installation of improvements required by Section 6.20 following shall in all cases be the responsibility of the Township or of the appropriate State regulatory agency. Any supervision to be performed by the Township shall be performed by such person as may be designated by the Township Supervisors.

The developer shall reimburse the Township for expenses incurred for the inspection of improvements.

6.15 Where required by the Township, improvements shall be extended to the boundaries of the subdivision or land development to facilitate extension into surrounding properties.

6.16 The Subdivider shall be required to pay the entire cost of providing and extending all necessary and required improvements to his subdivision or land development, such as the extension of sanitary and storm sewer and water lines and the construction of streets. In addition, the township may require a subdivider, as a condition for approval of a subdivision or land development, to pay the entire share of the cost of providing necessary street improvements and water and sewerage and drainage facilities, and easements therefore, located outside the property limits of the subdivision or land development but necessitated or created
and required by construction or improvements within such subdivision or land development.

Section 6.20

Required Improvements.

The following improvements shall be provided by the subdivider:

6.21 Street Grading. 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 Township. The Township 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 no less than 2:1 when graded.

Planting strips within street rights-of-way shall be graded, properly prepared, and seeded or sodded with lawn grass when required by the Township.

6.22 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 Pavement Design Guidelines in PennDOT Publication Guidelines for Design of Local Roads and Streets, April 1983 edition, as amended.

6.23 Curbs. Curbs shall be installed along both sides of all streets in accordance with Township specifications.

6.24 Sidewalks.

6.241 Sidewalks with a minimum width of four (4) feet, but meeting all requirements of applicable Township specifications, shall be installed on both sides of all streets except that:

6.2411 Sidewalks shall be installed on only one (1) side of marginal access streets; and

6.2412 No sidewalks shall be required along service streets.

6.242 Wherever sidewalks are required, curbs shall also be required.
6.25 **Storm Sewers.** Storm sewers and related facilities shall be installed consistent with acceptable design principles and the standards contained in Section 5.80 and Appendix V of the Regulations.

6.26 **Sanitary Sewage Disposal.**

6.261 Sanitary sewage disposal systems shall be provided consistent with the requirements contained in Section 5.60 of these regulations.

6.262 Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, and when approved by the Township, 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 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.

6.263 In all other cases, the subdivider shall provide a community or public sanitary sewage disposal system. The design and installation of such systems shall be subject to the approval of the Township and the applicable public agencies. A system shall be subject to satisfactory provision for the maintenance thereof.

6.27 **Water Supply.**

6.271 Water supply system(s) shall be provided consistent with the standards contained in Section 5.70 of these regulations.

6.272 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 within the subdivision that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.
6.273  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 Township and the applicable public agencies or private companies. A community water distribution system shall be subject to satisfactory provisions for the maintenance thereof.

6.28  **Fire Hydrants.** Wherever a public or community water distribution system is provided, fire hydrants shall as a minimum be installed within 600 feet of all existing and proposed structures, measured by way of accessible streets. The location, number, and separation of hydrants shall be approved by the Township in accordance with the guidelines of the Insurance Services Office.

6.29  **Monuments.**

6.291 Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in direction of lines in the boundary (perimeter) of the property being subdivided.

6.292 All monuments shall be placed by a Registered Professional Engineer or surveyor so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented.

6.293 Monuments shall be set with their top level with the finished grade of surrounding ground, except:

6.2931 Monuments which are placed within lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalk; and

6.2932 Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
Where sidewalks are existing, a stone point (a four inch \(4\)" square chisel cut with a drill hole in center) may be substituted for a monument.

All streets shall be monumented, preferably on the right-of-way line, or on the five feet \(5\) range line at the following locations:

6.2941 At least one \(1\) monument at each street intersection;

6.2942 At changes in direction of street lines, excluding curb arcs at intersections;

6.2943 At each end of each curved street line, excluding curb arcs at intersections;

6.2944 At intermediate points wherever topographical or other conditions make it impossible to site between two \(2\) otherwise required monuments.

6.2945 At such other places along the line of streets as may be determined by the Township to be necessary so that any street may be readily defined in the future.

Street Signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Township.

Markers. Metal markers shall be accurately placed at all lot corners prior to development or sale of parcels.

Street Lights. In accordance with the conditions to be agreed upon by the subdivider, the Township, and the appropriate public utility, street lights shall be installed in all subdivisions and developments.
6.33 **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.

6.34 **Shade Trees.** Where feasible, the subdivider shall preserve existing shade trees within the tract being developed. In addition, deciduous hardwood trees of a species approved by the Township having a minimum caliper of two (2) to two and one-half (2-1/2) inches shall be planted when required by the Township. In general, the trees are to be placed one (1) foot outside the street right-of-way at a maximum distance of fifty (50) feet between trees. Conditions of placement and inspection shall be specified by the Township.

6.35 **Recreation Facilities.** When required by the Township, recreation facilities shall be provided in accordance with Section 5.90.

6.36 **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 Township.

6.37 **Guard Rails.** When required by the Township, guard rails shall be provided in accordance with Section 5.33.

6.38 **Acceleration and Deceleration Lanes.** When required by the Township as provided for in Section 5.526, acceleration and deceleration lanes shall be provided.

6.39 **Rock Removal.** Provisions shall be made for rock removal in the subdivision improvements agreement and guarantee.

6.40 **Backfilling.** Utility excavations in areas of streets, driveways, parking areas and loading areas shall be backfilled in accordance with procedures approved by the Township.
ARTICLE VII - ADMINISTRATION AND AMENDMENT

Section 7.10 Fees.

7.11 The Township Supervisors shall establish by resolution a collection procedure and Schedule of Fees to be paid by the subdivider at the time of filing a Subdivision or Land Development Plan.

The subdivider is also responsible for paying all costs of supervision of installation of improvements in accordance with Section 6.14 of this Ordinance.

7.12 The Schedule of Fees shall be obtainable in the office of the Township Secretary.

7.13 No Final Plan shall be endorsed unless and until all fees and charges have been paid in full.

Section 7.20 Modifications.

7.21 The Township Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance are observed.

All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision or development. The request shall state in full the grounds or provisions of this Ordinance involved and the minimum modification necessary. The request for modification may be referred to the Planning Commission for advisory comments. The Supervisors shall keep a written record of all action on all requests for modifications.

In granting modifications, the Supervisors may impose such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so modified.

7.22 No changes, erasures, modifications or revisions shall be made in any plan of a subdivision or land development after approval has been made by the Supervisors, unless the said plan is first resubmitted to and approved by the Township Supervisors.
Section 7.30 Challenges.

7.31 Any person desiring to challenge the validity of any provision of this Ordinance or any amendment thereof, shall make such challenge as prescribed by law.

7.32 Any person aggrieved by action of the Township Supervisors may appeal the action as prescribed by law.

Section 7.40 Preventive and Enforcement Remedies.

7.41 Preventive Remedies. In addition to other remedies, the Township 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 transferror from such penalties or from the remedies herein provided.

The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. This authority to deny such a permit or approval shall apply to any one of the following:

(a) The owner of record at the time of such violation.

(b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such a vendee or lessee had actual or constructive knowledge of the violation.

(c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
As an additional condition for issuance of a permit or the granting of an approval to any such current owner, vendee or lessee for the development of any such real property, the Township 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.

7.42

Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Township 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

7.43

Upon conviction of such misdemeanor, such persons or the members of such partnership or the officers of such corporation or the agent of any of them responsible for such violation shall pay a fine not exceeding one thousand dollars ($1,000) per lot or parcel or per dwelling with in each lot or parcel. All fines collected shall be paid to the Township. The description by metes and bounds in the instrument of transfer or other document used in the process
of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

7.44 The Township Supervisors may:

7.441 Authorize a solicitor to appear before a district justice to issue an appropriate order requiring the defendant to remedy a violation which has continued subsequent to an enforcement notice.

7.442 In default of payment of such fine or upon failure to comply with the order of the district justice, the supervisors may petition the Court of Common Pleas for a contempt citation.

7.443 In addition to these remedies, the Township may institute and maintain appropriate actions by law or 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.

7.444 The supervisors may institute and maintain appropriate actions by law or in equity to set aside and invalidate any deed of conveyance, sale or contract to sell real estate which has been divided or developed in violation of this Ordinance.

7.45 Nothing herein shall prevent the Township from taking such other action necessary to prevent or remedy any violation.

Section 7.50 Keeping of Records.

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

Section 7.60 Responsibility.

The subdivider shall be responsible for observing the procedures established in this Ordinance and for submitting all plans and documents as may be required.
Section 7.70 Conflicts.

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

7.72 All existing Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect, except as noted in Section 7.71.

Section 7.80 Revision and Amendment.

7.81 The Township Supervisors may from time to time revise, modify, or amend these regulations. At least thirty days prior to the hearing on any amendment, the Township shall submit the proposed amendment to the Berks County Planning Commission for recommendations. Within thirty days after adoption, the Township shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the Berks County Planning Commission.

7.82 Any revisions, modifications, or amendments to these regulations shall be made in accordance with the procedures established by law.

Section 7.90 Severability.

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

Section 800 attempts to clarify by DEFINITION terminology used within and in relationship to this subdivision and land development ordinance.

8.10 Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated.

8.11 Words in the singular include the plural and those in the plural include the singular.

8.12 Words used in the present tense include the future tense.

8.13 Words "person", "subdivider" and "owner" include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.

8.14 The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof".

8.15 The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.

8.16 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

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

8.21 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.

8.22 Alley. See Service Street.

8.23 Block. An area bounded on one side by a street and on the other three sides by a street, railroad right-of-way, watercourse, unsubdivided area, or similar feature.
8.24 **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.

8.25 **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.

8.26 **Cartway (Roadway).** The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

8.27 **Clear Sight Triangle.** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance form the intersections of the street center lines.

8.28 **Commission.** The Planning Commission of the Township of Lower Heidelberg.

8.29 **Common Parking Area.** A parking facility other than those provided within the lot lines of a lot on which one single family detached dwelling, one single family semi-detached dwelling, one townhouse, one two family detached dwelling, or one two family semi-detached is located.

8.30 **County.** The County of Berks, Commonwealth of Pennsylvania.

8.31 **County Planning Commission.** The Planning Commission of the County of Berks.

8.32 **Crosswalk (Interior Walk).** A publicly or privately owned right-of-way for pedestrian use extending from a street into a block, or across a block to another street.

8.33 **Development Plan.** The provisions for development of a planned residential, commercial, or industrial development, including a plat of subdivision, all covenants related to use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written graphic materials referred to in this definition.
8.34 Developer (Subdivider). Any landowner, agent or 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.

8.35 Drainage Right-of-Way. The lands required for the installation of sanitary or storm sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

8.36 Dry Bottom Water Storage Area. A man-made area used to detain surface water and meter the flow at an acceptable rate.

8.37 Dwelling Unit. Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

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

8.39 Endorsement. The application of the County Planning Commission's appropriate stamp, the signature of the Chairman and one other member of the Township Planning Commission, and the signatures of at least a majority of the Township Supervisors to the plan.

8.40 Engineer. A licensed professional engineer registered by the Commonwealth of Pennsylvania.

8.41 Flood Plain. A land area susceptible to being inundated by water from any source.

8.42 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.

8.43 Improvements. Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
8.44  **Land Development.**

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

Land developments are subject to all regulations and requirements set forth in this Ordinance.

The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building is exempted from the definition of land development.

8.45  **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 these regulations.

8.46  **Land Planner.** A recognized professional individual or firm affiliated with registered engineers, architects, and/or surveyors capable of preparing development plans.

8.47  **Lot.** A designated tract, parcel or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.
Lot Area. The area contained within the property lines of a lot (as shown on the Plan) excluding space within all street rights-of-way.

Lot, Flag. A lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of the Township 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 which wider portion complies with the minimum lot width requirements of the Township Zoning Ordinance.

Maintenance Guarantee. A guarantee by the subdivider that he shall maintain all improvements in good condition for a period of time after completion of construction and installation of all such improvements.

Marker. A solid steel pin of at least three-quarter inch (3/4") in diameter and at least 36 inches in length.

Mobile Home. A transportable, single family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

Mobile Home Lot. A 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 has been so designated 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 brass dowel (1/4" drill hole) and at least 36 inches in length. It is recommended that the bottom sides or radius be at least two (2) inches greater than the top, to minimize movements caused by frost. (2) A solid steel pin at least three-quarter inch (3/4") in diameter and at
least 36 inches in length with the bottom encased in concrete to a minimum depth of 8 inches.

8.56 Multiple Dwelling Building. A building providing separate dwelling units for three or more families.

8.57 Municipality. Township of Lower Heidelberg.

8.58 Owner. Any person, firm, association or syndicate, co-partnership or corporation having a proprietary interest in any land sought to be subdivided or developed pursuant to this Ordinance.

8.59 Parcel. See Lot above.

8.60 Performance (Improvements) Guarantee. Any security which may be accepted in lieu of a requirement that certain improvements be made before the Township gives final approval to the plan, including performance bonds, escrow agreements, and any other collateral or surety agreements.

8.61 Plan, Sketch. A plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

8.62 Plan, Preliminary. A tentative subdivision or land development plan (including all required supplementary data), in lesser detail than a final plan, showing, among other things, topographical data and approximate proposed street and lot layout as a basis for consideration of a subdivision prior to preparation of a final plan.

8.63 Plan, Final. A complete and exact subdivision or land development plan (including all required supplementary data), prepared for official recording of a subdivision, to define property rights and proposed streets and other improvements, prepared by a Registered Engineer or Registered Surveyor.

8.64 Plan, Record. A copy of the Final Plan which contains the original endorsements of the County Planning Commission, the Township Planning Commission, and the Township Supervisors, which is intended to be recorded with the County Recorder of Deeds, and is prepared by a Registered Engineer or Registered Surveyor.
8.65 **Plan, Major Street.** That element of the Township Comprehensive Plan, now or hereafter adopted, which shows the general location, alignment and dimensions, and the identification and classification of existing and proposed major streets, highways, and other thoroughfares.

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

8.67 **Planning Commission.** The Planning Commission of Lower Heidelberg Township.

8.68 **Plat.** A map or plan of a subdivision, whether preliminary or final.

8.69 **Public Grounds.** Includes (1) parks, playgrounds and other public areas; and (2) sites for publicly owned or operated buildings and facilities.

8.70 **Reserve Strip.** A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street, either proposed or existing.

8.71 **Resubdivision.** Any replatting of land including changes to recorded subdivision or land development plans.

8.72 **Reverse Frontage Lot.** A lot extending between and having frontage on two generally parallel streets (excluding service streets), with vehicular access solely from one street.

8.73 **Right-of-Way.** The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.

8.74 **Sanitary Sewage Disposal, On-Site.** Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

8.75 **Sanitary Sewerage System, Community.** A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.
8.76 **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.

8.77 **Sight Distances.** The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.75 feet above the center line of the road surface to a point 0.5 feet above the center line of the road surface.

8.78 **Street.** A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic and pedestrians. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic and pedestrians whether public or private. Streets are further classified according to the function they perform:

8.781 **Minor Streets.** A street used primarily to provide access to abutting properties;

8.782 **Cul-De-Sac Street.** A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end;

The length of a cul-de-sac shall be measured from the intersection of street right-of-way lines nearest the turn-around to the furthest portion of the turnaround, along the center line of the cul-de-sac.

8.783 **Half (Partial) Street.** A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

8.784 **Marginal Access Street.** A minor street, parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

8.785 **Collector Street.** A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to give access to community facilities and/or other
collector and major streets. (Streets in industrial and commercial subdivision shall be considered collector streets);

8.786  **Arterial Street.** A street serving a large volume of comparatively high-speed and long-distance traffic.

8.787  **Service Street (Alley).** A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

8.788  **Internal Street.** A minor street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.

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

8.80  **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 a land development.

8.81  **Subdivision.** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 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 to the land proposed to be subdivided. The term subdivision includes resubdivision.

The enumerating of lots shall include as a lot that portion of the original tract remaining after other lots have been subdivided therefrom.

All parcels of land designated for agricultural purposes shall be shown to be feasible for agriculture, as defined in this Ordinance, to the Township Planning Commission.
Supervisors. Board of Supervisors of Lower Heidelberg Township.

Surveyor. A licensed surveyor registered by the Commonwealth of Pennsylvania.

Township. Township of Lower Heidelberg, Berks County, Pennsylvania

Township Planning Commission. The Planning Commission of Lower Heidelberg Township.

Township Supervisors. The Board of Supervisors of Lower Heidelberg Township.

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, Community. A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

Water Distribution System, Public. A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Wet Bottom Water Storage Area. A water storage area in which a permanent water surface is maintained.
FORM LSR-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: ______________________________________
   _____________________________________________ Phone No. __________

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: ______________________________________
   _____________________________________________ Phone No. __________

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)
   ________ Multi-Family

10. Zoning Classification: ________________________________
    Zoning changes to be requested: ________________________________

11. Type of water supply proposed: ________ Public System
    ________ Community System
    ________ Individual On-Site

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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
FORM LSR-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)
    ________ Multi-Family
11. Will construction of buildings be undertaken immediately? ___ Yes ___ No

By Whom: _________ Subdivider

___________ Other Developers

___________ Purchasers of individual lots

12. Type of water supply planned: _________ Public system

___________ Community system

___________ Individual On-site

13. Type of sanitary sewage disposal planned: _________ Public system

___________ Live

___________ Capped

___________ Community system

___________ Individual On-Site

14. Type of off-street parking planned: _________ Garages

___________ Driveways

___________ Other (specify)

15. Lineal feet of new streets planned: ____________________________

16. Are all streets proposed for dedication? ___ Yes ___ No

17. Deed restrictions 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 Township:

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<th>Intention</th>
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22. List of maps and other material accompanying application and number of each:

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<th>Item</th>
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Date: ____________________________

Signature of Applicant: ____________________________
FORM LSR-3

APPLICATION FOR REVIEW OF FINAL PLAN

Application is hereby made for review of the Final Plan submitted herewith and described in the accompanying maps and documents.

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.

   Item    Number

   (a)      
   (b)      
   (c)      
   (d)      
   (e)      
   (f)      
   (g)      
   (h)      

   Date: ______________________ Signature of Applicant: ______________________

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FORM LSR-4

SUBDIVISION IMPROVEMENTS AGREEMENT

In consideration of the mutual covenants contained herein it is hereby agreed between the Board of Supervisors of the Township of Lower Heidelberg and ____________________________, the subdivider of the property shown on the Plan of ____________________________, dated ________________, 19__, that in accordance with Township requirements and specifications, the responsibility for the provision of the improvements shown on the plan will be as follows:

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<th>IMPROVEMENT</th>
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The subdivider agrees to furnish to the Township as-built drawings of all improvements listed in the Subdivision Improvements Agreement which are to be provided by the subdivider.

This agreement shall be subject to such modifications as may be mutually agreed upon by the subdivider and the Township.

(Witness) (Signature of Subdivider)

(Witness)

Approved by the Board of Supervisors of Lower Heidelberg Township at the meeting of _________________, 19__.

(Seal)
APPENDIX I - Certification of Ownership, Acknowledgement 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 _______________________, of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan _______________________, and that all streets ________________________ shown and not heretofore dedicated are hereby dedicated to the public use ________________________.

____________________ (5) ____________________  ______________________ (6) ____________________  (7)

____________________ (8) ____________________  (9)

My commission expires: ________________________, 19__

(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) whenever applicable, insert: and open spaces contained in lots number

(4) if necessary, insert: except those labeled "not for dedication" (and any other restrictions or reservations
(5) where necessary, signature of secretary of corporation
(6) signature of individual, of partners, or of president of corporation
(7) if necessary, corporate seal
(8) signature and (9) 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 herein is true and correct to the accuracy required by the Subdivision and Land Development Ordinance of the township of Lower Heidelberg and that the perimeter monuments have been accurately placed as required by section 4.337 thereof.

_____________________, 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__, the ________(1)_______ of the ________(2)_______ of ________(3)_______, by ________(4)_______, duly enacted, approved the subdivision plan of the property of ________(5)_______, as shown hereon.

__________

__________

__________

(1) insert either Board of Supervisors, or Borough Council
(2) insert either Township, or Borough
(3) insert name of Municipality
(4) insert either a Resolution, or Ordinance #
(5) insert name of property-owner
(6) signatures of either the Township Supervisors, or of at least the Borough Council President and the Borough Secretary

(7) municipal seal
APPENDIX IV

DETERMINATION OF FLOOD PLAIN

Flood plains shall be determined in accordance with the Storm Water Management Ordinance of the Township of Lower Heidelberg, as amended, and the Floodplain Ordinance of the Township of Lower Heidelberg, as amended.
APPENDIX V

DESIGN OF STORM DRAINAGE SYSTEM

Storm drain systems shall be designed in accordance with the Storm Water Management Ordinance of the Township of Lower Heidelberg, as amended.
APPENDIX VI

ENVIRONMENTAL ASSESSMENT STATEMENT

Instructions

The primary purpose of the Assessment is to determine the impact of the project on the existing site, and the resultant changes the proposal will have on the immediate site, and surrounding area.

In the preparation of this document keep in mind that only factual information, not subjective qualitative statements, shall be presented.

1. Description of the Proposal

Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by reviewing agencies.

2. Description of the Environment

Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.

3. The Environmental Impact of the Proposed Action

Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussions for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.
4. Mitigating Measures Included in the Proposed Action

Include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

5. Any Adverse Effects Which Cannot be Avoided Should the Proposal be Implemented.

Include a discussion of the unavoidable adverse impacts described in 3. and 4. above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

6. The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.

Discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

7. Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action Should it be Implemented

Discuss and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

8. Alternatives to the Proposed Action

Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.
OUTLINE CONSIDERATIONS
FOR DEVELOPING ENVIRONMENTAL STATEMENTS

1. Description of the Proposal
   a. Who is proposing the action?
   b. What is the nature of the action to be taken?
   c. What is it designed to accomplish? What identified needs will be met and to what degree?
   d. Where will it take place?
   e. When will it take place? Indicate phasing of acquisition and development items, if applicable, and timetables for completion.
   f. How does it fit in with the planning efforts, local agencies, comprehensive plans, etc.?

2. Describe the Environment
   a. What are the present and past land uses of the site and of the surrounding area?
   b. Comment on any special topographic features which may be present.
   c. Describe the site's surface and subsurface geologic characteristics.
   d. Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.
   e. Describe the area's water resources, with specific reference to ground water, water quality, aquifers and aquifer recharge areas, and areas subject to flooding.
   f. Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.
   g. Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.
3. Environmental Impact of the Proposed Action

a. What will be the effect on land uses in the area?

b. Will the project affect a site listed on the National Register of Historic Places?

c. In what way will soils and topography be affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation, creation of unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of viewlines to landmarks, blockage of view corridors, etc.

d. Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and where it will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition, and construction wastes.

e. How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply, etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity, and seasonal flows, diversion or blockage of surface water, alterations of natural watercourses, introduction or increase of effluent or toxic, hazardous, or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on groundwater recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

f. How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread onto adjacent lands, introduction of exotic vegetation, creation of areas of highly visible, drying, or decaying vegetation.

g. How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.

h. How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections and traffic to be generated, generation of truck traffic.
i. Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates, and smoke; noise and vibration levels at property lines. Indicate whether heat or glare will be present near property lines and the level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals, or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota, and possible concentrations through food chains.

j. Describe management practices proposed for the area.

4. Mitigating Measures Included in the Proposed Action

Discuss actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

5. Unavoidable Adverse Effects

If adverse effects have been identified in Section 3 and cannot be mitigated, they should be again identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.

6. Relationship Between the Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

What are the impacts of the proposal in the context of other similar projects. In what way will future generations be affected by the currently proposed action?

How do the immediate and long-range impacts on the area with the project compare with the immediate and long-range impacts without the project?

7. Any Irreversible or Irretrievable Commitments of Resources

Discuss any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archeological, geological or historic features, destruction of fragile habitat or endangered
species habitat, unalterable changes in land use, and resources used in project development.

8. Alternatives to the Proposed Action

Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result.

The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. Where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation.
ARTICLE IX - REPEALER

Section 9.10 All ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 16th day of July, 1990.

[Signatures of Supervisors]

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER HEIDELBERG
BERKS COUNTY, PENNSYLVANIA

[Signature of Secretary]

I certify that this is a true and correct copy of the ordinance passed on Aug. 20, 1990.

[Signature of Secretary]
ORDINANCE NO. 219

AN ORDINANCE OF LOWER HEIDELBERG TOWNSHIP, SOUTH HEIDELBERG TOWNSHIP AND THE BOROUGH OF WERNERSVILLE, BERKS COUNTY, PENNSYLVANIA, AMENDING ARTICLE VI OF THE SOUTHWESTERN BERKS COUNTY ZONING ORDINANCE, AS AMENDED, SECTION 604, PERTAINING TO REGULATIONS GOVERNING THE DETERMINATION OF DENSITY AND REQUIRED PROTECTED AREAS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania, the Board of Supervisors of South Heidelberg Township, Berks County, Pennsylvania, and the Borough Council for the Borough of Wernersville, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Article II, § 201 of the Southwestern Berks County Joint Zoning Ordinance is hereby amended to revise and/or incorporate the following definitions:

Protected Area: The area of a tract containing those natural resources calculated and listed in Section 604 of this Chapter. Such Protected Areas are not to be included in the area used in calculating the permissible density, lot coverage, impervious coverage, or intensity of development on a tract of land, and are generally not allowed to be developed upon, except as provided for in this Ordinance.

Slopes, Steep: Those slopes between 15% and 25%, inclusive.

Slopes, Very Steep: Those slopes in excess of 25%.

Tract Area, Adjusted: The area of a Tract calculated by subtracting the Protected Areas from the Total Site Area.

SECTION 2. Article VI, Section 604, of the Southwestern Berks County Zoning Ordinance, is hereby amended as follows:

Section 604. Determination of Density.

1. The permitted density, maximum impervious coverage, maximum building coverage, and maximum lot coverage for any development shall be determined as applied to the Adjusted Tract Acreage of a Tract. It shall be noted that, solely for the purpose of calculating the maximum impervious coverage or the maximum lot coverage for a subdivision and/or land development, the Total Site Area shall not exclude from the gross acreage of the parcel the proposed utility rights of way.

2. Protected Areas.
would otherwise be precluded because of the protected area within such tract, the required protected area may be reduced by the municipal governing body, at its discretion, by up to 50 percent of the required protected area; provided, however, that the reduction of the protected area may not exceed 1 acre or 1/3 of the total tract area, whichever is less. It shall be noted that this provision shall not serve to permit any otherwise restricted development upon or encroachment into any floodplain, wetland, wetland margin, watercourse, very steep slope, woodland, or steep slope. It shall be further noted that this provision shall not be applicable to properties that have been subdivided (i.e., granted final subdivision and/or land development approval or preliminary/final subdivision and/or land development approval) less than two (2) years prior to the date of the subdivision and/or land development application. Additionally, nothing herein shall be construed to modify any County, State or Federal regulations, laws or ordinances respected the above-referenced natural resources.

3. Included with any subdivision or land development application, an applicant shall prepare and submit to the Municipality for approval an Existing Conditions Map of the parcel. The Existing Conditions Map shall identify and provide the following calculations:

(A) Natural resources:

(1) Floodplains (one-hundred-year);

(2) Wetlands;

(3) Watercourses, including lakes, ponds and streams;

(4) Areas of steep slope, including areas of very steep slopes (over 25%) and areas of steep slopes (between 15% and 25%, inclusive);

(5) Woodlands;

(6) Wetland margins (the areas within one hundred feet (100') of a wetland).

(B) Man-made resources:

(1) Existing and proposed road and access rights-of-way;

(2) Existing and proposed utility rights-of-way.

SECTION 3. Severability. If any sentence, clause, section or party of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality
CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 219 adopted by the Board of Supervisors of South Heidelberg Township, Berks County, Pennsylvania at a special meeting held on March 31, 2009, pursuant to notice as required by law.

Date: 3/31/2009

Secretary
January 15, 2009

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601-4309

Re: Lower Heidelberg Township: Proposed SALDO Amendment
Our File No. 3934.03

To Whom It May Concern:

Enclosed please find a true and correct copy of the Subdivision and Land Development Ordinance Amendment that was adopted by the Lower Heidelberg Township Board of Supervisors on December 29, 2008.

Very truly yours,

Michael G. Crotty

MGC/kcr
Enclosure
cc: Lower Heidelberg Township (w/encl.)
AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF LOWER HEIDELBERG SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, AND REPLACING ALL OTHER ORDINANCES, OR PARTS OF ORDINANCES, INCONSISTENT THEREWITH.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION I. Section 301 of the Lower Heidelberg Township Subdivision and Land Development Ordinance, as amended, entitled “Review of Subdivision and Land Development Plans,” is hereby amended to read as follows:

Section 301. Review of Subdivision and Land Development Plans. The Township’s review of any preliminary, preliminary/final, or final subdivision and land development plan application shall be pursuant to the time periods set forth in the Pennsylvania Municipalities Planning Code. Extensions from the applicable review periods may be granted by the Township Board of Supervisors, upon request by an applicant.

Additionally, in recognition that an applicant has a duty to prosecute preliminary, preliminary/final, and final subdivision and/or land development applications in a diligent, reasonable and timely manner, the Township Board of Supervisors will only approve an aggregate of three (3) requests for extensions of the review period under Section 508 of the Pennsylvania Municipalities Planning Code, up to a maximum of 180 days measured from the expiration of the Township’s initial ninety (90) day period from.
the submittal of the application. The Board of Supervisors, in its discretion, may grant additional requests for extensions of the review period prescribed by Section 508 of the Municipalities Planning Code for good cause shown and in circumstances where an applicant has diligently prosecuted its application by submitting revised plans in response to, and in compliance with, the review letters prepared by the Township Engineer.

SECTION II. Section 302 of the Lower Heidelberg Township Subdivision and Land Development Ordinance, as amended, entitled “Preliminary Plan and Final Plan Required,” is hereby amended to read as follows:

Section 302. Preliminary Plan and Final Plan Required. For all subdivisions, except those exempt standard procedures, a preliminary plan and a final plan must be submitted to the Township for approval. Those subdivisions exempt from this procedure and the procedures to follow in the case of exempted subdivisions are to be found in Sections 344 – 348 of this Ordinance. It shall be noted that an applicant shall file only one subdivision and land development application affecting any one property at any one time. If at any time an applicant desires to or does file a second subdivision and land development application pertaining to a property that is inconsistent with any prior subdivision and land development application, the filing of the second, inconsistent application shall serve as an automatic withdrawal of the prior application relating to the property and the applicant shall acknowledge the same, in writing, in filing its subdivision and land development application.

Sketch Plan submission is strongly encouraged by the Township as a way of helping applicants and officials develop a better understanding of the property and to
help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the zoning ordinance. It will facilitate the review process and may result in lower costs for the project.

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

SECTION IV. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby superceded insofar as the same affects this Ordinance.

SECTION V. Renumbering. The location and numerical designation of these revised Sections shall be delegated to the discretion of the General Code Publishers which may renumber or reorder these revised Sections as is necessary.
SECTION VI. Effective Date. This Ordinance shall become effective within five (5) days of the date of enactment as by law provided.

ENACTED AND ORDAINED this 29th day of December, 2008.

ATTEST:

[Signatures]

LOWELL HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS

[Signatures]

R. David Seip, Chairman
Kim M. Reifsnyder, Vice Chairwoman
Cheryl Johnson, Member
I, Michael G. Crotty, Solicitor of Lower Heidelberg Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption on April 20, 2009, by the Lower Heidelberg Township Board of Supervisors.

Michael G. Crotty, Esquire
Siann, Bellwar & McAndrew, LLP
Solicitor to Lower Heidelberg Township

LOWER HEIDELBERG TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 282

AN ORDINANCE OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania ("Township") as follows:

Section 1. Part 3 of the Lower Heidelberg Township Subdivision and Land Development Ordinance is hereby amended by adding new Sections 300 through 300.2 to read as follows:

Section 300. Application Package for Subdivision and Land Development

1. Those persons or parties seeking to have a subdivision or land development plan reviewed by Lower Heidelberg Township shall submit an application package for each phase of the review process (sketch, preliminary and final plan). The following sections indicate what information and exhibits are required to be included in the application package, and the process Lower Heidelberg Township shall use to review proposed subdivision or land development plans.

Section 300.1. Application Package Submission

a) The application package shall be submitted to the Township Secretary or Code Enforcement Officer ("the Designated Reviewer") as designated by the Board of Supervisors.
b) The Designated Reviewer shall review the application package to determine
the completeness of the package as required by Section 300.2 for the appropriate
phase of the proposed application.

1. If the application package is complete, the Designated Reviewer shall
indicate on the application form that the application package is complete; provide
a copy of the same to the applicant; and forward the application packet to the
Board of Supervisors, the Planning Commission, the County Planning
Commission, or other Township, State, or County officials as deemed necessary.

2. If the application package is not complete, the Designated Reviewer
shall: Indicate such on the application form, including a designation of the
additional materials that are required to be submitted; and provide a copy of the
same to the applicant, the Township Planning Commission and the Board of
Supervisors. Unless the applicant submits the necessary materials noted by the
Designated Reviewer or unless the Board of Supervisors grants a waiver from
the requirement that the applicant submit such materials, the Board of
Supervisors may reject the application packet as incomplete pursuant to, and
within the review period prescribed by, the MPC.

3. Nothing herein shall be construed to modify the determination of the
application date as defined by the MPC.

c) Any complete application package accepted by the Designated Reviewer shall
be added to the list of other complete application packages on the agenda of the next
regular meeting of the Township Planning Commission.

d) At the next regular meeting of the Township Planning Commission, the
Planning Commission shall act to accept the list of complete application packages for
review and shall commence its review of the application

Section 300.2 Application Package Content:

A) The Application Package shall contain the following information and exhibits:
1) Sketch Plan:
   a) Nine (9) black & white line prints of the plans;

   b) An application form complete with the name of property
      owner/developer, address phone number of contact person, and
      project name;

   c) Proof of ownership of the property proposed for development; and
d) An electronic copy of the Plans and other submission documents noted above, submitted in an electronic form acceptable to the Township Engineer.

2) Preliminary Plan Application Package:

a) Proof of ownership of the land proposed for development;

b) Name of the proposed development;

c) Five (5) copies of the completed application;

d) Eighteen (18) black and white copies of the preliminary plan;

e) Referral form and fee for Berks County Planning Commission review;

f) Filing fee and professional consultant review fee required by Lower Heidelberg Township;

g) A natural resource analysis or Existing Resource and Site Analysis Plan showing all the scenic vistas, scenic view sheds and natural and historic resource location and conditions on the site and adjoining properties;

h) A plan for proposed open space and recreation facilities, when open space and park land are involved;

i) A complete delineation of the Protected Area features listed in Section 604 of the Zoning Ordinance; and

j) An electronic copy of the Plans and other submission documents noted above, submitted in an electronic form acceptable to the Township Engineer.

Other information and documentation may be required by the Township when the process of review identifies areas and conditions that warrant information required to make adequate and informed decisions in consideration of the proposed development. *Inter alia*, the following information shall be provided to the Township for review and consideration of approval prior to the Applicant obtaining Preliminary Subdivision and/or Land Development Plan approval:

a) Four (4) copies of the results of soil percolation tests when on lot sewage disposal systems are proposed, or other information required by the Township SEO or DEP including DEP planning modules;
b) Where applicable, eight (8) copies of the documents for Condominium or Homeowners Association governance and covenants;

c) A traffic impact study and analysis where a proposed project for commercial, industrial or residential (where such residential project proposed in excess of forty [40] dwelling units) requires access to a road designated as a collector or arterial road;

d) Where the proposed development proposes to utilize on lot water supply or a shared well supply, a hydrogeological analysis of ground water is required. The study should indicate the existing conditions and the impact of the proposed development on the ground water and aquifer;

e) Other studies and reports in support of the proposed development;

f) Documentation from the appropriate utility of the availability of adequate service and the willingness of the provider to serve the proposed development; and

g) Evidence of the submission of the plan and supplementary information to Pennsylvania Department of Transportation District 5 where the proposed project involves a state owned road;

3. Final Plan Application Package

a) Five (5) copies of the application form for final plan;

b) Seventeen (17) sets of signed and sealed black & white prints containing all the required information of Sections 406 through 409 of the Township SALDO, plus one (1) additional copy for each municipality adjoining the proposed site;

c) Proof that all plan review fees for preliminary and sketch plan, as well as final plan, have been paid;

d) A copy of the DEP sewage system application, that indicates the review and approval of the proposed development;

e) Nine (9) copies of all supplemental data and reports as required by Sections 406 through 409 of the Township SALDO and as identified as condition of Preliminary Plan approval by the Township;

f) A review report from the Berks County Conservation District;
g) Review reports from all applicable utility companies or agencies and

h) An electronic copy of the Plans and other submission documents noted above, submitted in an electronic form acceptable to the Township Engineer.

Where special or unique conditions exist within the site, the Township may, during the review process, require additional information and documentation, that will assist the Township in making an informed review and decision regarding the proposed plan or development. Failure of the Township to indicate the need for this information at the time the application package is received does not eliminate the obligation of the applicant to provide the indicated additional documentation or information when requested.

Section II. Part 5 of the Lower Heidelberg Township Subdivision and Land Development Ordinance is hereby amended by amending Sections 522(c), 522(d), and by adding 522(g) to read as follows:

1. Section 522(c) is revised to read:

(c) All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five feet (75'), measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard immediately adjacent to the right-of-way have a planting screen, fence, earth mounding, or similar screening device and barrier to vehicular access within the rear yard. A fence with a minimum height of four (4) feet shall be placed within the rear yard to prevent pedestrian access from the rear yard to the street right-of-way. The height, location, and material of the fence are subject to Township Supervisors' approval.

2. Section 522(d) is revised to read:

When the rear wall of apartment buildings, townhouses, or industrial or commercial buildings will face a public street, a planting screen, fence, earth mounding, or similar screening device shall be provided between the buildings and the public street. A fence with a minimum height of four (4) feet shall be placed within the rear yard to prevent pedestrian access from the rear yard to the street right-of-way. The height, location, and material of the fence are subject to Township Supervisors' approval.

3. Section 522(g) is added to read:

Where the rear yard of a residential lot is adjacent to an open space, buffer area or protected area facing an existing public road and the rear of the lot is less than
200 feet from the required right-of-way of that public road, a planting screen, fence, earth mound or some combination thereof shall be provided to screen the dwelling from the public road. Screening may be placed at any location between the right-of-way line and the rear of the dwelling. Screening shall obstruct vision below a plane measured from 3 ½ feet above the road centerline to the window/door headers on the first floor of the dwelling. A fence with a minimum height of four (4) feet shall be placed within the rear yard to prevent pedestrian access from the rear yard to the street right-of-way. The height, location, and material of the fence are subject to Township Supervisors' approval.

Section III. Chapter XXVI, Part 5 of the Code of Ordinances, Section 525 is hereby amended by adding Section 525(b) to read as follows:

Section 525(b). Sewage Disposal Sites.

1. A primary and secondary sewage disposal site shall be provided on every new lot for which on-lot sewage disposal is planned. For the purposes of this Section, a "new lot" shall be defined as a designated tract, parcel or area of land established after the enactment of this amendment in accordance with the Lower Heidelberg Township Subdivision and Land Development Ordinance to be used, developed or built upon as a unit.

Section IV. Chapter XXVI, Part 5 of the Code of Ordinances is hereby amended by amending Sections 528(A), and by adding new Sections 528(B), 528(C), 528(D), 528(E), 528(F), and 528(G) to read as follows:

(A) In residential subdivisions and land developments, recreational areas shall be offered for dedication or otherwise reserved by the applicant within the tract proposed for subdivision or land development, or a fee in lieu of such areas shall be paid by the applicant in accord with the requirements of this Section. The developer shall reserve recreation areas within the subdivision or land development, or at some other nearby location if approved by the Township Board of Supervisors. The developer shall provide recreation areas in accordance with a plan approved by the Supervisors in accordance with this Section. The decision to accept either the offer of dedication or a fee in lieu of such dedication shall be made by the Board of Supervisors in accord with the Lower Heidelberg Township Recreation Plan.

<table>
<thead>
<tr>
<th>Gross Density of Tract in Dwelling Units Per Acre</th>
<th>Percentage of Total Area of Subdivision or Land Development to be Reserved for Recreation Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1.0</td>
<td>5%</td>
</tr>
<tr>
<td>1.01 to 2.0</td>
<td>8%</td>
</tr>
<tr>
<td>2.01 to 3.0</td>
<td>12%</td>
</tr>
<tr>
<td>3.01 to 4.0</td>
<td>15%</td>
</tr>
</tbody>
</table>
4.01 to 5.0  
5.01 to 10.0  
10.01 and greater  

18%  
20%  
25%

Where one (1) to nineteen (19) lots for single-family detached or single-family semi-detached dwelling units are proposed, a fee in lieu of a recreation area will be required. In all other residential subdivisions and land developments, a recreation area shall be provided in accordance with Section 528.

(B) The amount of recreational open space shall be calculated as follows:

1. Calculation of the projected population of the subdivision or development:

The number of proposed new dwellings multiplied by the average number of persons per owner-occupied housing unit in Lower Heidelberg Township (according to the most recent 2000 United States Census or other source as may be acceptable to the Supervisors) shall provide an acceptable estimate of the projected population of the proposed subdivision or development.

2. According to the 2000 United States Census, the average number of persons per owner-occupied housing unit in Lower Heidelberg Township is 2.64. This number shall be an accepted value for use in the calculation described in this Section until the Census is updated from time to time, at which time the latest Census shall become immediately and automatically effective. The Board of Supervisors may accept other values upon showing of some evidence that such other value will more accurately reflect the number of residents to be added to the Township population by a proposed subdivision or development. However, nothing in this Section shall be construed to compel the Board to accept such other value.

(C) Calculation of recreation open space demand. The NRPA recommends 6.25 to 10.5 acres of developed open space per one thousand (1,000) residents. The Board of Supervisors accepts ten (10) acres per one thousand (1,000) residents as the currently accepted standard.

D) Calculation of recreational open space donation:

1. The number of acres of recreational open space to be provided shall be determined as follows:

- 1,000 residents at 2.64 persons per household equals 378.8 new houses
- 10 acres equals 378.8 houses
- 1 acre equals 37.8 houses
2. Specific recreational amenities to be supplied within the recreational open space shall be upon recommendation of the Lower-Heidelberg Township Recreation Board. Such amenities shall be constructed by the developer and be completed upon by such time that fifty percent (50%) of the dwelling units within the subdivision or land development have been completed.

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

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

5. The Township Recreation Board shall visit the developer's proposed site of the recreation area and recommend action to the Planning Commission.

(E) Areas reserved for recreation purposes shall meet the following standards:

a. The land shall be readily accessible to residents of the subdivision or land development.

b. Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.

c. The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purpose, and be such that recreation use is feasible. Designated purposes are subject to Township approval.

d. No more than twenty-five percent (25%) of the recreation areas shall be land with slope of over fifteen percent (15%) and/or land with high water table or seasonal high water table.

e. Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township and shall be improved consistent with the Township's Recreation Plan. Such improvement and equipping shall be guaranteed through the Municipal Improvements Agreement.
(F) The subdivider shall make arrangements for the perpetual ownership and maintenance of recreation areas, which shall be approved by the Township. The Township may, at its discretion, accept land for dedication.

(G) The Township 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 subdivider shall give earnest consideration to providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools, and other public buildings, and parks.

(1) Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and offstreet 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 V. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby superceded insofar as the same affects this Ordinance.

Section VII. Renumbering. The location and numerical designation of these revised Sections shall be delegated to the discretion of the General Code Publishers which may renumber or reorder these revised Sections as is necessary.
SECTION VIII. Effective Date. This Ordinance shall become effective within five (5)
days of the date of enactment as by law provided.

ENACTED AND ORDAINED this 29 day of April, 2009.

ATTEST:

[Signatures]

LOWER HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS

R. David Seip
R. David Seip, Chairman

Kim M. Reifsnyder, Vice Chairwoman

Cheryl Johnson, Member
ORDINANCE NO. 553


BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of the Townships of Lower Heidelberg and South Heidelberg and by the Borough Council of the Borough of Wernersville, Berks County, Pennsylvania, as follows:

SECTION 1. Subsection 4 entitled “Specific Terms” of Section 201 entitled “Definitions” of Article II entitled “Definitions” of the Southwestern Berks County Zoning Ordinance of 2004, as amended (the “Ordinance”), is hereby amended and supplemented by adding the following specific term thereto:

Personal Care Center – A facility, which provides food, shelter, personal assistance and supervision to adults of advanced age and persons with disabilities, who require assistance with the basic necessities of food and shelter but do not require hospitalization, skilled care or the services of a nursing home. The facility shall include individual units, which shall contain a living area, sleeping area and bathroom, for the occupants. The services to be provided shall include, but not be limited to, assistance with dressing, bathing, diet, taking prescription drugs and other medication, emergency evacuation and financial management.

SECTION 2. Subsection 4 entitled “Specific Terms” of Section 201 entitled “Definitions” of Article II entitled “Definitions” of the Ordinance is hereby amended by amending and restating in its entirety the “Specific Term” of “Nursing Home” contained therein to read as follows:
Nursing Home – A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care, skilled nursing care or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania, Department of Health as a nursing center.

SECTION 3. Article III entitled “Zoning Districts” of the Ordinance is hereby amended and supplemented by adding a new Section 305 entitled “Special rules for application to district regulations where a parcel is located in more than one municipality” to read as follows:

Section 305. Special Rules for Application of District Regulations Where a Parcel is Located in More Than One Municipality.

1. Where a parcel is located in more than one municipality within Southwestern Berks County, the regulations of this Ordinance shall be applied as if the parcel were located in only one municipality. For example, use, dimensional or density regulations for a particular use or for a particular zoning district shall apply to all portions of the parcel located within a single zoning district, regardless of whether the area of the parcel within said zoning district is divided by a municipal boundary.

2. Where a parcel is located in more than one municipality within Southwestern Berks County, if zoning relief is sought for a use proposed to be located in more than one municipality within Southwestern Berks County, identical applications shall be submitted to the zoning hearing boards of all of the affected municipalities, and a joint zoning hearing shall be scheduled among the said zoning hearing boards, for the purpose of creating a single record. Each of the zoning hearing boards shall make a separate decision, but the zoning hearing boards may coordinate their respective decisions.

SECTION 4. Subsection 411.2 entitled “Uses Permitted By Right” of Section 411 entitled “R-6 Urban Residential District” of Article IV entitled “District Regulations” of the Ordinance is hereby amended by renumbering sub-subsection 411.2(i) as 411.2(j).

SECTION 5. Subsection 411.2 entitled “Uses Permitted By Right” of Section 411 entitled “R-6 Urban Residential District” of Article IV entitled “District Regulations” of the Ordinance is hereby amended and supplemented by adding a new sub-subsection 411.2(i) as an additional category of use permitted by right to read as follows:

i. Personal Care Center, subject to:

(1) The facility shall be a licensed “Personal Care Home” (PCH) by the Commonwealth of Pennsylvania Department of Public Welfare.
(2) The facility shall be operated by a qualified staff consisting of licensed individuals, who are available to serve the needs of the residents of the facility.

(3) The owner of the facility shall provide documentation to the Zoning Officer certifying that all building, fire, plumbing, heating, electrical and similar facilities meet the standards established by the Municipality and the Commonwealth of Pennsylvania.

(4) The facility shall be served by public sewage disposal and public water supply facilities.

(5) Not less than thirty percent (30%) of the gross area of the property shall be permanently set aside for noncommercial common Open Space purposes, such as recreation or conservation of natural features.

(6) A system of paved walkways for pedestrian circulation measuring a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, common open space, open areas and other facilities.

(7) Exterior storage areas for trash and rubbish shall be completely screened from view on three (3) sides and all trash and rubbish shall be contained in vermin-proof containers in accordance with Section 506 of the Southwestern Berks County Zoning Ordinance of 2004.

(8) Common parking areas and service or loading docks shall be screened from adjoining properties and streets in accordance with Section 506 of the Southwestern Berks County Zoning Ordinance of 2004.

(9) All off-street loading areas and areas at entrances to buildings, where individuals will enter and leave standing vehicles, shall be located a minimum of fifty feet (50') from a point of intersection of a common parking area or of the nearest access drive so as to not interfere with the natural flow of traffic.

(10) Provided that these uses are strictly related to and subordinate to the residential character of the Personal Care Center, the following facilities and services for the exclusive use of the residents of the Personal Care Center
(and not the general public) may be provided at the personal care center: physical therapy facilities, common dining facilities, lounges, recreational/social rooms, beauty/barber shops, pharmacy, medical offices and administrative offices.

(11) The Plan for the Personal Care Center shall be submitted to the Municipal Planning Commission for review and receive Final Approval from the Governing Body in accordance with procedures established in the Municipal Subdivision and Land Development Ordinance.

SECTION 6. The Zoning Map of Southwestern Berks County is hereby modified to include the properties known as Tax I.D. #90436610363971, Tax I.D. #90436610361641, Tax I.D. #90436610267874, Tax Id. #90436610265785, Tax I.D. #90436610265751, Tax I.D. #90436610265608, Tax I.D. #90436609264642 and Tax I.D. #51436610257928 in the “R-3 Suburban Residential District” and remove them from the “R-2 Suburban Residential District.”

SECTION 7. Repealer. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

SECTION 8. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance is, for any reason, declared to be unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word or remaining portion of the remaining Ordinance. The Board of Supervisors of the Townships of Lower Heidelberg and South Heidelberg and the Borough Council of the Borough of Wernersville, Berks County, Pennsylvania hereby declare that they would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word or remaining portion hereof, irrespective of the fact that any one or more of these sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words made to be declared illegal, unconstitutional or invalid.

SECTION 9. Effective Date. This Ordinance shall take effect five (5) days from the date of enactment.
ENACTED AND ORDAINED this 19th day of January, 2009.

BOROUGH OF WERNERSVILLE

[Signature]
Secretary

By:
[Signature]
President

Approved as an Ordinance of the Borough of Wernersville this 19th day of January, 2009.

[Signature]
Mayor
September 24, 2009

Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601-4309

Re: Lower Heidelberg Township
SALDO Ordinance
Our File No. 3934.03

To Whom It May Concern:

Enclosed please find a fully executed copy of the SALDO Ordinance amendment that was enacted by the Lower Heidelberg Township Board of Supervisors after a public hearing on Monday, September 21, 2009.

Very truly yours,

Michael G. Crotty

MGC/abc
Enclosure
cc: Lower Heidelberg Township Board of Supervisors
LOWER HEIDELBERG TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 287

AN ORDINANCE OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, BERKS COUNTY, PENNSYLVANIA.

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF LOWER HEIDELBERG TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Heidelberg, Berks County, Pennsylvania ("Township") as follows:

Section I. Part 4, Section 404 of the Lower Heidelberg Township Subdivision and Land Development Ordinance is hereby amended to add subsection (v) as follows:

Section 404. Preliminary Plan Requirements.

v. The notes of the Preliminary Plan shall indicate any zoning relief that has been obtained by the Applicant from the Board of Supervisors or Zoning Hearing Board. Such note(s) shall set forth the content of the decision rendered by the applicable Township body, together with the substance of any and all conditions of approval.

Section II. Part 4, Section 408 of the Lower Heidelberg Township Subdivision and Land Development Ordinance is hereby amended to add subsection (dd) as follows:

Section 408. Final Plan Requirements.

dd. The notes of the Final Plan shall indicate any zoning relief that has been obtained by the Applicant from the Board of Supervisors or Zoning Hearing Board.
Such note(s) shall set forth the content of the decision rendered by the applicable Township body, together with the substance of any and all conditions of approval.

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

**Section IV. Renumbering.** The location and numerical designation of these revised Sections shall be delegated to the discretion of the General Code Publishers which may renumber or reorder these revised Sections as is necessary.

**SECTION V. Effective Date.** This Ordinance shall become effective within five (5) days of the date of enactment as by law provided.

ENACTED AND ORDAINED this 21st day of September, 2009.

ATTEST:

[Signatures]

LOWER HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS

[Signatures]

R. David Seip, Chairman
Kim M. Reifsnyder, Vice Chairwoman
Cheryl Johnson, Member